DECREE 1076 OF 2015

(May 26)

Through which the Sole Regulatory Decree of the Environment and Sustainable Development Sector is issued

See Modifications

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA,

In exercise of the powers conferred by numeral 11 of article 189 of the political constitution, and

CONSIDERING:

That normative production occupies a central space in the implementation of public policies, being the means through which the legal instruments that largely materialize the decisions of the State are structured.

That the rationalization and simplification of the legal system is one of the main tools to ensure the economic and social efficiency of the legal system and to strengthen legal certainty.

That the simplification and organic compilation of the national regulatory system constitutes a government public policy.

That the regulatory power includes the possibility of compiling rules of the same nature.

That since it is a compilation decree of pre-existing regulatory norms, they do not require any prior consultation, since the source norms complied at the time of their issuance with the regulations in force on the matter.

That the task of compiling and rationalizing the regulations of a regulatory nature implies, in some cases, the simple updating of the compiled regulations, so that they adjust to the institutional reality and current regulations, which entails, in specific aspects, the formal exercise of the regulatory power.

That by virtue of its own characteristics, the material content of this decree corresponds to that of the compiled decrees; consequently, the decay of resolutions, circulars and other administrative acts issued by different administrative authorities based on the powers derived from the compiled decrees cannot be predicated.

That the compilation that this decree deals with is in accordance with the regulations in force at the time of its issuance, without prejudice to the ultraactive effects of provisions repealed to date, in accordance with article 38 of Law 153 of 1887.

That since this decree constitutes an exercise of compilation of pre-existing regulations, the recitals of the source rights are understood to be incorporated into its text, even if they are not transcribed, for which the origin of the same is indicated in each article.

That the rules that make up Book 1 of this Decree do not have a regulatory nature, since they are limited to describing the general administrative structure of the sector.

That during the compilation work included in this Decree, the Government verified that no compiled norm had been declared invalid or provisionally suspended, resorting to the information provided by the Rapporteurship and the General Secretariat of the Council of State.

That with the objective of compiling and rationalizing the regulations of a regulatory nature that govern the sector and having a single legal instrument for it, it is necessary to issue this Single Sectorial Regulatory Decree.

Due to the above,

DECREES:

BOOK 1

STRUCTURE

PART 1

CENTRAL SECTOR

TITLE 1

SECTOR HEAD

ARTICLE 1.1.1.1 ***Ministry of Environment and Sustainable Development***

ARTICLE 1.1.1.1.1 ***Objective.*** The Ministry of Environment and Sustainable Development is the rector of the management of the environment and renewable natural resources, in charge of guiding and regulating the environmental ordering of the territory and defining the policies and regulations to which the recovery, conservation, protection , organization, management, use and sustainable exploitation of renewable natural resources and the environment of the Nation, in order to ensure sustainable development, without prejudice to the functions assigned to other sectors.

The Ministry of the Environment and Sustainable Development will formulate, together with the President of the Republic, the national environmental policy and renewable natural resources, in such a way as to guarantee the right of all people to enjoy a healthy environment and protect the natural heritage and the sovereignty of the Nation.

The Ministry of Environment and Sustainable Development is responsible for directing the National Environmental System (SINA), organized in accordance with Law 99 of 1993, to ensure the adoption and execution of the respective policies, plans, programs and projects, in order to guarantee compliance with the duties and rights of the State and of individuals in relation to the environment and the natural heritage of the Nation.

(Decree-Law 3570 2011, art. 1).

TITLE 2

SPECIAL ADMINISTRATIVE UNITS

ARTICLE 1.1.2.1 ***National Natural Parks of Colombia.***

ARTICLE 1.1.2.1.1 ***Functions.*** National Natural Parks of Colombia, will exercise the following functions:

1. Administer and manage the National Natural Parks System, as well as regulate the use and operation of the areas that comprise it, according to the provisions of Decree-Law 2811 of 1974, Law 99 of 1993 and its regulatory decrees.

2. Propose and implement policies and regulations related to the System of National Natural Parks.

3. Formulate planning instruments, programs and projects related to the System of National Natural Parks.

4. Advance studies for the reserve, delimitation, delimitation, declaration and expansion of the areas of the System of National Natural Parks.

5. Propose to the Ministry of Environment and Sustainable Development the policies, programs, projects and standards in matters of the National System of Protected Areas -NAP.

6. Coordinate the creation, operation, and consolidation of the National System of Protected Areas, in accordance with the policies, plans, programs, projects, and regulations that govern said System.

7. Grant permits, concessions and other environmental authorizations for the use and exploitation of renewable natural resources in the areas of the National Natural Parks System and issue a concept within the framework of the environmental licensing process for projects, works or activities that affect

or may affect the areas of the National Natural Parks System, in accordance with the activities permitted by the Constitution and the law.

8. Acquire by direct negotiation or expropriation private property, assets of public law entities and other rights constituted in properties located within the System of National Natural Parks and impose the easements that may apply on such properties.

9. Liquidate, collect and collect, in accordance with the law, the rights, rates, fines, contributions and fees for the use and exploitation of the renewable natural resources of the areas of the National Natural Parks System and the other environmental goods and services provided. for these areas.

10. Collect, in accordance with the law, the resources for the services of evaluation and monitoring of permits, concessions, authorizations and other environmental control and management instruments established by law and regulations.

11. Propose, jointly with the dependencies of the Ministry of Environment and Sustainable Development, policies, regulations and strategies regarding buffer zones in the areas of the National Natural Parks System.

12. Manage the single national registry of protected areas of SINAP.

13. Exercise police and sanctioning functions in the terms established by law.

14. Propose and implement financial sustainability strategies for the generation of resources that support the organization's management.

15. The others that are assigned to it in the regulations in force and those that by their nature correspond to it or are assigned or delegated by subsequent regulations.

(Decree 3572 of 2011, art. 2).

ARTICLE 1.1.2.2 ***National Environmental Licensing Authority -ANLA***

ARTICLE 1.1.2.2.1 ***Object.*** The National Environmental Licensing Authority – ANLA – is in charge of ensuring that projects, works or activities subject to licensing, permits or environmental procedures comply with environmental regulations, in such a way that they contribute to the country's sustainable environmental development.

(Decree 3573 of 2011, art. 2).

PART 2

DECENTRALIZED SECTOR

TITLE 1

ASSIGNED ENTITIES

ARTICLE 1.2.1.1 ***The Institute of Hydrology, Meteorology and Environmental Studies (Ideam).***

ARTICLE 1.2.1.1.1 ***Objectives.*** The Institute of Hydrology, Meteorology and Environmental Studies - IDEAM- aims to:

1. Provide the knowledge, data and environmental information required by the Ministry of the Environment and other entities of the National Environmental System -SINA-.

2. Carry out the survey and management of scientific and technical information on the ecosystems that are part of the environmental heritage of the country.

3. Establish the technical bases to classify and zone the use of the national territory for the purposes of planning and environmental ordering of the territory.

4. Obtain, store, analyze, study, process and disseminate basic information on hydrology, hydrogeology, meteorology, basic geography on biophysical aspects, geomorphology, soils and plant cover for the management and use of the Nation's biophysical resources, especially those that in these aspects, prior to Law 99 of 1993, were being carried out by the Colombian Institute of Hydrology, Meteorology and Land Adaptation -HIMAT-; the Research Institute in Geosciences, Mining and Chemistry – INGEOMINAS-; and the Subdirectorate of Geography of the Agustín Codazzi Geographical Institute – IGAC-

5. Establish and put into operation the national oceanographic, tidal, meteorological and hydrological infrastructures to provide information, predictions, warnings and advisory services to the community.

6. Carry out the follow-up of the biophysical resources of the Nation, especially with regard to their contamination and degradation, necessary for the decision-making of the environmental authorities.

7. Carry out studies and research on natural resources, especially those related to forest resources and soil conservation, and other activities that, prior to Law 99 of 1993, had been carried out by the Forests and Development sub-management of the National Institute of Natural Resources and Environment - INDERENA.

8. Carry out the studies and research on hydrology and meteorology that, prior to Law 99 of 1993, the HIMAT had been carrying out.

9. Carry out environmental studies and investigations that allow knowing the effects of socioeconomic development on nature, its processes, the environment and renewable natural resources and propose environmental indicators.

10. Collect, store, process, analyze and disseminate data and collect or produce the information and knowledge necessary to monitor the interaction of social, economic and natural processes and propose technological alternatives, systems and models of sustainable development.

11. Direct and coordinate the Environmental Information System and operate it in collaboration with the scientific entities linked to the Ministry of the Environment, with the Corporations and other entities of the SINA.

12. Provide the information service in the areas of its competence to users who require it.

(Decree 1277 of 1994, art. 2).

TITLE 2

RELATED ENTITIES

ARTICLE 1.2.2.1. ***"José Benito Vives de Andreis" Marine and Coastal Research Institute, Invernar.***

ARTICLE 1.2.2.1.1 ***Object.*** The Institute of Marine and Coastal Research "José Benito Vives de Andreis" - INVEMAR- will have as its object:

a) Give scientific and technical support to the Ministry of the Environment, for the fulfillment of its functions.

b) Carry out basic and applied research on renewable natural resources, the environment and coastal and oceanic ecosystems, with emphasis on research in those systems with greater diversity and productivity such as coastal lagoons, mangroves, seagrass beds, rocky reefs and coral reefs, upwelling zones and sedimentary bottoms.

c) Issue technical concepts on the conservation and sustainable use of marine resources.

d) Collaborate with the Ministry of the Environment, in accordance with its guidelines and directives, in the promotion, creation and coordination of a network of marine research centers, in which the entities that carry out research activities on the coasts and Colombian seas, tending towards the rational use of the scientific capacity available to the country in this field.

e) Comply with the objectives established for the Environmental Research System in the area of its competence.

f) Others granted by law and set by the Ministry of the Environment.

(Decree 1276 of 1994, art. 2).

ARTICLE 1.2.2.2. ***Biological Resources Research Institute "Alexander von Humboldt".***

ARTICLE 1.2.2.2.1 ***Object.*** The "Alexander von Humboldt" Biological Resources Research Institute will have as its specific purpose:

1. Carry out, in the continental territory of the Nation, scientific research on the genetic resources of the national flora and fauna, including hydrobiological resources. These investigations will contemplate the collection, conservation, characterization, evaluation, valuation and use of these resources.

2. Raise and form the national inventory of biodiversity, develop a national information system on it, and create genetic banks.

3. Promote the establishment of national macro-ecosystem research stations in regions not covered by other specialized research entities.

4. Support with technical advice and technology transfer to the Regional Autonomous Corporations, the departments, the districts, the municipalities and other entities in charge of the management of the environment and renewable natural resources.

(Decree 1603 of 1994, art. 19).

ARTICLE 1.2.2.3. ***Pacific Environmental Research Institute "John von Neumann"***

ARTICLE 1.2.2.3.1 ***Object.*** The Pacific Environmental Research Institute "John von Neumann" will have the specific purpose of carrying out and disseminating scientific studies and research related to the biological, social and ecological reality of the Pacific Coast and the Chocó Biogeographic

(Decree 1603 of 1994, art. 30).

ARTICLE 1.2.2.4 ***Amazon Institute for Scientific Research, Sinchí***

ARTICLE 1.2.2.4.1 ***Object.*** The "SINCHI" will have as its specific objective the realization and dissemination of high-level scientific studies and research related to the biological, social and ecological reality of the Amazon region.

(Decree 1603 of 1994, art. 25).

TITLE 3

ADVISORY AND COORDINATION BODIES, COMMITTEES AND COUNCILS.

ARTICLE 1.2.3.1 ***Bodies, Committees and Advisory and Coordination Councils.*** The following are Bodies, Committees and Advisory and Coordination Councils of the Ministry of Environment and Sustainable Development:

1. National Environmental Council.

2. Technical Advisory Council for Environmental Policy and Regulations.

3. Regional Environmental Council of the Sierra Nevada de Santa Marta.

4. The Internal Control System Coordination Committee.

5. The Sectoral Committee for Administrative Development.

6. The Management Committee.

7. The Personnel Commission

(Decree-Law 3570 of 2011, art. 5, numeral 4).

TITLE 4

SPECIAL FUNDS

ARTICLE 1.2.4.1 ***National Environmental Fund, "Fonam".***

ARTICLE 1.2.4.1.1 ***Objectives.*** FONAM will be a financial instrument to support the execution of environmental policies and the management of renewable natural resources. As such, it will stimulate decentralization, the participation of the private sector and the strengthening of the management of territorial entities, with responsibility in these areas. For this purpose, they may finance or co-finance, as the case may be, public and private entities in carrying out projects, within the guidelines of this Law and in a way that ensures efficiency and coordination with the other entities of the National Environmental System. and avoid duplication.

FONAM will finance the execution of activities, studies, research, plans, programs and projects, of public utility and social interest, aimed at strengthening environmental management, preservation, conservation, protection, improvement and recovery of the environment and the management adequate use of renewable natural resources and sustainable development.

(Law 99 of 1993, art. 88, subsections 1 and 2).

TITLE 5

AUTONOMOUS ORGANISMS

ARTICLE 1.2.5.1 ***Autonomous Regional and Sustainable Development Corporations***

ARTICLE 1.2.5.1.1 ***Legal nature.*** The regional autonomous corporations and those of sustainable development are corporate entities of a public nature, created by law, made up of those that, due to their characteristics, geographically constitute the same ecosystem or form a geopolitical, biogeographical or hydrogeographical unit, endowed with administrative and financial autonomy, patrimony own and legal status, entrusted by law to manage, within the area of their jurisdiction, the environment and renewable natural resources and promote their sustainable development, in accordance with the legal provisions and policies of the Ministry of Environment and Sustainable Development .

Paragraph.- The autonomous regional corporations and those of sustainable development will be called corporations.

(Decree 1768 of 1994, art. 1).

BOOK 2

REGULATORY REGIME OF THE ENVIRONMENTAL SECTOR

PART 1

GENERAL DISPOSITION

TITLE 1

PURPOSE AND SCOPE OF APPLICATION

ARTICLE 2.1.1.1.1. ***Object.*** The purpose of this decree is to compile the regulations issued by the National Government in exercise of the regulatory powers conferred by numeral 11 of article 189 of the Political Constitution, for the complete execution of the laws of the Environment sector.

ARTICLE 2.1.1.1.2. ***Area of application.*** This decree governs the entire national territory and applies to natural and legal persons and entities in the environmental sector, to the Regional Autonomous

Corporations, to the large urban centers referred to in article 66 of Law 99 of 1993, to the environmental authorities referred to in article 13 of Law 768 of 2002 in the scope of their powers.

PART 2

REGULATIONS

TITLE 2

BIODIVERSITY

CHAPTER 1

WILD FLORA

SECTION 1

DEFINITIONS

ARTICLE 2.2.1.1.1.1. *Definitions.* For the purposes of this Section, the following definitions are adopted:

Wild flora . It is the set of plant species and individuals of the national territory that have not been planted or improved by man.

Forest Plantation. It is the forest originated by the direct intervention of man.

Tala. It is the felling or the act of cutting down trees.

Exploitation. It is the use, by man, of timber and non-timber resources from wild flora and forest plantations.

Forest exploitation. It is the extraction of products from a forest and includes from obtaining to the moment of its transformation.

Sustainable use. It is the use of the timber and non-timber resources of the forest that is carried out while maintaining the normal yield of the forest through the application of forestry techniques that allow the renewal and persistence of the resource.

Isolated trees within natural forest cover. Added by art. 1, National Decree 1532 of 2019 <*The added text is the following*> These are trees located on public domain land or on private property that are down or dead due to natural causes, or that for duly proven phytosanitary reasons require felling.

Isolated trees outside the natural forest cover. Added by art. 1, National Decree 1532 of 2019 <*The text added is the following*> They are the individuals that result from natural regeneration, planted or established trees and that are not part of a natural forest cover or crop. commercial forestry.

Shade trees . Added by art. 1, National Decree 1532 of 2019 <*The added text is the following*> They are the trees that accompany, permanently or temporarily, the development of agricultural crops or pastures, providing them with environmental benefits, such as shade, prevention of pests or diseases, prevention of erosion, supply of green manures, among others. These trees can be established by man or arise by natural regeneration. They are located dispersed or under an established arrangement within the production system.

Windbreak barrier . Added by art. 1, National Decree 1532 of 2019 <*The added text is the following*> It consists of one or more rows of trees and bushes planted in a direction perpendicular to the prevailing wind and arranged in such a way that it

forces it to rise above its crowns. If it is part of a forest plantation for commercial purposes, an agroforestry or silvopastoral system or forestry crops for commercial purposes, its use and registration will be carried out in compliance with the provisions of articles 2.2.1.1.12.2 and following of this Decree.

Living fences . Added by art. 1, National Decree 1532 of 2019 <*The added text is the following*> It consists of planted trees or shrubs located on the external or internal boundaries of properties, as a method of delimitation of the same. If it is part of an industrial forest plantation, an agroforestry or silvopastoral system or forestry crops for commercial purposes, its use and registration will be carried out in compliance with the provisions of articles 2.2.1.1.12.2 and following of this Decree.

Diameter at breast height (DBH). It is the diameter of the shaft or trunk of a tree measured at a height of one meter and thirty centimeters from the ground.

Technical study. Added by art. 1, National Decree 690 of 2021 <*The added text is the following*> Document prepared by the interested party in the sustainable management of wild flora and non-timber forest products for commercial purposes, through which biological, ecological, productive and socio-cultural aspects are characterized, proposed and analyzed that demonstrate that there is adequate population stability, which allows sustainable management of the species(s) of interest.

Wild flora. Added by art. 1, National Decree 690 of 2021 <*The added text is the following*> Set of plant species and individuals of the national territory that have not been planted or improved by man, present in natural ecosystems other than the natural forest. Includes aquatic flora.

associative group. Added by art. 1, National Decree 690 of 2021 <*The added text is the following*> Associative form that is constituted in accordance with the law, whose corporate purpose is related to the forestry sector.

Interested. Added by art. 1, National Decree 690 of 2021 <*The added text is the following*> Natural or legal person, public or private, who submits an application to the competent environmental authority in order to obtain the right to sustainable management of wild flora and non-timber forest products.

Sustainable management. Added by art. 1, National Decree 690 of 2021 <*The added text is the following*> Planning and execution of sustainable practices for the management, use and exploitation of wild flora and non-timber forest products, which, safeguarding the balance of ecosystems and their functions, allow improving the production of goods and services, supported by the evaluation of their structure, intrinsic characteristics and potential, and respecting traditional uses and cultural value.

Product of wild flora. They are the non-timber products obtained from wild plant species, such as gums, resins, latex, lacquers, fruits, bark, strains, seeds and flowers, among others.

Forest products of primary transformation. Modified by art. 2, National Decree 1532 of 2019 <*The new text is as follows*> They are the products obtained directly from the logs, such as: blocks, benches, planks, boards and also plates, among others, without being subjected to any process or degree of elaboration and/or industrial finishing with greater added value.

The original text was as follows:

Forest products of primary transformation. *They are the products obtained directly from the logs such as blocks, benches, planks, boards and also plates and chips, among others.*

Forest products of the second degree of transformation or finished. Modified by art. 2, National Decree 1532 of 2019 <*The new text is as follows*> These are wood products obtained through different processes and degrees of manufacturing and industrial finishing with higher added value, such as moldings, parquet, tongue-and-groove strip, doors, furniture raw or finished, chipboard,

laminated board, plywood, fiber board, particle board, door and window frames, among others. Secondary products are those of sawn wood that have dried and/or immunized, planing work on their wider faces and a thickness of less than 5 cm, as well as those round products that have been industrially dried and immunized.

The original text was as follows:

Forest products of the second degree of transformation or finished. *They are wood products obtained through different processes and degrees of manufacturing and industrial finishing with higher added value, such as moldings, parquet, strips, tongue and groove, doors, furniture, plywood and other related finished products.*

Timber forest products . Added by art. 1, National Decree 1532 of 2019 <*The added text is the following*> It is the wood obtained from the use of woody forest species, as well as the products and derivatives obtained from its transformation. A difference is made between round and sawn.

Non-timber forest product. Added by art. 1, National Decree 690 of 2021 <*The added text is the following*> Goods of biological origin other than wood and fauna, which are obtained from the various life forms of wild flora, including fungi, and which are part of natural ecosystems.

Non-timber forest products in the first degree of transformation. Added by art. 1, National Decree 690 of 2021 <*The added text is the following*> They are those that have not undergone any physical or aesthetic transformation and that preserve their original structure.

Protocol for the sustainable management of wild flora and non-timber forest products. Added by art. 1, National Decree 690 of 2021 <*The added text is the following*> Technical document that contains the guidelines for the sustainable management of wild flora and non-timber forest products.

Reforestation. It is the establishment of trees to form forests, carried out by man.

Terms of reference. It is the document that contains the general guidelines and by which the Ministry of the Environment or the corporations establish the necessary requirements to carry out and present specific studies.

User. Modified by art. 1, National Decree 690 of 2021 <*The new text is as follows*> Natural or legal person, public or private, holder of an administrative act, through which the right to sustainable management of wild flora and non-timber forest products was granted.

The original text was as follows:

User. *It is any natural or legal person, public or private, that takes advantage of forest resources or products of wild flora, in accordance with current regulations.*

Forest management plan. It is the study elaborated by the corporations that, based on the description of the biotic aspects; abiotic, social and economic, aims to ensure that those interested in using the resource in a productive forest area, develop their activity in a planned manner to ensure proper management and sustainable use of the resource.

Forest establishment and management plan. Study prepared based on the set of forestry technical standards that regulate the actions to be carried out in a forest plantation, in order to establish, develop, improve, conserve and take advantage of cultivated forests in accordance with the principles of rational use and management. sustainability of renewable natural resources and the environment.

Forest management plan. It is the formulation and description of the silvicultural systems and work to be applied in the forest subject to exploitation, in order to ensure its sustainability, presented by the interested party in carrying out persistent forest exploitation.

Forest harvesting plan. It is the description of the systems, methods and equipment to be used in the harvest of the forest and extraction of the products, presented by the interested party in carrying out unique forest exploitation.

Mobilization safe-conduct. It is the document issued by the administrative entity of the resource to mobilize or transport for the first time the timber and non-timber products that are granted based on the administrative act that grants the use.

Remobilization safe-conduct. It is the document issued by the managing entity of the resource to authorize the mobilization or partial or total transportation of a volume or quantity of forest and non-timber products that had initially been authorized by a mobilization safe-conduct.

Renewal pass. It is the new document issued by the administrative entity of the resource to renew a safe-conduct whose term expired without the mobilization or transport of the initially authorized products having been carried out, for the same quantity and volume registered in the first safe-conduct.

Single National Online Pass for the Mobilization of Specimens of Biological Diversity - SUNL . Added by art. 1, National Decree 1532 of 2019 <*The added text is the following*> It is the document that covers the mobilization, remobilization and renewal in the national territory of specimens of biological diversity, issued by the competent environmental authority, through the Integral Window of Environmental Procedures Online (VITAL), in accordance with Resolution 1909 of 2017 issued by the Ministry of Environment and Sustainable Development and other regulations that replace, modify or repeal it.

Paragraph 1.- When reference is made to corporations in this Decree, it will be understood that it includes both regional autonomous corporations and sustainable development corporations.

Paragraph 2.- For the purposes of this Decree, when reference is made to the resource, it will be understood that it includes both natural forests and products of wild flora.

(Decree 1791 of 1996, art. 1).

SECTION 2

GENERAL PRINCIPLES SERVE AS THE BASIS FOR THE APPLICATION AND INTERPRETATION

ARTICLE 2.2.1.1.2.1. *Object.* The purpose of this Chapter is to regulate the activities of the public administration and of individuals regarding the use, management, exploitation and conservation of forests and wild flora in order to achieve sustainable development.

(Decree 1791 of 199 (sic), art. 2).

ARTICLE 2.2.1.1.2.2. *Beginning.* The following general principles serve as a basis for the application and interpretation of this standard:

a) Forests, as an integral part and support of biological, ethnic and environmental diversity, are a strategic resource of the Nation and, therefore, their knowledge and management are an essential task of the State with the support of society civil.

b) Due to its nature as a strategic resource, its use and management must be framed within the principles of sustainability enshrined in the Political Constitution as the basis for national development;

c) The actions for the sustainable development of the forests are a joint and coordinated task between the State, the community and the private sector, who will tend to optimize the benefits of the environmental, social and economic services of the forests;

d) The sustainable use of wild flora and forests is a resource conservation and management strategy. Therefore, the State must create a favorable environment for investments in environmental matters and for the development of the forestry sector;

e) Much of the country's natural forested areas are inhabited. Therefore, the satisfaction of vital needs, the conservation of its traditional values and the exercise of the rights of its inhabitants will be supported, within the limits of the common good;

f) Forest plantations play a fundamental role as sources of renewable energy and supply of raw materials, maintain ecological processes, generate employment and contribute to national socioeconomic development, for which their implementation should be encouraged and stimulated;

g) These regulations will be developed by the entities managing the resource, taking into account the environmental, social, cultural and economic particularities of the different regions.

(Decree 1791 of 1996, art. 3).

ARTICLE 2.2.1.1.2.3. *Applications.* The various uses to which the resource can be put will be subject to the following general priorities, which may be varied in their order of priority, according to the ecological, economic and social considerations of each region:

a) The satisfaction of the needs of human consumption;

b) The satisfaction of domestic needs of community interest;

c) The satisfaction of individual domestic needs;

d) That of conversation and protection, both of the wild flora, as well as of the natural forests and other renewable natural resources related to these, through the declaration of the reserves referred to in article 47 of Decree-Law 2811 of 1974, in those regions where it is essential to carry out restoration, conservation or preservation programs for these resources;

e) Those of sustainable use of the resource, carried out by natural or legal persons, public or private, in accordance with the prizes, authorizations, concessions or associations granted by the competent authority;

f) Others determined for each region

Paragraph.- The uses set forth in this article are incompatible with the granting of study permits whose purpose is to project works or works for future use of the resource, provided that the study does not disturb the use already granted.

(Decree 1791 of 1996, art. 4).

SECTION 3

FOREST USE CLASSES

ARTICLE 2.2.1.1.3.1. *Classes of forest use.* The classes of forest use are:

a) Unique. Those that are carried out only once, areas where, based on technical studies, better suitability for land use other than forestry is demonstrated or when there are reasons of public utility and social interest. single forest uses may contain the obligation to leave the land clean, at the end of the use, but not to renew or conserve the forest;

b) Persistent. Those that are carried out with sustainability criteria and with the obligation to conserve the normal yield of the forest with forestry techniques that allow its renewal. The normal yield of the forest is understood as its development or sustainable production, in such a way as to guarantee the permanence of the forest;

c) Domestic. Those that are made exclusively to satisfy vital domestic needs without being able to market their products.

(Decree 1791 of 1996, art. 5).

SECTION 4

OF PERSISTENT FOREST USE

ARTICLE 2.2.1.1.4.1. *Requirements.* To carry out persistent forest exploitation of natural forests located on public domain land, it is required, at a minimum, that the area be within the producing or protective-

producing forest area bordered by the respective corporation and that the interested parties present, at least:

a) Formal request;

b) Accredit capacity to guarantee silvicultural management, research and efficiency in exploitation and transformation;

c) Forest management plan.

(Decree 1791 of 1996, art. 6).

ARTICLE 2.2.1.1.4.2. *ways to acquire.* Persistent forest exploitation of natural forests located on public domain lands are acquired through concession, association or permit.

(Decree 1791 of 1996, art. 7).

ARTICLE 2.2.1.1.4.3. *Requirements.* To advance persistent forest exploitation of natural forests located on privately owned land, it is required, at least, that the interested party present:

a) Formal request;

b) Prove the ownership of the property, attaching a copy of the public deed and the certificate of freedom and tradition, the latter with an issue date of no more than two months;

c) Forest management plan.

(Decree 1791 of 1996, art. 8).

ARTICLE 2.2.1.1.4.4 *Use.* Persistent forest exploitation of natural forests located on privately owned land is acquired through authorization.

(Decree 1791 of 1996, art. 9).

ARTICLE 2.2.1.1.4.5. *Procedure.* For persistent forest exploitation of natural forest located on public or private domain land, the interested party must present in the forest management plan a statistical inventory for all species from centimeters (10 cm) in diameter at breast height (DAP), with a sampling intensity such that the error is not greater than fifteen percent (15%) with a probability of ninety-five percent (95%).

For uses of less than twenty (20) hectares, in addition to what is required in this article, the owner of the use must submit an inventory of one hundred percent (100%) of the species that he intends to use, based on a DAP of ten centimeters (10 cm) for the requested area.

For uses equal to or greater than twenty (20) hectares, in addition to what is required in this Article, the owner of the use must submit an inventory of one hundred percent (100%) of the species that he intends to use, based on a DAP of ten centimeters (10cm) on the first annual cutting unit and so on for each unit until harvesting is complete.

This inventory must be presented ninety (90) days before starting the use of the respective unit.

(Decree 1791 of 1996, art. 10).

ARTICLE 2.2.1.1.4.6. *Sustainability of the resource.* The holders of persistent forest exploitation of natural forests located on public or private domain lands will guarantee the presence of remaining individuals in the different diameter classes of the forest object of exploitation, with the purpose of contributing to the sustainability of the resource.

(Decree 1791 of 1996, art. 11).

SECTION 5

OF THE UNIQUE FOREST USE

ARTICLE 2.2.1.1.5.1. *Check.* When the Corporation receives a request for the sole forest use of natural forest located on public domain land, it must verify, at a minimum, the following:

a) The reasons of public utility and social interest, when these are the reason for the request;

b) That the forests are located on land that, due to its suitability for use, may be destined for uses other than forestry or in areas subtracted from the Forest Reserves created by Law 2 of 1959 and Decree 0111 of 1959;

c) That the area is not within the System of National Natural Parks of protective, producing, producing or protective-producing forest areas nor within the forest reserves created by Law 2 of 1959;

d) That in special management areas, such as hydrographic basins in management, soil conservation districts and integrated management districts or other protected areas, the forests are not found in sectors where they must be conserved, in accordance with the management plans designed for said areas.

Paragraph 1.- In the areas indicated in subparagraphs c) and d) of this article, sole uses cannot be granted. If in a forest reserve or special management area, for reasons of public utility or social interest defined by the legislator, it is necessary to carry out activities that involve removal of forest or change of land use, the affected area must be previously subtracted from the reserve or special management area in question.

Paragraph 2°.- When for reasons of public utility it is required to subtract forest located in public domain lands to carry out unique forestry uses, the affected area must be compensated, at least, by another of the same.

(Decree 1791 of 1996, art. 12).

ARTICLE 2.2.1.1.5.2. *Processing requirements.* In order to process sole forest exploitation of natural forests located on public domain lands, it is required, at least, that the interested party present before the Corporation in whose jurisdiction the area to be exploited is located:

a) Formal request;

b) Technical study that demonstrates a better aptitude for the use of the different forest land;

c) Forest exploitation plan, including the allocation of forest products and compensation measures.

(Decree 1791 of 1996, art. 13).

ARTICLE 2.2.1.1.5.3. *Unique forest exploitation.* Unique forest uses of natural forests located on public domain land are acquired by permit.

(Decree 1791 of 1996, art. 14).

ARTICLE 2.2.1.1.5.4. *Grant.* To grant unique forest uses of natural forests located on privately owned land, the Corporation must verify at least the following:

a) That the forests are located on land that, due to its suitability for use, may be destined for uses other than forestry or in areas subtracted from the Forest Reserves created by Law 2a and Decree 0111 of 1959;

b) That the area is not within the System of National Natural Parks of protective, producing or protective-producing forest areas nor within the forest reserves created by Law 2 of 1959;

c) That both in the special management areas and in the hydrographic basins in management, the soil conservation districts and the integrated management districts or in other protected areas, the forests are not found in sectors where they must be conserved, in accordance with the management plans designed for said areas.

Paragraph.- In the areas indicated in subparagraphs b) and c) of this article, sole uses cannot be granted. If, in a forest reserve or special management area for reasons of public utility and social interest defined by the legislator, it is necessary to carry out activities that imply forest removal or land use change, the affected area must be subtracted precisely from the reserve or special management area in question.

(Decree 1791 of 1996, art. 15).

ARTICLE 2.2.1.1.5.5. *Procedure.* To process unique forest exploitation of natural forests located on privately owned land, the interested party is required to present at least:

a) Formal request;

b) Technical study that demonstrates better suitability for land use other than forestry;

c) A copy of the public deed and the certificate of freedom and tradition that is issued no more than two months ago that accredits you as the owner;

d) Forest use plan.

(Decree 1791 of 1996, art. 16).

ARTICLE 2.2.1.1.5.6. *Other forms.* Unique forest uses of natural forests located on privately owned land are acquired by authorization.

(Decree 1791 of 1996, art. 17).

ARTICLE 2.2.1.1.5.7. *Inventory.* For unique forest exploitation of natural forest located on public or private domain land, the interested party must present in the exploitation plan a statistical inventory with a sampling error of no more than fifteen percent (15%) and a probability of ninety-five percent. percent (95%).

(Decree 1791 of 1996, art. 18).

SECTION 6

OF DOMESTIC FOREST USE

ARTICLE 2.2.1.1.6.1. *Public domain.* Domestic forest exploitation of natural forests located on public domain land is acquired by permit.

(Decree 1791 of 1996, art. 19).

ARTICLE 2.2.1.1.6.2. *Public or private domain.* To carry out domestic forest exploitation of natural forests located on public or private domain land, the interested party must submit a formal request to the Corporation. In the latter case, ownership of the land must be proven.

The volume of domestic forest use may not exceed twenty cubic meters (20 M3) per year and the products obtained may not be marketed. This use in no case can cover the felling or felling of natural forests in order to progressively link forest areas to other uses. The official conducting the visit will verify that this does not occur and will warn the applicant about the consequences of non-compliance with the rules on conservation of forest areas.

(Decree 1791 of 1996, art. 20).

ARTICLE 2.2.1.1.6.3. *Private domain.* Domestic forest exploitation of natural forests located on privately owned land is acquired through authorization.

(Decree 1791 of 1996, art. 21).

ARTICLE 2.2.1.1.6.4. *Use by black communities.* In accordance with the provisions of article 19 of Law 70 of 1993, the use of renewable natural resources for the construction or repair of housing, fences, canoes and other domestic elements for the use of the members of the black communities referred to in

said law they are considered uses by ministry of law, so they do not require permission or authorization; These resources, as well as the result of their transformation, may not be marketed.

(Decree 1791 of 1996, art. 22).

SECTION 7

OF THE PROCEDURE

ARTICLE 2.2.1.1.7.1. ***Application Procedure.*** Any natural or legal person who intends to make use of natural forests or products of wild flora located on public or private domain land must submit, to the competent Corporation, an application containing:

a) Name of the applicant;

b) Location of the property, jurisdiction, boundaries and surface;

c) Property regime of the area;

d) Species, volume, quantity or approximate weight of what is intended to be used and the intended use of the products;

e) Map of the area to scale according to the extension of the property. This requirement will not be required for the request for domestic forest exploitation.

Paragraph.- The boundaries of the areas requested for forest use will be established based on the basic cartography of the IGAC, thematic cartography of the Ideam or by the one adopted by the Corporations, as long as it is compatible with the previous ones, determining the flat and geographical coordinates . In cases where it is not possible to obtain cartography at a reliable scale, the Corporations, in the field visits that may take place, will fix the coordinates with the use of the Global Positioning System (GPS), which will be mandatory.

(Decree 1791 of 1996, art. 23).

ARTICLE 2.2.1.1.7.2. ***Headline Selection Criteria.*** When several requests for the use of natural forests or products of wild flora located on public domain lands are presented on the same area, at least the following criteria will be taken into account to evaluate the request and select the owner:

a) Carrying out studies on the area under the conditions established by article 56 of Decree-Law 2811 of 1974 and what is regulated in this regulation;

b) Compliance with the obligations set forth in the permits or concessions previously granted to the applicant and not having been sanctioned for violation of forestry and environmental regulations;

c) The best proposal for the management and sustainable use of the resource;

d) The best technical and economic conditions and the best reforestation, silvicultural management and research, restoration and recovery programs proposed;

e) The best socioeconomic development offer in the region;

f) The efficiency offered in the use and transformation of forest products, the highest added value and the generation of employment in the area where the resource is used;

g) Requests made by communities, ethnic groups, associations and community businesses;

h) Applications from companies that have a higher percentage of national capital, in the cases regulated by article 220 of Decree-Law 2811 of 1974.

Paragraph.- The criteria set forth in this article do not imply an order of priority.

(Decree 1791 of 1996, art. 24).

ARTICLE 2.2.1.1.7.3. *Content of the plans.* The forest management plans and the forest exploitation plans that are provided for areas equal to or greater than twenty (20) hectares must contain a chapter on environmental considerations in which the required actions and execution to prevent, mitigate, control, compensate will be detailed. and correct the possible effects and negative impacts caused by the development of forestry use.

(Decree 1791 of 1996, art. 25).

ARTICLE 2.2.1.1.7.4. *Conditions.* For forest or wild flora product exploitation of less than twenty (20) hectares, the presentation of the chapter on environmental considerations in the respective plans will not be required; however, the Corporations will establish, in the resolutions that grant the use, the obligations in charge of the user to prevent, mitigate, compensate and correct the possible negative environmental effects and impacts that may originate by virtue of their activity.

The obligations demanded by the Corporation may be more or less rigorous according to the ecological conditions of the area, object of exploitation.

Paragraph.- Uses by law, domestic and isolated trees do not require the presentation of plans.

(Decree 1791 of 1996, art. 26).

ARTICLE 2.2.1.1.7.5. *Nature of the plans.* Forest harvesting and forest management plans are not subject to approval, but to technical concepts that serve as the basis for the decision adopted by the competent environmental authority.

Due to the foregoing, the plans are not binding instruments nor will they be an integral part of the administrative act that grants or denies the use.

(Decree 1791 of 1996 art. 27).

ARTICLE 2.2.1.1.7.6. *Process of persistent or unique forest exploitation.* In the case of persistent or unique forest exploitation, once the forest management plan or the exploitation plan has been received, respectively, the Corporations will proceed to evaluate its content, carry out field visits, issue the concept and issue the reasoned resolution.

(Decree 1791 of 1996, art. 28).

ARTICLE 2.2.1.1.7.7. *Domestic forest exploitation process.* In the case of domestic forest use, once the request has been received, the Corporations will proceed to carry out a technical visit to the area, issue a technical concept and grant the use through written communication.

The Corporations may delegate to the competent official who carries out the visit, the granting of the requested use.

(Decree 1791 of 1996, art. 29).

ARTICLE 2.2.1.1.7.8. *Content of the resolution.* The use of forests or products of wild flora will be granted through a reasoned resolution, which will contain at least the following:

a) Name and identification of the user;

b) Geographical location of the property, determining its boundaries by means of arched limits or by means of azimuths and distances;

c) Extension of the surface to be exploited;

d) Species to be harvested, number of individuals, volumes, weight or quantity, and established cutting diameters;

e) Harvesting and management systems, derived from the studies presented and approved;

f) Obligations to which the owner of the forest use is subject;

g) Mitigation, compensation and restoration measures for environmental impacts and effects;

h) Duties and rates;

i) Validity of the use;

j) Half-yearly reports.

(Decree 1791 of 1996, art. 30).

ARTICLE 2.2.1.1.7.9. *Tracing.* All forest exploitation of natural forests or wild flora must be reviewed at least every six months by the competent Corporation. For the practice of the visits, the available cartography will be used and the Global Positioning System (GPS) will be used. A technical concept will be drawn up from the visit, which will record what has been observed on the ground and whether or not it complies with the obligations established in the providence that granted the use of forests or wild flora products.

In the event of non-compliance with the obligations, the corresponding sanctioning procedure will be initiated, by means of a reasoned administrative act.

(Decree 1791 of 199, art. 31).

ARTICLE 2.2.1.1.7.10. *Termination of use.* When the activities of exploitation of natural forests or products of wild flora are terminated, either due to expiration of the term, due to exhaustion of the volume or amount granted, due to withdrawal or abandonment, the Corporation will make the final settlement, prior technical concept , in which the fulfillment of the different commitments acquired by the user will be recorded.

By reasoned decision, the Corporation will proceed to require the fulfillment of the unfulfilled obligations. When the optimal fulfillment of the obligations is verified, the file will be definitively archived; otherwise, the corresponding sanctioning process will be initiated.

Paragraph.- The suspension of activities for a term equal to or greater than ninety (90) calendar days, except for reasons of fortuitous event or force majeure, timely communicated in writing and duly verified by the respective Corporation, will be considered as abandonment of forestry use.

(Decree 1791 of 1996, art. 32).

ARTICLE 2.2.1.1.7.11. *Advertising.* Any act of initiation or termination of an administrative action related to the subject of wild flora forests, will be notified and published in the manner provided in articles 70 and 71 of Law 99 of 1993. Additionally, a copy must be sent of the acts referred to the corresponding Municipal Mayor's Office(s), so that they are exhibited in a visible place of these.

(Decree 1791 of 1996, art. 33).

ARTICLE 2.2.1.1.7.12. *Validity of exploitation permits.* The validity of the forestry permits will be set according to the type of use requested, the nature of the resource, the available supply, the need to establish measures to ensure its renewal, the amount and type of investment, without exceeding the maximum term and the conditions established in article 55 of Decree-Law 2811 of 1974.

(Decree 1791 of 1996, art. 34).

ARTICLE 2.2.1.1.7.13. *Characteristics of validity.* The validity of the concessions will depend on the nature and duration of the economic activity for which it is granted and the need for time that the concessionaire has so that the use is economically profitable and socially beneficial.

Concessions will be governed by the provisions of Decree-Law 2811 of 1974 and other regulations that regulate them.

(Decree 1791 of 1996, art. 35).

ARTICLE 2.2.1.1.7.14. ***Forest exploitation by association mode.*** Forest harvesting by way of association will be carried out through the formation of community companies with limited economic means, as well as user associations, and will be granted by administrative act in which the conditions of harvesting and the obligations of the owners will be determined.

(Decree 1791 of 1996, art. 36).

ARTICLE 2.2.1.1.7.15. ***Exclusiveness.*** Forest harvesting authorizations for natural forests located on privately owned land will be granted exclusively to the owner of the property.

(Decree 1791 of 1996, art. 37).

ARTICLE 2.2.1.1.7.16. ***Forest areas.*** The Corporations, in order to plan the organization and management of the forests, will reserve, set aside and declare the producing and protective-producing forest areas that will be exploited in their respective jurisdictions.

Each area will have a forest management plan that will be prepared by the managing entity of the resource.

Paragraph.- While the Corporations declare the aforementioned areas and prepare the management plans, they may grant forest exploitation based on the exploitation and forest management plans presented by those interested in using the resource and approved by them.

(Decree 1791 of 1996, art. 38).

ARTICLE 2.2.1.1.7.17. ***Technical guides.*** The Corporations will prepare technical guides that will contain the correct form of presentation of the request, the forest management plan, the forest exploitation plan and the environmental considerations, established as a requirement for the processing of the different classes of exploitation, in order to guide those interested in taking advantage of natural forests and the products of wild flora.

(Decree 1791 of 1996, art. 39).

ARTICLE 2.2.1.1.7.18. ***Terms of reference.*** The general terms of reference for the elaboration of plans for forest use, forest management and environmental considerations, as well as studies for the use of wild flora products will be carried out by the Corporations. In any case, the Ministry of the Environment may establish general criteria to which said terms of reference must be submitted. The Corporations will prepare terms of reference in accordance with the social, economic, biotic and abiotic characteristics of each region.

(Decree 1791 of 1996, art. 40).

ARTICLE 2.2.1.1.7.19. ***Monitoring.*** The Corporations may contract the performance of follow-up studies and inspections in order to monitor the exploitation of natural forests or products of wild flora.

(Decree 1791 of 1996, art. 41).

ARTICLE 2.2.1.1.7.20. ***Purpose of the contracts.*** The Corporations may enter into contracts with user associations, community companies and other associative forms to achieve, among others, the following purposes:

a) Support social groups, communities and organized ethnic groups such as user associations, community businesses, cooperatives, community action boards, who are interested in taking advantage of forests and/or wild flora products, and who require technical and economic assistance to efficiently carry out the use and transformation of the resource, as well as the commercialization of the products;

b) Consolidate local or regional associative forms that contribute to sustainable human development, to achieve greater collective benefits and their economic strengthening;

c) Promote so that the areas exploited by this mode become models of management and comprehensive use of the resource;

d) Promote that the inhabitants settled in forest reserve areas are linked to programs or projects of use and forest management provided by the Corporations for those areas;

e) Integrate small users so that they live mainly from the felling of the forest, concentrating the exploitation in areas that produce natural forests.

(Decree 1791 of 1996, art. 42).

ARTICLE 2.2.1.1.7.21. *Forest research.* The Corporations, in association with the Scientific Support Institutes of the SINA, will carry out research on the forests that may be exploited, in order to know their abundance, density, endemism, vulnerability, resilience and rarity of the species, which will serve of support to allow, authorize, promote the use or prohibit the use of forest species and flora.

Likewise, they will establish tables of basic volumes for volumetric calculations.

(Decree 1791 of 1996, art. 43).

ARTICLE 2.2.1.1.7.22. *Forest exploitation by indigenous or black communities.* The forest exploitations that are intended to be carried out by indigenous communities in areas of protection or indigenous reserve or by the black communities that Law 70 of 1993 deals with will be governed by the special norms that regulate the administration, management and use of renewable natural resources by of these communities. Aspects that are not expressly provided for in specific regulations are subject to compliance with the provisions of this Chapter.

(Decree 1791 of 1996, art. 44).

ARTICLE 2.2.1.1.7.23. *Possibility of Subclassing.* The Corporations, according to the biotic, abiotic and socioeconomic characteristics of each region, may establish a subclassification by area or surface of the forest exploitation or wild flora products.

(Decree 1791 of 1996, art. 45).

ARTICLE 2.2.1.1.7.24. *Projects, works or activities that do not require an environmental license.* Carrying out projects, works or activities that do not require an environmental license but rather an Environmental Management Plan and involve the removal of forests, must obtain the required exploitation permits and, in any case, reforestation must always be carried out as a compensation measure. in accordance with the guidelines established by the competent Corporations or Large Urban Centers.

(Decree 1791 of 1996, art. 46).

ARTICLE 2.2.1.1.7.25. *Projects, works or activities that require an environmental license.* When the project, work or activity is subject to the environmental license regime, the procedure established for the granting of this will be followed.

(Decree 1791 of 1996, art. 47).

SECTION 8

OF STUDY PERMITS

ARTICLE 2.2.1.1.8.1. *Permit to study natural forests.* Permission may be granted for the study of natural forests and wild flora whose purpose is to project works or works for their future use.

The person interested in obtaining a study permit must submit an application to the competent Corporation that contains:

a) Name of the applicant;

b) Location of the property, jurisdiction, boundaries and surface;

c) Object of the study;

d) Time required for the study and schedule of activities.

(Decree 1791 of 1996, art. 48).

ARTICLE 2.2.1.1.8.2. *Grant.* Study permits will be granted by reasoned decision, issued by the Corporation, once the request submitted by the interested party has been given technical feasibility.

(Decree 1791 of 1996, art. 49).

ARTICLE 2.2.1.1.8.3. *Deadlines.* The providence that grants the study permit will set the term to carry it out and will indicate the extension of the area, which will depend on the type of use that is projected to be carried out, the species and the economic and social conditions of the region. The term of these permits may not exceed two (2) years and will be determined by the Corporation based on the characteristics of the area and the projected use.

(Decree 1791 of 1996, art. 50).

ARTICLE 2.2.1.1.8.4. *Term for studies.* The interested party must start the studies within a term of sixty (60) calendar days counted from the date of execution of the ruling that granted the permit. Within the same term, it will notify the Corporation in writing about the start date of the studies and will continue to submit quarterly work reports, under penalty of the permit being terminated.

Once the studies have been completed, the interested party must submit a copy of the results obtained to the respective Corporation.

(Decree 1791 of 1996, art. 51).

ARTICLE 2.2.1.1.8.5. *No guarantee of grant.* The granting of the study permit and the setting of the term to carry it out, does not constitute a guarantee of the granting of the use in the requested conditions.

(Decree 1791 of 1996, art. 52).

ARTICLE 2.2.1.1.8.6. *Rights and obligations of the holder.* The holder of a study permit will have exclusivity to advance it and priority over other applicants while said permit is in force, but may not carry out forest exploitation works within the permitted area, except for samples without commercial value previously reported in the study permit for their identification and analysis. In case of violation of this provision, the Corporation will confiscate the products, without prejudice to the other sanctions that may apply.

(Decree 1791 of 1996, art. 53) .

ARTICLE 2.2.1.1.8.7. *Suspension.* Due to force majeure or fortuitous event, the term of the study permit may be suspended while such situation continues. Once the causes that generated the suspension disappear, the holder of the permit will be restored, which will include the time that was missing to complete the period initially granted, provided that the interested party has given notice to the Corporation, within ten (10) days. business days following the occurrence of force majeure or fortuitous event.

(Decree 1791 of 1996, art. 54).

SECTION 9

OF THE USE OF ISOLATED TREES

ARTICLE 2.2.1.1.9.1. *Priority requests.* When you want to take advantage of isolated trees from the natural forest located on public domain land or on private property that are fallen or dead due to natural causes, or that for duly proven sanitary reasons need to be felled, permission or authorization will be requested before the respective Corporation, which will give priority processing to the request.

(Decree 1791 of 1996, art. 55).

ARTICLE 2.2.1.1.9.2. ***Holder of the request.*** In the case of trees located on private property, the request must be submitted by the owner, who must prove their quality as such, or by the holder with the authorization of the owner. If the request is filed by a person other than the owner alleging damage or danger caused by trees located on neighboring properties, authorization to cut them down will only be granted, following a decision by the competent authority to hear this kind of litigation.

(Decree 1791 of 1996, art. 56).

ARTICLE 2.2.1.1.9.3. ***Emergency logging.*** When it is necessary to cut down or prune isolated trees located in urban centers that, due to their location, health status or mechanical damage, are causing damage to the stability of the soil, water channels, platforms, streets, infrastructure works or buildings, will request authorization in writing from the competent authority, which will process the request immediately, after a visit by a technically competent official, the need to cut down trees.

(Decree 1791 of 1996, art. 57).

ARTICLE 2.2.1.1.9.4. ***Logging or relocation by public or private works.*** When it is required to cut down, transplant or relocate isolated trees located in urban centers, for the realization, remodeling or expansion of public or private infrastructure works, constructions, installations and the like, authorization will be requested from the respective Corporation, from the environmental authorities of the large urban centers or before the municipal authorities, as the case may be, which will process the request, after a visit by a competent official, who will verify the need for logging or relocation alleged by the interested party, for which they will issue a technical concept.

The competent authority may authorize such activities, enshrining the obligation to replace the species authorized to be felled. Likewise, it will indicate the conditions of the relocation or transplant when feasible.

Paragraph.- To issue or deny the authorization referred to in this Article, the environmental authority must assess, among other aspects, the reasons of a historical, cultural or landscape nature, related to the species, object of the request.

(Decree 1791 of 1996, art. 58).

ARTICLE 2.2.1.1.9.5. ***Products.*** The products obtained from the felling or pruning of isolated trees, in the circumstances described in this chapter, may be marketed, at the discretion of the competent environmental authority.

(Decree 1791 of 1996, art. 59).

ARTICLE 2.2.1.1.9.6. ***Projects, works or activities subject to the environmental license regime or environmental management plan.*** When for the execution of projects, works or activities subject to the environmental license regime or environmental management plan, the removal of isolated trees in a volume equal to or less than twenty cubic meters (20 m3) is required, no permission, concession or authorization, the obligations and measures of prevention, correction, compensation and mitigation, imposed in the environmental license, or contemplated in the environmental management plan, will suffice. Without prejudice, in the latter case, to the additional obligations that the competent environmental authority may impose.

(Decree 1791 of 1996, art. 60).

SECTION 10

Replaced by art. 2, National Decree 690 of 2021

<The new text is as follows>

SUSTAINABLE MANAGEMENT OF WILD FLORA AND NON-TIMBER FOREST PRODUCTS

SUBSECTION 1

General aspect

Article 2.2.1.1.10.1.1 *Scope of application* **.** This Section will be applied by the competent environmental authorities and anyone who is interested in the sustainable management of wild flora and non-timber forest products that are part of natural ecosystems.

SUBSECTION two

Ways to acquire the right to sustainable management

Article 2.2.1.1.10.2.1 ***Right to sustainable management of wild flora and non-timber forest products*** **.** The right to sustainable management of wild flora and non-timber forest products is acquired by any of the following ways:

1. ministry of law

In accordance with article 53 of Decree Law 2811 of 1974, all the inhabitants of the national territory, without needing permission, have the right to use, free of charge and without exclusivity, the natural resources of the public domain to satisfy their elementary needs, those of their family and those of their pets, as long as legal provisions or rights of third parties are not violated.

The products of wild flora and non-timber forest products that are obtained by operation of law may not be marketed.

2. permission

Permission may be granted for the temporary use of delimited parts of renewable natural resources in the public domain.

The competent environmental authority may grant or deny the permit through a duly reasoned administrative act.

The permit will be granted to whoever offers and ensures the best conditions for the public interest.

If it is granted, its term shall not exceed ten (10) years. Permits for periods of less than ten years may be extended as long as they do not exceed the aforementioned maximum in total.

The duration of the permit will be set according to the nature of the resource, its availability, the need for restrictions or limitations for its conservation and the amount and type of investments, according to the technical study or the sustainable management protocol of the resource. wild flora and non-timber forest products approved for the species(s) subject of the application.

3. Association

It results when the sustainable management of wild flora and non-timber forest products is intended to advance in public domain lands by associative groups.

The competent environmental authority may grant or deny the mode of association through a duly motivated administrative act, for the term indicated in the technical study or protocol for the sustainable management of wild flora and non-timber forest products approved for the species. (s) object of the request.

The determination of the environmental authority must guarantee the resilience, sustainability and permanence of the species(s) subject to sustainable management of wild flora and non-timber forest products.

4. Forest concession

The concessions will be granted in the cases expressly provided for by law, and will be regulated in accordance with the provisions of articles 59 to 63 of Decree Law 2811 of 1974.

The granting conditions and other requirements of the concessions will be developed by the Ministry of Environment and Sustainable Development.

Paragraph 1. When the sustainable management of wild flora and non-timber forest products is intended to be carried out on private or collective property, an authorization may be issued.

The competent environmental authority may grant or deny the authorization through a duly reasoned administrative act.

The granting conditions and other requirements of the authorizations will be developed by the Ministry of Environment and Sustainable Development.

Paragraph 2. Whoever intends to acquire the right to the sustainable management of wild flora and non-timber forest products must do so in terms of the sustainable use and renewal of biodiversity and its components, in such a way that its reduction is not caused, maintain the possibilities to meet the needs and aspirations of current and future generations.

Paragraph 3. In development of the principle of coordination and concurrence between public entities, the competent environmental authority will inform the entities it deems pertinent, the requests on sustainable management of wild flora and non-timber forest products in public domain lands.

Paragraph 4. Indigenous peoples shall have the right to participate in the use, administration and conservation of the natural resources existing on their lands, under the terms of article 15 of Law 21 of 1991.

The use, processing or marketing of forest products obtained by black communities must comply with the provisions of Article 19 of Law 70 of 1993 and other regulations that regulate, modify or replace them.

The exploitation of forest resources will prioritize the proposals of the ethnic communities.

In case there is no occupation in the vacant land, the indigenous, Afro-descendant and peasant communities residing in the jurisdiction of the environmental authority will have priority, which will be governed by the special laws of these communities.

SUBSECTION 3

Sustainable management requirements and classes

Article 2.2.1.1.10.3.1 ***Requirements to acquire the right to the sustainable management of wild flora and non-timber forest products*** **.** Any natural or legal person, public or private, that intends to acquire the right to the sustainable management of wild flora and non-timber forest products through permission, association and authorization must fill out the Single National Format and submit the technical study, when required, before the competent environmental authority, which will grant or deny it through an administrative act.

Paragraph 1st. If the environmental authority has the protocol for the sustainable management of wild flora and non-timber forest products approved for the species of interest, the presentation of the technical study will not be required.

Paragraph 2nd. The content and guidelines for the preparation and evaluation of the technical study and the protocol for the sustainable management of wild flora and non-timber forest products, will be developed by the Ministry of Environment and Sustainable Development within a term of six (6) months. counted from the issuance of this Section.

Article 2.2.1.1.10.3.2. ***Classes on sustainable management of wild flora and non-timber forest products*** **.** The sustainable management of wild flora and non-timber forest products is classified into:

1. Domestic

They are made exclusively to satisfy vital domestic needs without being able to market their products.

It will be granted directly to the applicant, and in the case of privately owned land, authorization from the owner is required. It will be granted after a technical visit by the competent environmental authority and may not exceed one (1) year.

The volume, weight or maximum amount of wild flora and non-timber forest products susceptible to sustainable management will be established by each competent environmental authority, in accordance with the environmental, ecological, social, cultural and economic characteristics of the resource in the area of its jurisdiction, or based on the protocol for the sustainable management of wild flora and non-timber forest products approved for the species(s) of interest.

two. persistent

They are carried out with sustainability criteria and with the obligation to conserve the normal performance of the resource with techniques that allow its renewal, permanence and sustainable production, which must be contained in the technical study or in the protocol for the sustainable management of wild flora and of approved non-timber forest products.

According to the monthly income (in Current Minimum Legal Monthly Wages - SMLMV) expected for the commercial activity of sustainable management of wild flora and non-timber forest products that is intended to be developed, the interested party will determine the category that corresponds, as well :

a. Little ones

Those whose expected monthly income from commercial activity is between one (1) and ten (10) SMLMV.

b. medium

Those whose expected monthly income from commercial activity is between ten points one (10.1) to thirty (30) SMLMV.

c. Large

Those whose expected monthly income from commercial activity is greater than thirty (30) SMLMV.

Paragraph. When the expected monthly income from the commercial activity of sustainable management of wild flora and non-timber forest products that the interested party intends to develop is less than one (1) SMLMV, the technical study referred to in this document must not be submitted. Section, but it must comply with the protocol for the sustainable management of wild flora and non-timber forest products for the species(s) of interest, if there is one.

The interested party will be obliged to inform the competent environmental authority about the start of the activities, fifteen (15) days in advance.

The competent environmental authority may carry out the visits it deems necessary to the area subject to sustainable management, which will have no cost.

Article 2.2.1.1.10.3.3. Areas susceptible to sustainable management of wild flora and non-timber forest products **.** The Ministry of Environment and Sustainable Development will specify the areas in which the sustainable management of wild flora and non-timber forest products may be requested.

SUBSECTION 4

Procedure to acquire the right to sustainable management

Article 2.2.1.1.10.4.1. ***Content of the request*** **.** The person interested in acquiring the right to the sustainable management of wild flora and non-timber forest products must fill out the Single National Format, whose formalities and content must be established by the Ministry of Environment and Sustainable Development.

Article 2.2.1.1.10.4.2. ***Obtaining the permit for the sustainable management of wild flora and domestic or persistent non-timber forest products*** **.** To obtain the permit for the sustainable management of wild flora and domestic or persistent non-timber forest products, the following procedure will be followed:

1. For domestic sustainable management:

a. Once the application has been filed with the full requirements of article 2.2.1.1.10.4.1 of this decree, the environmental authority within the following five (5) days will proceed to open the file and schedule the evaluation visit to the property. or area object of the request, which must be carried out within ten (10) days following the opening of the file and will have no cost. Said action will be notified and published in the terms of Law 1437 of 2011.

b. Once the visit has been carried out, and within the following ten (10) days, the competent environmental authority will issue a technical concept and will grant or deny domestic sustainable management by reasoned resolution.

c. Against the administrative act that decides on domestic sustainable management, the reversal appeal proceeds in accordance with articles 74 and 76 of Law 1437 of 2011, notwithstanding that the request may be presented again.

Domestic sustainable management does not require the presentation of the technical study.

two. For persistent sustainable management:

a. Once the application has been filed with all the requirements set forth in article 2.2.1.1.10.4.1 of this decree, the competent environmental authority will proceed to immediately liquidate the evaluation cost in accordance with the provisions of article 28 of Law 344 of 1996, modified by article 96 of Law 633 of 2000.

b. The applicant must deliver to the competent environmental authority a copy of the payment for evaluation services, for which he will have five (5) days from the date of settlement.

c. Within ten (10) days following receipt of payment for evaluation services, the competent environmental authority will proceed to issue the order to start the process, which will be notified and published under the terms of Law 1437 of 2011 .

Likewise, it will proceed to open the file in accordance with article 70 of Law 99 of 1993.

d. Within ten (10) days following the notification of the order to start the process, the competent environmental authority will evaluate the request and the technical study and will schedule the evaluation visit to the area or property that is the object of the request. The evaluation visit must be carried out in a term not exceeding ten (10) days, once the request and the technical study have been evaluated.

and. After the visit, the competent environmental authority will have up to five (5) days to generate the corresponding Technical Concept. If additional information is required that you consider pertinent, you will have up to ten (10) days to request it.

F. The applicant will have a term of one (1) month to submit the required information; This term may be extended by the competent environmental authority for an equal term, upon request of the interested party, who must submit it before the expiration of the initial term, in accordance with the provisions of article 17 of Law 1437 of 2011, replaced by Law 1755 of 2015 or the rule that modifies, replaces or repeals it.

g. In any case, the additional information provided by the applicant must be exclusively that requested by the competent environmental authority. If information other than that required is provided, it will not be considered in the evaluation process.

h. The competent environmental authority, once it has the required information, will proceed within a maximum term of twenty (20) days to grant or deny persistent sustainable management, by means of a reasoned resolution, against which an appeal for replacement proceeds, in accordance with articles 74 and 76 of Law 1437 of 2011.

In the event that the applicant does not submit the information in the established terms, the competent environmental authority will order through a reasoned resolution, which will be notified in the terms of the law, the withdrawal and filing of the application. Against this administrative act, an appeal for reconsideration proceeds in accordance with article 17 of Law 1437 of 2011, replaced by Law 1755 of 2015; notwithstanding that the application can be resubmitted with all the requirements.

Paragraph. When the activity subject to a permit, authorization, association or forestry concession on the sustainable management of wild flora and non-timber forest products is carried out in the jurisdiction of two or more environmental authorities, the National Authority for Environmental Licenses (ANLA), of In accordance with what is stated in numeral 11 of article 3 of Decree Law 3573 of 2011, it will be the competent entity to resolve said conflicts of competence.

Article 2.2.1.1.10.4.3. ***Of the unified forest management*** **.** The interested party in carrying out domestic, persistent or unique use of timber forest products, may include in the request for timber forest use, the sustainable management of wild flora and non-timber forest products for the same area or property subject to interest, in order to give an integral management to the natural forest.

The interested party, in the same request, will comply, in addition to what is required for timber harvesting, with the provisions of this Section and other regulations that regulate, replace or repeal it.

In the same administrative act through which the competent environmental authority grants or denies the forest use of timber products, it will grant or deny the sustainable management of wild flora and non-timber forest products.

Paragraph. For the provisions of this article, the procedure established for domestic, persistent or unique use of timber forest products will be followed, as applicable.

Article 2.2.1.1.10.4.4. *Contracts and agreements* . The environmental authorities may sign the contracts and agreements that are necessary, under the terms and conditions established in the current legal provisions.

SUBSECTION 5

Other aspects related to the right to sustainable management

Article 2.2.1.1.10.5.1. *Mobilization and marketing of wild flora and non-timber forest products* . For the mobilization of wild flora and non-timber forest products in the first degree of transformation, there must be the Single National Online Safe-conduct for the mobilization of specimens of biological diversity (SUNL) issued by the competent environmental authority, in accordance with in accordance with the provisions of Resolution number 1909 of 2017, and for its commercialization the provisions of Resolution number 1740 of 2016 and other regulations that modify, replace or repeal it will be followed.

Article 2.2.1.1.10.5.2. *Information on sustainable management of wild flora and non-timber forest products* . The competent environmental authorities will report annually to the Institute of Hydrology, Meteorology and Environmental Studies (Ideam) or whoever takes its place, information on the sustainable management of wild flora and non-timber forest products that is carried out in the area of their jurisdiction, in order to incorporate it into the National Forest Information System (SNIF), in accordance with article 2.2.8.9.3.9 of Decree number 1076 of 2015.

Article 2.2.1.1.10.5.3. *see* . For the forest management of species of wild flora and non-timber forest products whose use, mobilization or commercialization is closed, the competent environmental authority will determine the conditions for its granting and will impose in the respective administrative act the measures that guarantee the conservation of said species(s).

Article 2.2.1.1.10.5.4. *transition* . Procedures related to the sustainable management of wild flora and non-timber forest products initiated prior to the entry into force of this regulation, will continue to be governed by the regulations in force at the time the procedure began.

However, the user may request from the competent environmental authority that his procedure conforms to the provisions of this section, for which he will have a term of six (6) months.
The original text was as follows:

SECTION 10

OF THE USE OF WILD FLORA PRODUCTS FOR COMMERCIAL PURPOSES

ARTICLE 2.2.1.1.10.1. Use for commercial purposes. *When it is intended to obtain wild flora products from natural forest, located on public or private domain land for commercial purposes, without their extraction implying the removal of the forest mass in which they are found, the interested party must submit an application to the respective corporation, accompanied by at least the following information and documents:*

a) Name and identification of the applicant; in the case of private property, the interested party must certify the quality of owner by enclosing a copy of the public deed and the certificate of freedom and tradition with an issue date of no more than two months;

b) Approximate species, number, weight or volume of specimens to be extracted based on a previously conducted study;

c) Determination of the place where the material will be obtained, attaching a location map;

d) Systems to be used for the collection of flora products and in field work;

e) Products of each species that are intended to be used;

f) Processes to which wild flora products are going to be subjected and a description of the facilities and equipment that will be used for such purposes;

g) Transport, commercialization and final destination of the products of the wild flora that are intended to be extracted.

Paragraph 1.- *The technical studies required to collect the information requested in the previous article will be carried out by the interested party.*

Paragraph 2.- *Based on the evaluation of the studies referred to in this article, the Corporation will decide whether to grant or deny the use. In the affirmative case, the exploitation will be carried out following silvicultural techniques that ensure the sustainable management and persistence of the species.*

(Decree 1791 of 1996, art. 61).

ARTICLE 2.2.1.1.10.2. Regulation of Corporations. *Each Corporation will regulate what is related to the use of non-timber forest species and products, such as: guadua, cañabrava, bamboo, palms, chiquichiqui, bark, latex, resins, seeds, among others.*

(Decree 1791 of 1996, art. 62).

SECTION 11

OF THE FORESTRY INDUSTRIES OR COMPANIES

ARTICLE 2.2.1.1.11.1. ***Forest companies.*** Forestry companies are those that carry out planting, management, exploitation, transformation or commercialization of primary or secondary products of the forest or wild flora. Forestry companies are classified as follows:

a) Forest plantation companies. They are those dedicated to the establishment and management of forest plantations;

b) Forest exploitation companies. They are those that are dedicated to the technical extraction of primary products from natural forests or products from wild flora or forest plantations, without actually processing them. This concept includes the management of forest plantations;

c) Companies of primary transformation of forest products. They are those whose purpose is the transformation, treatment or mechanical or chemical conversion, starting from the log and obtaining semi-transformed forest products such as simply squared wood, blocks, benches, planks, boards, posts and immunized wood, sheets and chips, among others;

d) Companies of secondary transformation of forest products or finished products. Are those whose purpose is to obtain products through different processes or degrees of elaboration and higher added value such as moldings, parquet, strips, doors, furniture, chipboard and plywood, pulp, paper and cardboard and other related;

e) Forest marketing companies. They are establishments dedicated to the purchase and sale of forest products or wild flora, without undergoing any transformation process;

f) Marketing and secondary processing companies for forest products. They are those establishments dedicated to the commercialization of forest products or wild flora and that carry out activities of sawing, planing and cutting to measures, among others;

g) Integrated forestry companies. They are those that are dedicated to the activities of forest exploitation, establishment of forest plantations, complementary activities, transformation of forest products, transport and commercialization of their products.

Paragraph.- The marketing referred to in this article involves the import and export of forest products or wild flora.

(Decree 1791 of 1996, art. 63).

ARTICLE 2.2.1.1.11.2. ***Objectives of forestry companies.*** Forestry companies must carry out their activities taking into account, in addition to the sustainable development policies that are defined for this purpose, the following objectives;

a) Technical use of forest products, in accordance with current legal regulations;

b) Optimum use and higher degree of transformation of said products;

c) Labor training;

d) Protection of renewable natural resources and the environment, in accordance with current legal regulations;

e) Promote the technological development of forest product transformation processes.

(Decree 1791 of 1996, art. 64).

ARTICLE 2.2.1.1.11.3. *Operations book.* The companies of primary transformation of forest products, those of secondary transformation of forest products or of finished products, those of forest commercialization, those of commercialization and secondary transformation of forest products and the integrated ones must keep a book of operations that contains at least the following information:

a) Date of the transaction that is recorded;

b) Volume, weight or amount of wood received by species;

c) Regional and scientific names of the species;

d) Volume, weight or quantity of wood processed by species;

e) Origin of the raw material, number and date of the safe-conducts;

f) Name of the supplier and buyer;

g) Number of the safe-conduct that covers the mobilization and/or acquisition of the products and name of the entity that issued it.

The above information will serve as the basis for forestry companies to submit annual activity reports to the environmental authority.

Paragraph.- The book referred to in this article must be registered with the respective environmental authority, which may verify the information provided at any time and carry out the visits it deems necessary.

(Decree 1791 of 1996, art. 65).

ARTICLE 2.2.1.1.11.4. *Annual activity report.* Every primary, secondary, commercialization or integrated forestry company that directly or indirectly obtains products from natural forests or wild flora, will present an annual activity report to the Corporation where the company is domiciled, relating at least the following:

a) Species, volume, weight or quantity of the products received;

b) Species, volume, weight or quantity of processed products;

c) Species, volume, weight or quantity of the commercialized products;

d) Administrative Act by which the forest exploitation from which the raw material is obtained and the list of the safe-conducts that protect the mobilization of the products was granted;

e) Type, use, destination and amount of waste;

(Decree 1791 of 1996, art. 66).

ARTICLE 2.2.1.1.11.5. *Obligations of companies.* Processing or marketing companies must also comply with the following obligations:

a) Refrain from acquiring and processing forest products that are not covered by the respective safe-conduct;

b) Allow the competent officials of the environmental entities and administrators of the resource and/or the corporations to inspect the accounting books, the manner and the installations of the establishment;

c) Submit annual activity reports to the competent environmental entity.

(Decree 1791 of 1996, art. 67).

ARTICLE 2.2.1.1.11.6. ***Obligation to require safe conduct.*** The companies of primary transformation of forest products, the commercialization companies, the integrated forest companies and the traders of forest products are obliged to demand from the suppliers the safe-conduct that covers the mobilization of the products. Failure to comply with this rule will lead to the confiscation of the products, without prejudice to the imposition of other sanctions that may apply.

(Decree 1791 of 1996, art. 68).

SECTION 12

Replaced by art. 3, National Decree 1532 of 2019

<The new text is as follows>

OF FOREST PLANTATIONS

Subsection 1

Lessons

Article 2.2.1.1.12.1. Forest plantation classes and competitions. Forest plantations can be:

a) Protective-producing forest plantations. Those that are established in a protective forest area in which the direct or indirect use of the plantation is conditioned to the maintenance of its resource protection effect. In addition, protective-producing forest plantations are considered to be those established in protective-producing forest areas, classified as such before the entry into force of Law 1450 of 2011; those established in compliance with article 231 of Decree Law 2811 of 1974; and those established without the Forest Incentive Certificate (CIF) for reforestation.

The registration, use, and other actions related to protective forest plantations - producers in any of its modalities will be the responsibility of the regional environmental authorities.

b) Protective forest plantations. They are those that are established in protective forest areas to protect or recover some renewable natural resource. In them, it is possible to advance the use of non-timber forest products and develop forestry management activities, ensuring the persistence of the resource.

The registration, exploitation, and other actions related to protective forest plantations in any of its modalities will be the responsibility of the regional environmental authorities.

Paragraph 1. Productive forest plantations of an industrial or commercial nature are assimilated to forest crops for commercial purposes. Its registration and other related actions will be the responsibility of the Ministry of Agriculture and Rural Development.

Paragraph 2 . The regional environmental authorities, within the framework of their competences in relation to the protective-producing and protective forest plantations, must take into account the processes of ordering the municipal and district territory issued in development of Law 388 of 1997.

Subsection two

From the register

Article 2.2.1.1.12.2. From the register. Protective, productive and protective forest plantations must be registered with the competent regional environmental authorities.

The registration will be carried out by means of an administrative act, prior visit and technical concept.

Paragraph. The Ministry of Environment and Sustainable Development will implement the single format for the registration of productive and protective forest plantations, within a period not exceeding six (6) months, counted from the effective date of issuance of this Section.

Article 2.2.1.1.12.3 Requirements for registration. For the registration of the forest plantations mentioned in article 2.2.1.1.12.1 of section 12 of this Decree, the interested natural or legal person must:

a) Fill out the Registration Request Form.

b) Provide the following documents:

- Name and location of the property, indicating village and municipality, address, if any, and contact telephone number.

- Location map that allows identifying the access route to it and the coordinates for georeferencing the plantation area.

- In the case of a natural person, you must attach a photocopy of the identification document. In the case of a legal person, certificate of existence and legal representation whose date of issue is not more than thirty (30) calendar days from the date of request for registration and a photocopy of the identification document of the legal representative.

- Prove ownership of the property by means of a certificate of tradition and freedom with an issue date not exceeding thirty (30) calendar days from the date of registration request. If you are a tenant, you must present the authorization of the owner of the property.

Article 2.2.1.1.12.4. Registration formation. For the registration of forest plantations mentioned in article 2.2.1.1.12.1. of section 12 of this Decree, the following steps must be followed:

The owner or holder of the property in which the forest plantation is located will submit the registration application to the competent regional environmental authority, along with the requirements of article 2.2.1.1.12.3. of this Decree.

The competent regional environmental authority will verify that the information is complete. Otherwise, it will require the applicant, only once, to provide the missing information or documents. If within the term of one (1) month following the request the information is not provided, the registration request will be understood to have been withdrawn and it will be filed, in accordance with the provisions of article 17 of the Code of Administrative and Contentious Procedure. Administrative (Law 1437 of 2011) replaced by Law 1755 of 2015 "By means of which the Fundamental Right of Petition is regulated and a title of the Code of Administrative Procedure and Administrative Litigation is replaced. "

Once the complete information is available, the competent regional environmental authority will carry out a visit to the property, in order to verify the information provided, from which it will generate a technical concept.

The competent regional environmental authority, by reasoned administrative act, will proceed to register the forest plantation by assigning it a registration number.

The procedure for registration must be advanced by a maximum of one month, from the date the request is submitted by the interested party.

Article 2.2.1.1.12.5. Registration frequency . The protective-producing and protective forest plantations will be registered only once before the regional environmental authority with jurisdiction in the area where they are located.

Article 2.2.1.1.12.6. Registry update . The competent regional environmental authority will update the registry of protective-producing and protective forest plantations in the following events:

a) When new previously registered forest plantation areas are expanded or established.

b) When the forest establishment and management plan is modified.

c) When there is a change of owner or holder of the property, where the forest plantation is located.

Paragraph. The competent regional environmental authority will carry out the updating of the registry, in accordance with the information provided by its owner for this purpose and in accordance with the steps for the granting of the plantation registry.

The issuance of the registry for the Plantations mentioned in article 2.2.1.1.12.1 of section 12 of this Decree, will have no cost.

Article 2.2.1.1.12.8 . Cancellation of registration. By means of a request from the holder of the registry of the plantation, the cancellation of the registry may be requested, without prejudice to the administrative actions that may take place.

Subsection 3

Of the use

Article 2.2.1.1.12.9 . Requirements for use. To take advantage of the protective-producing and protective forest plantations, no permit or authorization will be required.

The person interested in executing the harvest of the plantation must submit a technical report, two months before starting the harvest activities, indicating to the competent regional environmental authority:

a) If the person interested in taking advantage of the plantation is not the same owner of the property, he must provide authorization not greater than thirty (30) days granted by him.

b) Harvesting system or methods to be applied.

c) Extension of the area to intervene in hectares of the protective plantation or protective producer.

d) Species to be used, volume or quantity of the products to be obtained.

Paragraph 1st. The use of live fences and windbreak barriers will not require any permit or authorization.

In case of requiring the mobilization of derived products, it will only be necessary to obtain the Single National Safe-conduct online SUNL, in accordance with Resolutions 1909 of 2017 and 081 of 2018 of the Ministry of Environment and Sustainable Development, or the regulations that replace them, modify or repeal.

Article 2.2.1.1.12.10 . Forest roads or highways. The forest roads or highways necessary to advance forest exploitation within the protective and protective-producing forest plantations are an integral part of these and will not be subject to additional permits or requirements, except as provided in the following article. They must be described in the establishment and forest management plan of the corresponding plantation and will not be subject to additional permits or requirements.

Article 2.2.1.1.12.11 . Establishments in easement areas of linear projects. In the areas of easement associated with linear projects, which already have the respective environmental license, permit or authorization for forest use, no protective forest plantations, protective - producers, live fences or windbreak barriers may be established, which affect or prevent the execution of the project, work or activity. In the event that new protective plantations, productive protective plantations, living fences or windbreaks are established within the aforementioned projects, they may not be registered by the competent environmental authority and no permit or

authorization will be required for their removal; it will suffice to file a report with the competent regional environmental authority by the interested party.

Article 2.2.1.1.12.12 . Use of renewable natural resources. Notwithstanding the provisions of this Section, when the establishment or exploitation of protective and protective-producing forest plantations requires the exploitation, use or affectation of renewable natural resources, authorizations must be processed and obtained from the competent regional environmental authorities. or corresponding permits.

In any case, the removal of the natural forest may not be carried out for the establishment of protective and protective forest plantations .

Paragraph. The maintenance and rehabilitation of forest roads or highways within the protective forest plantations and protective producers, will not require processing or obtaining authorizations or permits from the competent environmental authorities.

Article 2.2.1.1.12.13. fruit species. Fruit species with woody characteristics may be exploited to obtain forest products, in which case they will only require the Single National Online Safe-conduct SUNL, in accordance with Resolutions 1909 of 2017 and 081 of 2018 of the Ministry of Environment and Sustainable Development.

Article 2.2.1.1.12.14. Use of Isolated Trees and Shade. Isolated trees may be exploited to obtain forest products and will be the responsibility of the regional environmental authorities.

Paragraph. The Ministry of Environment and Sustainable Development will indicate the conditions and requirements for the use of isolated and shaded trees, within a period not exceeding six (6) months, counted from the effective date of this Section.

Article 2.2.1.1.12.15. Use of flora species in closed season. Woody forest species and vascular and non-vascular flora that are closed and that are part of protective, protective-producing forest plantations, windbreak barriers and live fences, will not require any formalities to lift the closed season, for their use, mobilization or marketing.

Article 2.2.1.1.12.16 . Use of plantations established by regional environmental authorities. When the protective or protective-producing forest plantation has been established by a regional environmental authority on public or private land, by virtue of direct or delegated administration or jointly with natural or legal persons, public or private, its registration and use will depend on the type of plantation in question, the area where it is located, and the plan or program previously established.

Article 2.2.1.1.12.17 . Marketing and mobilization. Timber and non-timber forest products obtained from the use of forest plantations, windbreaks or live fences, as well as shade trees, fruit trees and isolated trees, may be marketed.

For its mobilization, the Unique National Online Safe-conduct SUNL will be required, in accordance with Resolutions 1909 of 2017 and 081 of 2018 of the Ministry of Environment and Sustainable Development, or the regulations that replace, modify or repeal them.

Subsection 4

Information Report

This report must be sent to IDEAM in order to include the information in the National Forest Information System (SNIF) annually, with a cut-off date of December 31 of each term and within the first 30 business days of the new term.

The original text was as follows:

SECTION 12

OF FOREST PLANTATIONS

ARTICLE 2.2.1.1.12.1. Kinds of forest plantations. *Forest plantations can be:*

a) ***Productive Forest Plantations of an industrial or commercial nature.*** *They are those that are established in producing forest areas with the exclusive purpose of allocating them to forest use;*

b) ***Protective-Producing Forest Plantations.*** *They are those that are established in protective-producing forest areas, in which forest exploitation can be carried out, conditioned to the maintenance or renewal of the plantation;*

c) ***Protective Forest Plantations.*** *They are those that are established in protective forest areas to protect or recover some renewable natural resource and in which secondary products such as fruits, latex, resins and seeds, among others, can be used, ensuring the persistence of the resource.*

(Decree 1791 of 1996, art. 69).

ARTICLE 2.2.1.1.12.2. From the register. *As of October 8, 1996, all forest plantations, live fences, windbreak barriers, shaded areas must be registered with the Corporation in whose jurisdiction it is located, for which the interested party must submit in writing to the Corporation, at least, the following documents and information:*

a) Name of the owner. If it is a person or legal entity, it must prove its existence and legal representation;

b) Location of the property indicating the departmental, municipal and village jurisdiction, where it is located;

c) Area or kilometers of living fence and name of the planted species;

d) Year of establishment.

The registration will be carried out by providence, prior visit and technical concept.

(Decree 1791 of 1996, art. 70).

ARTICLE 2.2.1.1.12.3. Requirements for use. *To take advantage of a forest plantation, live fence trees, windbreak barriers, shade trees, it is required, at a minimum, the presentation of the following requirements and documents.*

a) If the plantation is located on private property, a copy of the deed of ownership of the property and certificate of freedom and tradition with an issue date of no more than three (3) months, lease agreement or capacity as holder. If the person interested in taking advantage of the plantation is not the same owner of the property, he must submit a recent authorization granted by him;

b) Harvesting system or methods;

c) Extension of the area to be intervened and volume of the species to be exploited.

Paragraph.- *Whoever makes the use will be subject to the provisions related to the protection of other renewable natural resources and the environment.*

(Decree 1791 of 1996, art. 71).

ARTICLE 2.2.1.1.12.4. Of the fruit species. *Fruit species with woody characteristics may be exploited to obtain forest products, in which case they will only require a request for safe-conduct for the mobilization of products.*

(Decree 1791 of 1996, art. 72).

ARTICLE 2.2.1.1.12.5. Class of use and plantations. *When the plantation has been established by the Corporation, by virtue of direct or delegated administration or by it jointly with natural or legal persons, public or private, its use will depend on the type of plantation in question, the area where it is located and the previously established plan or program.*

(Decree 1791 of 1996, art. 73).

SECTION 13

ON THE MOBILIZATION OF FOREST PRODUCTS AND WILD FLORA

ARTICLE 2.2.1.1.13.1. ***Mobilization safe-conduct.*** All primary forest product of the wild flora, which enters, leaves or moves within the national territory, must have a safe-conduct that covers its mobilization from the place of use to the processing, industrialization or marketing sites, or from the port of entry. the country, until its final destination.

(Decree 1791 of 1996, art. 74).

ARTICLE 2.2.1.1.13.2. ***Content of the safe-conduct.*** The safe-conducts for the mobilization, renewal and products of the natural forest, wild flora, forest plantations, live fence trees, windbreak barriers, shade; must contain:

a) Type of Safe-conduct (mobilization, renewal and remobilization;

b) Name of the environmental authority that grants it;

c) Name of the owner of the use;

d) Issue and expiration date;

e) Origin and final destination of the products;

f) Number and date of the resolution granting the use;

g) Class of use;

h) Species (common and scientific name), volume in cubic meters (m3), quantity (units) or weight in kilograms or tons (Kgs or Tons) of the protected forest and/or wild flora products;

i) Means of transport and identification thereof;

j) Signature of the official who grants the safe-conduct and the holder.

Each safe-conduct will be used to transport the quantity of the forest product for which it was issued only once.

(Decree 1791 of 1996, art. 75).

ARTICLE 2.2.1.1.13.3. ***Safe-conduct application.*** When it is intended to commercially take advantage of a forest plantation, live fence trees, windbreak barriers, shade, the owner of the plantation registry or his legal representative may request in writing from the respective Corporation the number of safe-conducts that he deems necessary for the mobilization of the products.

(Decree 1791 of 1996, art. 76).

ARTICLE 2.2.1.1.13.4. ***Renewal of the safe-conduct.*** When due to a fortuitous event or force majeure the user cannot move the forest or wild flora products within the validity of the safe-conduct, they will

have the right to be issued a renewal one under the same conditions, upon presentation and cancellation of the original. The change made will be recorded in the renewal safe-conduct.

When the holder of the safe-conduct needs to mobilize the products with a destination different from the one initially granted, he must request a remobilization safe-conduct before the same environmental authority.

(Decree 1791 of 1996, art. 77).

ARTICLE 2.2.1.1.13.5. ***Headline.*** The safe-conducts for the mobilization of forest products or wild flora will be issued to the holders, based on the administrative act that granted the use.

(Decree 1791 of 1996, art. 78).

ARTICLE 2.2.1.1.13.6. ***Issuance, coverage and validity.*** The safe-conducts for the mobilization of forest products or wild flora will be issued by the Corporation that has jurisdiction in the harvesting area and will have coverage and validity throughout the national territory.

(Decree 1791 of 1996, art. 79).

ARTICLE 2.2.1.1.13.7. ***Obligations of carriers.*** The transporters are obliged to exhibit, before the authorities that require them, the safe-conducts that protect the forest or wild flora products that they transport. The evasion of controls will give rise to the imposition of sanctions and preventive measures indicated by law.

(Decree 1791 of 1996, art. 80).

ARTICLE 2.2.1.1.13.8. ***Safe-conduct characteristics.*** Passports are not negotiable or transferable documents. When mobilizations of third parties, from other areas or from other species different from those permitted or authorized, are covered by them, the person in charge will be entitled to the administrative and criminal actions and sanctions that may apply.

(Decree 1791 of 1996, art. 81).

ARTICLE 2.2.1.1.13.9. ***Import or introduction.*** The importation or introduction into the country of individuals or products of wild flora or forests must be covered by legal documents issued by the country of origin and requires that said individuals or products have not been banned or prohibited. For this, the certification or permit established by the International Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES) will be required, if the species requires it.

Paragraph. The Ministry of Environment and Sustainable Development is responsible for issuing certifications or permits (CITES) when it comes to importing, exporting or re-exporting species or individuals that require it.

(Decree 1791 of 1996, art. 82).

ARTICLE 2.2.1.1.13.10. ***Sanitary protection of flora and forests.*** **For the health protection of flora and forests, in addition to the provisions of this chapter, the provisions of articles** 289 to 301 of Decree-Law 2811 of 1974 shall be complied with .

(Decree 1791 of 1996, art. 83).

SECTION 14

CONTROL AND SURVEILLANCE

ARTICLE 2.2.1.1.14.1. ***Control and surveillance function.*** In accordance with Law 99 of 1993, it corresponds to the Corporations, the environmental authorities of the large urban centers and the territorial entities, to exercise the functions of control and surveillance, as well as to issue the necessary orders for the defense of the environment in general and of wild flora and forests in particular.

(Decree 1791 of 1996, art. 84).

ARTICLE 2.2.1.1.14.2. ***Collaboration duty.*** The owner of the property on which it is intended to carry out a technical visit by a competent official, must provide the information and documents necessary for the practice of the diligence.

(Decree 1791 of 1996, art. 85).

ARTICLE 2.2.1.1.14.3. ***Control and follow up.*** The Corporations will carry out in a coordinated manner, with the Police authorities and the Armed Forces, control and surveillance programs for the defense and protection of renewable natural resources and will exercise with the territorial entities, with the environmental authorities of the large urban centers and with the police authorities, control over the mobilization, processing and marketing of forest products and wild flora.

(Decree 1791 of 1996, art. 86).

SECTION 15

FINAL PROVISIONS

ARTICLE 2.2.1.1.15.1. ***Penalty Regime.*** The sanctioning regime applicable for violation of the rules on protection or management of wild flora or forests, will be established in Law 1333 of 2009, the rule that modifies, repeals or replaces it.

(Decree 1791 of 1996, art. 87).

ARTICLE 2.2.1.1.15.1. ***Validity of the use.*** The forest uses, granted prior to October 8, 1996, will continue in force for the term for which they were granted.

Administrative actions initiated before October 8, 1996 will continue to be processed in accordance with the rules that regulated the matter.

(Decree 1791 of 1996, art. 88).

ARTICLE 2.2.1.1.15.2. ***Additional conditions.*** The Corporations, within the scope of their functions, powers and principles established in Law 99 of 1993, may establish additional conditions to those contemplated in this Decree in order to protect the forests and wild flora that due to their special characteristics so require. require.

(Decree 1791 of 1996, art. 89).

ARTICLE 2.2.1.1.15.3. ***Environmental License Procedure.*** The rules and procedures established in this decree will not apply in those cases in which it is required to process a single environmental license or the license referred to in article 132 of Decree-Law 2150 of 1995.

(Decree 1791 of 1996, art. 90).

SECTION 16

EX SITU CONSERVATION CENTERS. BOTANICAL GARDENS

ARTICLE 2.2.1.1.16.1. ***Requirements for obtaining the environmental permit.*** In order to obtain the environmental permit for the botanical gardens referred to in article 4 of Law 299 of 1996, the interested party must submit an application to the Autonomous Regional or Sustainable Development Corporation or the environmental authority of the municipality, district or metropolitan area whose population urban is greater than 1,000,000 inhabitants, with jurisdiction in the area where the botanical garden is located, to which you must attach:

1. Power of attorney duly granted, when acting through a proxy.

2. Certificate of existence and legal representation of the botanical garden.

3. Copy of the statutes of the company.

4. Previous concept of the "Alexander von Humboldt" Biological Resources Research Institute.

(Decree 331 of 1998, art. 1).

ARTICLE 2.2.1.1.16.2. *Competence of the Ministry of Environment and Sustainable Development.* In the event that the competent environmental authority to grant the permit referred to in the previous article is associated with the botanical garden, said permit must be granted by the Ministry of Environment and Sustainable Development.

(Decree 331 of 1998, art. 2).

ARTICLE 2.2.1.1.16.3. *Concept.* To issue the prior concept referred to in number 4 of article 2.2.1.1.16.1 of this Decree, the "Alexander von Humboldt" Biological Resources Research Institute must take into account:

1. That the botanical garden has scientifically organized collections of living plants.

2. That the botanical garden carry out permanent programs of basic and applied research, in situ and ex situ conservation and environmental education.

3. That the botanical garden uses non-polluting technological activities for its activities.

4. That the botanical garden has adopted, within its statutory regulations, the primary purposes for the fulfillment of its social objectives contemplated in article 2 of Law 299 of 1996.

(Decree 331 of 1998, art. 3).

ARTICLE 2.2.1.1.16.4. *Term for the issuance of the permit.* Once the request is received with all the legal requirements, the competent environmental authority must grant or deny the permit, by reasoned resolution, within the following thirty (30) business days.

(Decree 331 of 1998, art. 4).

ARTICLE 2.2.1.1.16.5. *Tracing.* The botanical gardens must send an annual activity report to the environmental authority that issued the permit regarding the fulfillment of their objectives. The environmental authorities may request an opinion from the "Alexander von Humboldt" Biological Resources Research Institute to evaluate the reports submitted.

(Decree 331 of 1998, art. 5).

ARTICLE 2.2.1.1.16.6. *Suspension and cancellation.* The permit may be suspended or canceled by means of a resolution motivated by the environmental authority that granted it, ex officio or at the request of a party, when the botanical garden has failed to comply with the obligations indicated in the law or in its regulations and according to the seriousness of the infraction.

(Decree 331 of 1998, art. 6).

ARTICLE 2.2.1.1.16.7. *Access to genetic resources.* Whoever intends to access genetic resources must abide by the provisions contained in Decision 391 of the Commission of the Cartagena Agreement.

The permit granted by the environmental authority to the botanical gardens does not determine, condition or presume the authorization of access to genetic resources, which must be processed in accordance with the provisions of the aforementioned Decision. In addition, botanic gardens must inform the Ministry of Environment and Sustainable Development about the acquisition of biological resources from their collection for access purposes.

Paragraph.- In accordance with Complementary Provision 5 of the aforementioned Decision, the Ministry of Environment and Sustainable Development may enter into contracts for the deposit of genetic resources or their derived products or of biological resources that the botanical gardens carry out research activities. contain, for exclusive custody purposes, keeping said resources under their jurisdiction and control.

(Decree 331 of 1998, art. 7).

ARTICLE 2.2.1.1.16.8. ***Forms of State participation.*** State entities may participate in plans, programs and projects of public interest carried out by botanical gardens under the following modalities:

1. Through association with other state entities or with individuals for the creation of botanical gardens, or for their link to existing ones, and that they are constituted as non-profit legal entities, which will be governed by the provisions of the Articles 1, 2, 3, 4 and 5 of Decree 393 of 1991.

2. Through the execution of special cooperation agreements for the development of the object of the botanical gardens, in accordance with the provisions of articles 1, 2, 6, 7, 8 and 9 of Decree 393 of 1991 and articles 2 , 8th , 9th , 17 and 19 of Decree-Law 591 of 1991.

(Decree 331 of 1998, art. 8).

ARTICLE 2.2.1.1.16.9. ***Tax exemption.*** For the application of the exemptions referred to in article 14 of Law 299 of 1996 to the land owned by the botanical gardens or intended for these purposes, the Autonomous Regional or Sustainable Development Corporation or the environmental authority of the municipality, district or metropolitan area whose urban population is greater than 1,000,000 inhabitants with jurisdiction in the area where the botanical garden is located, must consider compliance with environmental conservation activities by them. Said concept must be accompanied by a technical and scientific report and supported by cartographic documents.

(Decree 331 of 1998, art. 9).

ARTICLE 2.2.1.1.16.10. ***Permanent botanical expedition.*** In order to strengthen scientific research on Colombian flora and the dissemination of its results, the "Alexander von Humboldt" Biological Resources Research Institute was entrusted with the institutional coordination of the permanent botanical expedition throughout the national territory.

In addition to the institutes attached to and linked to the Ministry of Environment and Sustainable Development, the Institute of Natural Sciences of the National University of Colombia, the botanical gardens, the herbaria, the country's education centers that carry out research may participate in the permanent botanical expedition. botany, local communities and the scientific community.

Paragraph.- The development of the permanent botanical expedition, will be subject to the achievement of the necessary resources for its financing and the signing of the agreements that may be made by the Ministry of Environment and Sustainable Development and the Biological Resources Research Institute. "Alexander von Humboldt".

(Decree 331 of 1998, art. 10).

SECTION 17

PRIORITIES FOR THE USE OF FOREST RESOURCES

ARTICLE 2.2.1.1.17.1. ***destination.*** The forest resource will initially be used to satisfy the following needs:

a) Vitals for domestic use;

b) Those of conservation and protection of the forest resource and other resources related to it, through the creation of the reserves referred to in Article 47 of Decree-Law 2811 of 1974;

c) Those of attention to the requirements of the industry, in accordance with the national and regional development plans.

(Decree 877 of 1976, art. 1).

ARTICLE 2.2.1.1.17.2. ***Persistent exploitation.*** Priorities for the use of forest resources. In the forest reserve areas, only the persistent use of the forests may be allowed.

(Decree 877 of 1976, art. 2).

ARTICLE 2.2.1.1.17.3. ***Forest reserve.*** For the purposes of the previous article, the national territory is considered divided into the forest reserve areas established by Laws 52 of 1948 and 2a of 1959 and Decrees 2278 of 1953 and 0111 of 1959, except for the areas subtracted later. Forest reserve areas will also be those established or established after the aforementioned provisions.

(Decree 877 of 1976, art. 3).

ARTICLE 2.2.1.1.17.4. ***Unique permit.*** To grant a single permit, it will be necessary to previously subtract the forest reserve from the area where the exploitation is intended to be carried out.

For such subtraction, the prior request of the Ministry of Environment and Sustainable Development is required to determine the socio-economic need for the subtraction and the effectiveness of the new destination for the solution of said need; The subtraction may be carried out ex officio by the Ministry of Environment and Sustainable Development, prior to the studies referred to in this Article and the regulations that regulate the subject.

(Decree 877 of 1976, art. 4).

ARTICLE 2.2.1.1.17.5. ***Limitations and conditions to forest exploitation.*** The competent environmental authority, based on the studies carried out on specific areas, directly by it or by an interested party in advancing forest exploitation, will determine the limitations and conditions for forest exploitation in the protective, protective-producing and producing forest areas that are located. in the zone.

(Decree 877 of 1976, art. 6).

ARTICLE 2.2.1.1.17.6. ***Protective forest areas.*** The following are considered as protective forest areas:

a) All the lands located in regions where rainfall exceeds eight thousand millimeters (8,000 mm.) per year and with a slope greater than 20% (formations of tropical rain forests);

b) All lands located in regions whose rainfall is between four thousand and eight thousand millimeters (4,000 and 8,000 mm.) per year and its slope is greater than thirty percent (30%) (Very humid forest formations - tropical, premontane pluvial and lower montane pluvial forest);

c) All the lands, whose soil profile, regardless of its climatic and topographic conditions, presents morphological, physical or chemical characteristics that determine its conservation under permanent cover;

d) All land with a slope greater than one hundred percent (100%) in any ecological formation;

e) The areas that are determined to influence the headwaters and sources of rivers and streams, whether they are permanent or not;

f) The areas of stripped and degraded soils due to the intervention of man or animals, in order to obtain their recovery;

g) Any area in which it is necessary to carry out special forestry activities in order to control dunes, landslides, wind erosion, torrential riverbeds and unhealthy swamps;

h) Those areas that need to be declared as such due to eventual circumstances that affect the common interest, such as forest fires, forest pests and diseases, construction and maintenance of highways, housing and other engineering works;

i) Those that, due to the abundance and variety of aquatic and terrestrial wildlife, deserve to be declared as such, for its conservation and multiplication, and those that, without having such abundance and variety, instead offer conditions that are especially conducive to the establishment of wildlife.

(Decree 877 of 1976, art. 7).

ARTICLE 2.2.1.1.17.7. ***Forest management plan.*** When, prior to May 13, 1976, a Forest Management Plan was approved in areas that present the characteristics indicated in subparagraphs a) and b) of

Article 7, such areas may be subject to persistent forest exploitation, as long as the user of the resource of fulfillment to the protective practices foreseen in the approving technical concept of the Forest Management Plan.

(Decree 877 of 1976, art. 8).

ARTICLE 2.2.1.1.17.8. ***Protective-producing forest areas.*** The following are considered protective-producing forest areas:

a) All the lands located in regions whose rainfall exceeds eight thousand millimeters (8,000 mm.) per year and its slope is between 10% and 20%;

b) All lands located in regions whose rainfall is between four thousand and eight thousand millimeters (4,000 and 8,000 mm.) per year and whose slope is between 10% and 30% (formations of very humid tropical forest, pluvial forest premontane and lower montane rain forest);

c) All lands located in regions whose rainfall is between two thousand and four thousand millimeters (2,000 and 4,000 mm.) per year and whose slope is between 51% and 100% (tropical humid forest formations, very humid forest premontane, montane rain forest, and lower montane wet forest);

d) The areas determined as having incidence on reservoirs for hydroelectric plants, aqueducts or irrigation systems, lakes, lagoons and natural or artificial swamps, and

e) All the lands that, due to their soil conditions, make the protective character of the forest predominant, but allow exploitation by systems that ensure their permanence.

(Decree 877 of 1976, art. 9).

ARTICLE 2.2.1.1.17.9. ***Producing forest areas.*** Producer forest areas are considered:

a) Areas covered by natural forests, which due to their timber content are susceptible to rational and economic use, provided that they are not included within the protective-producing areas referred to in articles 7 and 9 of this decree;

b) Areas covered by artificial forests established for commercial purposes;

c) The areas that, being or not covered by forests, are considered suitable for forest cultivation due to their natural conditions.

(Decree 877 of 1976, art. 10).

ARTICLE 2.2.1.1.17.10. ***Priorities.*** In accordance with the provisions of articles 56 , 220 and 234 of Decree-Law 2811 of 1974, the competent environmental authority, when granting permits or concessions for forest use, will take into account the following priorities:

a) Having carried out studies on the area object of the request for forest exploitation;

b) Having established the industrial forest plantation on the area object of the request, and

c) Having a higher proportion of national capital.

(Decree 877 of 1976, art. 11).

ARTICLE 2.2.1.1.17.11. ***Criteria for choosing applicants.*** Of the criteria for choosing among several applicants. When two or more applicants concur to obtain a forest exploitation permit or concession, the competent environmental authority will take into account in the election at least the following criteria, without their enunciation implying order of priority:

a) Technical and economic conditions of each of the applicants, taking into account the prospected investments, the level of salaries offered, the installed industrial capacity, the experience in the use of forest resources, as well as the planned technical assistance;

b) Compliance with the obligations derived from concessions of study permits or forest exploitation granted previously to the applicant;

c) Guaranteed offer of a better use that avoids the waste or deterioration of the forest resource and ensures a greater transformation of the same;

d) The transformation of the products in the same region where the resource is found;

e) Greater percentage in the national participation referred to in article 220 of Decree 2811 of 1974, and

f) Attention to the vital needs of the inhabitants of the region in order to promote their economic and social development through the provision of services such as schools, health centers and posts, police stations, transportation, road construction and maintenance, housing, electrification and use of labor, among others.

(Decree 877 of 1976, art. 12).

ARTICLE 2.2.1.1.17.12. ***Choice between various permission requests.*** When there is a choice between several requests for forest exploitation permits, the requests presented to the Ministry of Environment and Sustainable Development, within thirty (30) business days, counted from the date on which they are made, will be considered as simultaneously formulated. has published the notice of the first application.

(Decree 877 of 1976, art. 13).

SECTION 18

CONSERVATION OF NATURAL RESOURCES IN RURAL AREAS

ARTICLE 2.2.1.1.18.1. Protection and use of water. In relation to the conservation, protection and use of water, property owners are required to:

1. Do not incorporate bodies or solid, liquid or gaseous substances into the water, such as rubbish, waste, waste or any toxic substance, or wash in them utensils, packages or containers that contain or have contained them.

2. Observe the regulations established by the Ministry of Environment and Sustainable Development and the ICA to protect the quality of resources, in terms of the application of agrochemical products.

3. Not to provoke the alteration of the natural flow of waters or the change of its bed or course as a result of the construction or development of activities not covered by permission or concession of the competent environmental authority, or of the violation of the provisions contained in the resolution of concession or permit.

4. Take advantage of the water efficiently and economically in the place and for the purpose provided for in the concession resolution.

5. Do not use more water than that granted in the concession.

6. Build and maintain the installations and hydraulic works in adequate conditions in accordance with the granting resolution.

7. Prevent the water that derives from a current or deposit from spilling or leaving the works that must obtain it.

8. Contribute proportionally to the conservation of hydraulic structures, surveillance roads and other common works and facilities.

9. Build septic tanks to collect and treat the sewage produced on the property when there are no sewage systems to which they can be connected.

10. Keep in a good state of cleanliness the channels and natural or artificial water deposits that exist in their properties, control fertilizer residues, in order to maintain the normal flow of water and avoid excessive growth of aquatic flora.

(Decree 1449 of 1977, art. 2).

ARTICLE 2.2.1.1.18.2. ***Forest protection and conservation.*** In relation to the protection and conservation of forests, property owners are obliged to:

1. Keep protective forest areas in forest cover within the property.

Protected forest areas are understood as:

a) The births of water sources in an area of at least 100 meters around, measured from its periphery.

b) A strip not less than 30 meters wide, parallel to the maximum tide lines, on each side of the riverbeds, ravines and streams, whether permanent or not, and around lakes or water reservoirs;

c) Land with slopes greater than 100% (45).

2. Protect specimens of prohibited wild flora species that exist within the property.

3. Comply with the provisions related to fire prevention, forest pests and burning control.

(Decree 1449 of 1977, art. 3).

ARTICLE 2.2.1.1.18.3. ***Provisions on forest cover.*** The owners of properties of more than 50 hectares must maintain at least 10% of their extension in forest cover, a percentage that the Ministry of Environment and Sustainable Development may vary when it deems it convenient.

To establish compliance with this obligation, the forest cover of the protective areas referred to in numeral 1 of article 3 of this Decree and of those others where live fences, fire barriers or slope protectors are established, will be taken into account. communication routes or channels that are within your property.

(Decree 1449 of 1977, art. 4).

ARTICLE 2.2.1.1.18.4. ***Provisions on forest cover.*** In awarded vacant land greater than 50 hectares, the owner must maintain a proportion of 20% of the extension of the land in forest cover. To establish compliance with this obligation, the same areas provided for in the previous article will be taken into account.

The Ministry of Environment and Sustainable Development may vary this percentage when it deems it convenient.

(Decree 1449 of 1977, art. 5).

ARTICLE 2.2.1.1.18.5. ***Protection and conservation of terrestrial and aquatic fauna.*** In relation to the protection and conservation of terrestrial and aquatic fauna, property owners are obliged to:

1. Not incur in the behaviors prohibited by articles 265 , 282 and 283 of Decree-Law 2811 of 1974.

2. Give notice to the competent environmental authority if there are niches or habitats of protected species on your property, or if specimens of equally protected species are found on it permanently or temporarily.

With respect to one and the other, it must comply with the conservation and protection regulations.

3. Prevent third parties from violating the prohibitions provided for in Articles 265 , 282 of Decree-Law 2811 of 1974, especially insofar as it refers to:

a) The installations of hammocks or trammel nets, or any other element that prevents the free and permanent passage of fish in the mouths of the swamps, pipes or natural channels;

b) The contamination of the waters or the atmosphere with elements or products that destroy the wild, aquatic or terrestrial fauna;

c) Fishing with dynamite or barbasco;

d) Hunting and fishing of prohibited species or in prohibited times or areas, or with prohibited methods; Once the execution of any of the acts referred to in this article is known, the owner must notify the nearest office of the competent environmental authority.

(Decree 1449 of 1977, art. 6).

ARTICLE 2.2.1.1.18.6. ***Soil protection and conservation.*** In relation to the protection and conservation of soils, property owners are obliged to:

1. Use the soils in accordance with their conditions and constitutive factors in such a way that their physical integrity and productive capacity are maintained, in accordance with the agrological classification of the IGAC and with the recommendations indicated by the ICA, the IGAC and the Ministry of Environment. and Sustainable Development.

2. Protect soils through appropriate cultivation techniques and soil management, which prevent salinization, compaction, erosion, contamination or slump and, in general, the loss or degradation of soils.

3. Maintain the vegetation cover of the land dedicated to livestock, for which the formation of cattle trails or terraces that are produced by overgrazing and other practices that result in erosion or soil degradation will be avoided.

4. Do not build or carry out works that are not essential for agricultural production on land that has this purpose.

5. Protect and maintain the protective vegetation of the slopes of communication routes or canals when said slopes are within their property, and establish protective vegetation barriers on the edge of the same when the land near these roads or canals They cannot be kept covered with vegetation all year round.

6. Protect and maintain the vegetation cover on both sides of the ditches in a strip equal to twice the width of the ditch.

(Decree 1449 of 1977, art. 7).

ARTICLE 2.2.1.1.18.7. ***General obligations.*** In any case, the owners are obliged to:

a) Facilitate and cooperate in the practice of proceedings that the competent environmental authority deems appropriate to supervise compliance with the obligations referred to in this Decree, and provide the data and documents that are required;

b) Inform the competent environmental authority immediately if within their properties or neighboring properties, or in coastal waters, there is deterioration in renewable natural resources due to natural causes or by the act of third parties, or there is a danger that occur, and to cooperate in the prevention or correction tasks carried out by the competent environmental authority.

(Decree 1449 of 1977, art. 8).

EPISODE 2

WILDLIFE

SECTION 1

OBJECTIVES AND SCOPE OF APPLICATION

ARTICLE 2.2.1.2.1.1. *Object* . This Chapter develops the National Code of Renewable Natural Resources and Environmental Protection in matters of wildlife and therefore regulates the activities related to this resource and its products.

(Decree 1608 of 1978 art. 1).

ARTICLE 2.2.1.2.1.2. *Public utility and social interest.* In accordance with the provisions of the first article of the National Code of Renewable Natural Resources and Environmental Protection, the activities of preservation and management of wild fauna are of public utility and social interest.

(Decree 1608 of 1978 art. 2).

ARTICLE 2.2.1.2.1.3. *Regulation.* In accordance with the previous articles, this chapter regulates:

1. The preservation, protection, conservation, restoration and promotion of wildlife through:

a) The establishment of reserves and management areas for the conservation, research and propagation of wild fauna;

b) The establishment of permanent prohibitions or temporary closures.

2. The use of wild fauna and its products, both when it is carried out by individuals, and when it is carried out by the managing entity of the resource, through:

a) The regulation of the ways of acquiring the right to exercise hunting and hunting activities;

b) The regulation of the exercise of hunting and activities related to it, such as processing or transformation, mobilization and marketing;

c) The regulation of hunting establishments;

d) The establishment of obligations to the holders of hunting permits, to those who carry out hunting activities or practice subsistence hunting and to the owners, possessors or administrators of properties in relation to the wild fauna found in them and with the protection of its ecological environment;

e) Modified by art. 2, National Decree 1272 of 2016 <*The new text is the following*> The repopulation of wild fauna through the remuneration of the use of the resource with the payment of fees, to ensure the maintenance of the renewal of wild fauna;

The original text was as follows:

e) The repopulation of the wild fauna through the retribution of the use of the resource with the payment of fees or with the replacement of the individuals or specimens obtained, to ensure the maintenance of the renewal of the wild fauna;

f) The development and use of new and better methods of exploitation and conservation;

g) The regulation and supervision of the functioning of both zoological gardens, natural history collections and museums, as well as activities related to wild fauna developed by national or foreign cultural or educational entities or associations;

h) The control of activities that may have an impact on wildlife.

3. The promotion and restoration of the resource through:

a) The regulation of the population, transplant or introduction of specimens and species of wild fauna;

b) The regime of the faunal territories, hunting reserves and zoocriaderos.

4. The establishment of general obligations and prohibitions, the organization of control, the sanctions regime and the procedure for their imposition.

5. The functions of the administrative entity of the resource.

(Decree 1608 of 1978, art. 3).

ARTICLE 2.2.1.2.1.4. *Concept.* In accordance with article 249 of Decree-Law 2811 of 1974, wild fauna is understood as the set of animals that have not been subject to domestication, genetic improvement or regular breeding and rearing, or that have returned to their wild state, excluding those fish and all other species that have their entire life cycle within the aquatic environment.

(Decree 1608 of 1978 art. 4) .

ARTICLE 2.2.1.2.1.5. *Area of application.* The management of species such as cetaceans, sirenians, pinnipeds, marine and semi-aquatic birds, sea turtles and fresh or brackish water turtles, crocodiles, anuran batrachians and other species that do not complete their entire life cycle within the aquatic environment but that depend on it for its subsistence, it is governed by this decree, but for the purposes of protecting its ecological environment, the protection regulations provided for in the statutes corresponding to non-maritime waters, hydrobiological resources, flora and marine environment will be equally applicable.

(Decree 1608 of 1978, art. 5).

ARTICLE 2.2.1.2.1.6. *Property and limitations.* In accordance with article 248 of Decree-Law 2811 of 1974, the wild fauna found in the national territory belongs to the Nation, except for the species of zoocriaderos and hunting reserves of private property; but in this case the owners are subject to the limitations and other provisions established in the National Code of Renewable Natural Resources and Environmental Protection, in this decree and in the provisions that develop them.

(Decree 1608 of 1978, art. 6).

ARTICLE 2.2.1.2.1.7. *domain of the nation.* The domain that the nation exercises over wildlife in accordance with Decree-Law 2811 of 1974, does not imply that the State can use this resource as a fiscal asset, but rather that its administration and management corresponds to it through its specialized entities.

(Decree 1608 of 1978 art. 7) .

ARTICLE 2.2.1.2.1.8. *App.* The provisions of Decree-Law 2811 of 1974 and those contained in this decree apply to all activities concerning both wild fauna species and their specimens and products that are permanently, temporarily or transitory in the national territory. .

(Decree 1608 of 1978, art. 8).

SECTION 2

ADMINISTRATION AND MANAGEMENT OF WILDLIFE

ARTICLE 2.2.1.2.2.1. *Function Ministry of Environment and Sustainable Development.* The Ministry of Environment and Sustainable Development must formulate the environmental policy and collaborate in the coordination of its execution when it corresponds to other entities.

(Decree 1608 of 1978, art. 9).

ARTICLE 2.2.1.2.2.2. *Competition.* In terms of wildlife, the environmental authorities are responsible for its administration and management. At the national level, and at the regional level, to the entities to whom this function has been expressly assigned by law, in which case these entities must comply with the national policy and the coordination mechanisms for the execution of the policy.

(Decree 1608 of 1978, art. 10).

ARTICLE 2.2.1.2.2.3. *Purpose.* For the purposes of this chapter, the name "Managing Entity" shall mean both the Ministry of Environment and Sustainable Development, as well as the regional corporations that have been assigned by law the function of managing this resource; when only the function of

promoting or preserving wild fauna has been assigned, the competence is not extensive to the granting of permits, licenses and authorizations and other regulations related to the use of the resource.

(Decree 1608 of 1978, art. 11).

ARTICLE 2.2.1.2.2.4. ***private competition.*** The functions referred to in the previous articles will be exercised without prejudice to the exclusive competence that Decree-Law 2811 of 1974 attributes to the national Government in articles 259 , 261 and 290 for the approval of commercial hunting licenses, export licenses and authorizations for the introduction of species.

(Decree 1608 of 1978, art. 12).

SECTION 3

SPECIAL RULES FOR THE PROTECTION AND MANAGEMENT OF WILDLIFE

ARTICLE 2.2.1.2.3.1. ***Administration and management.*** The administration and management of wildlife must be aimed at achieving the objectives set forth in article 2 of the National Code of Renewable Natural Resources and Environmental Protection, for which the rules and principles that the same statute will take into account. establishes and those related in this chapter.

(Decree 1608 of 1978, art. 13).

ARTICLE 2.2.1.2.3.2. ***Guarantee of principles.*** To guarantee the recognition of the principle according to which renewable natural resources are interdependent and to ensure that their use will be done in such a way that the uses interfere with each other and the greatest social benefit is obtained, both in the activities of the administrative quality and in the activities of individuals, whose purpose is the management or use of wildlife or related to it, the environmental impact of the proposed measure or activity must be considered, with respect to the same resource, related resources and ecosystems. of which they are a part, in order to avoid, correct or minimize undesirable or harmful effects.

(Decree 1608 of 1978, art. 14).

ARTICLE 2.2.1.2.3.3. ***Reserve areas.*** When it is necessary to carry out special programs for the restoration, conservation or preservation of wild fauna species, the managing entity may delimit and create reserve areas that, in accordance with articles 253 and 255 of Decree-Law 2811 of 1974, will be called faunal territories or reserves. hunting.

(Decree 1608 of 1978, art. 18).

ARTICLE 2.2.1.2.3.4. ***Faunal territory.*** When the area is reserved and bordered for the conservation, research and management of wild fauna for demonstrative purposes, it will be called "faunal territory" and only scientific hunting will be allowed in them. If the area is reserved for the same purposes and also to promote hunting species, it will be called a "hunting reserve" and scientific hunting, promotional hunting and sport hunting may be allowed in it.

The managing entity shall establish the management plans for each of these areas in accordance with the regime prescribed in Sections 18 and 19 of this chapter.

(Decree 1608 of 1978, art. 19).

ARTICLE 2.2.1.2.3.5. ***Declaration.*** In addition to the reserves referred to in the previous articles, forest areas may be declared as protective, when necessary to protect species in danger of extinction.

(Decree 1608 of 1978, art. 20).

ARTICLE 2.2.1.2.3.6. ***Wildlife sanctuary.*** When an area meets the conditions required by current regulations to be a "fauna sanctuary", its delimitation and declaration as such, as well as its regulation and management, will be done in accordance with the statute that governs the national park system.

In all activities that are intended to be carried out in areas of the National Natural Parks System in relation to wildlife, including research, in addition to the standards provided by Decree-Law 2811 of 1974 and by this decree on the resource, must be complied with, the special provisions that govern the management of the system in general and of the area in particular.

(Decree 1608 of 1978, art. 21).

ARTICLE 2.2.1.2.3.7. *closed.* In order to preserve and protect wildlife, the managing entity may impose temporary or periodic closures or permanent hunting prohibitions. When the needs of preservation or protection of wild fauna at the national level so require, the Ministry of Environment and Sustainable Development will promote the adoption by regional entities of prohibitions or bans and of coordinated control mechanisms to guarantee compliance with the measure.

(Decree 1608 of 1978, art. 22).

ARTICLE 2.2.1.2.3.8. *Ban lifting.* The closures or prohibitions that are established in accordance with the previous articles may not be lifted until the managing entity, through special studies, verifies that the reason that determined the closure or prohibition has ceased and that the fauna populations have been reestablished or recovered the proposed balance. with the measure.

(Decree 1608 of 1978, art. 23).

ARTICLE 2.2.1.2.3.9. *Other declarations* . With the same purposes provided for in the previous articles, the managing entity may declare species, specimens or individuals that require a special type of management and will indicate the protection and conservation standards and practices to which any natural or legal person, public or privately and especially the owners, possessors or holders of any title of properties in which such species, specimens or individuals are found or have their environment or lodging.

(Decree 1608 of 1978, art. 24).

ARTICLE 2.2.1.2.3.10. *Implications of the ban.* The establishment of a ban or prohibition of hunting individuals of the wild fauna, also implies the prohibition of taking advantage of their products, that is, processing them in any way, marketing them, storing them or taking them out of the country.

(Decree 1608 of 1978, art. 25).

ARTICLE 2.2.1.2.3.11. *Record.* The managing entity will keep a strict record or inventory of the number of specimens and products that are allowed to be obtained in each permit, especially in commercial hunting, so that these data are available at all times for control purposes, particularly when a ban or ban is established.

(Decree 1608 of 1978, art. 26).

ARTICLE 2.2.1.2.3.12. *Fees for use.* In accordance with the provisions of article 18 of Decree-Law 2811 of 1974, the use of wild fauna is subject to the payment of fees or the replacement of the individuals or specimens obtained, in the amount and manner determined by the managing entity of the resource. The value of the rates will be applied to maintain the renewability of the resource. Subsistence hunting is exempt from this obligation.

NOTE: Underlined text has been removed. by art. 2 , National Decree 1272 of 2016.

(Decree 1608 of 1978, art. 27).

ARTICLE 2.2.1.2.3.13. *Obligations managing entities.* When the managing entity intends to directly advance the use of the resource, it is also obliged to carry out the pertinent environmental studies.

(Decree 1608 of 1978, art. 28).

ARTICLE 2.2.1.2.3.14. *Promotion.* The managing entity of the resource also corresponds to the promotion of the resource, which may be done through repopulation, transplantation and introduction of species, activities that will be carried out in accordance with the provisions of Section 11 of this chapter.

(Decree 1608 of 1978, art. 29) .

SECTION 4

OF THE USE OF THE WILD FAUNA AND ITS PRODUCTS – BUDGETS FOR THE USE

ARTICLE 2.2.1.2.4.1. *Efficiency in the use.* The use of wildlife and its products must be done efficiently, observing the provisions of Decree-Law 2811 of 1974 and of this decree and the regulations established by the managing entity for each type of use in its development.

(Decree 1608 of 1978, art. 30).

ARTICLE 2.2.1.2.4.2. *Modes of use* . The use of wild fauna and its products may only be carried out by means of a permit, authorization or license that may be obtained in the manner provided for in this chapter.

Subsistence hunting does not require a permit but must be practiced in such a way that the resource is not damaged. The administering entity will organize systems to supervise its exercise.

(Decree 1608 of 1978, art. 31).

ARTICLE 2.2.1.2.4.3. *Permit, authorizations or licenses.* The permits, authorizations or licenses for the use of specimens or products of wild fauna are personal and non-transferable and do not authorize the exercise of activities whose control corresponds to other entities or agencies of the State, much less the extraction of elements, products or goods. whose surveillance and control correspond to them.

(Decree 1608 of 1978, art. 32).

ARTICLE 2.2.1.2.4.4. *Characteristic.* In accordance with the provisions of article 258 of Decree-Law 2811 of 1974, the managing entity will determine the species of wild fauna, as well as the number, size and other characteristics of wild animals that may be hunted, the areas and the seasons in which hunting can be practiced and the products of wild fauna that can be exploited according to the zoological species.

The quotas for obtaining individuals, specimens or products of wild fauna may never exceed the recovery capacity of the resource in the area where the exploitation is carried out.

(Decree 1608 of 1978, art. 33).

SECTION 5

EXERCISE OF HUNTING AND HUNTING ACTIVITIES

ARTICLE 2.2.1.2.5.1. *Concept.* Hunting is understood as any act aimed at capturing wild animals, either killing them, mutilating them or trapping them alive and collecting their products. It is understood under the generic action of hunting all means of searching, chasing, harassing, apprehending or killing individuals or specimens of wild fauna or collecting their products.

(Decree 1608 of 1978, art. 54).

ARTICLE 2.2.1.2.5.2. *Hunting activities.* They are hunting activities or activities related to it, the breeding or capture of individuals, specimens of wild fauna and the collection, transformation, processing, transport, storage and commercialization of the same or their products.

(Decree 1608 of 1978, art. 55).

ARTICLE 2.2.1.2.5.3. ***They cannot be the object of hunting or hunting activities.*** Wild animals for which the managing entity has not determined that they can be hunted.

Individuals, specimens or products for which a ban or prohibition has been declared.

Individuals, specimens and products whose number, size and other characteristics do not correspond to those established by the managing entity.

Individuals, specimens and products for which the legal requirements for obtaining them have not been met, or whose origin is not legally proven.

Nor can individuals, specimens or products be hunted outside the established hunting seasons.

(Decree 1608 of 1978, art. 56).

ARTICLE 2.2.1.2.5.4. ***Hunting exercise.*** To exercise hunting, a permit is required, which, according to the hunting classification established in article 252 of Decree-Law 2811 of 1974, may be of the following classes:

1. Commercial hunting permit.

2. Sport hunting permit.

3. Control hunting permit.

4. Permit for promotion hunting.

(Decree 1608 of 1978, art. 57).

ARTICLE 2.2.1.2.5.5. ***Use of weapons.*** Only weapons, supplies and devices determined by the managing entity may be used for hunting purposes. When the exercise of hunting requires the use of weapons and ammunition, their legal acquisition and possession, in accordance with the laws and regulations that regulate the trade, carrying and use of weapons, is an essential condition that must be accredited by the person requesting the permit.

(Decree 1608 of 1978, art. 58).

SECTION 6

OF THE EXERCISE OF COMMERCIAL HUNTING AND ITS RELATED ACTIVITIES

ARTICLE 2.2.1.2.6.1. ***Loss of validity.*** When a closed season or prohibition is established or when areas are incorporated into the System of National Natural Parks, faunal territories are created or when the resource is reserved as established in article 47 of Decree-Law 2811 of 1974, the hunting permits granted lose their validity. validity and therefore their holders cannot rely on them to capture individuals or products of wildlife or to collect their products.

(Decree 1608 of 1978, art. 70).

ARTICLE 2.2.1.2.6.2. ***Inventories.*** Those who, in the exercise of a commercial hunting permit or their related activities, have obtained, in accordance with said permit, prior to the establishment of a ban or prohibition, individuals or products of a species included in the measure, must present an inventory containing the exact relationship of stocks at the time of establishing the prohibition or ban.

(Decree 1608 of 1978, art. 71).

ARTICLE 2.2.1.2.6.3. ***Special safe-conduct.*** Only with respect to the individuals and products that are included in the inventory referred to in the previous article, a special safe-conduct will be granted to cover their mobilization and commercialization, operations that must be carried out within the established term.

The confiscation of any individual or product that has not been included in the inventory within the term and with the requirements determined by the managing entity, or that, having been included, is marketed outside the term established for it.

(Decree 1608 of 1978, art. 72).

ARTICLE 2.2.1.2.6.4. *Commercialization.* Those who are dedicated to the commercialization of individuals or products of wild fauna, including the deposit for the same purpose, must attach to the application, in addition to the data and documents related to this decree, the following:

1. Name and location of the store, warehouse, establishment or deposit where it is intended to buy, sell, keep or store the individuals or products.

2. Name and identification of the providers.

3. Indication of the species or subspecies to which the individuals or products that are stored, purchased or sold belong.

4. State in which they are deposited, bought or sold.

5. Destination of the commercialization, that is, if the individuals or products go to the national market or for export.

(Decree 1608 of 1978, art. 73).

ARTICLE 2.2.1.2.6.5. *Additional data in activity plan.* The natural or legal persons that are dedicated to the transformation or processing of individuals, including taxidermy that is practiced in order to commercialize the pieces thus treated and the deposit of the individuals or products object of the processing or transformation of individuals or products of the wildlife, in addition to the data and documents referred to in this decree must include in the plan of activities, the following data at least:

1. Indication of the species or subspecies to which the individuals or products, object of transformation or processing, belong.

2. Kind of transformation or procedure to which they will be subjected, including taxidermy.

3. Methods or systems to be used and specification of the equipment and installations.

4. Location of the establishment where the transformation or processing will take place.

5. Feasibility study that contemplates the production and operations plan, the installed capacity, the amount of investments, the projected market for the products already processed or transformed, and the estimation of the sources of supply of raw materials.

6. Name and identification of the providers.

7. Destination of the processed or transformed products, that is, if they go to the national market or for export.

(Decree 1608 of 1978, art. 74).

ARTICLE 2.2.1.2.6.6. *Record.* Those who engage in custom taxidermy and do not market the taxidermized pieces must register with the entity that administers the resource, providing their name, address and identification, and the location of the workshop and warehouse. They are obliged to keep the book referred to in 2.2.1.2.6.14 of this chapter, to comply with the obligations established in articles 2.2.1.2.6.15, 2.2.1.2.6.16 and 2.2.1.2.6.17 of this decree.

(Decree 1608 of 1978, art. 75).

ARTICLE 2.2.1.2.6.7. *Inventories.* When a ban or prohibition is declared for the exercise of hunting, the holders of permission to exercise activities related to commercial hunting, including taxidermy that is carried out on request, must carry out the inventory of stocks in the form, term and for the purposes set

forth in articles 2.2.1.2.6.2 and 2.2.1.2.6.2 of this chapter, under penalty of confiscation and other applicable sanctions.

(Decree 1608 of 1978, art. 76) .

ARTICLE 2.2.1.2.6.8. *Request.* People who are engaged in both the capture or collection of individuals or products of wildlife and their processing or marketing, must include in the application and in the activity plan the data and documents required for each of such. activities, without it being necessary to repeat the data that is common to all of them.

(Decree 1608 of 1978, art. 77).

ARTICLE 2.2.1.2.6.9. *Effects of the ban.* Marketing or primary transformation activities may in no case be aimed at species, subspecies or products for which a ban or prohibition has been declared.

The development of commercial hunting and activities related to it must be subject to the plan of activities that served as the basis for granting the permit, under penalty of revocation of this, confiscation of the products obtained and imposition of other sanctions that may apply. place.

In order to market or transform individuals or products legally obtained by virtue of permits granted prior to the declaration of the ban or prohibition, the interested party must present the inventory of stocks in accordance with the provisions of 2.2.1.2.6.2. and 2.2.1.2.6.3 in this chapter.

(Decree 1608 of 1978, art. 78).

ARTICLE 2.2.1.2.6.10. *Commercial hunting permit for scientific purposes.* A commercial hunting permit is required to obtain wildlife individuals or products for exclusively scientific purposes from foreign companies or entities.

In order for the permit to be granted, the interested party must attach to the application, in addition to the data and documents related to the required environmental studies and the plan of activities, information on the name and address of the research company or entity, the type of research that it carries out and for which it requires the individuals or products.

(Decree 1608 of 1978, art. 79).

ARTICLE 2.2.1.2.6.11. *Export of individuals or products.* The export of individuals or products, obtained in the exercise of this permit, is subject to compliance with the requirements and procedures established by article 261 of Decree-Law 2811 of 1974 and by this chapter.

(Decree 1608 of 1978, art. 80).

ARTICLE 2.2.1.2.6.12. *Foreign people.* To obtain a commercial hunting permit, foreign natural or legal persons must be domiciled in Colombia and linked to a national industry dedicated to the use of wildlife.

(Decree 1608 of 1978, art. 81).

ARTICLE 2.2.1.2.6.13. *Exercise.* The exercise of commercial hunting does not confer on the holder of the permit any right that limits or prevents the exercise of hunting to other authorized persons in the same area, including, among the latter, those who exercise hunting by operation of law.

(Decree 1608 of 1978, art. 82).

ARTICLE 2.2.1.2.6.14. *Logbook.* Natural or legal persons engaged in the marketing or processing, including taxidermy of individuals or products of wildlife, must keep a record book in which at least the following data will be recorded:

1. Date of the commercial transaction through which individuals or products are acquired or sold, or received for processing or taxidermy.

2. Quantity of individuals or products, object of the transaction, processing or taxidermy, discriminated by species.

3. Name and identification of the supplier and the buyer or the owner of the individuals or the material object of processing or taxidermy.

4. Places of origin of individuals or products.

5. Places of destination, specifying whether it is a national or export market.

6. Number and date of the mobilization safe-conduct of the individuals or products that are acquired.

(Decree 1608 of 1978, art. 83).

ARTICLE 2.2.1.2.6.15. *Obligations.* The persons referred to in this chapter must allow stock control visits and display the book referred to in the previous article and other documents that are required by the officials of the managing entity empowered to do so.

(Decree 1608 of 1978, art. 84).

ARTICLE 2.2.1.2.6.16. *Prohibitions.* In accordance with the provisions of letter g of article 265 of Decree-Law 2811 of 1974, it is prohibited to acquire, for commercial purposes, hunting products whose legal origin is not proven.

Those who obtain individuals or products from wildlife for marketing, processing or transformation, including commercial taxidermy and that which is made to order, are obliged to demand from the suppliers or the owners of the material the safe-conduct that proves its legal origin. penalty of confiscation, without prejudice to the other sanctions that may apply.

The persons referred to in the previous articles shall refrain from obtaining, marketing, processing or subjecting individuals, products or material to taxidermy with respect to which there is a ban or prohibition, or whose sizes or characteristics do not correspond to those established and shall report to those who intend to sell them, deliver them in deposit or for processing or taxidermy such individuals, products or materials.

(Decree 1608 of 1978, art. 85).

ARTICLE 2.2.1.2.6.17. *Activity report.* The holder of the commercial hunting permit or to carry out activities related to it, including taxidermy, must present during its development and at the end of it a report of activities and the results obtained, in the form established by the managing entity.

(Decree 1608 of 1978, art. 86).

SECTION 7

COMMERCIAL HUNTING

ARTICLE 2.2.1.2.7.1. *Ambit.* This section contains the National Code of Natural Resources and Environmental Protection, Law 99 of 1993 and Law 611 of 2000 regarding commercial hunting activities.

(Decree 4688 of 2005, art. 1) .

ARTICLE 2.2.1.2.7.2. *Definition.* Commercial hunting is understood as that which is carried out by natural or legal persons to obtain economic benefit. Commercial hunting includes the activities of capturing specimens of wild fauna, collecting them or their products, and marketing them.

Paragraph. For the purposes of this decree, specimens are understood to mean live or dead animals, their parts, products or derivatives.

(Decree 4688 of 2005, art. 2).

ARTICLE 2.2.1.2.7.3. *From the exercise of commercial hunting.* Corrected by no. 1 items 25, National Decree 703 of 2018. *<Item 1 corrected by art.1, National Decree 1956 of 2015 is as follows>* The person interested in carrying out commercial hunting must process and obtain an environmental license from the regional autonomous corporation with jurisdiction

in the place where the activity is intended to be carried out. For the above purpose, the requirements and the procedure indicated in the articles contained in Chapter 3, Title 2, Part 2, Book 2 of this decree, or the rule that modifies or replaces it and the provisions of the this decree.

Paragraph 1. When, in addition to commercial hunting, the interested party intends to develop activities of processing, transformation, and/or commercialization of the specimens obtained, the following information must be attached to the environmental license application:

1. Type(s) of industrial process that is intended to be carried out.

2. Plans and designs of facilities and equipment.

3. Production costs and projections.

4. Processing or transformation to which the specimens will be subjected.

5. Destination of the production specifying national and/or international markets.

Paragraph 2. When the processing, transformation, and/or commercialization activities intend to be carried out in the jurisdiction of an environmental authority other than the one competent to grant the environmental license for commercial hunting, the interested party must comply with the provisions of articles 2.2.1.2.6.4 . to 2.2.1.2.6.17. of this decree.

Paragraph 3. When it is intended to carry out activities that involve access to genetic resources in relation to wild fauna, Andean Decision 391 of 1996 and its regulatory norms, or the norms that modify or replace it, must be complied with.

(Decree 4688 of 2005 article **3** *)*
Other modifications: Corrected by art. 1, National Decree 1956 of 2015.

The original text was as follows:

Article 2.2.1.2.7.3. From the exercise of commercial hunting. *The person interested in carrying out commercial hunting must process and obtain an environmental license from the regional autonomous corporation with jurisdiction in the place where the activity is intended to be carried out. For the above effect, the requirements and procedure indicated in 2041 of 2014 or the rule that modifies or replaces it and the provisions of this decree must be complied with.*

Paragraph 1. *When, in addition to commercial hunting, the interested party intends to develop activities of processing, transformation, and/or commercialization of the specimens obtained, the following information must be attached to the environmental license application:*

1. Type(s) of industrial process that is intended to be carried out.

2. Plans and designs of facilities and equipment.

3. Production costs and projections.

4. Processing or transformation to which the specimens will be subjected.

5. Destination of the production specifying national and/or international markets.

Paragraph 2. *When the processing, transformation, and/or commercialization activities intend to be carried out in the jurisdiction of an environmental authority other than the one competent to grant the environmental license for commercial hunting, the interested party must comply with the provisions of articles 2.2.1.2.6.4 . to 2.2.1.2.6.17. of this decree.*

Paragraph 3. *When it is intended to carry out activities that involve access to genetic resources in relation to wild fauna, Andean Decision 391 of 1996 and its regulatory norms, or the norms that modify or replace it, must be complied with.*

*(Decree 4688 of 2005 article **3**)*

ARTICLE 2.2.1.2.7.4. ***From the environmental impact study.*** The environmental impact study that must be provided by the interested party in obtaining an environmental license to carry out commercial hunting activities, must correspond in its content and specificity to the characteristics and environment of the project in accordance with the guidelines established for this purpose by the Ministry of Environment and Sustainable development.

(Decree 4688 of 2005, art. 4).

ARTICLE 2.2.1.2.7.5. ***Of the decision.*** The Regional Autonomous Corporations, when granting the environmental license for commercial hunting, must at least:

1. Indicate the name, identification and address of the holder of the environmental license.

2. Indicate the general purpose, location and jurisdiction of the area where commercial hunting and other authorized activities will be carried out.

3. Identify the species(s), times, hunting techniques and methods, type of weapons to be used and other aspects related to its development.

4. Assign the first annual use quota.

5. Authorize the system of identification and registration or marking of the specimens that will be marketed.

6. Authorize the renewable natural resources that are required to take advantage of and/or affect, as well as the conditions, prohibitions and requirements of their use, in the cases that are necessary.

7. Indicate the requirements, conditions and additional obligations to the submitted environmental management plan that the beneficiary of the environmental license must comply with.

8. Indicate the periodicity and content of the reports of the activities carried out.

9. Modified by art. 2, National Decree 1272 of 2016. <*The new text is as follows*> Point out the obligation to pay the compensatory rate for hunting wildlife

The original text was as follows:

9. Indicate the value of the compensatory rates, which will be used for the conservation of the species(s) hunted.

10. Indicate the term of validity of the environmental license.

Paragraph. The environmental license may not have a term greater than five (5) years.

(Decree 4688 of 2005, art. 5).

ARTICLE 2.2.1.2.7.6. ***From the usage fee.*** The utilization fee must be established annually by the competent regional autonomous corporation and must include the quantity and description of the specimens to be captured or collected and the characteristics of the affected individuals, such as sex, size, among others.

The holder of the environmental license must request before the competent regional autonomous corporation the annual allocation of exploitation quotas, for which he will present the results of the monitoring of the wild populations that will be the object of exploitation. Said monitoring must have been carried out within the three (3) months prior to the date of presentation of the application.

The quotas for the use of specimens from the natural environment will be assigned once a year by the Regional Autonomous Corporations based on the visits made to the area object of the activity and on the evaluation and verification of the information presented by the user.

Paragraph 1. The annual utilization quotas may not be paid in periods other than those to which they were assigned.

Paragraph 2. The exploitation quotas must be assigned in such a way that they do not lead to a negative affectation that puts the population that is the object of extraction at risk. If this situation arises, the competent environmental authority will refrain from authorizing new captures until the stability of the resource is demonstrated.

(Decree 4688 of 2005, art. 6).

ARTICLE 2.2.1.2.7.7. ***Of the term.*** The term to carry out the hunting tasks will be defined in each case by the competent environmental authority according to the biological cycle of the species and the results of the population studies carried out. In any case, this may not exceed two (2) months in each year.

(Decree 4688 of 2005, art. 7).

ARTICLE 2.2.1.2.7.8. ***From the log book.*** The holder of the environmental license must register with the competent environmental authority a book in which he will record at least the hunting activities carried out, the number of specimens obtained, their characteristics and their destination. The competent environmental authority will require the presentation of the registration book to advance its evaluation, control and follow-up work.

(Decree 4688 of 2005, art. 8).

ARTICLE 2.2.1.2.7.9. ***Control and follow up.*** The Regional Autonomous Corporations will carry out the control and monitoring of the environmental licenses granted to carry out commercial hunting activities in order to:

1. Verify the information presented by the license holder in the reports and recorded in the registry book, based on periodic visits to the sites where the activity is carried out.

2. Permanently monitor commercial hunting activities and the wild populations that are targeted.

3. Verify the implementation of environmental management measures, environmental management plans, follow-up and monitoring, and contingency plans, as well as the efficiency and effectiveness of the management measures implemented.

4. Corroborate how the real behavior of the environment, the wildlife resource and other natural resources is compared to the development of the project and demand the periodic adjustment of the environmental management measures, by means of an administrative act motivated by technical concepts when appropriate.

5. Verify compliance with all the obligations and conditions derived from the environmental license.

6. The control and follow-up must be fulfilled during all the stages of the authorized activity or project.

(Decree 4688 of 2005, art. 9).

ARTICLE 2.2.1.2.7.10. ***From the monitoring of populations and ecosystems.*** The Regional Autonomous Corporations will develop, directly or with the support of scientific research institutes linked to the Ministry of Environment and Sustainable Development and/or Sina's technical and scientific support authorities, the population studies and models that are necessary to monitor the status of the populations subject to exploitation and the regional impact of the authorized commercial hunting activities on the other affected populations and ecosystems.

(Decree 4688 of 2005, art. 10).

ARTICLE 2.2.1.2.7.11. ***From the commercialization of products for human consumption.*** Meat and other products for human consumption from wildlife may only be marketed after obtaining the respective health certificate issued by the competent authority.

(Decree 4688 of 2005, art. 11).

ARTICLE 2.2.1.2.7.12. ***From the export.*** The interested party in carrying out export activities of wild fauna specimens obtained by virtue of commercial hunting, must process and obtain the corresponding permit from the Ministry of Environment and Sustainable Development, in accordance with the regulations that regulate the matter.

(Decree 4688 of 2005, art. 12).

Paragraph. The Ministry of Environment and Sustainable Development will designate sea and river ports, airports and other places for the international trade of wild species.

(Decree 4688 of 2005 art. 12).

ARTICLE 2.2.1.2.7.13. ***Compensatory rates.*** The use of wildlife through commercial hunting will be subject to the payment of compensatory rates. The collection generated by the previous concept will be destined to guarantee the renewability of the resource.

(Decree 4688 of 2005, art. 13).

ARTICLE 2.2.1.2.7.14. ***Of the restrictions for hunting.*** The Regional Autonomous Corporations may only grant environmental licenses for commercial hunting activities, in cases where the Ministry of Environment and Sustainable Development has previously set the species and the Global utilization quotas.

Likewise, commercial hunting may not be authorized in areas where critical environments or places are found for the reproduction, survival or feeding of native or migratory species. Likewise, commercial hunting may not be authorized in the case of specimens on which there is a ban or prohibition, that are under some category of threat or that have some type of restriction within the framework of international agreements approved and ratified by the country.

(Decree 4688 of 2005, art. 14).

ARTICLE 2.2.1.2.7.15. ***From protection.*** Once a ban or prohibition has been declared on species or specimens of wild fauna, the regional environmental authorities must carry out an analysis of the environmental permits and licenses granted for the use of said species, in order to adopt measures for their protection, which may involve the revocation of the corresponding administrative instrument in accordance with the precautionary principle.

(Decree 4688 of 2005, art. 15).

ARTICLE 2.2.1.2.7.16. ***Extensive or semi-extensive management.*** The zoocriaderos of the species that as of December 22, 2005 have been authorized by the competent environmental authority and are operating under extensive or semi-extensive management systems, must comply with the provisions of this decree regarding commercial hunting or with the provisions in the norms that regulate the zoocriaderos for commercial purposes in a closed cycle, as appropriate.

(Decree 4688 of 2005, art. 16).

ARTICLE 2.2.1.2.7.17. ***Of the studies.*** In cases where there are studies on species(s) and/or ecosystem(s) related to activities that are the subject of an environmental license application and that have been carried out by the environmental authorities and/or by the research institutes linked to the Ministry of Environment and Sustainable Development and/or by the other technical and scientific support entities of the National Environmental System, these may be considered as components of the information requirements that must be provided in the environmental impact study, based on which the authorities Competent regional environmental authorities will adopt the corresponding decision.

Paragraph. In the previous events, the regional environmental authorities may use the studies referred to in this article and will only require the interested party in the environmental license to adjust or complement the environmental impact study in the sections that are deemed necessary in relation to the information specific to the project under evaluation.

(Decree 4688 of 2005, art. 17).

ARTICLE 2.2.1.2.7.18. *Query.* Corrected by art. 2, National Decree 1956 of 2015. <*The corrected text is the following*> In the cases that are required, the provisions of Article 76 of Law 99 of 1993, regarding prior consultation with traditional indigenous and black communities, and chapter 1 , title 3 must be complied with , part 5, book 2 of Decree 1066 of 2015 or the one that replaces or modifies it.

The original text was as follows:

Article 2.2.1.2.7.18 *In the cases that are required, the provisions of article 76 of Law 99 of 1993 must be complied with, regarding prior consultation with traditional indigenous and black communities and Decree 1320 of 1998 or to which replace or modify it.*

(Decree 4688 of 2005, art. 18).

SECTION 8

OF SCIENTIFIC HUNTING

ARTICLE 2.2.1.2.8.1. *Scientific hunt.* In accordance with letter d) of article 252 of Decree-Law 2811 of 1974, scientific hunting is that which is practiced solely for the purpose of research or studies carried out within the country.

(Decree 1608 of 1978, art. 87).

SECTION 9

OF SPORTS HUNTING

ARTICLE 2.2.1.2.9.1. *Sport hunting.* Sport hunting is one that is practiced as recreation and exercise, with no other activity than carrying it out; therefore it cannot have any lucrative purpose.

(Decree 1608 of 1978, art. 94).

ARTICLE 2.2.1.2.9.2. *Exclusion of sport hunting.* Individuals or products of species for which a ban or prohibition has been declared or whose characteristics do not correspond to those established may not be the object of sport hunting.

(Decree 1608 of 1978, art. 95) .

ARTICLE 2.2.1.2.9.3. *Evaluations and studies.* The managing entity of the resource will carry out or complement the evaluations of stocks in wild fauna by species and by regions; in order to determine the species that can be the object of sport hunting, the seasons, the areas in which this kind of hunting can be practiced, the number of individuals that can be obtained and the closed seasons that must be established for the protection of the resource.

The managing entity will also carry out an ecological and environmental study on the same areas, in which, in addition to physical factors, economic and social factors will be taken into account to determine the incidences that sport hunting may have.

(Decree 1608 of 1978, art. 96).

ARTICLE 2.2.1.2.9.4. *Characteristic of the request.* Whoever intends to practice sport hunting must obtain the sport hunting permit and to do so, personally submit a written request to the managing entity, providing the following data and documents:

1. Name, address and identification.

2. Two (2) recent photographs.

3. Species or species on which it intends to hunt.

4. Area where you intend to hunt.

5. Weapons, instruments or equipment that you intend to use and safe conduct that protects your possession.

(Decree 1608 of 1978, art. 97).

ARTICLE 2.2.1.2.9.5. *Hunting or closed season.* When hunting seasons are established, the managing entity will determine, prior to its initiation, a term for the submission of applications, in order to regulate, according to the total number of applications submitted and the existing inventories, the number of individuals or products that each sport hunting permit holder can obtain during the season.

(Decree 1608 of 1978, art. 98).

ARTICLE 2.2.1.2.9.6. *Granting of sports hunting permit.* The sports hunting permit will be granted by means of a resolution in which the area in which hunting can be practiced is expressed, the time, which may not exceed one year or exceed that established for the respective season; the species and the number of individuals that are allowed to be captured, the weapons or implements that can be used and the obligations related to the protection of wildlife and other related resources.

(Decree 1608 of 1978, art. 99).

ARTICLE 2.2.1.2.9.7. *Obligations and control.* The person interested in obtaining a sport hunting permit must accredit sufficient knowledge of the rules that regulate the exercise of sport hunting and the protection of the resource, as well as the use of the weapons that are going to be used.

The managing entity will establish safe-conducts and special control systems to ensure that each sports hunting permit holder obtains only the number of individuals allowed.

(Decree 1608 of 1978, art. 100).

ARTICLE 2.2.1.2.9.8. *Meat.* The sport hunting permit is personal and non-transferable, as well as the card issued to its holder. In case of loss of the card, this must be reported immediately to the nearest office of the entity that issued it or, failing that, to the Mayor's Office or to the local police authority. The officials who receive the communication must immediately notify the nearest office of the entity managing the resource.

(Decree 1608 of 1978, art. 101).

ARTICLE 2.2.1.2.9.9. *Use of the card.* The transfer of the card will lead to the revocation of the permit; if whoever uses it also incurs in other infractions, the owner of the card will be sanctioned as a co-author.

(Decree 1608 of 1978, art. 102).

ARTICLE 2.2.1.2.9.10. *Hunting excursions.* Hunting excursions may only be allowed when the managing entity of the resource has established in a general and abstract manner, based on the studies referred to in article 2.2.1.2.9.3 of this decree, the animals that may be hunting object, hunting areas, seasons and the number of individuals that can be obtained.

(Decree 1608 of 1978, art. 103).

ARTICLE 2.2.1.2.9.11. *Authorization of hunting excursions.* The interested party in organizing hunting excursions must request authorization one year before the date scheduled for its realization, so that the managing entity can evaluate, together with the other requests that are submitted and in accordance with the studies referred to the previous article, if it is feasible to grant the authorization and, if so, how many people can integrate it and how many individuals can hunt each one of them.

(Decree 1608 of 1978, art. 104).

ARTICLE 2.2.1.2.9.12. *Authorization process for hunting excursions.* To process the authorization referred to in the previous article, the person interested in organizing the hunting authorization must submit a written request on sealed paper attaching the following data and documents:

1. Name, identification and address.

2. If it is a legal person, company name, proof of its constitution and existence and name, identification and address of its legal representative.

3. Species or species intended to be hunted.

4. Place where hunting is intended to take place.

5. Month of the year planned for the excursion.

6. Declaration of environmental effect.

(Decree 1608 of 1978, art. 105).

ARTICLE 2.2.1.2.9.13. *Members of an excursion.* Each one of the members of the excursion that is authorized to organize, must have their respective sports hunting permit, whose obtaining will be processed in accordance with the provisions of articles 2.2.1.2.9.4. to 2.2.1.2.9.9 this decree.

(Decree 1608 of 1978 art. 106).

ARTICLE 2.2.1.2.9.14. *Participation of officials.* All excursions must be suspended by an official of the managing entity of the resource. The expenses that the mobilization and permanence of the official require are borne by the organizer of the excursion, who must deposit its value as a condition to obtain the authorization.

The participation of the official referred to in this article in the excursion does not exempt any of its members or the organizer from liability for the infractions that they may incur.

(Decree 1608 of 1978, art. 107).

ARTICLE 2.2.1.2.9.15. *Violations.* If the members of a hunting excursion incur in violations of the rules for the protection of wildlife and other renewable natural resources, or the regulations of the activity, the authorization granted to the excursion and the individual permits issued to the members without prejudice to the other sanctions that may apply and the organizer of the excursion will be sanctioned with one or more seasons for which they will not be able to obtain authorization to organize excursions.

(Decree 1608 of 1978, art. 108).

ARTICLE 2.2.1.2.9.16. *License to sports associations.* Every sports club or association that promotes sport hunting activities must register and obtain a license from the entity that manages the resource in whose jurisdiction both the club and the areas in which its partners or members practice hunting are located.

(Decree 1608 of 1978, art. 109).

ARTICLE 2.2.1.2.9.17. *Processing of the License for sports associations.* For registration and obtaining the license referred to in the previous article, the representative of the club or association must submit a written request on sealed paper attaching the following data and documents:

1. Company name of the club or association, headquarters and proof of its constitution and existence.

2. Name, identification and address of your legal representative.

3. Copy of the statutes.

4. List of partners or members accompanied by the sport hunting permit number granted to each of them.

5. Areas in which partners or members usually practice sport hunting.

(Decree 1608 of 1978, art. 110).

ARTICLE 2.2.1.2.9.18. *Validity.* Members or members of sport hunting clubs or associations must have a valid sport hunting permit.

The managing entity of the resource will communicate to such entities the revocation of sport hunting permits so that the sanctioned person is excluded from the respective club or association.

(Decree 1608 of 1978, art. 111).

ARTICLE 2.2.1.2.9.19. *Instruction to members.* Every sports hunting club or association must instruct its members on the regulations, both of the National Code of Renewable Natural Resources and Environmental Protection, as well as of this decree and other provisions that develop them, in relation to the protection of the wildlife and other renewable natural resources, especially with regard to closed seasons and prohibitions for the exercise of sport hunting, provisions that must be strictly taken into account in their internal regulations, under penalty of cancellation of registration and license.

(Decree 1608 of 1978, art. 112).

ARTICLE 2.2.1.2.9.20. *Cancellation of registration.* The cancellation of the registration and license of a sport hunting club or association by the managing entity of the resource, implies the revocation of the sport hunting permit of all the partners or members.

(Decree 1608 of 1978, art. 113).

ARTICLE 2.2.1.2.9.21. Repealed by art. 2, National Decree 1272 of 2016 .

The repealed text was as follows:

ARTICLE 2.2.1.2.9.21. Fees. *Both the organizers of excursions and sport hunting clubs or associations must pay the repopulation rate established by the managing entity of the resource to contribute and guarantee the maintenance of the renewability of the resource.*

(Decree 1608 of 1978, art. 114).

ARTICLE 2.2.1.2.9.22. *Vedas or prohibitions.* The declaration of bans or prohibitions to carry out sport hunting activities renders ineffective the permits or authorizations that have been granted to organize hunting excursions that have the purpose of hunting species included in the measure, as well as the hunting permits issued to members. or members of sports hunting clubs or associations, who are obliged to disseminate among their partners or members the provision that has ordered the ban or prohibition.

Sport hunting permit holders and clubs or associations must declare the individuals belonging to the species subject to prohibition or prohibition that they have as a trophy or in the process of taxidermy, at the time of the measure, under penalty of confiscation. .

(Decree 1608 of 1978, art. 115).

SECTION 10

OF HUNTING CONTROL

ARTICLE 2.2.1.2.10.1. *Of control hunting.* Control hunting is one that is carried out with the purpose of regulating the population of a species of wild fauna, when social, economic or ecological circumstances so require.

(Decree 1608 of 1978, art. 116).

ARTICLE 2.2.1.2.10.2. *Circumstances.* Circumstances of social order, which can motivate control hunting, are those determined by the need to prevent or combat diseases whose appearance or spread is due to the species under control. The control in this case must be carried out under the supervision of the entity managing the resource at the request of the Ministry of Health and Social Protection and in coordination with the health authorities.

The methods that are used to practice the control, will be such that, without undermining their effectiveness, they do not cause damage to the other species or their environment or cause the extinction of the controlled species or subspecies; Eradication may only be allowed in the case of exotic species that have been introduced voluntarily or involuntarily by human action, when in both cases the magnitude of the negative effects of the species or subspecies in the social, economic or ecological order so dictates. demand.

(Decree 1608 of 1978, art. 117).

ARTICLE 2.2.1.2.10.3. *Economic circumstances.* Circumstances of an economic nature, which can motivate control, are those determined by the need to prevent or control pests that affect agricultural activities.

Annually, the Ministry of Environment and Sustainable Development, and the Colombian Agricultural Institute (ICA), and the entities that are in charge of managing the resource at the regional level, will carry out a joint study to plan the control that corresponds to advance according to the time of the year. , the regions and the crops, and the coordination of their activities for the execution of the plan.

(Decree 1608 of 1978, art. 118).

ARTICLE 2.2.1.2.10.4. *Request.* In accordance with the plan that is carried out in accordance with the previous article, the owners or possessors of properties, who consider it necessary to carry out the control, must submit in writing to the entity managing the resource, in whose jurisdiction the property is located, a request by writing, attaching the following data and documents:

1. Name, identification and address of the applicant.

2. Systems, weapons, equipment and implements to be used in hunting activities.

3. Species, object of control.

4. Justification of the control.

5. Area in which the control will be carried out, indicating the jurisdiction to which it belongs and the crops to be protected.

6. Name and identification of the people who will carry out the hunting tasks.

7. Period during which the hunting tasks will be carried out.

8. Final destination of the products.

(Decree 1608 of 1978 article 119).

ARTICLE 2.2.1.2.10.5. *Characteristics and term.* The control hunt will be carried out in full compliance with the instructions of the managing entity and only the procedures and products that are expressly authorized as means of control in the resolution that allows the control hunt may be used.

The term of the permit will be indicated in the resolution that grants it and will depend on the plan referred to in the previous article, but in no case may it exceed one year.

(Decree 1608 of 1978, art. 120).

ARTICLE 2.2.1.2.10.6. *Ecological circumstances.* Circumstances of an ecological order, which can motivate control hunting, are those determined by the need to regulate the population growth of a

certain species, for reasons of protection of the same or other species of wildlife, or to protect other natural resources. related renewables.

(Decree 1608 of 1978, art. 121).

ARTICLE 2.2.1.2.10.7. *Control hunting practice.* The control referred to in the previous article will be carried out by the managing entity of the resource. When specialized knowledge is not required to carry out the hunting tasks, the inhabitants of the region may be authorized, who must carry out such activities under the supervision of the officials of the managing entity.

(Decree 1608 of 1978, art. 122).

ARTICLE 2.2.1.2.10.8. *destination.* The managing entity of the resource will establish the destination that should be given to the individuals or products that are obtained in the exercise of control hunting, indicating the percentage that should be delivered to it, to scientific collections, museums, zoos, public schools, hospitals. and other charitable entities of the municipality in whose jurisdiction hunting has been carried out, and to those who collaborate in control activities.

When the control is carried out to prevent or change diseases or pests, the destination or disposition of the individuals obtained will be done with the authorization and supervision of the Ministry of Health or the Agricultural Institute (ICA), and in accordance with their prescriptions.

(Decree 1608 of 1978, art. 123).

ARTICLE 2.2.1.2.10.9. *Possibility of commercialization.* When, due to the species, periodicity, number of individuals that must be subject to control for economic reasons, their commercialization is profitable, the interested parties may request a commercial hunting permit in accordance with the provisions of this decree.

(Decree 1608 of 1978, art. 124).

SECTION 11

OF HUNTING OF PROMOTION

ARTICLE 2.2.1.2.11.1. *Foster hunting.* Promotional hunting is understood as that which is carried out with the exclusive purpose of acquiring individuals or specimens of wild fauna for the establishment of zoocriaderos or hunting reserves.

(Decree 1608 of 1978 art. 125).

ARTICLE 2.2.1.2.11.2. *Development hunting permit.* To obtain a development hunting permit, it is necessary to submit a written request to the entity that manages the resource that has jurisdiction in the area in which the individuals or specimens that will make up the parent population will be obtained, destined for a zoo or hunting ground, attaching by At least the following data and documents:

1. Name, identification and address of the applicant, as well as name, address and identification of the legal representative, if it is a legal person, as well as proof of its existence.

2. Copy of the resolution that authorizes the experimentation or operation of the zoocriadero or hunting reserve.

3. Proof of the technical visit carried out by technicians from the managing entity of the resource in whose jurisdiction the experimentation area is located or the zoo or hunting ground to which the authorized individuals or specimens will be destined, in relation to the facilities. , equipment and other operating conditions.

4. Species and numbers of individuals or specimens that will make up the parent population.

5. Places of capture of the individuals or specimens that are authorized to be obtained.

6. Selection systems and hunting systems that will be used.

7. Transportation systems for individuals or specimens, from the place of capture to the place of experimentation or to the zoo, or hunting ground.

(Decree 1608 of 1978, art. 126).

ARTICLE 2.2.1.2.11.3. *Conditions.* The granting of the promotion hunting permit is conditional on the interested party having obtained authorization for experimentation or for the operation of a zoo or hunting preserve and the approval of its facilities in accordance with the provisions of this decree.

(Decree 1608 of 1978, art. 127).

ARTICLE 2.2.1.2.11.4. *Permit content.* The resolution that grants the promotion hunting permit will indicate the number of individuals or specimens that are allowed to be obtained to compose the parental population with which the experimentation will be carried out or the zoocriadero or hunting reserve will be established; the capture or harvesting systems allowed; the areas where the parents can be obtained; the obligations related to the protection of the resource, including that of replacing the managing entity, the individuals or specimens that are allowed to be obtained and the term to do so, as well as the term to carry out the hunting tasks that may not exceed two (2 months.

(Decree 1608 of 1978, art. 128).

SECTION 12

OF THE REPOPULATION, TRANSPLANTATION AND INTRODUCTION OF SPECIES OF WILD FAUNA

ARTICLE 2.2.1.2.12.1. *Resettlement.* Faunal repopulation is understood as any act that leads to the reimplantation of populations of native species or subspecies of wild fauna in areas in which they exist or existed and has as its objective:

1. Restore the balance of the ecosystems of which they are a part.

2. Promote the increase of native populations of wild fauna to prevent their extinction and seek their secular renewal.

3. Develop a culture based on the rational use of wildlife and its products, which allows improving the diet and standard of living of the communities that currently depend on this resource for subsistence.

4. Supply, based on the development referred to in the previous point, the specimens and products necessary for scientific or commercial demand, taking them from farms to avoid or reduce pressure on native populations.

(Decree 1608 of 1978, art. 129).

ARTICLE 2.2.1.2.12.2. *native species.* For the purposes of applying this decree, native species is understood to be the taxonomic species or subspecies or variety of animals whose geographic range extends to the national territory or to Colombian jurisdictional waters or is part of them, including the species or subspecies who temporarily migrate to them, as long as they are not in the country or migrate to it as a voluntary or involuntary result of human activity.

(Decree 1608 of 1978, art. 130).

ARTICLE 2.2.1.2.12.3. *Repopulation plan.* It corresponds to the managing entity of the resource to carry out and regulate the activities of repopulation of fauna, for which it must previously carry out a repopulation plan that includes at least:

1. A study of the area in relation to the species that is subject to repopulation, its needs and short, medium and long-term projections, and the ecological and economic effects of repopulation.

2. The origin and taxonomic identification of the individuals or specimens suitable for restocking, as well as the number, size, sex and quality of the products destined for the same purpose.

3. Favorable environmental conditions of the site and opportunity for the release of individuals or specimens or for the practice of the chosen means of repopulation.

4. Technicians responsible for repopulation.

5. Prophylactic measures to be taken before restocking.

(Decree 1608 of 1978, art. 131).

ARTICLE 2.2.1.2.12.4. *Prohibitions.* In the areas where faunal repopulations have been carried out, the exercise of any type of hunting on the species or subspecies object of repopulation is prohibited, until it is confirmed by carrying out the corresponding studies and inventories that a stable population level has been achieved. that allows use.

The managing entity of the resource may regulate the exercise of activities that may affect the conditions of the environment, which make it suitable for repopulation and for this it will require the declaration of environmental effect referred to in this decree.

(Decree 1608 of 1978, art. 132).

ARTICLE 2.2.1.2.12.5. Modified by art 2, National Decree 1272 of 2016 <*The new text is as follows*> ***Obligations*** **.** All persons who obtain a hunting permit are obliged to contribute to the repopulation of the species or subspecies that they take advantage of.

If the permit is granted for the establishment of breeding farms or hunting reserves, the holder must deliver a percentage of individuals once the breeding farm begins production.

Hunting permit holders must pay the repopulation fee in the amount and manner determined by the managing entity of the resource, and in the case of commercial hunting, they must also contribute to the establishment of zoocriaderos in the manner determined by the managing entity of the resource.

(Decree 1608 of 1978 article 133
The original text was as follows:

ARTICLE 2.2.1.2.12.5. Obligations. *All persons who obtain a hunting permit are obliged to contribute to the repopulation of the species or subspecies that they take advantage of.*

If the permit is granted for the establishment of breeding farms or hunting reserves, the holder must replace the parents that have been allowed to obtain and deliver a percentage of individuals to the managing entity once the breeding farm enters into production.

Hunting permit holders must pay the repopulation fee in the amount and manner determined by the managing entity of the resource, and in the case of commercial hunting, they must also contribute to the establishment of zoocriaderos in the manner determined by the managing entity of the resource.

ARTICLE 2.2.1.2.12.6. *Repopulation rate* . Scientific hunting permit holders must pay the repopulation fee and contribute to the establishment of zoocriaderos in the following:

1. When the research or study is aimed at the industrial or commercial application of its results.

2. When the population status of the species in relation to its existence in the capture area and in the country is such that, without actually determining a cause for prohibition or prohibition, it does require obtaining it in restricted quantities.

3. When the population is abundant but the demand for individuals or products of the species or subspecies for these purposes is continuous or in large production.

NOTE: The underlined text was deleted by art. 2 , National Decree 1272 of 2016.

(Decree 1608 of 1978, art. 134).

ARTICLE 2.2.1.2.12.7. ***Resettlement.*** Corrected by no. 2 items 25, National Decree 703 of 2018 *<The new text is the following>* When it is intended to carry out activities likely to produce deterioration of the wild fauna or alteration of the ecosystems that serve as a habitat for a species that requires a special type of management, to obtain the license dealt with by the articles contained in the article 28 of Decree-Law 2811 of 1974, the interested party must include in the previous ecological and environmental study, the relationship of the practices of repopulation or transfer of the representative fauna of the areas that are going to be affected, to others that are suitable, as well such as those activities aimed at the restoration or recovery of the affected habitat, when possible.

The managing entity of the resource will decide if the person interested in advancing the activity can carry out the repopulation or transplant practices referred to in the previous article; If not, the restocking fee will be charged.

(Decree 1608 of 1978, art. 135).

The original text was as follows:

ARTICLE 2.2.1.2.12.7. Resettlement. *When it is intended to carry out activities likely to cause deterioration of wildlife or alteration of ecosystems that serve as habitat for a species that requires a special type of management, to obtain the license referred to in article 28 of Decree-Law 2811 of 1974 , the interested party must include in the previous ecological and environmental study, the relation of the practices of repopulation or transfer of the representative fauna of the areas that are going to be affected, to others that are suitable, as well as those activities aimed at the restoration or recovery of the affected habitat, when possible.*

The managing entity of the resource will decide if the person interested in advancing the activity can carry out the repopulation or transplant practices referred to in the previous article; If not, the restocking fee will be charged.

(Decree 1608 of 1978, art. 135).

SECTION 13

WILDLIFE TRANSPLANTATION

ARTICLE 2.2.1.2.13.1. ***Transplant.*** Wild fauna transplantation is understood as any implantation of a species or subspecies of wild fauna in areas where it has not existed under natural conditions.

(Decree 1608 of 1978 art. 136).

ARTICLE 2.2.1.2.13.2. ***Characteristics of the transplant.*** The transplant of wild fauna must be carried out by the Ministry of Environment and Sustainable Development, prior to its favorable opinion when it is intended to carry out this activity by a regional entity that is in charge of the administration and management of the resource, in which case it will send the Ministry, when requesting its concept, the pertinent environmental studies.

The managing entity of the resource that intends to advance the transplant of a species of wild fauna must carry out the pertinent environmental studies in which the following aspects will be considered at least:

a) Ecological requirements of the species or subspecies to be transplanted and their potential to affect the wild fauna of the area in which the transplant will take place;

b) Possibilities that the transplanted species and subspecies exceed the area or population density calculated and a description of the control methods to be used in the event that it becomes a competitor or predator of the native wild fauna.

(Decree 1608 of 1978, art. 137).

SECTION 14

INTRODUCTION OF WILDLIFE SPECIES

ARTICLE 2.2.1.2.14.1. ***Introduction of wildlife species.*** The introduction of species of wild fauna is understood as any act that leads to the establishment or implantation in the country, whether in natural or artificial environments, of exotic species or subspecies of wild fauna.

For the purposes of applying this decree, exotic species is understood as the taxonomic species or subspecies, race or variety whose natural area of geographic dispersion does not extend to the national territory or jurisdictional waters and if it is found in the country it is as a voluntary result or involuntary human activity.

(Decree 1608 of 1978, art. 138).

ARTICLE 2.2.1.2.14.2. ***Authorization and environmental study.*** Authorization from the Ministry of Environment and Sustainable Development is required to carry out activities aimed at introducing species or subspecies of wild fauna into the country. The managing entity of the resource that intends to introduce an exotic species must prepare a plan in which it contemplates the aspects related in this decree and the pertinent environmental studies, including at least the following:

a) Justification of the introduction of the species, from the ecological, economic and social point of view;

b) Reactions of the species to be introduced, in the environment where they are going to be implanted;

c) Reactions of the receiving environment and of the native species, with respect to those that are intended to be introduced:

d) Protection measures for native species and control methods that will be used in the event that the introduced species becomes a competitor or predator of those.

(Decree 1608 of 1978, art. 139).

ARTICLE 2.2.1.2.14.3. ***Evaluation.*** Once the authorization of the national government has been obtained, the interested party may carry out the corresponding procedure for importation.

(Decree 1608 of 1978, art. 140).

ARTICLE 2.2.1.2.14.4. ***Prohibitions or restrictions.*** The managing entity of the resource may prohibit or restrict the introduction, transplantation or cultivation of wild species detrimental to the conservation and development of the resource.

For the introduction of domestic species or domestic breeds that do not exist in the country, due to the ecological impact that their eventual feral growth may cause, the approval of the Ministry of Environment and Sustainable Development will be required.

(Decree 1608 of 1978, art. 141).

SECTION 15

OF THE ESTABLISHMENTS FOR THE PROMOTION OF WILDLIFE. OF THE ZOOCRADERIES

ARTICLE 2.2.1.2.15.1. ***From the farms.*** In zoocriaderos, the area of public or private property that is destined to the maintenance, promotion and use of species of wild fauna for scientific, commercial, industrial or repopulation purposes, whether these activities are carried out extensively, semi-extensively or intensively, as long as be in a certain area.

(Decree 1608 of 1978, art. 142).

ARTICLE 2.2.1.2.15.2. ***Application for a zoocriadero establishment license.*** Any natural, legal or private person who intends to establish a zoocriadero, must submit to the managing entity of the resource, in whose jurisdiction the area in which the zoocriadero will be established, is located, an application for a license to establish the zoocriadero in its experimentation stage. Once the experimentation stage has been completed, according to its results, you will be able to obtain the license to operate the zoo.

(Decree 1608 of 1978, art. 143).

ARTICLE 2.2.1.2.15.3. ***Requirements.*** In order to obtain the establishment license of the zoo-breeding house in its experimentation stage, the interested party must submit a written request attaching the following data and documents, at least:

1. Name, identification and address of the applicant. If it is a legal entity, proof of its constitution as well as the name, address and identification of its legal representative.

2. Objectives of the zoocriadero that is intended to be established, that is, if it has scientific, commercial, industrial or repopulation purposes.

3. Location of the experimentation area and of the place where it is intended to establish the zoo, indicating the jurisdiction to which they belong.

4. Proof of ownership of the area in which the zoocriadero is intended to be established or written authorization from the owner, or adequate proof of possession or ownership of the property.

5. Species or species to be bred.

6. Characteristics of the environment in which the farm will be found that make it suitable for the development of the activity, such as climate, water, soil, vegetation, fauna, according to the type of farm.

7. Stage of experimentation and jurisdiction to which they belong.

8. Number of individuals or specimens that will form the parental population for the experimentation stage and justification of the quantity.

9. Marking system proposed to identify both the individuals of the parent population, and those produced based on it.

10. Application for the respective promotion hunting permit.

11. Research program for the experimentation period.

(Decree 1608 of 1978, art. 144).

ARTICLE 2.2.1.2.15.4. ***Grant.*** If the managing entity finds the project viable, according to the research program and other data presented, it will grant permission to start experimentation.

During the experimentation period, the interested party will prepare the plan of activities for the establishment and operation of the zoo, will render the reports requested in relation to the development of the experimentation, and will not be able to commercialize, dispose of, distribute or return to the natural environment the individuals, specimens or products object of the experimentation and will only develop with respect to them the activities foreseen in the research program.

(Decree 1608 of 1978, art. 145).

ARTICLE 2.2.1.2.15.5. ***Report and plan of activities.*** At the end of the experimentation period, the report and the activity plan will be rendered, which must contain at least the following aspects:

1. Generalities:

a) Species that will be farmed;

b) Exact location and delimitation of the area where the zoo will be established, indicating the conditions that make it suitable for the development of the activity in relation to the climate, vegetation, soils, waters, fauna and other characteristics studied in the experimentation stage of according to the type of zoocriadero;

c) Number of specimens and products that will make up the parental population necessary for the establishment of the zoo and justification of the quantity;

d) Application for the respective promotion hunting permit;

e) Transportation system of the specimens or individuals that will make up the parent population from the natural environment to the zoo, reproduction system, feeding, rearing and prophylactic measures;

f) Study of the technical, economic and financial feasibility of the production in zoocriadero of the species or species that it is intended to breed;

g) Production projections in the short, medium and long term, taking into account the objectives of the zoocriadero.

2. Technical information on the establishment of the zoocriadero:

a) Plans and designs of facilities and equipment, including additional ones;

b) Endowment and form of maintenance;

c) Calculated time to carry out the necessary constructions;

d) Security system to prevent the escape of the individuals that make up the zoo or the incorporation of animals from the natural environment.

3. Management of the zoo in the production period:

a) Breeding systems, rearing, feeding and prophylactic measures;

b) Systems to determine the sustained increase of the population;

c) Number of individuals produced that will be used to renew the parent population;

d) Systems of selection, capture or obtaining of individuals or products, when the self-sustaining increase of the zoocriadero is verified;

e) Degree of pre-processing or processing to which the zoocriadero products will be subjected;

f) Destination of the production and transportation systems to be used.

4. Administrative and budgetary aspects:

a) Technical and administrative personnel responsible for the activities;

b) Associated workforce, work carried out and labor relations.

(Decree 1608 of 1978, art. 146).

ARTICLE 2.2.1.2.15.6. *Conditioning.* The granting of the operation license for the zoocriadero is conditioned to the approval of the feasibility study, to the evaluation of the other data provided in the plan of activities and to the approval of the constructions or installations.

In accordance with the evaluation of the feasibility study and the activity plan, the operating conditions of the zoo will be established and the number of individuals or specimens that will make up the parental population will be determined, for which the interested party must request a promotion hunting permit. in accordance with this decree, before the administrative entity of the resource in whose jurisdiction the area in which the hunt is to take place is located.

When an exotic species of wild fauna that does not exist in the country is intended to be raised in the zoo, it will be necessary for the interested party to previously process the authorization of the National Government, in accordance with the provisions of this decree.

(Decree 1608 of 1978, art. 147).

ARTICLE 2.2.1.2.15.7. *Obligations.* The resolution that grants the operating license of the zoocriadero must contain the obligations that its owner contracts, among them that of not taking advantage of individuals, specimens or products until the self-sustained performance of the parent population is

demonstrated, which will be accredited through technical visits. and with the concept of some university faculty or department through its specialties of biology, veterinary or zootechnics.

(Decree 1608 of 1978, art. 148).

ARTICLE 2.2.1.2.15.8. ***Content of the resolution.*** The resolution will also contain the determination of the number of individuals or products that can be obtained, the monthly, semi-annual or annual quotas that the license holder can allocate to trade, industry or research, the obligations related to the supply of individuals or specimens for repopulation and other obligations related to the management of the resource.

The characteristics of the individuals or products that can be obtained will also be indicated and only with respect to them can the respective safe-conducts be issued that cover the mobilization and commercialization. For export, the provisions of this decree will apply.

(Decree 1608 of 1978, art. 149).

ARTICLE 2.2.1.2.15.9. ***Safe passage.*** The safe-conduct will only cover authorized copies or products marked with the trademark registered with the entity managing the resource.

(Decree 1608 of 1978, art. 150).

ARTICLE 2.2.1.2.15.10. ***Specific obligations.*** The holder of the animal husbandry experimentation and operation license must comply with the following specific obligations:

1. Cancel the rights caused by technical visits, supervision and technical assistance provided by the managing entity.

2. Submit to the entity that grants the license, semi-annual reports on the activities of both the experimentation stage and the operation stage.

3. Keep a record book in which, in addition to the information stipulated in the experimentation program and in the management plan, at least the following data is recorded:

a) Birth rate, indicating whether the latter occurs in the parent population or in the produced population and indicating the causes;

b) Six-monthly or annual increase in the population, broken down by species, subspecies, sex;

c) Daily movement of individuals or products during the production period, indicating the species or subspecies, the number, age, sex and commercial, industrial, scientific or repopulation destination;

d) Passport number that covers the mobilization;

e) Number of individuals or products processed or transformed if the objective of the zoocriadero is industrial.

4. Mark the individuals of the zoocriadero and the products obtained in it, through the marking system approved and registered with the entity that administers the resource, and if possible indicating the license number in order to facilitate control.

5. Facilitate and collaborate with the officials who must carry out control and supervision visits and provide the data and documents requested for this purpose.

6. Submit to the managing entity the number or percentage of individuals that it has stipulated in the resolution that granted the operation license of the zoo for repopulation or scientific research.

(Decree 1608 of 1978, art. 151).

ARTICLE 2.2.1.2.15.11. ***Tracing.*** The administrative entity that has granted the experimentation and operation license may order visits or inspections when it deems it convenient and will cancel the respective license when it verifies that the program and the management plan of the zoo is not being

fulfilled or when they are commercialized, processed, transform or allocate to research individuals or products of wild fauna from areas outside the zoo, or when they carry out these activities in the experimentation stage, or when specimens or products with characteristics different from those indicated in the resolution are obtained, or without the full requirements that are demanded for each activity.

(Decree 1608 of 1978, art. 152).

ARTICLE 2.2.1.2.15.12. *Additional permissions.* When the holder of the operating license of a zoocriadero intends to breed a species or subspecies not contemplated in the resolution that granted the operating license, the interested party must request the respective permit again and according to the result of the experimentation, breeding may be authorized in the existing zoocriadero prior to the adaptation or adaptation of the facilities or requiring the establishment of a new zoocriadero.

(Decree 1608 of 1978, art. 153).

ARTICLE 2.2.1.2.15.13. *Technical visit.* The holder of the operating license must request a technical visit once a year, so that the managing entity can carry out or perform statistical monitoring of the movement of both the production and the disposition of individuals or products. The foregoing must be understood without prejudice to the practice of other visits and controls that the managing entity of the resource deems appropriate.

(Decree 1608 of 1978, art. 154).

ARTICLE 2.2.1.2.15.14. *Farms for industrial purposes.* When the zoocriadero is established for industrial purposes, the interested party must list in the activity plan, in addition to the data required by this decree, at least the following:

1. Industry class with the plans and designs of both its facilities and equipment.

2. Capital linked to the activity and production projections.

3. Processing or transformation to which the individuals or products of the zoocriadero will be subjected and destination of the by-products.

4. Destination of the production: national market or export.

5. Calculation of the demand for individuals or products that the industry will require monthly to maintain its production, taking into account the volume, weight and size that it is allowed to obtain.

(Decree 1608 of 1978, art. 155).

SECTION 16

AGRICULTURE FOR COMMERCIAL PURPOSES OF SPECIMENS OF THE SPECIES HELIX ASPERSA

ARTICLE 2.2.1.2.16.1. *Object.* This section regulates the environmental and animal health requirements and procedures for carrying out commercial zoo-breeding activities of specimens of the Hélix aspersa species that are found in the national territory, in a closed, open and mixed cycle, in accordance with the provisions in Law 1011 of 2006 and other provisions that regulate the matter.

The foregoing, without prejudice to the regulations issued on the subject in matters of public health.

(Decree 4064 of 2008, art. 1).

ARTICLE 2.2.1.2.16.2. *Definitions.* For the correct application of the provisions of this decree, the following definitions are adopted:

Snail: Gastropod mollusk, invertebrate, non-articulated, with a soft body that lacks an internal skeleton and is protected by a calcareous shell.

Specimen: Any living or dead animal or plant or any readily identifiable part or derivative.

Helix Genus: Group of land snails belonging to the Helicidae Family, which groups more than four thousand (4,000) species, of which approximately twenty (20) are considered edible and whose natural distribution corresponds to Europe and North Africa.

Hélix aspersa: Species of terrestrial snail, native to Europe, introduced to all continents in a premeditated manner and for economic purposes. In Colombia there are two varieties of this same species, such as the Helix aspersa Muller (petit gris) and the Helix aspersa maxima (gros gris).

Environmental Management Plan: It is the administrative instrument for environmental management and control through which the operation of the zoocriaderos of the Hélix aspersa species that are in operation at the date of issuance of this decree is authorized and includes the detailed set of activities , which as a result of an environmental assessment, are aimed at preventing, mitigating, correcting or compensating for the environmental impacts and effects caused by the development of a project, work or activity. It includes follow-up, monitoring, contingency and abandonment plans.

Sanitary Management Plan: It is the set of zoosanitary measures that an establishment that develops livestock activities must comply with, in this case, the zoocriaderos of snails of the Hélix aspersa species.

Environmental Administration System: It is the set of measures that must be implemented by all commercial farms of the Hélix aspersa species in order to effectively guide the development of their activities, in such a way that compliance with current environmental regulations is guaranteed. ensure the availability of resources to achieve this purpose, establish planning processes aimed at achieving continuous improvement and guarantee the timely adoption of the terms, conditions and obligations established in the environmental license or in the management plan of the zoo, in relation to the prevention, control and management of any effect that the activity could generate on the environment and renewable natural resources. The environmental administration system must have the requirements indicated in article 3 of Law 1011 of 2006 and will be established and maintained without prejudice to having the respective environmental management plan or environmental license, in accordance with the provisions of article 4 of the cited law.

(Decree 4064 of 2008, art. 2).

ARTICLE 2.2.1.2.16.3. ***Areas of helicícola vocation.*** In accordance with the provisions of article 2 of Law 1011 of 2006, the regions of the country where individuals of the Hélix aspersa species are currently found are considered as helicícola vocation zones.

Paragraph. It will not be possible to establish breeding farms for commercial purposes of the species Hélix aspersa in a closed, open and mixed cycle in the urban areas of the municipalities and districts, in which they are part of the system of protected areas of the national, regional and local order, in reserves national and regional forests, in indigenous reservations, in lands collectively titled to black communities, in paramo ecosystems and in those that, according to the provisions of the Territorial Ordinance Plan, Territorial Ordinance Scheme or Basic Ordinance Plan, are not compatible with the land use defined there.

(Decree 4064 of 2008, art. 3).

ARTICLE 2.2.1.2.16.4. ***Origin of animals.*** For purposes of the application of this decree, the parental or breeding stock for the establishment of zoocriaderos for commercial purposes of the species Hélix aspersa in closed, open and mixed cycle must come only from the capture of individuals that are in the natural environment. , through duly authorized promotion hunting activities or obtaining through commercial farms that are duly authorized as supplier farms by the competent environmental authority.

(Decree 4064 of 2008, art. 4).

ARTICLE 2.2.1.2.16.5. ***Establishment of open-cycle farms.*** The open-cycle breeding activities for commercial purposes of the Hélix aspersa species consist of periodically capturing in the natural environment, specimens in any of the phases of the biological cycle, incorporating them in the breeding farm until they are brought to a commercial stage that allows their final use. .

For the development of this activity, there must be a zoo established in accordance with the provisions of this decree, to which the specimens obtained periodically in the natural environment will be transferred for breeding, lifting and handling.

Periodic captures may only be carried out in the areas, seasons, quantities and sizes previously authorized by the respective environmental authority when the zoo has a management plan or environmental license.

Commercial activities may only be carried out once it is demonstrated that the specimens used in the environment have been brought to a stage of development that allows their final use. In any case, the zoocriadero must have a management plan or environmental license and be in the commercial phase.

(Decree 4064 of 2008, art. 5).

ARTICLE 2.2.1.2.16.6. ***Establishment of zoocriaderos in a closed cycle.*** Breeding modality in which the management of the species begins with a parental stock obtained from the natural environment or from a closed-cycle commercial breeding farm that is previously authorized as a supplier farm, from which all the phases of breeding are developed. its biological cycle to obtain the specimens to take advantage of.

Closed-cycle farms must have a sufficient number of parents to allow them to sustain the necessary production for the development of the activity.

(Decree 4064 of 2008, art. 6).

ARTICLE 2.2.1.2.16.7. ***Breeding farms in mixed cycle.*** Zoobreeding modality in which the management of the species is carried out both in an open cycle and in a closed cycle.

In the environmental management plan or in the environmental impact study, as the case may be, the necessary control measures should be considered to prevent the exchange of specimens handled in the open and closed cycles within the zoo. Running of the bulls, both for one cycle and the other, must be duly identified and signposted.

(Decree 4064 of 2008, art. 7).

ARTICLE 2.2.1.2.16.8. ***Provider premises.*** Farms for commercial purposes of the Hélix aspersa species that intend to become supplier farms, will be closed cycle and must have a management plan or environmental license, have been in the commercial phase for at least one (1) year, and have been authorized by the respective competent environmental authority to market individuals of said species to other zoocriaderos for commercial purposes in a closed cycle duly authorized for the management of the Hélix aspersa species.

Specimens marketed from the supplier farm to the other zoo, may only be used as parental stock.

Paragraph. In order for a closed-cycle commercial zoo of the Hélix aspersa species to be authorized as a supply farm, it must demonstrate to the competent environmental authority the sustainability of its production.

(Decree 4064 of 2008, art. 8).

SECTION 17

PROCEDURE FOR THE ESTABLISHMENT OF ZOOCCRADEROS

ARTICLE 2.2.1.2.17.1. ***Competent authorities.*** For the purposes of this decree, the competent authorities shall be understood as the Regional Autonomous Corporations and the Sustainable Development Corporations, the National Food Surveillance Institute (Invima), the territorial Health entities, the Colombian Agricultural Institute (ICA), in accordance with the powers rights assigned to them by law and regulations.

(Decree 4064 of 2008, art. 9).

ARTICLE 2.2.1.2.17.2. ***Farms in operation.*** Farms for commercial purposes of the Hélix aspersa species that are in operation as of October 24, 2008, must have an environmental management plan duly established by the Regional Autonomous Corporations or those of Sustainable Development.

For the above purpose, within the twelve (12) months following October 24, 2008, the following procedure must be followed:

1. Submit to the Autonomous Regional or Sustainable Development Corporation with jurisdiction in the place where the zoo is located, a request for the establishment of an Environmental Management Plan, for which the following information must be attached:

a) Name or business name and identification of the applicant;

b) Power of attorney duly granted when acting through a proxy;

c) Certificate of existence and legal representation, issued within three (3) months prior to the date of the request, for legal entities or a copy of the identification document, for natural persons;

d) Certificate of land use issued by the Municipal Planning Office or the dependency acting as such;

e) Explanatory description of the project, work or activity, including at least its location, dimension, cycle it intends to develop, number of specimens and estimated cost of investment and operation;

f) Indicate if the project is located in an area of helicícola vocation in accordance with the provisions of article 3 of this decree. The cited information will be understood as presented under the seriousness of the oath;

g) Document containing the Environmental Management Plan (PMA), in original and magnetic, in accordance with the Terms of Reference established by the. Ministry of Environment and Sustainable Development The environmental study must be carried out by the professionals referred to in articles 11 and 15 of Law 611 of 2000;

g) Value of the project.

2. Once the request is received with the fulfillment of the previously established requirements, the environmental authority, within a term of ten (10) business days, will issue an administrative act initiating the procedure for the establishment of the Environmental Management Plan and indicating the value and the term to cancel the environmental evaluation service under the terms of article 96 of Law 633 of 2000. The administrative act in question will be notified and published in accordance with the provisions of article 70 of Law 99 of 1993. Until it is canceled the value of the environmental evaluation service, the terms that the environmental authority has to resolve the request will be understood as suspended.

3. Within twenty (20) business days following the cancellation of the environmental assessment service, the competent Regional Autonomous Corporation or the competent Sustainable Development Corporation may request the additional information it deems essential. In this case, the terms that have the authority to decide will be suspended.

4. Once the required information has been submitted or the information request term has expired, the environmental authority will have ten (10) business days to request from other authorities or entities the technical concepts or pertinent information that must be sent within a period not exceeding twenty (20) business days, counted from the date of filing of the corresponding communication.

5. Within fifteen (15) business days of receiving the information or expiration of the term for requesting information from other authorities or entities, the competent Autonomous Regional or Sustainable Development Corporation will decide on the environmental viability of the project and will establish or deny the respective Environmental Management Plan.

6. Against the resolution by which the Environmental Management Plan is established or denied, the reversal appeal proceeds before the competent Regional Autonomous Corporation or Sustainable Development Corporation that issued the act.

7. For the purposes of advertising the decisions that put an end to the action, the provisions of article 71 of Law 99 of 1993 shall be observed.

Paragraph 1. In the event that the Environmental Management Plan is not presented within the stipulated term or its establishment is denied by reasoned administrative act, the competent Regional Autonomous Corporation or Sustainable Development Corporation will impose the corresponding preventive measures and sanctions, including those related to the closure of the establishment and adopt the determinations that may take place with the specimens that are there. For this purpose, the specimens must be incinerated in accordance with the requirements indicated in article 5 of Law 1011 of 2006. The animal health authorities will verify compliance with the provisions herein.

2nd paragraph. The establishment of the Management Plan does not exempt from the need to obtain permits, authorizations or concessions of an environmental nature for the use, exploitation or affectation of the natural resources required for the development of the project, which must be requested before the Regional Autonomous Corporation or Development Competent sustainable.

3rd paragraph. Zoo-breeding projects with the Hélix aspersa species that have begun operations before October 24, 2008 and intend to resume activities, will be subject to compliance with the provisions herein.

4th paragraph. The modification, change of applicant and assignment of the environmental management plans established in accordance with the provisions of this article, will be subject to the provisions of the articles referring to the environmental licensing process or to the regulation that modifies or replaces it.

5th paragraph. The provisions of this article shall be applied without prejudice to the sanctions of an environmental or animal health nature that may apply.

(Decree 4064 of 2008, art. 10).

ARTICLE 2.2.1.2.17.3. ***Scope of the Environmental Management Plan.*** The Environmental Management Plan that is established for commercial farms of the Hélix aspersa species that are in operation, will contemplate the experimental or commercial phases, as the case may be, according to the state of the establishment and the verification carried out by the environmental authority. The research or experimental phase will involve the adequacy of the zoo and the project's research or experimentation activities. To authorize the commercial phase, a modification of the environmental license will be required.

(Decree 4064 of 2008, art. 11).

ARTICLE 2.2.1.2.17.4. ***New farms.*** People interested in establishing commercial farms with the Hélix aspersa species in a closed, open and mixed cycle, must process and obtain from the Autonomous Regional or Sustainable Development Corporation with jurisdiction in the place where the zoo-farm is to be established, environmental license, in accordance with the provisions of Law 611 of 2000 and the regulations referring to the environmental licensing process or the provisions that modify or replace them. The foregoing, without prejudice to the requirements in health matters and the conditions established by the Colombian Agricultural Institute (ICA).

Paragraph 1. In any case, the environmental license may only be granted in the areas of helicícola vocation, as provided in article 2 of Law 1011 of 2000 and this decree.

2nd paragraph. In no case, for the issuance of the environmental license may the maximum term contemplated in the regulations on the matter be exceeded.

(Decree 4064 of 2008, art. 12).

ARTICLE 2.2.1.2.17.5. ***Animal health management plan.*** All farms with the Hélix aspersa species in closed, open and mixed cycles must submit to the Colombian Agricultural Institute (ICA) the Sanitary Management Plan to be developed, in accordance with the guidelines established by said entity for this purpose.

Paragraph. The zoocriaderos that are in operation as of October 24, 2008 will have a term of twelve (12) months to present the respective sanitary management plan to the Colombian Agricultural Institute (ICA).

(Decree 4064 of 2008, art. 13).

SECTION 18

COLLECTION, CULTIVATION, PROCESSING, TRANSPORTATION, MOBILIZATION, COMMERCIALIZATION AND EXPORT

ARTICLE 2.2.1.2.18.1. ***Collection, cultivation, processing, transportation, marketing and export.*** The collection, cultivation, processing, transport and national and/or international commercialization of specimens of the Hélix aspersa species, product of closed, open and mixed cycle animal husbandry, in any of its modalities, are subject to what is the matter is provided in the Environmental Management Plan or in the respective environmental license, as the case may be. Commercial activities may only be carried out once the commercial phase is authorized by the competent Regional Autonomous or Sustainable Development Corporation and under the terms and conditions established therein.

(Decree 4064 of 2008, art. 14).

ARTICLE 2.2.1.2.18.2. ***Mobilization.*** The mobilization within the national territory of specimens of the Hélix aspersa species must be covered by the respective mobilization safe-conduct issued by the competent Regional Autonomous or Sustainable Development Corporation, in which the quantities and characteristics of the specimens will be indicated, as well as its origin and destination, as provided by the. Ministry of Environment and Sustainable Development.

The mobilization within the national territory of live specimens of the Hélix aspersa species may only be carried out from one zoo to another or to duly authorized processing, transformation and/or consumption centers or to sea and river ports and airports authorized for the international marketing and under the biosafety measures established by the environmental and health authorities.

(Decree 4064 of 2008, art. 15).

ARTICLE 2.2.1.2.18.3. ***Transformation and national commercialization.*** The transformation and commercialization activities that intend to be carried out in the national territory with the Hélix aspersa species outside the zoo, are subject, where appropriate, to the provisions contained in the single regulations for the agricultural sector or the regulation that modifies or substitute; Likewise, the requirements established by the Ministry of Health and Social Protection must be met.

Paragraph. Establishments outside the zoocriadero areas, as of October 24, 2008, are carrying out processing and marketing activities with the Hélix aspersa species, must comply with the provisions of this article. For this purpose they will have a maximum term of six (6) months, counted from October 24, 2008.

(Decree 4064 of 2008, art. 16).

ARTICLE 2.2.1.2.18.4. ***International marketing.*** Only the export of specimens of the Helix aspersa species that come from zoos duly authorized for the management of said species by the environmental, sanitary and zoosanitary authorities, in accordance with the provisions of this decree and other regulations that regulate the matter will be allowed. .

Paragraph 1 . For the purposes of this article, producers and/or exporters must comply with the procedures and requirements established for the issuance of the zoosanitary export certificate issued by

the Colombian Agricultural Institute (ICA), complying with the regulations established for this purpose by the health authority of destination.

2nd paragraph . In addition to the provisions of the previous paragraph, producers and/or exporters must obtain export permits from the Ministry of Environment and Sustainable Development, in accordance with the provisions that regulate the matter.

(Decree 4064 of 2008, art. 17).

ARTICLE 2.2.1.2.18.5. ***Human consumption.*** The products or by-products of specimens of the Hélix aspersa species intended for human consumption in the national territory and for export, must comply with the health requirements issued by the competent authorities.

(Decree 4064 of 2008, art. 18).

ARTICLE 2.2.1.2.18.6. ***Environmental and zoosanitary control.*** The environmental authority will carry out the environmental control of the zoocriaderos through annual visits or those it deems pertinent in each case. For this purpose, it will charge the environmental monitoring service annually, in accordance with the system and calculation method indicated in article 96 of Law 633 of 2000, or the regulation that modifies or replaces it.

The Colombian Agricultural Institute (ICA) will carry out the zoosanitary control of animals of the Hélix aspersa species.

(Decree 4064 of 2008, art. 19).

ARTICLE 2.2.1.2.18.7. ***Preventive and sanctioning measures.*** Failure to comply with the obligations established in this decree and other regulations that regulate the matter, will give rise to the imposition of preventive and sanctioning measures in accordance with the procedure established in the pertinent regulations.

(Decree 4064 of 2008, art. 20).

ARTICLE 2.2.1.2.18.8. ***Transition.*** The introduction of individuals of the Hélix aspersa species into the national territory, which is covered by an environmental license granted by the Ministry of Environment and Sustainable Development before October 24, 2008, may be carried out subject to the terms, conditions and obligations of said license. In any case, the right to enter the country of authorized specimens after April 24, 2009 will be lost.

For environmental license applications for the introduction of specimens of the Hélix aspersa species that are in process as of October 24, 2008, the Ministry of Environment and Sustainable Development must proceed to issue an administrative act of cessation of processing and order the file. of the respective file.

Paragraph. The zoocriaderos that were covered by the transition regime that this article deals with, had to implement strict measures to avoid escapes of the introduced specimens.

(Decree 4064 of 2008, art. 21).

SECTION 19

OF THE GAME PREMISES

ARTICLE 2.2.1.2.19.1. ***Definition.*** Hunting reserve is understood as the area destined for the maintenance, promotion and use of wild fauna species for sport hunting.

(Decree 1608 of 1978, art. 156).

ARTICLE 2.2.1.2.19.2. ***Private property.*** In order to allocate a privately owned area as a sport hunting reserve, the owner of the property must submit a written request to the entity managing the resource in whose jurisdiction the property is located, attaching the following information and documents:

1. Name, identification and address of the applicant.

2. Location, jurisdiction, area, boundaries and access roads to the farm or properties.

3. Certificate from the registrar of public and private instruments that proves ownership of the property.

4. Topography, bodies of water and swampy areas as well as existing vegetation on the property.

5. Map of the property at a scale of 1:25,000.

6. Inventory of the vertebrate species of wild fauna existing on the property and in the region.

7. Species or species of wild fauna on which sport hunting will be practiced and justification.

8. Repopulation plans that will be advanced.

9. Management plan that will include the work of adaptation, drainage, plantations and other activities necessary for the maintenance, promotion and use of the species in the hunting reserve.

(Decree 1608 of 1978, art. 157).

ARTICLE 2.2.1.2.19.3. *destination.* Based on the inventory presented by the interested party, on the technical visits made to the property and on the studies, inventories and stock calculations, at the regional and national levels, available to the managing entity in relation to the species or species that will be the object of sport hunting in the hunting ground that is intended to be established, the destination may be allowed or denied.

(Decree 1608 of 1978, art. 158).

ARTICLE 2.2.1.2.19.4. *Conditions for destination.* The destination of a property as a sport hunting preserve may only be allowed when the owner demonstrates that there is a sufficient variety of wild fauna species and that its population is such that it allows this kind of activity, without detriment to those.

A property may not be used as a sport hunting preserve when it contains environments or critical places for the reproduction, survival or feeding of native or migratory species, particularly when it comes to species or subspecies in danger of extinction.

(Decree 1608 of 1978, art. 159).

ARTICLE 2.2.1.2.19.5. *Obligations.* The resolution by which the destination of a property is allowed as a sport hunting preserve must foresee the obligations that the owner acquires with respect to the species of wild fauna that are found in it and determine based on the inventories and studies to be This decree refers to the times and the number of individuals that can be obtained in the exercise of sport hunting and the provisions related to repopulation.

(Decree 1608 of 1978, art. 160).

ARTICLE 2.2.1.2.19.6. *Prohibitions.* In sports hunting reserves, this activity may not be practiced on species with respect to which a closed season or hunting ban has been declared, nor on specially protected specimens. The infraction of this provision as well as the breach of the obligations that are consigned in the resolution that authorizes the destination of the property as a hunting ground, will give rise to the revocation of this authorization without prejudice to the other sanctions that may apply.

(Decree 1608 of 1978, art. 161).

ARTICLE 2.2.1.2.19.7. *Control and follow up.* The managing entity may order the practice of visits to the hunting ground in order to verify compliance with the obligations. The owners and administrators of the property as well as their dependents must provide all the collaboration required by the officials who carry out the visit.

(Decree 1608 of 1978, art. 162).

ARTICLE 2.2.1.2.19.8. *Limitations and reports.* In accordance with the provisions of article 43 of the National Code of Renewable Natural Resources and Environmental Protection, the right of the owners in the hunting reserves must be exercised in a social function and is subject to the limitations established in this decree and other provisions that regulate the management of the resource.

The owners of hunting reserves must submit an annual report and the reports requested by the managing entity of the resource on the development of their activities and will keep a book in which they must record the hunting activities carried out, the number of pieces collected, the number of individuals or specimens that are delivered to the managing entity for repopulation and those that are given or received in exchange with zoos or zoos, as well as the habitat recovery and management activities carried out within the preserve.

Since the destination of the hunting reserves is sport hunting, the individuals or products of the wild fauna existing in it could not be commercialized.

(Decree 1608 of 1978, art. 163).

SECTION 20

OF FAUNA TERRITORIES AND GAME RESERVES

ARTICLE 2.2.1.2.20.1. *Definition.* Faunal territory is understood as the area that is reserved and delimited for purposes of conservation, research and management of wild fauna for exhibition.

(Decree 1608 of 1978, art. 164).

ARTICLE 2.2.1.2.20.2. *Objectives.* The objectives of the faunal territories are:

1. Preserve, restore and promote the wild flora and fauna found in said reserves.

2. Know the biological cycles, the food diet and the ecology of natural populations of wild fauna species.

3. Carry out basic and experimental research in terms of managing and studying the generic improvement of wild fauna species.

4. Investigate ecological aspects and primary productivity that may affect the management of wildlife and be applicable in ecologically similar areas.

5. Produce individuals of wild fauna for the repopulation of preferentially primary ecosystems, when it is considered technically appropriate.

6. Establish and study systems and techniques for biological control of wildlife species. To carry out this activity, authorization from the national government is required.

7. Investigate the prevention and treatment of zoonoses in wildlife.

(Decree 1608 of 1978, art. 165).

ARTICLE 2.2.1.2.20.3. *Approval.* The provision by which a faunal territory is reserved and delimited must be approved by the Ministry of Environment and Sustainable Development.

(Decree 1608 of 1978, art. 166).

ARTICLE 2.2.1.2.20.4. *Areas.* The faunal territories may include the following areas:

1. Primitive area. It is the one in which research can be carried out without management practices and where witness natural areas and wildlife conservation areas of the different ecosystems of the reserve will be conserved. This area is not accessible to the public. The investigations will be carried out by the scientific staff of the managing entity, but it is possible to count on the collaboration of other scientific entities.

2. Experimental management area. It is the one destined to the conservation and experimentation in natural environments slightly modified in some of its aspects. The public may have restricted access to it.

3. Intensive experimentation area. It is the one in which experiments are carried out with great intensity and with possible significant modifications of the environment in small sectors, in order to apply the results in areas of experimental management. The public will have restricted access to these areas.

4. High activity area. It is the one in which the services and facilities such as cabins, warehouses, visitor centers, landing strips, parking lots, restaurants and other similar ones for the visiting public or the administration are found.

5. Road area. It is the surface and places of the faunal territory through which the access roads to the different areas and their facilities cross. Its use will be regulated.

(Decree 1608 of 1978, art. 167).

ARTICLE 2.2.1.2.20.5. *Delimitation.* The delimitation of the areas related in the previous article will be determined based on the studies and investigations of the ecosystems that make up the faunal territory, studies and investigations on which the management plan will be based.

(Decree 1608 of 1978, art. 168).

ARTICLE 2.2.1.2.20.6. *Prohibitions.* In the faunal territories it is forbidden to any individual:

1. Carry out hunting and fishing activities or activities related to them.

2. Employ systems, practices or means that may cause disturbances, disbandment or stampedes.

3. Carrying weapons or hunting or fishing implements.

4. Introduce any kind of animals.

5. Supply food to animals.

6. Chasing, cornering or tracking animals from any kind of vehicle or by other means.

7. Taking or collecting any kind of natural material without express authorization.

8. Setting fire to vegetation or making fires in unauthorized places.

9. Use insecticides, pesticides or any toxic substance that may cause damage to the fauna or flora of the territory.

10. Entering the territory without the corresponding authorization or permit or entering areas closed to the public.

11. Others contemplated in the respective management plan.

(Decree 1608 of 1978, art. 169).

ARTICLE 2.2.1.2.20.7. *Subtraction of faunal territories.* To subtract all or part of the sector that includes a faunal territory, it will be necessary to demonstrate that it has ceased to fulfill the purposes that motivated its creation. The ruling that declares it must be approved by the national government, prior concept of the Colombian Academy of Exact Physical and Natural Sciences.

(Decree 1608 of 1978, art. 170).

ARTICLE 2.2.1.2.20.8. *Hunting reserves.* If the area that is reserved and delimited also has the purpose of promoting hunting species, it will be called a hunting reserve and scientific, promotional, control and sport hunting may be allowed in it, but the latter may only be practiced if no declared prohibition or prohibition for its exercise.

Hunting will be exercised subject to the special regulations provided for in the reserve management plan and in no case may it be for profit.

(Decree 1608 of 1978, art. 171).

ARTICLE 2.2.1.2.20.9. *Prohibition to individuals.* The managing entity may also declare the resource reserved in a certain area in accordance with the provisions of article 47 of Decree-Law 2811 of 1974, in order to advance programs for the restoration, conservation and preservation of wild fauna and in this case not The exercise of hunting will be allowed to individuals.

(Decree 1608 of 1978, art. 172).

ARTICLE 2.2.1.2.20.10. *Statement.* The ruling by which the reservations referred to in the previous articles are declared and delimited and the one that decides the subtraction of all or part of it must be approved by the National Government based on the studies that support the decision and prior concept of the Colombian Academy of Exact Physical and Natural Sciences.

(Decree 1608 of 1978, art. 173).

SECTION 21

OF ZOOS

ARTICLE 2.2.1.2.21.1. *Zoo.* Zoo is understood as the set of facilities of public or private property, where individuals of wild fauna are kept in confinement or semi-confinement for exhibition and for educational purposes and in which biological research is carried out on the species in captivity, activities that are They are carried out for non-commercial purposes, although fees are charged to the public for admission to the zoo.

(Decree 1608 of 1978, art. 180).

ARTICLE 2.2.1.2.21.2. *Operating license.* Any natural or legal person, public or private, that intends to establish a zoo must request an operating license in writing from the managing entity of the resource in whose jurisdiction it is to be established, attaching the following information:

1. Name, identification and address of the applicant. If it is a legal person, proof of its constitution, as well as the name, address and identification of its legal representative.

2. Location of the zoo indicating the municipal jurisdiction to which it belongs.

3. Recent property registration certificate for the area issued by the registrar of public and private instruments.

4. Number of individuals with which it is planned to initiate activities, indicating the species, subspecies to which they belong.

5. Characteristics of the area in which the zoo is to be established, such as climate, waters, vegetation cover, topography, soils.

6. Sources of supply of individuals.

7. Application for the respective promotion hunting permit when it is intended to obtain from the natural environment, the parents for the zoo.

8. Biological research project that is intended to be carried out with the individuals of the zoo.

9. Zoo management plan that will include the breeding plan in order to resupply the zoo itself or others, or to supply individuals to the managing entity for repopulation purposes.

(Decree 1608 of 1978, art. 181).

ARTICLE 2.2.1.2.21.3. *Aspects of the Management Plan.* The management plan referred to in the previous article must include at least the following aspects:

1. Detailed review of the activities that will be carried out during the first year.

2. Plans and designs of the infrastructure and setting works and their facilities, including cages, fences and the like, supplies, distribution, discharge and drainage of water, facilities for food preservation and preparation, facilities for medical treatment, acclimatization, control, archives and other works and installations necessary for its operation.

3. Sources of obtaining food for animals.

4. Special planning and projections in the medium and long term.

5. Technical-administrative, advisory and service personnel.

The technical or advisory staff must include a biologist, veterinary zoologist or other professional in biological sciences, who will also be responsible for the development of the proposed research program.

6. Registration and control system and resumes of the animals admitted or produced in the zoo.

7. Prophylactic systems and adaptation and all those practices aimed at minimizing mortality and ensuring hygiene.

8. Security systems, alarms and emergency measures.

9. Marking system.

(Decree 1608 of 1978, art. 182).

ARTICLE 2.2.1.2.21.4. *Provisional License.* In accordance with the study of the plan of activities, and the technical visits that will be carried out at the expense of the interested party, the operation of the zoo may be authorized by granting a provisional license for two (2) years, after which the license will be definitive, but It may be revoked due to serious or repeated breach of the obligations stipulated in the resolution, among them, especially those related to the proper treatment of animals, health, hygiene, food.

(Decree 1608 of 1978, art. 183).

ARTICLE 2.2.1.2.21.5. *Purchase of animals.* For the purchase of animals for the zoo, the respective mobilization safe-conduct must be required to guarantee their legal obtaining in the exercise of a commercial hunting permit.

(Decree 1608 of 1978, art. 184).

ARTICLE 2.2.1.2.21.6. *Leave the country.* Only the exchange that implies leaving the country of individuals produced in the zoo will be allowed. Individuals not produced in the zoo may be allowed to leave if there are reasons of consanguinity or congenital sterility that make them incapable of reproducing, or in the case of individuals belonging to exotic species that do not exist in the country.

(Decree 1608 of 1978, art. 185).

ARTICLE 2.2.1.2.21.7. *Obligations.* The entry into the country of animals destined for zoos must be done in accordance with international conventions and agreements and with compliance with the provisions that govern the matter, especially the sanitary regulations established by the Colombian Agricultural Institute.

(Decree 1608 of 1978, art. 186).

ARTICLE 2.2.1.2.21.8. *Animal escapes.* The managing entity of the resource must be informed immediately when animals escape from the zoo or during their mobilization, the characteristics of the animal will be indicated and all the necessary collaboration for its capture will be provided.

(Decree 1608 of 1978, art. 187).

ARTICLE 2.2.1.2.21.9. *Obligations of the owners.* The owners or legal representatives of existing zoos as of July 31, 1978 had to register them within a term of six (6) months counted from August 29, 1978 and request in writing the operating license and for this they had to attach, in addition to the data related in this decree, at least the following:

1. Detailed inventory of the animals existing in the zoo on the date of filing the application, indicating the species or subspecies to which they belong, age, sex and other characteristics that help identify them.

2. Origin of the animals and date of acquisition, indicating whether they were obtained by donation, exchange or purchase, and documentation proving the legality of the procurement.

The name of the natural or legal person from whom they were acquired, the number of the safe-conduct that covered the mobilization, and of the resolution that granted the commercial hunting permit if they were purchased, and the documentation that authorized their entry into the country.

If they were born in the zoo, the date of birth and their parents must be indicated.

3. Specific research project carried out at the zoo or with its active participation.

(Decree 1608 of 1978, art. 188).

ARTICLE 2.2.1.2.21.10. *Definitive operating license.* Based on the plan of activities and on technical visits that will be carried out at the cost of the interested party, the managing entity of the resource may grant the definitive operating license, or order the changes, expansion or adaptation of the facilities, which must be carried out under penalty of license is denied.

The license that is granted may be revoked for the same reasons indicated in article 2.2.1.2.21.4 of this decree.

(Decree 1608 of 1978, art. 189).

ARTICLE 2.2.1.2.21.11. *Collaboration duty.* The holders of a zoo operating license must submit an annual report to the managing entity of the resource in which they indicate the registered movements both for obtaining animals and for exit or loss, supplying the data referred to in this decree. They must also relate the activities carried out in relation to the research program and its results and the other aspects required by the managing entity.

The owners, administrators and personnel at the service of the zoo must provide all the collaboration to the officials of the managing entity of the resource in their technical or control visits.

(Decree 1608 of 1978, art. 190).

ARTICLE 2.2.1.2.21.12. *Other authorizations.* In order to be able to release, sell, exchange or give away animals acquired or born in the zoo, express authorization is required from the managing entity of the resource, which will issue the respective safe-conduct. Animals that move without this safe-conduct will be confiscated without prejudice to the imposition of other sanctions that may apply.

(Decree 1608 of 1978, art. 191).

ARTICLE 2.2.1.2.21.13. *Circus Animal Registry.* Every circus that possesses or exhibits wild fauna animals is required to register with the entity that administers the resource, relating the animals with their characteristics, origin, and documentation proving their legal acquisition, including individuals of exotic species that do not exist in the country.

For the mobilization they must have a safe-conduct that will be issued by the managing entity of the resource in whose territory they are transferred.

(Decree 1608 of 1978, art. 192).

ARTICLE 2.2.1.2.21.14. ***International Circuses.*** When it comes to international circuses for the entry of animals into the country, all the regulations that govern the matter must be complied with and in addition to the sanitary certification required by the Colombian Agricultural Institute, they will require a special authorization from the entity that administers the resource that has jurisdiction. at the port of entry.

In order to obtain this authorization, they must present a detailed inventory of the animals indicating their number, species, subspecies, sex, age and other characteristics that contribute to individualizing them and only with respect to these, the mobilization safe-conduct will be issued.

The exit from the country will only be authorized for the same individuals whose entry was authorized and for individuals obtained with the express authorization of the managing entity of the resource in zoos or zoos established in accordance with this decree.

(Decree 1608 of 1978, art. 193).

ARTICLE 2.2.1.2.21.15. ***Animal escape.*** When one or more animals from the circus escape, the owner, administrator or dependent circus personnel must report the fact immediately to the managing entity of the resource, indicating the characteristics of the animal and collaborate in the activities necessary for its capture.

(Decree 1608 of 1978, art. 194).

ARTICLE 2.2.1.2.21.16. ***Prohibition.*** Any show that involves fighting in which wild animals participate or in which they are injured, mutilated or killed is prohibited.

(Decree 1608 of 1978, art. 195).

ARTICLE 2.2.1.2.21.17. ***Penalty system.*** The sanctioning regime applicable to whoever violates the provisions contained in this decree will be those contained in Law 1333 of 2009 or the norm that replaces it.

SECTION 22

OF THE MOBILIZATION OF INDIVIDUALS, SPECIMENS AND PRODUCTS OF WILD FAUNA

ARTICLE 2.2.1.2.22.1. ***Mobilization within the national territory.*** Any person who must transport individuals, specimens or products of wildlife must be provided with the respective mobilization safe-conduct. The safe-conduct will cover only the individuals, specimens and products indicated in it, it will be valid only once and for the time indicated in it.

The safe-conduct will be granted to natural or legal persons holding hunting permits or operating licenses for hunting establishments, museums, collections, zoos and circuses.

(Decree 1608 of 1978, art. 196).

ARTICLE 2.2.1.2.22.2. ***Safe-conducts.*** The safe-conducts for the mobilization of individuals, specimens or products of wildlife must determine the type of permit that authorized the obtaining of the individual, specimen or product. When issued, a copy of the safe-conduct must be attached to the file in process of the corresponding permit.

(Decree 1608 of 1978, art. 197).

ARTICLE 2.2.1.2.22.3. ***Holder of the safe-conduct.*** The safe-conducts will be issued in the name of the permit holder, indicating, under his responsibility, the driver or transporter of the individuals, specimens or products, and may not be assigned or endorsed by the permit holder or by whoever, under his responsibility, carries out driving or transportation.

(Decree 1608 of 1978, art. 198).

ARTICLE 2.2.1.2.22.4. *Validity.* The safe-conducts will cover only the individuals, specimens or products that are specified in them, are valid for the time indicated in them and cannot be used for routes or means of transport other than those specified in their text.

When the transporter is unable to move the individuals, specimens or products, within the term of validity of the safe-conduct, due to one of the circumstances provided for in the following article, it will have the right to be issued a new one, prior delivery and cancellation of the previous one. The change made will be recorded in the new safe-conduct.

(Decree 1608 of 1978, art. 199).

ARTICLE 2.2.1.2.22.5. *Circumstances.* The remobilization safe-conduct referred to in the previous article will only be issued if one of the following circumstances occurs:

1. That the specimens, individuals or products cannot be taken to their destination within the time stipulated in the original safe-conduct due to force majeure or duly verified fortuitous event.

2. That the individuals or products could not be marketed in the place indicated in the original safe-conduct, for reasons not attributable to the holder of the safe-conduct.

(Decree 1608 of 1978, art. 200).

ARTICLE 2.2.1.2.22.6. *Mobilization requirements.* For the mobilization of hunting products, including offal, whatever their physical or biological state, their origin, destination and application must be indicated: meat and other food products from wild fauna may only be marketed if they correspond to individuals Obtained in the exercise of a commercial hunting permit or from zoocriaderos destined for this purpose and after obtaining the respective health certificate issued by the competent authority.

(Decree 1608 of 1978, art. 201).

SECTION 23

IMPORT OR INTRODUCTION INTO THE COUNTRY, OF INDIVIDUALS OR PRODUCTS OF WILD FAUNA

ARTICLE 2.2.1.2.23.1. *Importation or introduction into the country of individuals or products of wildlife.* To introduce and import into the country individuals, specimens or products of wildlife, it is required:

1. That the introduction or importation of individuals, specimens or products is permitted in accordance with international treaties, conventions or agreements and conventions signed by Colombia and current national provisions.

2. That they are individuals, specimens or products of species whose hunting or obtaining has not been prohibited or prohibited in the country.

3. That the provisions on animal health are complied with.

4. That the interested party obtain the corresponding permit pursuant to this chapter.

(Decree 1608 of 1978, art. 202).

ARTICLE 2.2.1.2.23.2. *Requirements.* Whoever intends to import or introduce into the country individuals, specimens or products of wildlife that are allowed to be imported or introduced, must submit a written request attaching the following data and documents:

1. Name, identification and address. If it is a legal entity, proof of its existence and name, identification and address of its legal representative.

2. Object and justification of the importation or introduction, whether the latter is permanent or transitory.

3. Species or subspecies to which the individuals, specimens or products belong.

4. Sex, age, number, size and other characteristics that the managing entity considers necessary to specify.

5. Place of origin of individuals, specimens or products and place of origin.

6. Documentation issued by the competent authorities of the country in which the individuals, specimens or products have been captured and obtained from the natural environment, proving the legality of the obtaining or capture; the documents must be duly authenticated by the Colombian consular official or whoever acts on his behalf in said country.

(Decree 1608 of 1978, art. 203).

ARTICLE 2.2.1.2.23.3. *Species introduction.* When the importation or introduction of individuals, specimens or products of wild fauna implies the introduction of species, the interested party must comply with the requirements set forth in this decree.

(Decree 1608 of 1978, art. 204).

ARTICLE 2.2.1.2.23.4. *Business purposes.* When the importation or introduction of wildlife species or products is done for commercial purposes, the interested party must also submit the following documents:

1. Certificate from the Chamber of Commerce on registration as a merchant, if it is a natural person.

2. Certificate from the Chamber of Commerce on the constitution, ownership, validity, partners, representation and termination of the company, if it is a legal entity, as well as the name, identification and address of its legal representative.

3. Certificate from the Colombian Migration Special Administrative Unit on residence, when the applicant is a foreigner.

(Decree 1608 of 1978, art. 205).

ARTICLE 2.2.1.2.23.5. *Marketing, transformation or processing.* If the person interested in importing or introducing into the country individuals or products of wildlife intends to market, transform or process them, the pertinent data related to this decree must be attached to their permit application.

(Decree 1608 of 1978 art. 206).

ARTICLE 2.2.1.2.23.6. *Obligatory compliance.* In any case, the commercialization, processing, transformation and mobilization of individuals, specimens or products that are introduced or imported into the country will be subject to compliance with the requirements and obligations provided for this type of activity in this decree.

Corrected by art. 3, National Decree 1956 of 2015. <*Item 2 corrected is as follows*> The importation of wild fauna animals destined for zoos, natural history collections or museums, must be done directly by the owners, directors or legal representatives of such establishments with compliance with the requirements established in article 2.2.1.2.23.2 of this decree.

The original text was as follows:

The importation of wild fauna animals destined for zoos, natural history collections or museums, must be done directly by the owners, directors or legal representatives of such establishments in compliance with the requirements established in article 203 of this decree. If the importation is not carried out directly by the persons indicated in this article, it will be considered that it is done for commercial purposes and the interested party must comply with the requirements demanded in this decree.

In order to guarantee compliance with the regulations on the protection of national wildlife and to facilitate control, the importation or introduction of individuals, specimens or products of wildlife whose hunting is prohibited or prohibited in the country will not be allowed. or when being permitted, the sizes,

sex, age and other characteristics of the individuals, specimens or products that are intended to be introduced or imported, do not correspond to those established in the country.

(Decree 1608 of 1978, art. 207).

ARTICLE 2.2.1.2.23.7. ***Of the interested in the importation.*** The importation of wild fauna animals destined for zoos, natural history collections or museums must be done directly by the owners, directors or legal representatives of such establishments in compliance with the requirements established in article 2.2.1.2.23.2. of this decree. If the importation is not carried out directly by the persons indicated in this article, it will be considered that it is done for commercial purposes and the interested party must meet the requirements of articles 2.2.1.2.23.4 to 2.2.1.2.23.6. of this decree.

(Decree 1608 of 1978, art. 209).

ARTICLE 2.2.1.2.23.8. ***Prohibition for importation or introduction.*** In order to guarantee compliance with the regulations on the protection of national wildlife and to facilitate control, the importation or introduction of individuals, specimens or products of wildlife whose hunting is prohibited or prohibited in the country will not be allowed. or when being permitted, the sizes, sex, age and other characteristics of the individuals, specimens or products that are intended to be introduced or imported, do not correspond to those established in the country.

(Decree 1608 of 1978, art. 210).

ARTICLE 2.2.1.2.23.9. ***From the export of individuals or products of wildlife*** . To export individuals or products of wildlife, the following is required:

1. That the export of individuals or products is allowed in accordance with the international treaties, agreements or conventions that bind Colombia and the current national provisions on the matter.

2. That they are individuals or products whose obtaining or capture has not been prohibited or prohibited in Colombia.

3. That the interested party complies with the provisions that regulate exports and obtains the corresponding permit.

4. That authorization is obtained from the Ministry of Environment and Sustainable Development.

(Decree 1608 of 1978, art. 211).

ARTICLE 2.2.1.2.23.10. ***Requirements for granting the permit.*** Who intends to export individuals, specimens or products of wildlife, must submit a request for permission on sealed paper attaching the following data and documents:

1. Name, identification and address of the applicant. If it is a legal entity, proof of its existence and name, identification and address of its legal representative.

2. Objective and justification of the export.

3. Species and subspecies to which the individuals, specimens, or products to be exported belong.

4. Sex, age, number, size and other characteristics that the managing entity considers necessary to specify.

5. Origin of the individuals, specimens and products and safe-conducts that certify the legality of obtaining them.

6. If the person intending to export is the same person who has obtained or captured the specimens or products from the natural environment, they must attach the authentic copy of the commercial hunting permit that authorized their capture or obtaining.

(Decree 1608 of 1978, art. 212).

ARTICLE 2.2.1.2.23.11. *Accreditation.* If the export is carried out in order to process or transform the specimens or products, it must be previously accredited that the transformation cannot be carried out in the country, for which the managing entity may demand and provide the information it deems necessary.

(Decree 1608 of 1978, art. 213).

ARTICLE 2.2.1.2.23.12. *Ambit.* The rules that regulate the mobilization of individuals, specimens or products of wildlife, including import, introduction, export and exit from the country, are applicable throughout the national territory, including free zones , free ports or any other site that has exceptional customs regime, in consideration of its nature of special police regulations.

(Decree 1608 of 1978, art. 215).

ARTICLE 2.2.1.2.23.13. *Policy Formulation.* In exercise of the function that corresponds to the Ministry of Environment and Sustainable Development in the formulation of the national policy on environmental protection and renewable natural resources, and as a form of coordination of the execution of that policy, its concept will be requested by the entities that regulate import and export operations, prior to the modification or issuance of provisions related to the introduction, import, export or exit of the country, of individuals, specimens or products of wild fauna, as well as for the execution of contracts that have the same subject matter.

(Decree 1608 of 1978, art. 216).

Article 2.2.1.2.23.14. *Quotas and Quotas.* The managing entity of the resource will establish the quotas of exportable individuals and the quota that must remain in the country, in accordance with the studies, the calculation of stocks and the existing inventories on the species or species to which the individuals, specimens or products whose export or departure from the country is intended.

The ages and sizes must correspond to those prescribed as regulations for obtaining them in the country.

(Decree 1608 of 1978, art. 217).

ARTICLE 2.2.1.2.23.15. *Prohibitions.* In accordance with the provisions of article 265 letter i of Decree-Law 2811 of 1974, it is prohibited to export live individuals of wild fauna, except those destined for scientific research obtained in the exercise of a commercial hunting permit or in zoocriaderos and those expressly authorized. by the national government in the case of exchanges by the entity managing the resource or by duly established zoos, as long as the exchange has been authorized by the entity managing the resource.

In the resolutions through which commercial hunting permits are granted for the export of live animals for exclusively scientific purposes of foreign companies or entities, the administering entity will determine the percentage of these that the holder of the permit must deliver to be destined for repopulation or promotion of the species in zoocriaderos belonging to said entity.
(Decree 1608 of 1978, art. 218).

SECTION 24

GENERAL OBLIGATIONS AND PROHIBITIONS IN RELATION TO WILDLIFE

ARTICLE 2.2.1.2.24.1. *General obligations and prohibitions in relation to wildlife.* Without prejudice to the specific obligations provided for in the previous titles and those set forth in the resolutions through which permits or licenses are granted for the exercise of hunting or hunting activities, they are considered general obligations in relation to wildlife. , the following:

1. Comply with the regulations related to the protection of wild fauna, especially those that establish closed seasons, prohibitions or restrictions for the exercise of hunting or hunting activities.

2. Submit the declaration of environmental effect or the previous environmental ecological study in the form and opportunity required by the managing entity of the resource, in accordance with the provisions of the National Code of Renewable Natural Resources and Environmental Protection and by this decree.

3. Use authorized methods, systems, weapons or implements and protect their possession with the respective safe-conduct.

4. Respect the sizes, ages, quotas, seasons and other conditions established for hunting and hunting activities.

5. Pay the repopulation rate in the form, amount and opportunity determined by the managing entity of the resource.

NOTE: The underlined text was replaced by "compensatory rate" , by art. 2, National Decree 1272 of 2016.

6. Submit the quantity or percentage of individuals or products determined by the managing entity of the resource in the resolution that grants a commercial hunting permit or a license to operate zoocriaderos.

7. Indicate with previously registered trademarks or distinctives, the individuals or products of zoocriaderos.

8. Prepare the inventories of individuals or products within the term set by the managing entity of the resource, when a closed season or prohibition is established.

9. Keep record books in the manner established by the managing entity and display them when required for control purposes.

10. Provide all the necessary collaboration to facilitate control and surveillance tasks.

11. Protect environments and critical places for the repopulation, survival or feeding of native or migratory species, particularly in the case of endangered species existing on private property as well as specially protected individuals and render the reports requested the managing entity of the resource.

12. Comply with the protection provisions established in the areas of the national park system, in the faunal territories, hunting reserves and in the protective forest areas declared as such due to the fauna they harbor.

13. Report violations of the rules that regulate the protection and management of wildlife, to the entity managing the resource.

(Decree 1608 of 1978, art. 219).

SECTION 25

GENERAL PROHIBITIONS

ARTICLE 2.2.1.2.25.1. *Prohibitions.* Considering that it threatens wildlife and its environment, the following behaviors are prohibited, in accordance with the provisions of Article 265 of Decree-Law 2811 of 1974:

1. Make burning or fires to corner, make flee or kill the prey. This prohibition includes the use of smoke, vapours, gases or substances or similar means to expel wild animals from their dens, burrows, nests or caves and cause stampedes or routs.

2. Use explosives, poisonous substances, pesticides or any other chemical agent that causes death or permanent paralysis of animals.

Temporary stoppage can only be used as a method of capturing live animals.

3. Using instruments or systems with specifications that do not correspond to those permitted in general and for certain areas. It is prohibited to use dogs as a harassment or persecution system in the hunting of cervids.

4. Hunting in closed areas or in times of closed season or prohibition.

5. Hunting individuals of prohibited or prohibited species or whose sizes are not prescribed.

6. Cause the deterioration of the environment with products or substances used in hunting.

7. Use products or procedures that are not expressly authorized as a means of control for wild species.

8. Destroy or damage nests, dens, burrows, caves, eggs or young of wild animals, or the sites that serve as lodging or that constitute their habitat.

9. Cause the quantitative or qualitative decrease of species of wild fauna.

10. Hunting in places of refuge or in areas destined to the protection or propagation of species of wild fauna.

(Decree 1608 of 1978, art. 220).

ARTICLE 2.2.1.2.25.2. *Other prohibitions.* It is also prohibited, in accordance with the provisions of Decree-Law 2811 of 1974 and this decree, the following:

1. Hunting or developing hunting activities such as the mobilization, commercialization, processing or transformation or promotion, without the corresponding permit or license.

2. Violate the provisions set forth in the resolutions that grant hunting permits, permission to carry out hunting activities or license to operate hunting establishments.

3. Mobilize individuals, specimens or products of the wild fauna without the respective safe-conduct or mobilize greater quantity or specifications different from those related therein.

4. Market, process or transform and move individuals, specimens or products of species with respect to which a ban or prohibition has been established.

5. Obstruct, impede or disturb the exercise of subsistence hunting. In the indigenous reservations or reservations, only the aborigines of the respective reservations or reservations may hunt, except in the case of scientific hunting, but in this case the head of the respective reservation or reservation must be notified.

6. Hunting in urban and suburban areas, in recreational areas, on public roads and in general in areas not stipulated in the respective hunting permit.

7. Hunting, commercializing or transforming a greater number of individuals than that authorized in the corresponding permit or license.

8. Commercialize individuals, specimens or products obtained in the exercise of scientific, sports and subsistence hunting, when in the latter case it has not been expressly authorized.

9. Export, import or introduce into the country, individuals, specimens or products of wildlife species for which a ban or prohibition has been declared, or in contravention of the provisions of Decree-Law 2811 of 1974 of this decree and the established by the administrative entity of the resource on the matter.

10. Carry out shooting or hunting contests using wild animals of any kind as targets and reward sports hunters in contests based on the number of dead, mutilated, injured, or not collected game.

11. Provide the entity managing the resource with incorrect, false or incomplete statements, reports or documents, impede or hinder visits, inspections and, in general, the control that officials must carry out, or deny the information or documents that are required of them.

12. Distribute, market or process individuals, specimens or products from zoocriaderos during the establishment or experimentation stage and in the production stage in greater quantities or with different specifications than those established in the operating license.

13. Distribute, market, release, donate, regulate or disperse in any way, without prior authorization, individuals of wild species introduced into the country and carry out transplants of wild species by persons other than the entity managing the resource, or introduce exotic species.

14. Assign hunting permits or licenses and cards or safe-conducts under any title, allow their use by others or not report their loss, and make use of these documents with or without the owner's consent.

15. Acquire, for commercial purposes, hunting products that do not meet the legal requirements or whose legal origin is not proven.

16. Export live individuals of wild fauna, except those intended for scientific research or those expressly authorized by the National Government, in accordance with the provisions set forth in this decree.

17. Hunting in areas of private property without the permission or express authorization of the owner.

(Decree 1608 of 1978, art. 221).

ARTICLE 2.2.1.2.25.3. ***Penalty system.*** The applicable sanctioning regime will correspond to that provided for in Law 1333 of 2009 or the norm that replaces it.

SECTION 26

FINAL PROVISIONS

ARTICLE 2.2.1.2.26.1. ***Final provisions.*** In accordance with the provisions of Article 38 of Decree-Law 133 of 1976, the Ministry of Environment and Sustainable Development, as a national entity, is responsible for:

1. The formulation of the national policy on the protection and management of wildlife.

2. Collaborate in the coordination of the execution of the national policy regarding the protection and management of the resource, when this corresponds to other entities.

3. Prepare, in coordination with the Ministry of Agriculture, draft standards related to the health protection of wildlife and the regulation of the production and application of agricultural products and inputs whose use may affect the resource.

(Decree 1608 of 1978, art. 247).

ARTICLE 2.2.1.2.26.2. ***Other activities in charge of the environmental authorities.*** The Ministry of Environment and Sustainable Development and the competent environmental authorities that by law not only have the function of preserving, promoting and protecting wildlife, but also the power to grant permits for the use of the resource, are responsible for:

1. Classify wild animals and determine those that can be hunted and the species that require a special type of management.

2. Set the areas in which hunting can be practiced and the number, size and other characteristics of wild animals and determine the products that can be exploited according to the zoological species and establish closed seasons or prohibitions.

3. Carry out the previous ecological studies necessary for the fulfillment of the functions related in the previous points.

4. Regulate the exercise of hunting and hunting activities.

5. Grant, supervise, suspend or revoke the permits or licenses issued.

6. Regulate and control the activities related to the mobilization, processing or transformation, commercialization and in general the management of wild fauna and its products.

7. Regulate, control and monitor the movement of individuals, specimens or products of wildlife.

8. Regulate, control and monitor the activities of hunting establishments.

9. Regulate and control research activities and development of the resource.

10. Require the declaration of environmental effect or the previous ecological and environmental study and evaluate it taking into account the provisions of this decree both from those who take advantage of the resource and from those who carry out or intend to carry out activities that may damage it.

11. Set and collect the fees and rights for the use of the resource and for the services provided to users.

12. Delimit and declare areas for the protection of the resource, such as: faunal territories, hunting reserves, protective forest areas and carry out the subtractions that may take place in accordance with the provisions of this decree.

13. Carry out the use of the resource directly, when this is justified for ecological, economic or social reasons, without prejudice to acquired rights or public interest.

For reasons of an ecological order, the entity managing the resource may assume the integral management of a species or subspecies of wild fauna.

14. Create and monitor the operation of gardens, zoos and the like, natural history collections and museums.

15. Organize the control and vigilance and impose the necessary sanctions.

(Decree 1608 of 1978, art. 248).

ARTICLE 2.2.1.2.26.3. *Collaboration duty.* The regional entities that by law only have the function of protecting and promoting wild fauna, are responsible for carrying out the functions indicated in letters a), c), d) and g) of article 258 of Decree-law 2811 of 1974 and Collaborate in the surveillance and control of compliance with the regulations for the protection of the resource.

To develop resource development activities such as repopulation, transplantation and introduction of species, they must comply with the provisions of this decree and the established national policy.

(Decree 1608 of 1978, art. 249).

ARTICLE 2.2.1.2.26.4. *Validity.* The provisions that establish closed seasons, prohibitions or restrictions for the exercise of hunting remain in force and until the managing entity of the resource does not determine the wild animals that may be hunted, this activity may not be carried out except for subsistence hunting.

(Decree 1608 of 1978, art. 251).

SECTION 27

Added by art. 1, Decree 281 of 2021.

<The added text is as follows>

By which measures are established for the protection and conservation of sharks, marine rays and chimaeras of Colombia

Article 2.2.1.2.27.1. Environmental Plan for the Protection and Conservation of Sharks, Marine Rays and Chimeras. Create the Environmental Plan for the Protection and Conservation of Sharks, Marine Rays and Chimaeras, which will aim to guarantee the conservation and sustainable management of sharks, marine rays and chimaeras, in order to reduce the vulnerability and threats caused by the development of anthropic activities, through inter-institutional coordination, at the central and territorial levels, to promote policies, strategies, plans and programs aimed at the sustainability of these species.

Article 2.2.1.2.27.2. General Provisions of the Environmental Plan. The Environmental Plan for the Protection and Conservation of Sharks, Marine Rays and Chimeras must include at least the following general provisions:

1.Identify and define management criteria for the key mating, calving and rearing areas for sharks, marine rays and chimaeras.

2. Define strategies for the conservation and management of sharks and migratory marine rays and chimaeras.

3. Define conservation strategies for species of sharks and marine rays and chimeras included in the list of threatened wild species of Colombian biological diversity.

4. Establish criteria for ecotourism associated with sharks and marine rays.

5. Design and implement projects that involve economic incentives aimed at communities of artisanal fishermen, who voluntarily enter into agreements aimed at the conservation of sharks, marine rays and chimeras.

6. Advance priority scientific research for the conservation of sharks, marine rays and chimeras.

In coordination with the National Authority for Aquaculture and Fisheries (Aunap), define measures aimed at eliminating the mortality of sharks, marine rays and chimaeras, associated with fishing activities, in aspects such as accompanying fauna and bycatch.

8. Promote environmental education campaigns focused on the conservation of sharks, marine rays and chimeras.

9. Create a specific biological information repository module for species of sharks, marine rays and chimaeras, in the Colombian environmental information system (SIAC), based on the information collected by the different entities that are part of the National Environmental System. (SINA), and other organizations that carry out scientific research and monitoring of these species.

Article 2.2.1.2.27.3. Adoption of the Environmental Plan for the Protection and Conservation of Sharks, Marine Rays and Chimeras. The Ministry of Environment and Sustainable Development within eight (8) months, counted from the entry into force of this Section, will adopt the Environmental Plan for the Protection and Conservation of Sharks, Marine Rays and Chimeras.

Article 2.2.1.2.27.4. Control and Surveillance Measures. In exercise of the functions established in numerals 1 , 2 , 11 and 17 of article 31 of Law 99 of 1993, in Law 1333 of 2009, decree 3572 of 2011, article 5 of Decree Law 2324 of 1984, or in the regulations that modify or replace them, correspond to the Regional Autonomous Corporations and those of Sustainable Development, the Special Administrative Unit of the National Parks System, to the Environmental Authorities, created by Law 768 of 2002, to the General Maritime and Port Directorate (DIMAR), and the National Navy, in the area of its jurisdiction and competence, to exercise control and environmental surveillance of the hydrobiological resource called sharks, marine rays and chimeras to prevent, impede or avoid the performance of an activity or the existence of a situation that Beware of this resource.

Paragraph. The activities that attempt against the hydrobiological resource called sharks, marine rays and chimaeras, or violate the guidelines established in the Environmental Plan dealt with in this Section, will be entitled to the preventive and sanctioning measures established in Law 1333 of 2009 and the Code Criminal Law 599 of 2000, or the regulations that replace or modify them.

CHAPTER 3

CITES

SECTION 1

PORTS

ARTICLE 2.2.1.3.1.1. ***Designation for international trade in wildlife specimens.*** Designate as authorized seaports and airports for international trade in wildlife specimens, both inbound and outbound, the following:

Location	Transport mode
Bogota D.C.	aerial
Cali	aerial
Medellin (Rionegro)	aerial
Barranquilla	Air and Sea
Cartagena	Air and Sea
Saint Andrew	Air and Sea

(Decree 1909 of 2000, art. 1).

ARTICLE 2.2.1.3.1.2. ***Designation for international trade in specimens of wild flora*** Designate as sea and river ports, airports and other places authorized for international trade in specimens of wild flora, both inbound and outbound, the following:

Location	Transport mode
Bogota D.C.	aerial
Cali	aerial
Medellin	(Rionegro) Air
Barranquilla	Air and Sea
Cartagena	Air and Sea
Santa Marta	Maritime
Bonaventure	Maritime

Ipiales	Land (with passage through the Rumichaca-Nariño Bridge
Leticia	Air and River
Cucuta	Land (with passage through the Simón Bolívar International Bridge)
Port Assisi	River

Paragraph 1. For the purposes contemplated in this article, the designation of the Pereira International Airport is conditioned to what the Ministry of the Environment and the Municipality of Pereira agree to for that purpose as the owner of said air terminal. The foregoing will be made effective by the Ministry of the Environment through a duly reasoned administrative act.

(Decree 1909 of 2000, art. 2).

Paragraph 2. In the cases in which the entry into the country of the specimens of wild flora is made through the Corregimiento of Tarapacá, department of Amazonas, the respective verification and control of said specimens will be carried out in the city of Puerto Assisi, as an authorized port for these purposes.

(Decree 197 of 2004).

ARTICLE 2.2.1.3.1.3. *Other designation.* The following shall be designated as the authorized port for international trade in wild fauna specimens, solely for departure and with respect to the aforementioned specimen:

Location Mode of transport Specimen Arauca Terrestrial Chigüiro

(Decree 1909 of 2000, art. 3).

ARTICLE 2.1.3.3.1.4. *Transit ports.* The following are designated as authorized ports for international trade in wildlife specimens, both inbound and outbound, and only for circuses and traveling exhibitions of live animals:

Location	Transport mode
Ipiales	Land (with passage through the Rumichaca Bridge – Nariño)
Cucuta	Land (with passage through the Simón Bolívar International Bridge)

(Decree 1909 of 2000, art. 4).

ARTICLE 2.2.1.3.1.5. *Information duty.* When a shipment of specimens of wild fauna and/or flora is detected in a seaport, river, airport or other authorized place not authorized by this decree or without the respective environmental license, authorization or CITES permit, issued by the Ministry of Environment and Sustainable Development the competent authorities without prejudice to their legal powers, must immediately inform the environmental authority with jurisdiction in that locality and the Ministry of the Environment and Sustainable Development in order to adopt the pertinent measures.

(Decree 1909 of 2000, art. 5).

ARTICLE 2.2.1.3.1.6. *Requirements.* In cases where it is necessary, the competent authorities will demand from the interested party the adequacy of sea and river ports, airports and other places designated by this decree for international trade in specimens of wild fauna and flora.

(Decree 1909 of 2000, art. 6).

ARTICLE 2.2.1.3.1.7. *Inter-institutional work.* The Ministries of Transport, Environment and Sustainable Development and Commerce, Industry and Tourism, the General Maritime Directorate (DIMAR), the Special Administrative Unit of Civil Aeronautics and the National Tax and Customs Directorate will form an Inter-institutional working group with the aim of establishing the mechanisms of action that facilitate the application of this decree.

(Decree 1909 of 2000, art. 7).

SECTION 12

PROVISIONS FOR PROJECTS OF NATIONAL AND STRATEGIC INTEREST (PINE):

Added by art. 1, National Decree 2220 of 2015.

<The added text is as follows>

Article 2.2.2.3.12.1. ***Definitions.*** For the correct interpretation of the standards issued in this section, the following definitions are adopted:

Regional Autonomous Corporations: When reference is made in this section to regional autonomous corporations, it will be understood that mention will also be made of the Autonomous Corporations for Sustainable Development, the Large Urban Centers and the environmental authorities created by Law 768 of 2002 and Law 1617 . of 2013.

Environmental license: When reference is made in this section to an environmental license , it will be understood that reference is made to the authorization referred to in Title VIII of Law 99 of 1993, as well as to all management and control instruments. environment for projects, works or activities that are covered by a transition regime of the regulatory decrees of the aforementioned title.

Permit : When reference is made in this section to permit, it will be understood that mention is also made of concessions and authorization for the use, exploitation and/or affectation of renewable natural resources.

Article 2.2.2.3.12.2. ***Area of application.*** The purpose of this section is to regulate the provisions of article 51 of Law 1753 of 2015 on projects, works or activities that are validated as being of national and strategic interest (PINE) by the Intersectoral Commission for Infrastructure and Strategic Projects (CIIPE).), which should or may, depending on the case, be the responsibility of the National Environmental Licensing Authority (ANLA) in the following events:

1. Projects, works or activities that have not initiated any administrative procedure before the Regional Autonomous Corporations aimed at obtaining an Environmental License or permit for the use, exploitation and/or affectation of renewable natural resources, must carry out the administrative action before the National Authority of Environmental Licenses (ANLA).

2. Projects, works or activities that have an Environmental License or permit, for the use, exploitation and/or affectation of renewable natural resources, that require modification of these authorizations or the obtaining of a new permit, must advance the administrative action before the National Environmental Licensing Authority (ANLA).

3. Projects, works or activities that have an Environmental License or permit, for the use, exploitation and/or affectation of renewable natural resources, that are processing the modification of these authorizations or obtaining a new permit before the Autonomous Corporations Regional, may advance the administrative action before the National Authority of Environmental Licenses (ANLA).

4. Projects, works or activities that at the date of entry into force of this section are processing, Environmental License or permit, for the use, exploitation and/or affectation of renewable natural resources, may advance the administrative action before the National Environmental Licensing Authority (ANLA).

Article 2.2.2.3.12.3. ***Competence of the National Authority of Environmental Licenses, (ANLA).*** The actions carried out before the National Environmental Licensing Authority (ANLA) may not be divided under any circumstances and must be processed, in an integral and exclusive manner and based on the following criteria:

1. Projects, works or activities that are under the circumstances defined in numeral 1 of the previous article, are the exclusive competence of the National Environmental Licensing Authority (ANLA), which will fully process said administrative action.

2. Projects, works or activities that are defined under the circumstances of numeral 2 of the preceding article and in which the holder of the administrative action intends to process the modification of the environmental license or permits, must file the request before the National Environmental Licensing Authority (ANLA), which in turn will require the Regional Autonomous Corporation to send the file in the state in which it is found, the project, work or activity in its entirety, under the terms of Law 594 of 2000 or the one that modifies or replaces it.

Once the file has been received, the National Environmental Licensing Authority (ANLA) will proceed to acknowledge it and dictate the administrative act to start the process that may arise.

3. Projects, works or activities that are defined under the circumstances of numeral 3 of the previous article and in which the holder of the administrative action chooses to present the withdrawal of the procedure in the terms of article 18 of Law 1437 of 2011 or the one that modifies or replaces it, the Regional Autonomous Corporation must send the file in its entirety in the state in which it is found, at the time of the presentation of the withdrawal letter, in the terms of Law 594 of 2000 or that which modify or replace it.

The Regional Autonomous Corporations must submit the file under the conditions set forth in the preceding paragraph, within fifteen (15) business days following the filing of the withdrawal letter.

Once the file has been received, the National Environmental Licensing Authority (ANLA) will proceed to acknowledge it and dictate the administrative act to start the process that may arise.

4. The projects, works or activities that are under the circumstances defined in numeral 4 of the previous article and in which the holder of the administrative action presents the withdrawal of the procedure in the terms of article 18 of Law 1437 of 2011 or the one that modifies or replaces it, before the Regional Autonomous Corporation, may initiate them again before the National Authority of Environmental Licenses (ANLA).

The Regional Autonomous Corporations that are processing an Environmental License or permit, for the use, exploitation and/or affectation of renewable natural resources, under the circumstances of numeral 4 of the preceding article, will lose competence from the moment in which the application for withdrawal by the owner of the project, work or activity.

paragraph . The procedures aimed at obtaining and modifying the environmental license or permits will be governed by the special procedures determined in each case in Decree 1076 of 2015.

Article 2.2.2.3.12.4. ***Competence of other Environmental Authorities in Projects of National and Strategic Interest (PINE).*** The decisions concerning the lifting of the ban and subtraction of forest reserves that are the responsibility of the Ministry of Environment and Sustainable Development or of the Regional Autonomous Corporations, will continue to be known by said authorities.

Article 2.2.2.3.12.5. ***Report to the National Environmental Licensing Authority (ANLA)*** The Intersectoral Commission for Infrastructure and Strategic Projects (CIIPE) or whoever takes its place, according to the disclosure mechanisms it determines, will report validated as Projects of National and Strategic Interest (PINE) .

Article 2.2.2.3.12.6. ***Retributive, compensatory and water use rates.*** The retributive, compensatory and water use rates that are caused by the activities that generate an impact in the area of jurisdiction of the regional environmental authority and that are the responsibility of the National Environmental Licensing Authority (ANLA), by virtue of the validation of a Project of National and Strategic Interest (PINE), will be paid to the Regional Authority of the place where the project is developed.

CHAPTER 4

WETLANDS

SECTION 1

OTUN

ARTICLE 2.2.1.4.1.1. Modified by art. 1, National Decree 250 of 2017 . *<The new text is as follows>* ***Designation.*** Be designated as a wetland to be included in the List of Wetlands of International Importance Laguna del Otún, which has an area of approximately 115,883.09 ha, located in the departments of Caldas, Quindío, Risaralda and Tolima in the following limits and coordinates that described below:

To the east, starting from the intersection of the Recio River, located in the municipality of Murillo, with the 2800 level curve (Point 1), the 2800 level curve is traveled to the southeast until the intersection with the Montañafría ravine (Point 2) , then continues upstream along this ravine until it intersects with elevation 3400 (point 3), continuing along elevation 3400 in a southeasterly direction until reaching Quebrada la Estrella (Point 4), continuing upstream through this ravine until the curve of level towards 3,900 (Point 5) and from there follow this level curve until reaching the Quebrada Seca (point 6), continue along it downstream to Quebrada Los Chunquiales (point 7), continue along it until reaching the San Romualdo River (point 8) along which you continue upstream until you find a tributary ravine (point 9) along which you continue upstream until the intersection with the 3600 level curve (Point 9).

Following the level curve 3600 until reaching the intersection with the Quebrada las Nieves (point 11), along which it continues downstream until the level curve 2800 (point 12), following this level curve until reaching the tributary Quebrada La Quebrada. Altamira (point 13) continue along this ravine upstream to the 2900 level curve (point 14) through which it heads northwest until reaching approximately 950 meters (point 15). From this point north-west until finding the source of the first tributary drain of the Quebrada San Juan (point 16), follow this drain to the level curve 2800 (point 17) following this level curve until reaching the Quebrada Los Patos (point 18).

Continue along the Los Patos ravine upstream to the 3900 level curve (point 19), following this level curve to the Cárdenas ravine (point 20), continue along this ravine downstream to the 3300 level curve (point 21).) is followed by this level curve until reaching the Quebrada La Mina (point 22) through which it continues downstream until the level curve 3100 (point 23) following this level curve until finding a tributary stream of the Quebrada Las Delicias (24) through which you continue downstream

until you find Quebrada las Delicias (point 25), following this ravine downstream until the level curve 2600 (point 26) you continue along this level curve until Quebrada La Libertad (point 27).

Continue along the Quebrada La Libertad upstream until reaching the limit of the Los Nevados paramo complex, scale 1:25,000 (point 28), where you continue along this limit in an easterly direction until you find the intersection with a tributary of the Quebrada El Diamante. (point 29) continue along this ravine upstream to the 3600 level curve (point 30) continuing along this level curve until finding a tributary ravine of the Quebrada Manizales (point 31) continuing along this upstream until reaching the limit of the Los Nevados páramo complex scale 1:25,000 (point 32) where it continues along this limit until reaching Quebrada La Camelia (point 33). continue until reaching the Aguacatal river (point 35) along which it continues upstream to the limit of the Los Nevados moorland complex scale 1:25,000 (point 36) continue along this limit until reaching the Gualí river (point 3 7).

Continuing along the Gualí river upstream until reaching the level curve 4100 (point 38), follow this level curve until reaching the tributary of the Azufrado river (Point 39), continue along this tributary until reaching the limit of the moorland complex. los Nevados scale 1:25,000 (Point 40), continuing along this limit, continue until you find the Recio River in the municipality of Murillo (point 41) through which you continue downstream until you find the polygon (point 1).

This delimitation was generated from the vector-type base cartography of the year 2014 at a scale of 1:100,000 supplied by the Agustín Codazzi Geographical Institute (IGAC).

The coordinate system is referred to the official datum of Colombia MAGNA-SIRGAS, defined by the Agustín Codazzi Geographical Institute (IGAC)

Geographic location of points:

POINT	X	Y
1	75° 13' 24.32" W	4° 49' 53.59" N
two	75° 12' 01.39" W	4° 48' 19.42" N
3	75° 12' 42.40" W	4° 47' 28.65" N
4	75* 13' 28.50" W	4° 44' 28.63" N
5	75° 16' 24.38" W	4° 45' 23.84" N
6	75° 16' 37.42" W	4° 40' 51.15" N
7	75° 15' 51.21" W	4° 39' 34.44" N
8	75° 15’ 35.80" W	4° 37'46.75" N
9	75° 16' 05.53" W	4° 37' 29.01" N
10	75° 16' 58.71" W	4° 36’ 56.23" N
11	75° 17* 17.18" W	4° 36’ 42.44" N
12	75° 17* 50.95" W	4° 35' 52.93" N
13	75° 20' 07.50" W	4° 31'48 59" N
14	75° 20' 13.29" W	4° 31'45.25" N
15	75° 20' 32.97" W	4° 31’ 53.80" N
16	75° 20' 33.82" W	4° 31’ 55.02" N

17	75° 20' 40.42" W	4° 31' 59-69" N
18	75° 23' 23.64" W	4° 36' 02.01" N
19	75° 22' 59.64" W	4° 38' 26.96" N
20	75° 24' 38.94" W	4° 41' 04.30" N
21	75° 25' 53.09" W	4° 39' 38.76" N
22	75° 27' 06.64" W	4° 39' 55.S8" N
23	75° 27' 08.71" W	4° 39' 38.41" N
24	75° 29' 12.15" W	4° 40' 02.74" N
25	75° 30' 02-07" W	4° 40' 58.30" N
26	75° 30' 05.14' W	4° 41' 03.23" N
27	75° 32' 16.59" W	4° 48' 15.58" N
28	75° 31' 52.72" W	4° 47' 28.38" N
29	75° 23' 16.67" W	5° 03' 11.09" N
30	75° 23' 10.66" W	5° 03' 31.12" N
31	75° 23' 14.51" W	5° 03'42.46" N
32	75° 23' 30.56" W	5° 04' 02.08" N
33	75° 18' 40.80" W	5° 04' 11.76" N
34	75° 19' 11.75" W	5° 03' 55.83" N
35	75° 18' 50.51" W	5° 03' 33.89" N
36	75° 18' 33.51" W	5° 03' 47.49" N
37	75° 19' 26.57" W	4° 58' 04.29" N
38	75° 20' 32.42"W	4° 56' 00.84" N
39	75° 17' 59.40" W	4° 55' 09.27" N
40	75° 16' 47.63" W	4° 56' 01.38" N
41	75° 16' 41.66" W	4° 50' 02.35" N

PARAGRAPH 1st. The attached map is an integral part of this decree and reflects the cartographic materialization of the previously described polygons.

PARAGRAPH 2nd. The official cartography of this decree is adopted in shape format. file which will be available for download on the website of the Ministry of Environment and Sustainable Development.

The original text was as follows:

Article 2.2.1.4.1.1. *Designate the Laguna del Otún wetland complex, to be included in the List of Wetlands of International Importance, located in the municipalities of Pereira and Santa Rosa de Cabal, department of Risaralda, which includes a representative sample of the paramo ecosystems that are part of the Ruiz-Tolima volcanic complex of the Los Nevados National Natural Park, composed mainly of the Laguna del Otún complex, the El Mosquito Complex, the El Silencio Complex, the La Leona Complex, the La Alsacia Complex and the El Bosque Complex, which in their Together they give rise to the Otún river basin and its tributaries, between the flat coordinates 1,023,240 N 1,178,550 E and 1,013,085 N and 1,188,773 E with Chocó origin.*

(Decree 2881 of 2007, art. 1)

ARTICLE 2.2.1.4.1.2. Modified by art. 2, National Decree 250 of 2017 . *<The new text is as follows>* ***Applicable regime.*** The handling and management of the wetland designated in the preceding article due to its International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Interior Wetlands of Colombia, the paragraph of article 172 of Law 1753 of 2015 and Resolutions 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by current regulations, and/or the one that modifies or replaces the

Ministry of Environment and Sustainable Development in environmental matters for these strategic ecosystems.

The original text was as follows:

Article 2.2.1.4.1.2. *The management of the wetland designated in this decree, as it is of International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Inland Wetlands of Colombia, paragraph 2 of article 202 of the Law 1450 of 2011 and Resolutions 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by the regulations issued by the Ministry of Environment and Sustainable Development in environmental matters for these areas.*

ARTICLE 2.2.1.4.1.3. Added by art. 3, National Decree 250 of 2017. *<The added text is as follows>* **CONTINUATION OF THE LEGAL REGIME OF PROTECTED AREAS.** This administrative act does not modify or repeal the declarations and delimitations of the national or regional protected areas located within the Ramsar Laguna del Otún wetland.

ARTICLE 2.2.1.4.1.4. Added by art. 4, National Decree 250 of 2017. *<The added text is the following>* **ENVIRONMENTAL MANAGEMENT PLAN .** The Regional Autonomous Corporations of Quindío (CRQ), Tolima (Cortolima), Caldas (Corpocaldas) and Risaralda (Carder), will be in charge of updating, issuing and complying with the Environmental Management Plan for the Laguna Wetland Complex. of Otún, which must be in accordance with the regulations indicated in the respective administrative acts and must also take into account the regime of uses of the national or regional protection categories located within it.

SECTION 2

CHINGAZA WETLAND

ARTICLE 2.2.1.4.2.1. ***Designation.*** Designate the Chingaza Lake System to be included in the List of Wetlands of International Importance, located in the central part of the Colombian Eastern Andes, in the municipality of Fómeque, Department of Cundinamarca, inside the Chingaza National Natural Park, river basin Frio, in one of the most humid mountain regions of the country with the presence of páramo ecosystems and páramo wetlands, based on the information contained in the Ramsar Wetlands Information Sheet (FIR) – version of November 2007, made up of for the gaps:

Laguna Chingaza, Laguna El Medio, Laguna del Amical, Laguna Alto del Gorro I, Laguna Alto del Gorro II, Laguna Las Encadenadas I, Laguna Las Encadenadas II, Laguna las Encadenadas III, Laguna Las Encadenadas IV, Laguna Fría I, Laguna Fría II , Laguna Fria III, Laguna Fria IV, Laguna Fria V, Laguna Fria VI, Laguna Regadas I, Laguna Regadas II, Laguna Regadas III, Laguna Regadas IV, Laguna El Alumbre. The Chingaza Lacustrine system is located between the following flat coordinates with Bogotá origin, based on the cartographic map version of November 2007, as follows:

POINT	PLANE COORDINATES	
	EAST	NORTH
1	1,039,688	993,928.80
two	1,039,350	991,015.20
3	1'039.297	989.815,90
4	1'037.516	987.766,30
5	1'038.109	986.829,60
6	1'036.660	984.428,60
7	1'034.055	986.140,50
8	1'034.555	986.430,70

9	1'034.334	986.583,60
10	1'033.872	986.625,00
11	1'033.834	989.338,30
12	1'034.168	989.801,30
13	1'034.157	990.086,60
14	1'034.033	990.264,30
15	1'033.920	990.129,60
16	1'033.592	991.583,20
17	1'033.344	991.895,40
18	1'033.161	992.175,40
19	1'034.096	993.370,80
20	1'034.509	993.406,10
21	1'036.316	993.354,60
22	1,038,070	994,148.60

(Decree 233 of 2008, art. 1)

ARTICLE 2.2.1.4.2.2. ***Applicable regime.*** The management of the wetland that is designated in this decree, being of International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Interior Wetlands of Colombia, paragraph 2 of article 202 of the Law 1450 of 2011 and Resolutions 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by the regulations issued by the Ministry of Environment and Sustainable Development in environmental matters for these areas.

SECTION 3

LA COCHA LAGOON WETLAND

ARTICLE 2.2.1.4.3.1. ***Designation.*** Designate La Cocha Lagoon as a wetland to be included in the List of Wetlands of International Importance, which is located within the following limits and coordinates.

Description of limits:

Starting from Point 1, located at the intersection of the municipal limits of Bue-saco and Pasto (department of Nariño), on the hill in the Páramo de Bordoncillo Complex, continue in a southeasterly direction through the divorce of waters that serves in turn as the municipal limit of the municipalities of Buesaco and Pasto (department of Nariño), until reaching Point 2, located at the intersection of the municipal limits of Pasto and Buesaco (department of Nariño) and Santiago (department of Putumayo), It continues in a south-westerly direction through the water division that in turn serves as the limit between the municipality of Pasto (department of Nariño) and the municipality of Santiago (department of Putumayo), passing through the peaks at Points 3 and 4, the top of Loma Redonda (Point 5) and Cerro Campanero (Point 6).

Continue along this departmental boundary until the source of the Cristalina (Nariño) and Viginchoy river (Putumayo) streams in the La Cocha-Patas-coy Páramos Complex (Point 7) and continue along it, passing through the main peaks in the Points 8, 9 (proximities of the source of the Estero River) and 10, from where it continues westward to the interior of the municipality of Pasto through the divorce of the waters of the Conejo River and the tributaries of the Estero River (Points 11, 12 and 13) , until reaching again the municipal limits of Pasto (department of Nariño) and Villa Garzón (department of Putumayo) (Point 14). Follow this limit in a southwesterly direction until you reach the intersection of the municipal limits of Pasto (Nariño department), Villa Garzón and Orito (Putumayo department), located at Cerro Patascoy (Point 15).

From the previous point, continue in a southwesterly direction along the top of the Páramo La Cocha-Patascoy Complex, which serves as the municipal boundary between Pasto (Nariño) and Orito

(Putumayo) until (Point 16) from where you take the west (Points 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28), until finding the lagoon on its south side (Points 29, 30, 31, 32, 33 and 34) , from there continue northwest (Points 35, 36, 37, 38, 39 and 40) until you find the source of the Las Joyas sector stream (Point 41), continue downstream until you reach its mouth on the eastern margin of the Guamuez River (Point 42), from where it continues upstream along this margin to Point 43, from this point the Guamuez River is crossed on the western side until the mouth of the river coming from the Loriana páramo (Point 44), where continues upstream to (Point 45), continues northwest (through Points 46 and 47) until finding the source of the tributary river La Loriana (Point 48), continue northwest (Points 49, 50, 51, 52, 53 and 54) until reaching the hill (Point 55), from there continue north through the watershed (Points 56 and 57) until reaching the source of the Alisales River (Point 58), surrounding the source of the Afiladores stream, tributary to the Santa Lucía stream in the La Cocha-Patascoy Páramos Complex, locating Points 59, 60 and 61.

Continue in a northeasterly direction along the watershed in the Páramo de las Ovejas, passing through the main peaks at points 62, 63, 64 (near the source of the La Rinconada stream), 65 (near the source of the San Pedro stream) and 66 in the Peñas Blancas area. Continue in a northeasterly direction along the watershed of the Pasto and Encano river basins, finding the main peaks at Points 67, 68 and 69 in the Páramo de Bordoncillo, the latter being located on the municipal boundary of Pasto and Buesaco. , finally continuing along this limit until reaching Point 1, closing the area.

Geographic location of points:

POINT	X	Y		POINT	X	Y
1	77° 07' 20.02"	1° 12' 55.54"		36	77° 07' 03.63"	0° 55' 56.40"
2	77° 05' 08.37"	1° 10' 50.65"		37	77° 07' 12.84"	0° 56' 04.95"
3	77° 05' 48.55"	1° 09' 55.09"		38	77° 07' 21.56"	0° 56' 10.05"
4	77° 05' 47.81"	1° 09' 21.88"		39	77° 07' 26.49"	0° 56' 15.64"
5	77° 05' 39.44"	1° 05' 13.09"		40	77° 07' 32.08"	0° 56' 23.37"
6	77° 03' 58.77"	1° 03' 15.97"		41	77° 07' 35.33"	0° 56' 24.63"
7	77° 02' 21.16"	1° 02' 47.26"		42	77° 07' 48.49"	0° 56' 19.42"
8	77° 02' 06.90"	1° 01' 51.40"		43	77° 07' 58.98"	0° 56' 23.47"
9	77° 01' 47.93"	0° 59' 37.75"		44	77° 07' 59.75"	0° 56' 23.09"
10	77° 02' 29.12"	0° 59' 10.63"		45	77° 09' 26.69"	0° 56' 10.18"
11	77° 03' 03.04"	0° 59' 11.00"		46	77° 09' 37.70"	0° 56' 21.19"
12	77° 03' 35.33"	0° 59' 05.78"		47	77° 09' 45.84"	0° 56' 25.13"
13	77° 04' 03.02"	0° 58' 44.85"		48	77° 09' 53.55"	0° 56' 36.24"
14	77° 03' 58.77"	0° 58' 25.94"		49	77° 10' 06.64"	0° 56' 56.65"
15	77° 04' 23.33"	0° 56' 41.47"		50	77° 10' 14.65"	0° 57' 02.61"
16	77° 04' 59.70"	0° 55' 59.66"		51	77° 10' 28.44"	0° 57' 18.51"
17	77° 05' 04.70"	0° 56' 02.78"		52	77° 10' 38.38"	0° 57' 32.27"
18	77° 05' 08.16"	0° 56' 05.15"		53	77° 10' 46.46"	0° 57' 39.77"
19	77° 05' 11.66"	0° 56' 06.49"		54	77° 10' 57.27"	0° 57' 46.97"
20	77° 05' 18.75"	0° 56' 06.49"		55	77° 11' 06.83"	0° 57' 50.01"
21	77° 05' 26.82"	0° 56' 05.70"		56	77° 11' 18.78"	0° 57' 58.04"
22	77° 05' 36.76"	0° 56' 02.91"		57	77° 11' 12.07"	0° 58' 13.23"
23	77° 05' 48.84"	0° 56' 00.59"		58	77° 12' 24.04"	0° 59' 14.82"
24	77° 05' 57.19"	0° 55' 58.01"		59	77° 14' 36.42"	0° 59' 33.16"
25	77° 06' 04.49"	0° 55' 55.18"		60	77° 14' 29.27"	1° 00' 28.63"

26	77° 06' 08.50"	0° 55' 54.15"		61	77° 13' 32.66"	1° 00' 44.87"
27	77° 06' 13.43"	0° 55' 52.20"		62	77° 12' 33.57"	1° 03' 53.25"
28	77° 06' 18.06"	0° 55' 49.42"		63	77° 11' 44.13"	1° 04' 53.36"
29	77° 06' 25.22"	0° 55' 42.29"		64	77° 11' 30.93"	1° 05' 47.31"
30	77° 06' 27.19"	0° 55' 40.00"		65	77° 11' 38.32"	1° 07' 57.06"
31	77° 06' 29.17"	0° 55' 38.41"		66	77° 11' 16.08"	1° 10' 00.46"
32	77° 06' 37.27"	0° 55' 38.61"		67	77° 10' 17.60"	1° 11' 03.59"
33	77° 06' 40.44"	0° 55' 41.99"		68	77° 08' 32.55"	1° 11' 58.08"
34	77° 06' 43.49"	0° 55' 41.80"		69	77° 07' 59.47"	1° 12' 30.79"
35	77° 06' 54.25"	0° 55' 47.96"				

This delimitation was generated from the vector-type base cartography of the year 2012 at a scale of 1:100,000 supplied by the IGAC. The aforementioned coordinates are linked to the national coordinate system, defined by the Agustín Codazzi Geographical Institute (IGAC), and referred to the official Datum of Colombia MAGNA-SIRGAS.

(Decree 698 of 2000, art. 1)

ARTICLE 2.2.1.4.3.2. ***Applicable regime.*** The management of the wetland designated in this decree, as it is of International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Inland Wetlands of Colombia, paragraph 2 of article 202 of the Law 1450 of 2011 and Resolutions 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by the regulations issued by the Ministry of Environment and Sustainable Development in environmental matters for these areas.

SECTION 4

FLUVIAL STAR OF INIRIDA

ARTICLE 2.2.1.4.4.1. ***Designation.*** Designate the Estrella Fluvial Inírida Wetland Complex, to be included in the List of Wetlands of International Importance, which is delimited, according to studies prepared by the Ministry of Environment and Sustainable Development, as follows:

The delimitation begins at the mouth of the Caño Jota to the Orinoco River Point (1), continuing in a straight line to the international border between Colombia and Venezuela (axis of the Orinoco River) point (2), following this limit upstream to the mouth of the river Guaviare to the Orinoco (3), continuing along the Guaviare River to the mouth of the Atabapo River (4), through which it continues upstream until the projection of the mouth of the Chaquita channel into the Atabapo River (5), continuing in a straight line up to the mouth of the Chaquita channel (6), from this point it is taken along the dividing line of the Tatu (sardine) and Chaquita channel basins until reaching the limit of the Almidón-La Ceiba Indigenous Reserve (7).

Continue along this limit in a southerly direction until the projection of the Caño Pato tributary (8), from there continue in a straight line to the source of the Pato River tributary (9), continue downstream along this tributary until its mouth in the Caño Pato (10), following the Caño Pato to the mouth of the Inírida River (11), from there it goes in a straight line to the left bank of the Inírida River (12), continuing along this bank downstream until reaching the right bank of the mouth of Caño Bocón (13), from this point take upstream along this bank of Caño Bocón to the front of the Community of Yurí (14), then cross the river in a straight line with an azimuth of 270º to the left bank of Caño Bocón (15), continue in a straight line with azimuth 328º until meeting the limit with the Reservation Laguna El Niñal, Cocuy, low hill and high hill of Caño Guariben (16), continue along the limit of this reservation in a northerly direction to Point (17), from this e continues with azimuth 328º to the Morocoto stream (18) located near the Community of Morocoto, from this point continues along this stream until it flows into the Cunuben stream (19).

From this point, continue along the boundary of the Resguardo Paujíl with the Resguardo Ca-ranacoa-Yuri until the Laguna Morocoto (20), bordering this lagoon on its north side until you find the outlet pipe (21), continuing along this pipe. until its mouth in Laguna Matraca (22), continue along the western edge of the lagoon in a south-north direction until reaching its main tributary (23), continuing along this tributary until its source (24), from this point follow in a straight line with azimuth 352º until meeting the intersection of the Paujíl Reservation boundary with the Guaviare River at the mouth of the Jején River (25), from this point continue upstream along the right bank of the Guaviare River to the front of the mouth of the Caño Cacao (26), cross the Guaviare River in a straight line until the mouth of Caño Cacao (27), continue along this channel upstream until reaching the limit of the Mataven Forest Reserve (28).

Continue along this limit in a northeasterly direction until you find the Caño Guana-yana (29), continuing along this channel downstream, which then becomes the Caño Jota until it flows into the Orinoco Punto River (1).

Due to the fact that the urban center and the expansion zone of the city of Inírida are located in the aforementioned area, which, being a consolidated urban area, could not guarantee compliance with the commitments established by the Convention for the conservation, management and rational use of the natural resources of this site, it is necessary to exclude the following polygon:

Starting at the mouth of the Caño El Coco, to the west of the Coco-new Point Community (S1), where it continues upstream until reaching the limit of the Coayare-El Coco and Tierra Alta Reservations (S2), it continues along the limit of the Coayare-El Coco Reservation until meeting the limit with the Atabapo and Inírida River Reservation (S3), following this limit towards the south until reaching Laguna El Cabezón (S4), continuing along the edge of this lagoon in an eastern direction. West until finding its flood area at Point (S5), follow the flood area to the channel that empties into the Inírida River (S6), from there downstream through this channel to its mouth in the Inírida River (S7) , from this point a straight line is drawn with azimuth 270º to the left bank of the Inírida River (S8), continue along this bank downstream to the mouth of the Inírida River in the Guaviare River (S9), from where it continues in line line until finding the point (S1).

This delimitation was generated from the vector-type base cartography of the year 2012 at a scale of 1:100,000 supplied by the IGAC and the limits of the indigenous reservations supplied by the Incoder. The aforementioned coordinates are linked to the national coordinate system, defined by the Agustín Codazzi Geographical Institute (IGAC), and referred to the official Datum of Colombia MAGNA-SIRGAS.

Geographic location of points:

GEOGRAPHICAL COORDINATES OF SITE DELIMITATION

POINT	WEST	NORTH
1	67° 47' 00.62"	4th 10' 03.39"
2	67° 46' 25.87"	4o 10' 03,39"
3	67° 43* 22.61"	4o 05' 10,40"
4	67° 42' 34,55"	4o 02'50,66"
5	67° 34' 56.64"	3o 45' 09.97"
6	67° 34' 56.79"	3o 45' 05,80"
7	67° 46' 17.19"	3o 36' 28.91"
8	67° 51' 30.21"	3o 24'55,19"
9	67° 51' 37.88"	3o 25' 02.99"
10	67° 52' 07,52"	3o 25' 47,00"
11	67° 53' 08.79"	3o 28' 42.03"
12	67° 53' 26.70"	3o 28' 42,15"
13	67° 57' 59.78"	3o 40' 52,62"
14	68° 09' 36.46"	3o 38' 47,73"
15th	68° 09' 39.69"	3o 38' 47,73"
16	68° 10' 02.87"	3o 39' 24,82"

POINT	WEST	NORTH
twenty	68° 01' 38.34"	3o 50' 59.95"
21	68° 01' 16.30"	3o 50' 57,55"
22	68° 00' 00,86"	3o 52' 01,73"
23	67° 59' 50.85"	3o 52' 26.06"
24	68° 04' 36.28"	3o 53'58,55"
25	68° 04' 52.09"	3o 56' 07,25"
26	68° 05' 47.28"	3o 58' 20,22"
27	68° 06' 07.45"	3o 58' 20,22"
28	68° 06' 17.50"	4o 00' 03,62"
29	67° 59' 25.03"	4o 04' 28.95"
SI	67° 54' 19.69"	3o 54' 27.97"
S2	67° 53' 04.84"	3o 52' 36.48"
S3	67° 52' 12.48"	3o 52'37,29"
S4	67° 54' 10.02"	3o 45' 02,60"
S5	67° 54' 59.05"	3o 45' 29,40"
S6	67° 56' 18.01"	3o 44' 25,63"

17	68° 12' 12,10"	3o 42'51,64"	S7	67° 56' 26.16"	3rd 44' 25.67"
18	68° 12' 41.12"	3rd 43' 38.08"	S8	67° 56' 41.46"	3rd 44' 25.67"
19	68° 11' 22.40"	3rd 44'52.92"	S9	67° 55' 13.82"	3rd 54' 37.41"

Paragraph 1. The attached map is an integral part of this decree and reflects the cartographic materialization of the previously described polygons.

Paragraph 2. The official cartography of this decree is adopted in shape format. file which will be available for download on the website of the Ministry of Environment and Sustainable Development.

(Decree 1275 of 2014, art. 1).

ARTICLE 2.2.1.4.4.2. Applicable regime. The management of the wetland designated in this decree, as it is of International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Inland Wetlands of Colombia, paragraph 2 of article 202 of the Law 1450 of 2011 and Resolutions 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by the regulations issued by the Ministry of Environment and Sustainable Development in environmental matters for these areas.

(Decree 1275 of 2014, art. 2).

ARTICLE 2.2.1.4.4.3 Environmental Management Plan. In order to guarantee the rights of constitutional rank established in Law 21 of 1991, the Ministry of Environment and Sustainable Development and the Regional Autonomous Corporation for the Sustainable Development of the Amazon (COA) through the respective Environmental Management Plan, must coordinate actions with the indigenous authorities of the reservations, which allow the development of ancestral traditional practices by the indigenous communities and that are compatible with the conservation objectives in the Inírida River Star Wetland Complex.

(Decree 1275 of 2014, art. 3).

SECTION 5

BAUDÓ RIVER AND SAN JUAN RIVER DELTA

ARTICLE 2.2.1.4.5.1. *Designation.* The San Juan River Delta and the Baudó River Delta are designated to be included in the List of Wetlands of International Importance, which are delimited as follows:

Delta of the San Juan River: It is delimited to the north by Punta Togoromá, at the mouth of the same name (N 04º 23' W 77º 23') it runs south through the Docordó arm until it joins the Cabeceras arm, passing through the head municipality of the municipality of Litoral del San Juan (N 4º 16'; W 77º 22'), to then continue east along the Cabeceras arm until it joins the main branch of the San Juan River (N 04º 13' W 77º 11'). From here it heads south through the San Juan branch and follows this water course to Boca San Juan in the town of El Choncho (N 04º 04'; W 77º 28'), from here it heads north following the coastline to meet La Bocana Togoromá.

Baudó River Delta: Presents its northern limit at the point known as the José Ángel reservoir (N 04º 58'; W 77º 23'), continues south passing to the east of the municipal seat of the municipality of Bajo Baudó-Pizarro (N 04º 57' ; W 77º 22'), crosses the Baudó river, includes the entire flooded forest system of the mouths of the Usaragá and Dotenedó rivers, continues south through Sivirú until reaching the Docampadó Cove, here on Playa Island. Nueva (N 04º 48'; W 77º 22') is the southern limit; from here it heads north following the coastline until it joins again with the José Ángel Reservoir.

(Decree 1667 of 2002, art. 1).

ARTICLE 2.2.1.4.5.2. *Applicable regime.* The management of the wetland designated in this decree, as it is of International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Inland Wetlands of Colombia, paragraph 2 of article 202 of the Law 1450 of 2011 and Resolutions 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by the

regulations issued by the Ministry of Environment and Sustainable Development in environmental matters for these areas.

SECTION 6

ESTUARINE DELTA OF THE MAGDALENA RIVER

ARTICLE 2.2.1.4.6.1. ***Designation.*** The Magdalena River Delta Estuarine System, Ciénaga Grande de Santa Marta, whose area is 528,600 hectares and a perimeter total of 579,800 linear meters, and that is located in the following limits and coordinates.

The delimitation of the Ramsar zone begins at the northwestern limit 1, corresponding to the Ciénaga de Manatíes (northern zone of the department of Atlántico). From Point 1 it continues east along the southern margin of the Ciénaga Manatíes to Point 2, at the southeastern end of the swamp, from this point it moves in a straight line to Point 3 in the Ciénaga de Mallorquín, following the limit Southwest of the swamp to the entrance of the Arroyo de León at Point 4. It continues along the banks of the León stream until the intersection with the Corregimiento Eduardo Santos at Point 5. From there, it continues along the edge of the corregimiento until it reaches its Southeast limit on the margin of the Ciénaga de Mallorquín at Point 6. Continue in an easterly direction following the margin of the riverside vegetation associated with the body of water passing through Points 7, 8, 9, 10 and 11, to Point 12 where the city of Barranquilla begins at its northern end on the Ciénaga de Mallorquín.

Follow the northeast edge of the swamp to Point 13 north of the city of Barranquilla in the sector called Las Flores. From there a straight line goes to Point 14 located on the eastern bank of the Magdalena River. The borders of the National Natural Park are followed via Parque Isla de Salamanca according to Resolution 0472 of 1998 of the Ministry of the Environment, up to its Southwestern limit at Point 15; there you continue along the limit of the VIPIS until you meet El Caño Las Quemadas at Point 16; Following the Caño Las Quemadas in a southeasterly direction, its intersection with the Caño Clarín Nuevo is sought at Point 17. Following the bed of the Caño Clarín Nuevo, it goes to point 18 where its mouth is in the Magdalena River. From this point you go along the eastern bank of the Magdalena River to Point 19 on the road that borders the river. From this point, a crossing is made perpendicular to the river towards its western bank in the department of Atlántico at Point 20.

From this point the boundary is the Western bank of the river to Point 21 located in front of the southern side of the municipality of Palmar de Varela. A straight line is followed to the northernmost point of the Ciénaga Palmar de Varela at Point 22, following the western margin of the swamp to the intersection with the geopedological unit of the alluvial plain less than 7% at Point 23. From this, continue along the Western margin of the geopedological unit until the intersection with the Magdalena River at Point 24. Continue along the Western margin of the Magdalena River until the intersection with the alluvial plain less than 7% at Point 25. this point is followed by the alluvial plain until it intersects again with the western bank of the Magdalena River at Point 26; continue along the western margin of the Magdalena until the intersection with the alluvial plain of less than 7% at Point 27; following the western margin of the geopedological unit until the intersection with the municipality of Campo de la Cruz at Point 28; from here the eastern border of the municipality is taken until the intersection again with the alluvial plain less than 7% at Point 29. The alluvial plain less than 7% is followed until the intersection with the road that goes to the edge of the western bank of the river Magdalena at the height of the municipality of Suán at Point 30.

Starting from this point, a straight line is taken southeast to the western edge of the Magdalena River at Point 31. Continue along the eastern bank of the Magdalena River to the southeastern point of the Ciénaga de Jubilado on the Magdalena River bank at Point 32. From this point continue in a southeasterly direction in a straight line to the eastern bank of the Magdalena River to Point 33. Continue in a straight line in a northeasterly direction to the southernmost point of the Ciénaga Doña Francis at Point 34. From this It goes along the eastern margin of the Ciénaga Doña Francis until the intersection with the Fluvio Gravitacional hill greater than 25% at Point 35. It continues along the Eastern margin of the Fluvio Gravitational hill greater than 25% until the intersection with the Ciénaga de

Zapayán at Point 36. Following the eastern edge of the Ciénaga de Zapayán until the intersection with the structural erosional hill greater than 25% at Point 37.

From Point 37 you go along the eastern margin of the geopedological unit to Point 38, which is the intersection with the alluvial plain less than 7%. Continue along the eastern margin of the plain passing through Points 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50. From Point 50 continue to the municipal seat of the municipality of Fundación following the margin of the alluvial plain less than 7% to Point 51. From this point, continue along the northern margin of the municipality of Fundación to Point 52, this being the intersection with the Fluvio Gravitacional hill greater than 25%. From Point 52, follow along the entire eastern edge of the alluvial plain less than 7%, passing through Points 53 to 81. From this point, follow a straight line in a Southwest direction to Point 82 at the intersection between the alluvial plain less than 7% %.

From Point 82 continue along the northeastern margin of the municipality of Ciénaga to the Coast at Point 83, from which a line perpendicular to the Coast is followed to the 6-meter isobath at Point 84. This isobath goes to Point 85 and from here it connects with Point 1.

List of coordinates of reference points or landmarks for the delimitation of the Ramsar area.

No.	W			N			Physical description of the point
	gg	hmm	H.H	gg	hmm	H.H	
1	74	53	07.89	eleven	02	40.64	Northwestern end of the Ciénaga de los Manatíes
two	74	52	34.24	eleven	02	42.94	Southwestern end of the Ciénaga de los Manatíes
3	74	52	20.06	eleven	02	45.05	point 3
4	74	52	18.22	eleven	02	32.59	León stream entrance
5	74	52	12.13	eleven	02	16.50	Northwestern extreme corregimiento Eduardo Santos
6	74	51	30.65	eleven	01	58.93	Southwestern end on the margin of the Mallorquín swamp
7	74	51	05.14	eleven	01	49.77	point 7
8	74	fifty	34.38	eleven	01	57.04	point 8
9	74	fifty	15.46	eleven	02	07.49	point 9
10	74	49	57.77	eleven	02	11.06	point 10
eleven	74	49	57.77	eleven	02	30.73	Final point of the vegetation on the Mallorquín swamp
12	74	49	44.59	eleven	02	32.21	Starting point of Barranquilla on the Mallorquín swamp
13	74	49	46.11	eleven	02	45.20	Las Flores sector north of Barranquilla
14	74	49	28.77	eleven	02	57.13	Eastern margin of the Magdalena River the borders of the National Natural Park Vía Parque Isla de Salamanca (Resolution 0472 of 1998) perpendicular to the western margin
fifteen	74	44	53.03	10	58	15.92	Southwestern end of the Vía Parque Isla de Salamanca (VIPIS)
16	74	44	25.19	10	58	05.46	Intersection southern limit of VIPIS with the Las Quemadas pipe
17	74	44	14.13	10	57	52.93	Las Quemadas pipe intersection with the Clarín Nuevo pipe
18	74	44	52.98	10	57	04.19	Cano Clarín Nuevo mouth in the Magdalena River

No.	W			N			Physical description of the point
	gg	hmm	H.H	gg	hmm	H.H	
19	74	44	07.67	10	55	02.02	Intersection of the eastern bank of the Magdalena River with La Perseverancia
twenty	74	44	21.90	10	52	23.35	Perpendicular to the eastern bank towards the western bank of the Magdalena River
twenty-one	74	44	06.69	10	44	04.43	Point 21 in front of the municipality of Palmar de Varela
22	74	44	45.38	10	44	04.75	Northern area of the Palmar de Varela swamp
	74	44	43.98	10	42	15.52	Intersection of the western margin of the Ciénaga Palmar de Varela and the alluvial plain geomorphological unit < 7 %
24	74	44	10.23	10	39	44.05	Alluvial plain intersection < 7 % with the western margin of the Magdalena River
25	74	44	33.57	10	38	13.90	Intersection western bank Magdalena river alluvial plain < 7 %
26	74	47	21.25	10	31	18.19	Alluvial plain intersection < 7 % with the western margin of the Magdalena River
27	74	48	51.40	10	30	08.21	Intersection western bank Magdalena river alluvial plain < 7 %
28	74	53	21.91	10	22	53.74	Intersection of the alluvial plain with the municipality of Campo de la Cruz
29	74	52	54.03	10	22	17.08	Intersection between the eastern margin of the Campo de la Cruz municipality and the alluvial plain
30	74	52	50.90	10	twenty	16.24	Intersection between alluvial plain minor 7% and Atlantic highway
31	74	52	44.33	10	twenty	11.17	Straight line to the western bank of the Magdalena River
32	74	49	20.75	10	02	28.53	point 32
33	74	47	44.35	10	01	35.64	Eastern margin of the Magdalena river perpendicular to the southern point of the Doña Francis swamp
3. 4	74	47	40.35	10	01	46.47	South point of the Doña Francis swamp
35	74	46	58.82	10	04	14.37	Limit between the Doña Francis swamp and the Fluvio Gravitacional hill greater than 25%
36	74	46	57.12	10	04	31.14	Boundary between the Gravitational Fluvio hill intersection greater than 25% and the Zapayán swamp
37	74	43	05.69	10	10	35.62	Intersection of the Zapayán swamp with the structural hill > 25%
38	74	41	03.72	10	fifteen	32.38	Intersection between the erosional structural hill > 25% and the alluvial plain < 7%
39	74	37	39.40	10	fifteen	49.73	point 39
40	74	32	23.12	10	fifteen	15.82	point 40
41	74	33	12.34	10	17	01.62	point 41

42	74	29	26.80	10	17	00.12	point 42
43	74	30	40.15	10	19	27.21	point 43
44	74	27	53.40	10	18	59.08	point 44
Four. Five	74	29	28.51	10	twenty	50.00	point 45
No.	**W**			**N**			**Physical description of the point**
	gg	**hmm**	**H.H**	**gg**	**hmm**	**H.H**	
46	74	26	52.34	10	twenty-one	48.97	point 46
47	74	31	13.77	10	28	00.08	point 47
48	74	25	09.66	10	28	55.65	point 48
49	74	twenty	36.73	10	29	12.54	point 49
fifty	74	17	18.78	10	3. 4	39.28	point 50
51	74	12	19.26	10	30	38.16	Intersection of the limit of the alluvial plain less than 7% with the founding municipality
52	74	10	42.37	10	30	47.21	Intersection of the municipality of Fundación with the Fluvio Gravitacional hill > 25%
53	74	08	14.58	10	29	02.26	point 53
54	74	8	02.27	10	29	58.56	point 54
55	74	10	03.03	10	31	27.55	point 55
56	74	08	24.39	10	33	00.24	Point 56
57	74	06	50.51	10	32	23.24	Point 57
58	74	06	00.91	10	34	22.24	Point 58
59	74	06	29.88	10	36	24.74	Point 59
60	74	07	48.41	10	38	53.56	Point 60
61	74	08	34.49	10	41	36.06	Point 61
62	74	06	57.58	10	44	00.30	Point 62
63	74	05	37.89	10	44	44.98	Point 63
64	74	06	25.79	10	45	35.79	Point 64
65	74	07	24.13	10	46	59.37	Point 65
66	74	08	17.16	10	48	33.43	Point 66
67	74	07	26.64	10	49	07.33	Point 67
68	74	07	36.14	10	49	38.47	Point 68
69	74	09	04.20	10	49	11.66	Point 69
70	74	09	09.94	10	50	32.40	Point 70
71	74	09	51.29	10	52	25.80	Point 71

72	74	10	15.21	10	52	28.36	Point 72
73	74	09	43.21	10	53	42.19	Point 73
74	74	09	47.09	10	54	23.95	Point 74
75	74	10	42.13	10	55	31.47	Point 75
76	74	10	46.03	10	56	27.65	Point 76
77	74	11	27.32	10	58	22.52	Point 77
78	74	12	57.17	10	59	17.66	Point 78
79	74	12	52.09	10	59	40.87	Point 79
80	74	13	24.43	10	59	37.60	Point 80
81	74	14	02.49	10	59	49.66	point 81
82	74	13	53.50	eleven	00	07.25	Intersection between the alluvial plain and the municipality of Ciénaga
No.	**W**			**N**			**Physical description of the point**
	gg	**hmm**	**H.H**	**gg**	**hmm**	**H.H**	
83	74	14	45.37	eleven	01	29.17	Intersection between the northern area of the municipality of Ciénaga and the coastline
84							Perpendicular line to the coastline in search of the 6 m isobath.
85							6 m isobath to point 85 and perpendicular line between the 6 m isobath and point 1

The aforementioned coordinates are linked to the National Coordinate System, defined by the Agustín Codazzi Geographical Institute (IGAC), and refer to the official Datum of C Colombia Magna-Sirgas.

Paragraph. By virtue of the foregoing, update the Ramsar Wetlands Information Sheet (FIR), corresponding to the Magdalena River Estuarine Delta System, Ciénaga Grande de Santa Marta, in terms of its ecological characteristics and its management measures, including the drawing of limits with the corresponding map.

(Decree 3888 of 2009, art. 1).

ARTICLE 2.2.1.4.6.1. ***Applicable regime.*** The management of the wetland designated in this decree, as it is of International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Inland Wetlands of Colombia, paragraph 2 of article 202 of the Law 1450 of 2011 and Resolutions 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by the regulations issued by the Ministry of Environment and Sustainable Development in environmental matters for these areas.

SECTION 7

ALTO RÍO CAUCA WETLANDS COMPLEX ASSOCIATED WITH THE SONSO LAGOON

Added by art. 1, National Decree 251 of 2017

<The added text is as follows>

ARTICLE 2.2.1.4.7.1. DESIGNATION. Designate the Alto Río Cauca Wetland Complex Associated with Laguna de Sonso to be included in the List of Wetlands of International Importance, which is delimited, according to the studies prepared by the Ministry of Environment and Sustainable Development, which includes a area of approximately 5,524.95 ha and is divided into three (3) polygons according to the following coordinates:

Note: (See attached document)

The coordinate system is referred to the official data of Colombia Magna-Sirgas, defined by the Agustín Codazzi Geographical Institute (IGAC).

PARAGRAPH 1st. The attached map is an integral part of this decree and reflects the cartographic materialization of the previously described polygons.

PARAGRAPH 2nd . _ The official cartography of this decree is adopted in shape.file format which will be available for download on the website of the Ministry of Environment and Sustainable Development.

ARTICLE 2.2.1.4.7.2. APPLICABLE REGIME. The handling and management of the wetland designated in the preceding article due to its international importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Interior Wetlands of Colombia, the paragraph of article 172 of Law 1753 of 2015 and Resolutions numbers 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by current regulations, and/or the one that modifies or replaces the Ministry of Environment and Sustainable Development in environmental matters for these strategic ecosystems.

ARTICLE 2.2.1.4.7.3. ENVIRONMENTAL MANAGEMENT PLAN The Valle del Cauca Regional Autonomous Corporation (CVC) will be in charge of issuing and complying with the Environmental Management Plan for the Upper Cauca River Wetland Complex associated with the Sonso Lagoon, which must be in accordance with the regulations indicated in the second article of this administrative act.

SECTION 8

LAGOS DE TARAPOTO WETLANDS COMPLEX

Added by art. 1, National Decree 1573 of 2017

<The added text is as follows>

Article 2.2.1.4.8.1. Designation. Designate the Lagos de Tarapoto Wetland Complex to be included in the List of Wetlands of International Importance, which is delimited, according to studies prepared by the Ministry of Environment and Sustainable Development, which includes an area of approximately 45,463.96 hectares according to the following coordinates:

No.	LATITUDE	LENGTH
1	3° 47' 43.667” S	70° 42' 47,690” W
two	3° 44' 30,800” S	70° 40' 45.432” W
3	3° 44' 26.058” S	70° 40' 42,420” W
4	3° 42’ 8,068” S	70° 390’ 14,972” W
5	3° 40’ 12,157” S	70° 38’ 1,636” W
6	3° 39’ 47,806” S	70° 37’ 46,221” W
7	3° 39’ 0,656” S	70° 37’ 16,297” W
8	3° 38’ 3,791” S	70° 36’ 40,334” W
9	3° 37’ 22,821” S	70° 36’ 15,920” W
10	3° 37’ 37,526” S	70° 35’ 56,791 “W
11	3° 39’ 52,747” S	70° 35’ 34,178” W
12	3° 40’ 4,699” S	70° 35’ 46,931” W
13	3° 40’ 52,724” S	70° 36’ 10,210” W
14	3° 41’ 37,939” S	70° 35’ 40,998” W
15	3° 44’ 1,911” S	70° 31’ 16,168” W
16	3° 44’ 12,768” S	70° 31’ 0,708” W
17	3° 44’ 3,439” S	70° 30’ 43,182” W
18	3° 45’ 7,978” S	70° 29’ 2,913” W
19	3° 44’ 36,986” S	70° 27’ 24,590” W
20	3° 46’ 7,312” S	70° 23’ 24,039” W
21	3° 46’ 23,976” S	70° 22’ 58,272” W
22	3° 46’ 44,035” S	70° 22’ 14,908” W
23	3° 46’ 51,802” S	70° 21’ 34,844” W
24	3° 47’ 4,079” S	70° 19’ 10,345” W
25	3° 46’ 48,709” S	70° 19’ 23,645” W
26	3° 46’ 53,694” S	70° 18’ 14,686” W
27	3° 46’ 28,536” S	70° 18’ 16,031” W
28	3° 45’ 12,550” S	70° 17’ 23,008” W
29	3° 46’ 19,761 “S	70° 17’ 16,376” W
30	3° 48’ 23,986” S	70° 17’ 4,113” W
31	3° 48’ 58,640” S	70° 17’ 1,146”W
32	3° 48’ 48,156” S	70° 17’ 29,562” W
33	3° 48’ 27,364” S	70° 18’ 24,243” W
34	3° 47’ 13,313” S	70° 21’ 37,686” W
35	3° 47’ 13,365” S	70° 21’ 45,132” W
36	3° 47' 39.512” S	70° 23' 17.827” W
37	3° 49' 39.318” S	70° 33' 26.674” W
38	3° 48' 58.212” S	70° 35' 27.262” W
39	3° 50' 19.304” S	70° 37' 20.056” W
40	3° 49' 52.844” S	70° 37' 46.644” W
41	3° 47' 44.367” S	70° 40' 54,410” W

The coordinate system is referred to the official datum of Colombia Magna-Sirgas, defined by the Agustín Codazzi Geographical Institute (IGAC).

Paragraph 1st. The attached map is an integral part of this decree and reflects the cartographic materialization of the previously described polygons.

Paragraph 2nd. The official cartography of this decree is adopted in shape format. file which will be available for download on the website of the Ministry of Environment and Sustainable Development.

Article 2.2.1.4.8.2. *Applicable regime.* The handling and management of the wetland designated in the preceding article due to its international importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Interior Wetlands of Colombia, the paragraph of article 172 of Law 1753 of 2015 and Resolutions numbers 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by current regulations, and/or the one that modifies or replaces the Ministry of Environment and Sustainable Development in environmental matters for these strategic ecosystems.

Article 2.2.1.4.8.3. Environmental Management Plan. The Corporation for the Sustainable Development of the South of the Amazon (Corpoamazonia), will be in charge of the issuance and fulfillment of the Environmental Management Plan of the Lagos de Tarapoto Wetland Complex, which must be in accordance with the regulations indicated in article 2 of this administrative act.

SECTION 9

Ayapel Swampy Complex

ARTICLE 2.2.1.4.9.1.- DESIGNATION **.** Designate the Ayapel Marsh Complex to be included in the List of Wetlands of International Importance, with an extension of 54,376. Approximately 78 hectares and which is delimited, according to studies prepared by the Ministry of Environment and Sustainable Development, according to the following coordinates:

POINTS	LENGTH	LATITUDE	POINTS	LENGTH	LATITUDE
1	75 8' 29.833" W	8 19' 23.791"N	36	74 54' 51.607" W	8 21' 4.008"N
two	75 8' 59,047" W	8 19' 36,256" N	37	74 54' 32,923" W	8 20' 36,12" N
3	75 9' 2,521" W	8 19' 37,641" N	38	74 54' 26,385" W	8 20' 21,754" N
4	75 8' 57,842" W	8 19' 53,151" N	39	74 54' 26,108" W	8 20' 21,071" N
5	75 9' 2,523" W	8 19' 57,630" N	40	74 54' 16,161" W	8 19' 46,626" N
6	75 9' 20,674" W	8 19' 55,983" N	41	74 54' 18,941" W	8 19' 35,703" N
7	75 9' 20,304" W	8 19' 53,841" N	42	74 54' 27,578" W	8 19' 27,123" N
8	75 9' 31,654" W	8 19' 43,998" N	43	74 55' 35,610" W	8 18' 47,039" N
9	75 9' 44,696" W	8 19' 49,412" N	44	74 55' 54,523" W	8 16' 27,533" N
10	75 10' 27,076" W	8 19' 23,996" N	45	74 55' 56,842" W	8 16' 12,441" N
11	75 10' 26,399" W	8 19' 32,228" N	46	74 57' 47,208" W	8 14' 18,738" N
12	75 11' 50,476" W	8 19' 41,922" N	47	75 0' 3,151" W	8 10' 38,657" N
13	75 11' 27,093" W	8 21' 23,154" N	48	75 4' 50,727" W	8 12' 26,643" N
14	75 11' 39,269" W	8 21' 45,051" N	49	75 4' 58,307" W	8 13' 37,952" N
15	75 11' 40,607" W	8 22' 40,468" N	50	75 5' 22,249" W	8 14' 45,174" N
16	75 12' 3,958" W	8 23' 9,003" N	51	75 5' 12,745" W	8 14' 41,186" N
17	75 11' 59,683" W	8 23' 24,803" N	52	75 5' 10,138" W	8 14' 49,751" N
18	75 3' 17,749" W	8 27' 53,101" N	53	75 6' 27,230" W	8 15' 27,326" N
19	75 2' 50,363" W	8 27' 49,319" N	54	75 6' 32,359" W	8 15' 58,293" N
20	75 2' 48,928" W	8 27' 48,759" N	55	75 7' 23,410" W	8 16' 14,643" N
21	75 2' 13,958" W	8 27' 42,710" N	56	75 7' 27,944" W	8 15' 59,344" N

22	75 2' 5,726" W	8 27' 44,528" N	57	75 7' 36,399" W	8 16' 38,725" N
23	75 2' 5,293" W	8 27' 43,566" N	58	75 8' 7,325" W	8 16' 12,273" N
24	75 2' 4,450" W	8 27' 41,689" N	59	75 8' 12,614" W	8 16' 13,283" N
25	75 0' 24,053" W	8 26' 45,279" N	60	75 8' 51,765" W	8 16' 4,609" N
26	75 0' 2,247" W	8 24' 38,779" N	61	75 9' 15,593" W	8 16' 11,218" N
27	75 0' 2,024" W	8 23' 0,420" N	62	75 9' 37,125" W	8 16' 5,92" N
28	74 59' 57,552" W	8 23' 1,839" N	63	75 9' 38,976" W	8 16' 4,825" N
29	74 59' 36,910" W	8 23' 0,029" N	64	75 10' 23,310" W	8 14' 55,487" N
30	74 57' 10,132" W	8 21' 24,426" N	65	75 11' 31,272" W	8 16' 9,465" N
31	74 56' 56,846" W	8 21' 16,133" N	66	75 9' 47,997" W	8 17' 41,541" N
32	74 55' 43,668" W	8 20' 46,225" N	67	75 9' 28,498" W	8 17' 47,881" N
33	74 55' 37,279" W	8 20' 43,452" N	68	75 9' 18,890" W	8 17' 17,102" N
34	74 55' 4,523" W	8 21' 2,952" N	69	75 9' 16,032" W	8 17' 7,734" N
35	74 55' 4,360" W	8 21' 2,105" N	70	75 8' 46,584" W	8 17' 14,908" N

PARAGRAPH 1.- The coordinate system is referred to the official datum of Colombia MAGNA-SIRGAS, defined by the Agustín Codazzi Geographical Institute (IGAC).

PARAGRAPH 2.- The attached map is an integral part of this decree and reflects the cartographic materialization of the previously described polygons.

PARAGRAPH 3.- The official cartography of this decree is adopted in shape file format which will be available for download on the website of the Ministry of Environment and Sustainable Development.

ARTICLE 2.2.1.4.9.2.- ***APPLICABLE REGIME.*** The handling and management of the wetland designated in the preceding article due to its International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Interior Wetlands of Colombia, the paragraph of article 172 of Law 1753 of 2015 and Resolutions 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by current regulations, and/or the one that modifies or replaces the Ministry of Environment and Sustainable Development in environmental matters for these strategic ecosystems.

ARTICLE 2.2.1.4.9.3.- ***ENVIRONMENTAL MANAGEMENT PLAN*** The Regional Autonomous Corporation of the Sinú and San Jorge Valleys - CVS, will be in charge of issuing and complying with the Environmental Management Plan of the Ayapel Marsh Complex, which must be in accordance with the regulations indicated in the second article of this administrative act.

SECTION 10

Zaposa Swamp Complex

Added by art. 1, National Decree 1190 of 2018

<The added text is as follows>

Article 2.2.1.4.10.1. ***Designation*** **.** Designate the Zapatosa Swamp Complex to be included in the List of Wetlands of International Importance, which is delimited, according to the studies prepared by the Ministry of Environment and Sustainable

Development, which includes an area of approximately 121,725.01 hectares according to with the following coordinates:

No.	EAST	NORTH
1	1,016,522.09	1,504,551.24
two	1,015,650.30	1,507,194.92
3	1,018,528.24	1,506,684.71
4	1,017,884, 35	1.508.208,78
5	1.019.533,81	1.510.674,64
6	1.021.156,32	1.512.507,98
7	1.025.061,93	1.516.267,75
8	1.028.268,09	1.514.056,47
9	1.029.993,81	1.515.307,00
10	1.029.676, 20	1.519.018,14
11	1.028.769,44	1.518.278,15
12	1.030.150,10	1.521.276,95
13	1.032.019,42	1.523.801,19
14	1.032.936,89	1.526.456,02
15	1.034.756, 65	1.525.867,08
16	1.036.979,41	1.528.831,40
17	1.039.198,84	1.529.227,40
18	1.040.095,38	1.529.388,90
19	1.041.376,00	1.526.377,22
20	1.043.696, 76	1.526.433,09
21	1.045.108,68	1.527.112,02
22	1.046.589,19	1.525.849,54
23	1.049.175,98	1.524.881,30
24	1.049.596,07	1.522.707,77
25	1.049.512,38	1.520.227,93

26	1.048.598,11	1.518.506,48
27	1.049.423, 98	1.516.415,30
28	1.047.880, 63	1.515.690,59
29	1.046.391,67	1.514.111,75
30	1.044.675,71	1.513.655,48
31	1.045.201,96	1.508.672,38
32	1.046.206,60	1.505.483,06
33	1.045.914,59	1.502.950,51
34	1.044.689,69	1.499.167,37
35	1.042.788,88	1.496.187,73
36	1.043.061,68	1.493.449,10
37	1.042.347,10	1.491.196,18
38	1.042.939,86	1.489.709,38
39	1.044.423,42	1.488.929,03
40	1.044.253,76	1.487.643,68
41	1.042.707,58	1.486.863,88
42	1.040.903,80	1.486.715,68
43	1.039.306,01	1.484.971,89
44	1.038.938,03	1.482.379,47
45	1.038.027,32	1.482.334,37
46	1.039.978,07	1.479.945,29
47	1.038.529,79	1.479.837,73
48	1.037.215,22	1.478.405,09
49	1.036.206,09	1.477.789,01
50	1.038.508,36	1.475.477,66
51	1.039.193,36	1.474.467,52
52	1.038.237,34	1.473.378,89
53	1.032.213,23	1.473.433,20
54	1.029.464,44	1.471.913,46

55	1.024.387,77	1.476.764,16
56	1.024.571,79	1.479.680,93
57	1.025.599,00	1.481.963,87
58	1.024.386,08	1.484.106,24
59	1.021.817,52	1.484.893,41
60	1.019.035,14	1.485.079,07
61	1.015.542,18	1.485.802,19
62	1.013.714,41	1.487.359,54
63	1.012.157,01	1.489.227,53
64	1.013.458,68	1.491.966,86
65	1.014.494,62	1.495.265,14
66	1.015.986,14	1.497.663,98
67	1.016.096,02	1.499.234,83
68	1.015.735,68	1.502.022,48

Paragraph 1st. The coordinate system is referred to the official datum of Colombia MAGNA-SIRGAS, defined by the Agustín Codazzi Geographical Institute (IGAC).

Paragraph 2nd. The attached map is an integral part of this decree and reflects the cartographic materialization of the polygon previously described, the coordinates listed in the table only identify the main reference points.

Paragraph 3rd. The official cartography of this decree is adopted in shape file format which will be available for download on the website of the Ministry of Environment and Sustainable Development.

Article 2.2.1.4.10.2. ***Applicable regime.*** The handling and management of the wetland complex designated in the preceding article due to its International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Interior Wetlands of Colombia, the paragraph of article 172 of the Law 1753 of 2015 and Resolutions numbers 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by current regulations, and/or the one that modifies or replaces the Ministry of Environment and Sustainable Development in environmental matters for these strategic ecosystems .

Article 2.2.1.4.10.3. ***Environmental Management Plan.*** The Regional Autonomous Corporation of Cesar (Corpocesar) and the Regional Autonomous Corporation of Magdalena (Corpamag) will be in charge of issuing and complying with the Environmental Management Plan for the Zapatosa Marsh Complex, which must be in

accordance with the regulations indicated in the second article of this administrative act.

SECTION eleven

Added by art. 1, Decree 1235 of 2018.

<The added text is as follows>

Bita river basin

Article 2.2.1.4.11.1. *Designation* . Designate the wetland complex of the Bita River Basin to be included in the List of Wetlands of International Importance, which is delimited, according to studies prepared by the Ministry of Environment and Sustainable Development, which includes an area of 824,535, 77 hectares approximately according to the following coordinates:

No.	EAST	NORTH
1	1730082.74	1179083.58
two	1727608,09	1179456,58
3	1726393,83	1180044,46
4	1725549,12	1180788,15
5	1724218,52	1182126,33
6	1722654,70	1182810,71
7	1720617,00	1183665,45
8	1717641,24	1184174,26
9	1716757,46	1184527,25
10	1715133,56	1186166,69
11	1714096,05	1186578,51
12	1713538,69	1187083,22
13	1711500,50	1186390,18
14	1708869,01	1186634,89
15	1706777,51	1186781,19
16	1705604,48	1187525,92
17	1703337,77	1186656,69
18	1700691,75	1187103,76
19	1695209,52	1185183,33
20	1692874,72	1185246,51
21	1691789,99	1184702,72
22	1689698,55	1183108,67
23	1686293,00	1183111,84
24	1683153,00	1181202,67
25	1682065,54	1179374,01
26	1677474,73	1176531,91
27	1676074,72	1174224,04
28	1674782,36	1173993,05
29	1672859,72	1172438,11
30	1670396,45	1173253,57
31	1668346,27	1174135,00
32	1665555,90	1172435,16
33	1663939,80	1172524,14

No.	EAST	NORTH
Four. Five	1640747.50	1155936.92
46	1638307,28	1154790,07
47	1634826,30	1153667,86
48	1634500,95	1150249,52
49	1633160,42	1148278,77
50	1631937,41	1147681,64
51	1631438,69	1146119,76
52	1629220,65	1146232,79
53	1623524,82	1145771,07
54	1621424,65	1143891,18
55	1616517,42	1143807,31
56	1608663,86	1148415,87
57	1603161,14	1149305,27
58	1599898,59	1149802,52
59	1600357,11	1151491,80
60	1593270,08	1152704,68
61	1586230,74	1151940,37
62	1583636,37	1151758,64
63	1579539,59	1150970,34
64	1577176,86	1149743,71
65	1575557,52	1149683,64
66	1573656,36	1150183,84
67	1572382,56	1148484,12
68	1572058,98	1146590,50
69	1568781,90	1144084,21
70	1564769,08	1140607,73
71	1556081,72	1138745,63
72	1546715,81	1141182,22
73	1544724,53	1140867,35
74	1542914,14	1140252,31
75	1538086,39	1141549,58
76	1529826,43	1143032,60
77	1526145,65	1143181,93

34	1662464,08	1168195,82
35	1659674,28	1167635,36
36	1657790,68	1166588,80
37	1656598,33	1165414,78
38	1655736,21	1163473,54
39	1654584,30	1160277,47
40	1652448,68	1158933,39
41	1650242,00	1158763,39
42	1647489.27	1157456.97
43	1644840.49	1156637.58
44	1642494.35	1155946.51

78	1523046,50	1143144,31
79	1517298,69	1139960,07
80	1514980,44	1141150,69
81	1513238,01	1140564,41
82	1510039,39	1139975,35
83	1507904,17	1139363,93
84	1503887,65	1138936,18
85	1498373,35	1136548,38
86	1496156.06	1134582.34
87	1491964.26	1135474.33
88	1488568.79	1134434.41

No.	THIS ONE	NORTH
89	1486595.00	1133614.88
90	1479863,91	1132116,15
91	1477466,97	1129203,78
92	1474220,78	1129866,75
93	1472251,24	1131015,67
94	1469004,32	1132256,99
95	1467074,49	1131192,16
96	1464546,51	1129955,93
97	1460629,25	1127992,46
98	1455247,80	1128069,63
99	1451442,09	1120071,39
100	1449528,77	1115276,41
101	1448926,34	1114564,64
102	1442770,27	1106384,90
103	1442474,30	1105254,73
104	1443531,63	1098141,06
105	1445125,82	1095498,92
106	1447847,01	1096102,03
107	1449367,59	1095958,77
108	1453652,18	1094801,99
109	1458200,52	1091553,68
110	1459856,97	1093195,37
111	1461402,98	1093513,75
112	1464062,75	1095287,77
113	1469117,92	1093012,87
114	1475929,77	1089463,38
115	1476601,30	1090395,08
116	1480562,50	1092898,93
117	1481344,58	1092821,70
118	1484517,39	1093566,65
119	1488067,79	1094831,87
120	1489108,55	1095077,69
121	1494086,98	1097322,17
122	1496068,51	1097675,54
123	1498879,40	1097410,90

No.	THIS ONE	NORTH
144	1568287.00	1121382,61
145	1571465,98	1122278,87
146	1572548,56	1120811,37
147	1574227,09	1122283,97
148	1576098,29	1120403,79
149	1577735,21	1120637,53
150	1580310,13	1120996,98
151	1584734,28	1118815,90
152	1585818,94	1122206,17
153	1587303,55	1123479,54
154	1589401,56	1124762,50
155	1591241,44	1123406,22
156	1592787,72	1121198,78
157	1594604,28	1118289,35
158	1595744,90	1117687,69
159	1597356,25	1119024,31
160	1601290,37	1118320,35
161	1604170,80	1118559,71
162	1606846,04	1116595,06
163	1609848,56	1115457,84
164	1612724,93	1115278,45
165	1616016,01	1115631,79
166	1617644,23	1117311,36
167	1619973,31	1118034,32
168	1630162,08	1119038,82
169	1634798,68	1121001,65
170	1639941,54	1122686,90
171	1644472,20	1128093,49
172	1646603,80	1127929,84
173	1649495,63	1126430,81
174	1650293,68	1130051,97
175	1654951,38	1129806,81
176	1659878,71	1131524,02
177	1665375,60	1137770,02
178	1667724,26	1140380,67

124	1503559,49	1096762,12	179	1666188,56	1145090,18
125	1505868,65	1098065,87	180	1672293,48	1146917,14
126	1507157,62	1099629,93	181	1674863,78	1149540,23
127	1508784,89	1100203,31	182	1679863,18	1150614,87
128	1510259,62	1101339,41	183	1683969,50	1152699,87
129	1516114,11	1103158,54	184	1692260,08	1154183,76
130	1517365,40	1103977,36	185	1695341,32	1160233,64
131	1523011,48	1104156,56	186	1698644,37	1162173,08
132	1528051,45	1107589,54	187	1701027,76	1163018,54
133	1528488,15	1110431,91	188	1701991,05	1163244,84
134	1530237,84	1114199,97	189	1706939,97	1164733,77
135	1531889,33	1116051,62	190	1708839,40	1165631,92
136	1538402,17	1117625,92	191	1710718,74	1166939,39
137	1546154,15	1119402,27	192	1712187,81	1170345,47
138	1550523,38	1119782,84	193	1711851,35	1173328,21
139	1558363,47	1121020,80	194	1715491,32	1174132,06
140	1560985,33	1120917,65	195	1717201,57	1174352,22
141	1562943,52	1120994,15	196	1723364,97	1174219,27
142	1564398,76	1119969,36	197	1726370,02	1175718,22
143	1566799.86	1121328.09	198	1729115.42	1176292.27

Paragraph 1st. The coordinate system is referred to the official datum of Colombia MAGNA-SIRGAS, defined by the Agustín Codazzi Geographical Institute (IGAC).

Paragraph 2nd. The attached map is an integral part of this decree and reflects the cartographic materialization of the polygon previously described, the coordinates listed in the table only identify the main reference points.

Paragraph 3rd. The official cartography of this decree is adopted in shape file format which will be available for download on the website of the Ministry of Environment and Sustainable Development.

Article 2.2.1.4.11.2. ***Applicable regime*** **.** The handling and management of the wetland complex designated in the preceding article due to its International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the National Policy for Interior Wetlands of Colombia, the paragraph of article 172 of the Law 1753 of 2015 and Resolutions number 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by current regulations, and/or the one that modifies or replaces the Ministry of Environment and Sustainable Development in environmental matters for these strategic ecosystems .

Article 2.2.1.4.11.3. ***Environmental Management Plan*** **.** The Regional Autonomous Corporation of Orinoquia (Corporinoquia) will be in charge of issuing and fulfilling the Environmental Management Plan for the Bita River Basin, which must be in accordance with the regulations indicated in the previous article.

SECTION 12

Added by art. 1, National Decree 1468 of 2018

<The added text is as follows>

Urban Wetlands of the Capital District of Bogotá

Article 2.2.1.4.12.1. ***Designation*** . Designate the Urban Wetlands Complex of the Capital District of Bogotá to be included in the List of Wetlands of International Importance, made up of the following eleven (11) wetlands:

1. Tibanica wetland.

2. Wetland of La Vaca Norte.

3. Burro Wetland.

4. El Tunjo Wetland.

5. Wetland of Capellanía or La Cofradía.

6. Wetland of Santa María del Lago.

7. Wetlands of Córdoba and Nice.

8. Jaboque Wetland.

9. Wetland of Juan Amarillo or Tibabuyes.

10. Wetland of La Conejera and

11. Wetlands of Torca and Guaymaral, which together have an area of approximately 667.38 hectares, according to the map in annex 1 and the coordinates in annex 2, which are an integral part of this section.

Paragraph 1st. The coordinate system is referred to the official datum of Colombia Magna-Sirgas, projected from Bogotá, defined by the Agustín Codazzi Geographical Institute (Igac).

Paragraph 2nd. The attached map is an integral part of this section and reflects the cartographic materialization of the previously described polygon, as well as the related coordinates that identify the reference points.

Paragraph 3rd. The official cartography is adopted in shape file format which will be available for download on the website of the Ministry of Environment and Sustainable Development.

Paragraph 4th. The limits established in this section may be modified based on technical studies and in accordance with the guidelines established by the Ramsar Convention.

Article 2.2.1.4.12.2. ***Applicable regime.*** The handling and management of the wetland complex designated in the preceding article, due to its International Importance, will be governed in accordance with the guidelines and directives issued by the Ramsar Convention, the paragraph of article 172 of Law 1753 of 2015 and Resolutions 157 of 2004, 196 of 2006, and 1128 of 2006, as well as by current regulations, and/or the one that modifies or replaces the Ministry of Environment and Sustainable Development in environmental matters, for these strategic ecosystems, without prejudice to the guidelines and guidelines that the Capital District has issued or is issuing for the management of these wetlands, as long as they are not incompatible with the assigned protection regime.

Article 2.2.1.4.12.3. ***Environmental management plan*** . The environmental authority will be in charge of issuing and complying with the Environmental Management Plan of the Urban Wetlands Complex of Bogotá designated in this section, based on the current or current environmental management plans of the Urban Wetlands of the Capital District of Bogotá. those that update or modify them, formulated and approved by the respective Environmental authority, in accordance with the regulations indicated in article 2.2.1.4.12.2 of this section.

CHAPTER 5

SCIENTIFIC INVESTIGATION

SECTION 1

SCIENTIFIC RESEARCH ON BIOLOGICAL DIVERSITY

ARTICLE 2.2.1.5.1.1. ***Area of application.*** Corrected by art. 1, National Decree 703 of 2018. *<The new text is as follows>* This chapter will apply to all scientific research on biological diversity carried out in the national territory, without prejudice to the provisions of Law 13 of 1990, regarding the competence of the National Aquaculture and Fisheries Authority (AUNAP) or the entity that takes its place in matters of scientific research of fishery resources, and of the powers assigned to Dimar and the Ministry of Foreign Affairs by Decree number 1070 of 2015 of articles 2.4.5.1 to 2.4.5.24 with regard to marine scientific or technological research".

The provisions of this chapter shall not apply to research or teaching practices carried out in matters of health and agriculture, except when they involve specimens or samples of wild fauna and/or flora.

Paragraph 1 . The provisions contained in this chapter shall apply without prejudice to the current legal regulations on biosafety, public health and animal and plant health.

Paragraph 2. For the correct interpretation of this chapter, the definition of biological diversity contained in Law 165 of 1994 is adopted, excluding the species of domestic fauna and flora and the human species.

The original text was as follows:

Article 2.2.1.5.1. *1. This chapter shall apply to all scientific research on biological diversity carried out in the national territory, without prejudice to the provisions of Law 13 of 1990 regarding the competence of the National Aquaculture and Fisheries Authority (AUNAP) or the entity that takes its place in the*

matter of scientific research of fishery resources, and of the powers assigned to Dimar and the Ministry of Foreign Affairs by Decree 644 of 1990 in what concerns marine scientific or technological research.

The provisions of this chapter shall not apply to research or teaching practices carried out in matters of health and agriculture, except when they involve specimens or samples of wild fauna and/or flora.

Paragraph 1. *The provisions contained in this chapter shall apply without prejudice to the current legal regulations on biosafety, public health and animal and plant health.*

2nd paragraph. *For the correct interpretation of this chapter, the definition of biological diversity contained in Law 165 of 1994 is adopted, excluding the species of domestic fauna and flora and the human species.*

(Decree 309 of 2000, art. 1).

ARTICLE 2.2.1.5.1.2. ***Study permit for scientific research purposes.*** Natural or legal persons who intend to carry out a scientific research project on biological diversity that involves some or all of the activities of collecting, harvesting, capturing, hunting, fishing, handling biological resources and their mobilization in the national territory, must obtain permission from study, which will include all the requested activities.

(Decree 309 of 2000, art. 2).

Paragraph 1. The Ministry of Environment and Sustainable Development, the Autonomous Regional and/or Sustainable Development Corporations and the Large Urban Centers will not require a study permit to carry out scientific research activities on biological diversity referred to in this decree, which is not the case. exempts from supplying the information about the scientific research project to the National Environmental Research System.

(Decree 302 of 2003, art. 1).

2nd paragraph. Nor will researchers who do not involve collecting, harvesting, capturing, hunting, fishing or manipulating the biological resource within their scientific research project require a study permit.

The foregoing, without prejudice to the obligation to provide information about its scientific research project to the environmental authority with jurisdiction in the study area, in order to feed the National Environmental Research System.

(Decree 309 of 2000, art. 2).

ARTICLE 2.2.1.5.1.3. ***Legal persons.*** Legal entities that intend to carry out two or more research projects in biological diversity and/or university teaching practices for scientific purposes may request the issuance of a single study permit from the competent environmental authority that covers all the projects, as long as these are thematically related in institutional research programs.

(Decree 309 of 2000, art. 3).

ARTICLE 2.2.1.5.1.4. ***Competition.*** In accordance with the provisions of Law 99 of 1993, the competent environmental authorities for granting study permits for scientific research purposes are:

1. The Autonomous Regional or Sustainable Development Corporation or the Large Urban Centers, when the research activities are carried out exclusively in their respective jurisdictions.

2. The Ministry of the Environment. In the case of investigations in Colombian maritime spaces, except when the Regional Autonomous Corporations or Sustainable Development Corporations have jurisdiction in the sea in accordance with the law, in which case this will be the competent authority.

3. National Natural Parks of Colombia. When research activities are carried out within the areas of the National Natural Parks System. in which case the granting of the study permit will be made through the National Natural Parks of Colombia.

(Decree 3572 of 2011, art. 2).

Paragraph. In the event that the research activities are carried out in the jurisdiction of two or more of the environmental authorities indicated in the previous article, the procedure for granting the permit will be carried out by the National Environmental Licensing Authority (ANLA).

(Decree 35 73 of 2011, art. 3 numeral 1).

If the environmental authority to which the request for a study permit is made, considers that there is a conflict or concurrence of powers, it will inform the Ministry of the Environment of said situation within five (5) days following the request so that this Designate one of the competent environmental authorities as responsible for advancing the procedure for granting the permit or assume it directly. The Ministry of Environment and Sustainable Development will have ten (10) days to define the competence or claim knowledge and inform the applicant.

The environmental authority that assumes the knowledge must request a concept from the other environmental authorities with jurisdiction in the area where the scientific research activities are intended to be carried out, and these will have a term of 15 business days to pronounce on the matter. Once said term expires without said authorities having pronounced, it will be understood that they accept the decision adopted by the competent environmental authority.

(Decree 309 of 2000, art. 4).

ARTICLE 2.2.1.5.1.5. *Environmental Emergency.* The Ministry of Environment and Sustainable Development or the environmental authority that it determines, will issue the research permits that are required immediately in case of potential risks or consummated natural disasters.

(Decree 309 of 2000, art. 5).

ARTICLE 2.2.1.5.1.6. *Application requirements.* The person interested in obtaining a study permit for the purpose of scientific research in biological diversity must submit a written request to the competent environmental authority, in accordance with the general parameters defined for these cases by the Ministry of Environment and Sustainable Development through an administrative act.

(Decree 309 of 2000, art. 6).

Article 2.2.1.5.1.7. *Foreign.* In addition to complying with the requirements referred to in the previous article, foreign natural or legal persons who intend to carry out scientific research activities on biological diversity in Colombian territory must submit the name and resume of one or more Colombian co-investigators to participate in the respective investigation or contribute to its monitoring and evaluation.

(Decree 309 of 2000, art. 7).

ARTICLE 2.2.1.5.1.8. *Obligations of the Researchers.* Biological diversity researchers who obtain a study permit must comply with the following obligations before the competent environmental authority:

1. Submit partial and/or final reports of activities, as provided by the competent authority in the respective study permit and a list of the specimens or samples that were collected, collected, captured, hunted and/or fished during that period.

2. Deposit within the term of validity of the permit, the specimens or samples in a national collection registered with the "Alexander von Humboldt" Biological Resources Research Institute, in accordance with article 12 of this decree and send a copy of the evidence of deposit to the competent environmental authority.

3. Send a copy of the publications derived from the project.

4. The others indicated in the administrative act by which the permit is granted and in the current regulations.

(Decree 309 of 2000, art. 8).

ARTICLE 2.2.1.5.1.9. ***Terms.*** Within thirty (30) days, counted from the filing of the application with the fulfillment of the legal requirements, the competent environmental authority must grant or deny the permit.

Paragraph. The provisions of this article shall be understood without prejudice to the provisions of the Code of Administrative Procedure and Administrative Litigation with respect to the request for additional information or documents.

(Decree 309 of 2000, art. 9).

ARTICLE 2.2.1.5.1.10. ***Validity of permits.*** Study permits for the purpose of scientific research in biological diversity may be granted for up to five (5) years, except for those investigations whose purpose is to project works or works for the future use of natural resources, in which case said permit may be granted for up to two (2) years, in accordance with article 56 of Decree-Law 2811 of 1974. These terms will be counted from the issuance of the study permit and may be renewed upon request of the interested party.

(Decree 309 of 2000, art. 10).

ARTICLE 2.2.1.5.1.11. ***Assignment.*** Holders of study permits for the purpose of scientific research in biological diversity may transfer their rights and obligations to other persons, prior authorization from the environmental authority that issued the permit.

(Decree 309 of 2000, art. 11).

ARTICLE 2.2.1.5.1.12. ***Research involving access to genetic resources.*** Scientific research for which the obtaining and use of genetic resources, their derived products or their intangible components is required, shall be subject to the provisions of this chapter and other current legal norms that regulate access to genetic resources.

(Decree 309 of 2000, art. 15).

ARTICLE 2.2.1.5.1.13. ***Study permit with access to genetic resources.*** When in addition to the study permit for research purposes referred to in this decree, access to genetic resources, derived products or intangible component associated with it is required, the competent environmental authority will grant the study permit and in the respective act will condition access to the authorization of the Ministry of Environment and Sustainable Development and will send the documents and information on the matter to the latter.

(Decree 309 of 2000, art. 16).

ARTICLE 2.2.1.5.1.14. ***Results of the investigation.*** Corrected by art. 2, National Decree 703 of 2018. <*The new text is the following*> The activities mentioned in article 2.2.1.5.1.2 of this Decree may be carried out by the researcher, without prejudice to the authorization of access to genetic resources, derived products or intangible component associated with the same granted by the Ministry of Environment and Sustainable Development as long as the researcher obtains from these an independent result to that which would be achieved with the activities of access to genetic resources. Otherwise, the granting of the study permit will be conditioned to a favorable concept by the Ministry of Environment and Sustainable Development on the request for access.

Paragraph. The study permit and the development of activities covered by it do not condition the Ministry of Environment and Sustainable Development to authorize access to genetic resources.

The original text was as follows:

Article 2.2.1.5.1.14. *The activities mentioned in article 2 of this Decree may be carried out by the researcher, without prejudice to the authorization of access to genetic resources, derived products or intangible component associated with it granted by the Ministry of Environment and Sustainable Development, as long as the researcher obtains of these an independent result to the one that would be achieved with the activities of access to genetic resources. Otherwise, the granting of the study permit will be conditioned to a favorable concept by the Ministry of Environment and Sustainable Development on the request for access.*

Paragraph. *The study permit and the development of activities covered by it do not condition the Ministry of Environment and Sustainable Development to authorize access to genetic resources.*

(Decree 309 of 2000, art. 17) .

ARTICLE 2.2.1.5.1.15. ***Export authorization.*** Study permit holders who require the export of specimens or samples of Colombian biological diversity for scientific research purposes must request authorization from the Ministry of the Environment and Sustainable Development, who will issue them the corresponding authorization or permit referred to in the Convention. CITES, depending on the case.

For the above purpose, permit holders must prove the legal obtaining of said specimens or samples at the time of making the request.

Specimens and samples covered by an export authorization may only be used for the purposes set forth in the corresponding administrative act.

(Decree 309 of 2000, art. 18).

CHAPTER 6

BIOLOGICAL COLLECTIONS

SECTION 1

ARTICLE 2.2.1.6.1.1. ***Import authorization.*** The importation of specimens or samples of biological diversity for scientific research purposes will require authorization by the Ministry of Environment and Sustainable Development, without prejudice to the provisions of article 52, numeral 12 of Law 99 of 1993.

(Decree 309 of 2000, art. 20).

ARTICLE 2.2.1.6.1.2. ***Prohibition of marketing specimens or samples obtained for the purpose of Scientific Research.*** The specimens or samples obtained in the exercise of the study permit for the purpose of scientific research in biological diversity that this decree deals with, may not be used for commercial purposes.

(Decree 309 of 2000, art. 21).

ARTICLE 2.2.1.6.1.3. ***Suspension or revocation of the permit.*** Corrected by no. 5 article 25, National Decree 703 of 2018. *<The new text is as follows>* Pursuant to article 62 of Law 99 of 1993, the study permit for research purposes may be suspended or revoked by means of a motivated resolution by the environmental authority that granted it, ex officio or at the request of a party, in cases in which the researcher has failed to comply with the obligations indicated in the same or in the current environmental regulations, without prejudice to the preventive measures and sanctions referred to in Law 1333 of 2009 and Decision 391 of 1996 regarding access to genetic resources.

The revocation or suspension of the study permit must be based on a technical concept and will not require the express or written consent of the permit holder.

(Decree 309 of 2000, art. 22).

The original text was as follows:

ARTICLE 2.2.1.6.1.3. Suspension or revocation of the permit. *Pursuant to article 62 of Law 99 of 1993, the study permit for research purposes may be suspended or revoked by means of a motivated*

resolution by the environmental authority that granted it, ex officio or at the request of a party, in cases in which the researcher has failed to comply with the obligations indicated in the same or in the current environmental regulations, without prejudice to the preventive measures and sanctions referred to in article 85 of Law 99 of 1993 and Decision 391 of 1996 regarding access to genetic resources.

The revocation or suspension of the study permit must be based on a technical concept and will not require the express or written consent of the permit holder.

(Decree 309 of 2000, art. 22).

ARTICLE 2.2.1.6.1.4. ***National Environmental Research System.*** Corrected by art. 3, National Decree 703 of 2018. *< The new text is as follows>* In accordance with articles 2.2.8.9.1.1 to 2.2.8.9.2.4 of this decree, information on research projects that have been the subject of a permit of study for scientific research purposes, must be sent by the environmental authorities or by the researcher who carries out a project that does not require a study permit, to the Biodiversity Information System of Colombia through the Ministry of Environment and Sustainable Development.

The original text was as follows:

Article 2.2.1.6.1.4. *In accordance with Decree 1600 of 1994, the information on research projects that have been the subject of a study permit for scientific research purposes must be submitted by the environmental authorities or by the researcher who carries out a project that does not require a permit. study, to the Biodiversity Information System of Colombia through the Ministry of Environment and Sustainable Development.*

(Decree 309 of 2000, art. 23).

ARTICLE 2.2.1.6.1.5. ***Intellectual property.*** The competent environmental authority to issue the study permit for scientific research purposes referred to in this decree, must respect the intellectual property rights of the holder of the study permit with respect to the information and publications that are provided during the administrative granting procedure. of the permit and after obtaining it, in the terms provided by the pertinent regulations, especially by Law 23 of 1982, Decision 391 of 1996, the Decisions of the Commission of the Cartagena Agreement 345, 351 and 486 and other regulations that modify or supplement them.

Any information that is provided by the applicant or holder of the study permit in accordance with the provisions of this decree and that is subject to a patent or constitutes an industrial secret, will be kept confidential by the competent environmental authority, as long as said information meets the requirements for its protection in accordance with the pertinent regulations and the applicant or holder of the permit warns regarding the confidential nature of said information in writing at the time of providing it.

(Decree 309 of 2000, art. 24).

ARTICLE 2.2.1.6.1.6. ***Territories of indigenous and black communities.*** The granting of a study permit for the purpose of scientific research in biological diversity does not exempt the holder of the same from requesting authorization from the community to carry out study activities in indigenous territories or lands of black communities.

(Decree 309 of 2000, art. 25).

CHAPTER 7

SCENERY

SECTION 1

ARTICLE 2.2.1.7.1.1. Pursuant to the provisions of article 8, letter j of Decree-Law 2811 of 1974, the detrimental or unsightly alteration of natural landscapes is a factor that deteriorates the environment; therefore, whoever produces such effects will incur the sanctions provided for in Law 1333 of 2009 or the rule that modifies or replaces it.

(Decree 1715 of 1978, art. 5).

TITLE 2

ENVIRONMENTAL MANAGEMENT

CHAPTER I

SPECIAL HANDLING AREAS

SECTION 1

NATIONAL SYSTEM OF PROTECTED AREAS

GENERAL DISPOSITION

ARTICLE 2.2.2.1.1.1. *Object.* The purpose of this chapter is to regulate the National System of Protected Areas, the management categories that comprise it and the general procedures related to it.

(Decree 2372 of 2010, art. 1).

ARTICLE 2.2.2.1.1.2. *Definitions.* For the purposes of this chapter, the following definitions are adopted:

a) ***Protected area:*** Geographically defined area that has been designated, regulated and managed in order to achieve specific conservation objectives;

b) ***Biological diversity:*** It is the variability of living organisms from any source, including, among other things, terrestrial and marine ecosystems and other aquatic ecosystems and the ecological complexes of which they are part; includes diversity within each species, between species and of ecosystems;

c) ***Conservation:*** It is the in situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural environment and, in the case of domesticated and cultivated species, in the environments in which they have developed their specific properties. In situ conservation refers to the preservation, restoration, sustainable use and knowledge of biodiversity;

d) ***Preservation:*** Maintain the composition, structure and function of biodiversity, in accordance with its natural dynamics and avoiding human intervention and its effects as much as possible;

e) ***Restoration:*** Restore partially or totally the composition, structure and function of biodiversity, which have been altered or degraded;

f) ***Sustainable use:*** Use the components of biodiversity in a way and at a rate that does not cause its decrease or degradation in the long term, altering the basic attributes of composition, structure and function, thereby maintaining its possibilities of satisfying the needs and aspirations of current and future generations;

g) ***Knowledge:*** It is the knowledge, innovations and scientific, technical, traditional practices or any other of its forms, related to the conservation of biodiversity;

h) ***Gene:*** Biodiversity level that refers to segments of DNA on a chromosome that encode specific proteins and transmit hereditary characteristics;

Yo) ***Population:*** Level of biodiversity that refers to a group of individuals of a species that interbreed and produce a fertile population;

j) ***Species:*** Level of biodiversity that refers to the set of populations whose individuals interbreed currently or potentially giving rise to fertile offspring and that are reproductively isolated from other groups;

k) ***Community:*** Biodiversity level that refers to a set of diverse species that inhabit a particular locality, including their complex biotic interactions;

i) ***Ecosystem:*** Biodiversity level that refers to a dynamic complex of plant, animal and microorganism communities and their non-living environment that interact as a functional unit;

m) ***Landscape*** **:** Level of biodiversity that expresses the interaction of the formative factors (biophysical and anthropogenic) of a territory;

n) ***Composition:*** Attribute of biodiversity that refers to the physical and biotic components of biological systems at their different levels of organization;

either) ***Structure:*** Attribute of biodiversity that refers to the arrangement or physical arrangement of the components of each level of organization;

p) ***Function:*** Attribute of biodiversity that refers to the variety of processes and interactions that occur between its biological components;

q) ***Management category:*** Classification unit or generic denomination that is assigned to protected areas taking into account their specific characteristics, in order to achieve specific conservation objectives under the same management guidelines, restrictions and permitted uses.

(Decree 2372 of 2010, art. 2).

ARTICLE 2.2.2.1.1.3. ***National System of Protected Areas (SINAP).*** The National System of Protected Areas is the set of protected areas, the social and institutional actors and the management strategies and instruments that articulate them, which contribute as a whole to the fulfillment of the country's general conservation objectives.

(Decree 2372 of 2010, art. 3).

ARTICLE 2.2.2.1.1.4. ***Beginning.*** The establishment, development and operation of the National System of Protected Areas, Sinap, is based on the following principles and rules:

a) The Sinap and specifically the protected areas as elements of it, constitute the central element for the conservation of the country's biodiversity;

b) The protected areas of the different management categories that are part of Sinap must be subject to special management actions aimed at achieving their conservation objectives;

c) The recognition of both the intrinsic changes suffered by biodiversity, as well as those produced by causes external to it, implies that the Sinap must be flexible and its management must be adaptive in the face of change, without detriment to the fulfillment of the specific objectives of conservation;

d) To guarantee the harmonious management and integrity of the natural heritage of the Nation, the exercise of functions related to Sinap by the environmental authorities and the territorial entities, is framed within the principles of regional harmony, normative gradation and subsidiary rigor. defined in Law 99 of 1993;

e) It is the joint responsibility of the national Government, the Autonomous Regional Corporations and those of Sustainable Development, the territorial entities and the other public and social actors involved in the management of the protected areas of Sinap, the conservation and management of said areas in a articulated Individuals, academia and civil society in general will participate and actively contribute to the formation and development of Sinap, in the exercise of their rights and in compliance with their constitutional duties;

f) The State's effort to consolidate Sinap will be complemented with the promotion of legal tools for conservation on privately owned lands as a complementary and articulated action to the country's in situ conservation strategy. The State recognizes the public purpose that derives from the implementation of these tools and their contribution to meeting the goals of reducing biodiversity loss on privately owned land and improving the country's environmental sustainability indicators.

Paragraph. When reference is made in this chapter to the Regional Autonomous Corporations, CAR, it will be understood that it also includes the Corporations for Sustainable Development.

(Decree 2372 of 2010, art. 4).

ARTICLE 2.2.2.1.1.5. *General conservation objectives.* They are the national purposes of nature conservation, especially biological diversity, which can be achieved through various strategies that contribute to their achievement. The actions that contribute to achieving these objectives constitute a national priority and a joint task in which the State and individuals must concur, from their own spheres of competence or action. The general conservation objectives of the country are:

a) Ensure the continuity of natural ecological and evolutionary processes to maintain biological diversity;

b) Guarantee the supply of essential environmental goods and services for human well-being;

c) Guarantee the permanence of the natural environment, or some of its components, as a basis for maintaining the cultural diversity of the country and the social appreciation of nature.

(Decree 2372 of 2010, art. 5).

ARTICLE 2.2.2.1.1.6. *Conservation objectives of Sinap protected areas.* The specific conservation objectives of the protected areas indicate the course to be followed for the establishment, development and operation of Sinap and guide the other conservation strategies of the country; they are not exclusive and as a whole they allow the realization of the general goals of conservation of the country.

To achieve the same specific conservation objective, there may be different management categories, so in each case the most appropriate category, level of management and form of government to achieve it will be evaluated.

The protected areas that make up Sinap respond in their selection, declaration and management to conservation objectives, protected within the framework of the general objectives. These areas may meet one or more of the following conservation objectives:

a) Preserve and restore the natural condition of spaces that represent the country's ecosystems or characteristic combinations of them;

b) Preserve the populations and habitats necessary for the survival of the species or groups of wild species that present particular conditions of special interest for the conservation of biodiversity, with emphasis on those of restricted distribution;

c) Preserve the productive capacity of natural ecosystems or those in the process of reestablishing their natural state, as well as the viability of the populations of wild species, so as to guarantee a supply and sustainable use of biological resources;

d) Maintain natural coverage and those in the process of reestablishing their natural state, as well as the necessary environmental conditions to regulate the supply of environmental goods and services;

e) Preserve areas that contain manifestations of wild species, water, gea, or combinations of these, which constitute unique, rare or special scenic attractive spaces, due to their scientific, emblematic significance or that carry special traditional meanings for cultures. from the country;

f) Provide natural spaces or those in the process of restoring their natural state, suitable for enjoyment, recreation, education, improvement of environmental quality and social appreciation of nature;

g) Preserve natural spaces associated with elements of material or immaterial culture of ethnic groups.

Paragraph. In the act by which a protected area is reserved, bordered, delimited, declared or assigned, the specific conservation objectives to which the respective area responds will be indicated.

(Decree 2372 of 2010, art. 6).

ARTICLE 2.2.2.1.1.7. *Sinap coordination.* It corresponds to the National Natural Parks of Colombia to coordinate the National System of Protected Areas, in order to achieve the various objectives set forth in this decree. In the exercise of coordination, said entity is responsible for:

a) Propose to the Ministry of Environment and Sustainable Development the policies, plans, programs, projects, standards and procedures related to Sinap;

b) Coordinate with the other environmental authorities, the territorial entities, the authorities and representatives of the ethnic groups, the non-governmental and community organizations, and the individuals, the strategies for the conformation, development, operation and consolidation of this System;

c) Monitor Sinap to verify compliance with national conservation goals and objectives;

d) The others that are registered within the previous ones or that by their nature are development of those, as well as those that are delegated or assigned by other regulations.

(Decree 2372 of 2010, art. 7).

ARTICLE 2.2.2.1.1.8. ***Protected area management subsystems.*** SINAP contains the following management subsystems:

a) Regional subsystems of protected areas: They are the set of national, regional and local, public or private protected areas existing in the zones that are determined in the regionalization adopted by this decree, the social and institutional actors and the management strategies and instruments that articulate them;

b) Thematic subsystems: These are the set of national, regional and local, public or private protected areas existing in the zones that are determined according to thematic components that bring them together under particular management logics, the social and institutional actors and the strategies and instruments of management that articulate them.

Paragraph. Within the regional subsystems of protected areas, subsystems of protected areas may be formed that obey geographic criteria.

(Decree 2372 of 2010, art. 8).

ARTICLE 2.2.2.1.1.9. ***Functions versus subsystems.*** The National Natural Parks of Colombia is responsible for coordinating and advising on the management and implementation of the Sinap subsystems.

In exercising this function, you must:

a) Promote the establishment of Regional Subsystems according to the regionalization adopted in this decree and other management subsystems;

b) Participate in the meetings of the SIRAP working groups to ensure coordination with national policies and guidelines on the matter;

c) Provide technical assistance, to the extent of its possibilities and human and technical resources, to the SIRAP and other subsystems in their formation and operation.

(Decree 2372 of 2010, art. 9).

SECTION 2

PROTECTED AREAS CATEGORIES

ARTICLE 2.2.2.1.2.1. ***Sinap protected areas.*** The categories of protected areas that make up Sinap are:

Public protected areas:

a) Those of the System of National Natural Parks;

b) The Protective Forest Reserves;

c) The Regional Natural Parks;

d) Integrated Management Districts;

e) Soil Conservation Districts;

f) The Recreation Areas. Private Protected Areas

g) The Natural Reserves of Civil Society.

Paragraph. The description of public of a protected area refers only to the nature of the competent entity for its declaration.

(Decree 2372 of 2010, art. 10).

ARTICLE 2.2.2.1.2.2. ***The System of National Natural Parks.*** Corrected by art. 4, National Decree 1956 of 2015. <*The corrected article is as follows*> The system of national natural parks is part of Sinap and is made up of the types of areas enshrined in article 329 of Decree-Law 2811 of 1974.

The reserve, delimitation, alignment and declaration of the areas of the natural national park system corresponds to the Ministry of Environment and Sustainable Development and the necessary actions for its administration and management correspond to the natural national parks of Colombia.

Paragraph. The regulation of the system of national natural parks corresponds in its entirety to what is defined in articles 2.2.2.1.7.1 to 2.2.2.1.16.3 of this decree or the rule that modifies, replaces or repeals it.

The original text was as follows:

Article 2.2.2.1.2.2. *The System of National Natural Parks is part of Sinap and is made up of the types of areas established in article 329 of Decree-Law 2811 of 1974. The reservation, delimitation, delimitation and declaration of the areas of the System of National Natural Parks corresponds to the Ministry of Environment, Housing and Territorial Development and the necessary actions for its administration and management correspond to National Natural Parks of Colombia.*

Paragraph. *The regulation of the System of National Natural Parks, corresponds in its entirety to what is defined by this Decree or the rule that modifies, replaces or repeals it.*

(Decree 2372 of 2010, art. 11).

Article 2.2.2.1.2.3. ***The protective forest reserves.*** Geographic space in which forest ecosystems maintain their function, although their structure and composition have been modified and the associated natural values are made available to the human population to be used for their preservation, sustainable use, restoration, knowledge and enjoyment. This area of public or private property is reserved for the establishment or maintenance and sustainable use of forests and other natural plant cover.

The reserve, delimitation, alignment, declaration and subtraction of the Forest Reserves that house strategic ecosystems on a national scale, corresponds to the Ministry of Environment and Sustainable Development, in which case they will be called National Protective Forest Reserves. The administration corresponds to the Regional Autonomous Corporations in accordance with the guidelines established by the Ministry.

The reservation, delimitation, alignment, declaration, administration and subtraction of the Forest Reserves that house strategic ecosystems on a regional scale, corresponds to the Regional Autonomous Corporations, in which case they will be called Regional Protective Forest Reserves.

Paragraph 1st. Sustainable use in this category refers to obtaining the secondary fruits of the forest in relation to forest harvesting activities. However, the regime of uses must be in accordance with the purpose of the protected area, where the natural values associated with the area must prevail and in this sense, the development of public and private activities must be carried out in accordance with said

purpose and according to the regulation that for the purpose issued by the Ministry of Environment, and Sustainable Development.

2nd paragraph. Secondary forest fruits are understood as non-timber products and services generated by these forest ecosystems, including flowers, fruits, fibers, bark, leaves, seeds, gums, resins and exudates.

(Decree 2372 of 2010, art. 12).

ARTICLE 2.2.2.1.2.4. ***regional nature park.*** Geographical space in which strategic landscapes and ecosystems on a regional scale maintain their structure, composition and function, as well as the ecological and evolutionary processes that sustain them and whose associated natural and cultural values are made available to the human population to be used for its preservation, restoration, knowledge and enjoyment.

The reservation, delimitation, alignment, declaration and administration of the Regional Natural Parks corresponds to the Regional Autonomous Corporations, through their Directive Councils.

(Decree 2372 of 2010, art. 13).

ARTICLE 2.2.2.1.2.5. ***Integrated management districts.*** Geographical space, in which landscapes and ecosystems maintain their composition and function, although their structure has been modified, and whose associated natural and cultural values are made available to the human population for their sustainable use, preservation, restoration, knowledge and enjoyment.

In accordance with the provisions of Decree 3570 of 2011, the declaration that includes the reserve and administration, as well as the delimitation, alignment, and subtraction of the Integrated Management Districts that house strategic landscapes and ecosystems on the national scale, corresponds to the Ministry of Environment, and Sustainable Development, in which case they will be called National Districts of Integrated Management. The administration may be exercised through National Parks of Colombia or by delegation to another environmental authority.

The reservation, delimitation, alinderation, declaration, administration and subtraction of the Integrated Management Districts that house strategic landscapes and ecosystems on a regional scale, corresponds to the Regional Autonomous Corporations, through their Boards of Directors, in which case they will be called Regional Districts. of Integrated Management.

(Decree 2372 of 2010, art. 14).

ARTICLE 2.2.2.1.2.6. ***Recreation areas.*** Geographic space in which strategic landscapes and ecosystems on a regional scale maintain their function, although their structure and composition have been modified, with a significant potential for recovery and whose associated natural and cultural values are made available to the human population. to allocate them to their restoration, sustainable use, knowledge and enjoyment.

The reservation, delimitation, alignment, declaration, administration and subtraction, corresponds to the Regional Autonomous Corporations through their Directive Councils.

(Decree 2372 of 2010, art. 15).

ARTICLE 2.2.2.1.2.7. ***Soil conservation districts.*** Geographical space whose strategic ecosystems on a regional scale maintain their function, although their structure and composition have been modified and essentially contribute to the generation of environmental goods and services, whose associated natural and cultural values are made available to the human population for use. to its restoration, sustainable use, preservation, knowledge and enjoyment.

This area is delimited to subject it to a special management aimed at the recovery of altered or degraded soils or the prevention of phenomena that cause alteration or degradation in areas that are especially vulnerable due to their physical or climatic conditions or due to the kind of utility that is developed in them. .

The reservation, delimitation, alignment, declaration, administration and subtraction corresponds to the Regional Autonomous Corporations, by agreement of the respective Board of Directors.

(Decree 2372 of 2010, art. 16).

ARTICLE 2.2.2.1.2.8. ***Natural reserve of civil society.*** Part or all of the area of a property that preserves a sample of a natural ecosystem and is managed under the principles of sustainability in the use of natural resources and that by the will of its owner is destined for its sustainable use, preservation or restoration with long-term vocation.

It corresponds to the initiative of the owner of the property, freely, voluntarily and autonomously, allocate all or part of his property as a natural reserve of civil society.

The regulation of this category corresponds in its entirety to the provisions of Decree 1996 of 1999.

Paragraph. Private protected areas may coexist, overlapping with public areas, when the former are subject to the applicable legal regime of the public protected area and are compatible with the management zoning and with its use guidelines.

(Decree 2372 of 2010, art. 17).

ARTICLE 2.2.2.1.2.9. ***Registry of natural reserves of civil society.*** Private owners who want the properties designated as civil society nature reserves to be included as areas that are part of Sinap, must register them with the National Natural Parks of Colombia. Likewise, in exercise of the autonomy of the will, they may request the cancellation of the registry to remove the area from Sinap.

The registration of these protected areas will be carried out in accordance with the provisions of this decree or the rule that modifies, repeals or replaces it.

(Decree 2372 of 2010, art. 18).

ARTICLE 2.2.2.1.2.10. ***Environmental determinants.*** The reserve, delineation, declaration, administration and subtraction of the protected areas under the management categories that are part of the National System of Protected Areas, are environmental determinants and therefore norms of superior hierarchy that cannot be ignored, contradicted or modified in the elaboration, review and adjustment and/or modification of the Land Management Plans of the municipalities and districts, in accordance with the Constitution and the law.

In accordance with the foregoing, these territorial entities cannot regulate the use of the land of the reserved areas, delimited and declared as Sinap areas, being subject to respecting such declarations and harmonizing the processes of municipal territorial ordering that are carried out outside the protected areas with the protection of these. During the agreement process referred to in Law 507 of 1999, the Regional Autonomous Corporations must verify compliance with the provisions herein.

Paragraph. When this law refers to land use plans, it is understood that it includes both the land use plans themselves, as well as the basic land use plans and land use schemes, under the terms of Law 388 of 1997.

(Decree 2372 of 2010, art. 19).

ARTICLE 2.2.2.1.2.11. ***Protective floor.*** It is made up of the zones and areas of land located within any of the land classes covered by Law 388 of 1997 and that have restricted the possibility of urbanization due to the strategic importance for the designation or expansion of public or private protected areas. , that allow the preservation, restoration or sustainable use of biodiversity, of municipal, regional or national importance.

Although protective soils are not categories of management of protected areas, they can contribute to the fulfillment of specific conservation objectives, in which case the authorities with competences in the declaration of protected areas indicated in this decree, must accompany the municipality and provide

the necessary advice for the conservation tasks of the area, which may even entail their designation as protected areas, within the framework of the provisions of this decree.

Paragraph. The urban environmental authorities must advise and/or support the identification processes of protective soils by the respective municipalities or districts, as well as the designation by the Regional Autonomous Corporations of the protected areas under the management categories provided for in this decree.

(Decree 2372 of 2010, art. 20).

ARTICLE 2.2.2.1.2.12. ***Coordination with ordering processes, sectoral plans and ecosystem management plans.*** The Ministry of Environment and Sustainable Development, through its various agencies with functions in the matter and the Regional Autonomous Corporations, will ensure that in the processes of land use planning, the declarations and the regime applicable to the municipalities, districts and departments are incorporated and respected. the protected areas of Sinap. Likewise, it will ensure the articulation of this System to the regional environmental planning and ordering processes, to the sectoral plans of the State and to the ecosystem management plans, in order to guarantee compliance with the conservation and management objectives of Sinap. and of the ends that are proper to it.

(Decree 2372 of 2010, art. 21).

SECTION 3

COMMON PROVISIONS

ARTICLE 2.2.2.1.3.1. ***Permanence of the declared protection figures.*** The categories of protection and management of renewable natural resources regulated by Law 2a of 1959, Decree-Law 2811 of 1974, or by Law 99 of 1993 and its regulations, existing at the entry into force of this decree, based on in which they declared public areas or designated areas by civil society, and those established directly by laws or decrees, will remain in full force and will continue to be governed for all purposes by the rules that regulate them.

However, these areas will not be considered as protected areas that are part of the Si-nap, but as in situ conservation strategies that contribute to the protection, planning, and management of renewable natural resources and to the fulfillment of the general conservation objectives of the country. , until the registration process referred to in the article of this decree is advanced, prior approval of denominations or recategorization, if applicable.

(Decree 2372 of 2010, art. 22).

ARTICLE 2.2.2.1.3.2. ***Homologation of denominations.*** The existing protection figures to be integrated as Sinap protected areas, if necessary, must change their name, in order to be homologated with the categories defined in this decree, for which they must be framed and comply with the conservation objectives, the attributes, the mode of use and other conditions provided for each category of Sinap.

This procedure must be carried out for the existing areas at the entry into force of this decree, within the year following the publication of this decree. Once this term has expired, the Ministry of Environment and Sustainable Development in the case of National Protective Forest Reserves and the respective Corporation in the case of other protected areas, must officially notify the National Natural Parks of Colombia of the official list of protected areas, in accordance with the provisions indicated in this decree, which must be accompanied by a copy of the administrative acts in which the information on its limits in available IGAC cartography, the conservation objectives, the category used and the permitted uses are recorded.

(Decree 2372 of 2010, art. 23).

ARTICLE 2.2.2.1.3.3. ***Unique registry of protected areas of Sinap.*** Once the information related in the previous article has been received, the Sinap coordinator must proceed to contrast the correspondence

of the areas sent, with the regulation applicable to each category, after which they can proceed to register them as protected areas that are members of Sinap.

The protected areas that are declared, recategorized or homologated, after the entry into force of this decree, must be registered with the Sinap Coordinator, for which the information related to the previous article must be attached. Based on this registry, the SINAP coordinator will issue the certificates of existence of protected areas in the national territory.

Paragraph. The natural reserves of civil society whose registration process has been advanced or advanced in accordance with the provisions of this decree will be incorporated into the single registry of protected areas by National Natural Parks of Colombia.

(Decree 2372 of 2010, art. 24).

ARTICLE 2.2.2.1.3.4. ***Recategorization.*** The environmental authorities with competence in the designation of protected areas indicated in this decree, may change the category of protection used for a given area, if they consider that the area conforms to the regulation applicable to any other of the categories that make up Sinap.

This procedure may be carried out at any time and the competent authority must officially communicate it to the National Natural Parks of Colombia, in order to keep the single registry of protected areas up to date, accompanying for this purpose a copy of the administrative acts in which the information on the limits of the area in official IGAC cartography available, the conservation objectives, the category used and the permitted uses.

(Decree 2372 of 2010, art. 25).

ARTICLE 2.2.2.1.3.5. ***Category overlap.*** Public area management categories may not overlap. If upon entry into force of this decree there is an overlapping of categories of a national protected area with a regional area, the Ministry of Environment and Sustainable Development and the respective Regional Autonomous Corporation, must jointly advance the recategorization process within the following year. for the designation of the most appropriate management category under the terms of this decree, in such a way that they do not overlap. If this process is not completed, the System coordinator will proceed to register the national category.

When the overlap occurs between two regional categories, the Regional Autonomous Corporation must advance the homologation or recategorization process for the designation of the most appropriate management category in the terms of this decree, in such a way that they do not overlap and this will be the which will be officially communicated to the system coordinator to proceed with the registration.

When the overlap occurs with an area of the National Natural Parks System, the overlapping category will be understood to be subtracted without the need for any procedure and only the category of the area of the National Natural Parks System will be officially registered.

(Decree 2372 of 2010, art. 26).

ARTICLE 2.2.2.1.3.6. ***Automatic Integration of the System of National Natural Parks to Sinap.*** All areas of the existing National Natural Parks System are considered to be integrated into Sinap automatically as of the issuance of this decree.

(Decree 2372 of 2010, art. 27).

ARTICLE 2.2.2.1.3.7. ***International distinctions.*** International distinctions such as Ramsar Sites, Biosphere Reserves (AICAS) and World Heritage Sites, among others, are not protected area management categories, but complementary strategies for the conservation of biological diversity. The authorities in charge of the designation of protected areas must prioritize these sites according to the international importance recognized with the distinction, in order to carry out conservation actions that may include their designation under any of the management categories provided for in this decree.

(Decree 2372 of 2010, art. 28).

ARTICLE 2.2.2.1.3.8. *Strategic ecosystems.* The moorland, sub-moorland, water springs and aquifer recharge areas, as areas of special ecological importance, enjoy special protection, so the environmental authorities must advance actions aimed at their conservation and management, which may include their designation as protected areas under any of the management categories provided for in this decree.

(Decree 2372 of 2010, art. 29).

ARTICLE 2.2.2.1.3.9. *Subtraction of protected areas.* The conservation and improvement of the environment is of public utility and social interest. When, for other reasons of public utility and social interest, it is planned to develop uses and activities that are not permitted within a protected area, in accordance with the legal regime of the management category, the person interested in the project must previously request the subtraction of the area of interest before the authority that declared it. In the event that, in accordance with the norms that regulate each protected area, it is not feasible to subtract from the protected area, it will be manifested through a reasoned administrative act, rejecting the request and proceeding to file it.

The authority in charge of advancing the theft process, in order to resolve the request, must take into account at least the following criteria, which must be analyzed in a comprehensive and complementary manner:

a) Ecological representativeness: That the area to be subtracted does not include elements of biodiversity (landscapes, ecosystems or communities), not represented or insufficiently represented in the national system of protected areas, according to the defined conservation goals;

b) Ecological integrity: That the area to be subtracted does not allow the ecological integrity of the protected area to be maintained or does not guarantee the natural dynamics of change of the attributes that characterize its biodiversity;

c) Irreplaceability: That the area to be subtracted does not consider unique or unusual samples and remnants of ecosystem types;

d) Representativeness of species: That the area to be subtracted does not include the habitat of species considered in any global, national or regional category of threat, according to the scope of management of the category;

e) Cultural significance: That the area to be subtracted does not include natural spaces that contribute to the maintenance of strategic areas of cultural conservation, as an active process for the survival of ethnic groups recognized as differentiated cultures in the country;

f) Environmental benefits: That the removal of the area does not limit the generation of fundamental environmental benefits for the well-being and quality of life of the human population.

The administrative act that resolves the subtraction request must be duly motivated in the description of the analysis of the aforementioned criteria. In the event that it is decided to subtract the protected area in whole or in part, the administrative act must clearly describe the limits on which said administrative decision rests. The provisions herein are applied without prejudice to the need to process and obtain the permits, concessions, licenses and other environmental authorizations that may apply.

Paragraph. The provisions herein shall apply except for those areas that the law prohibits subtraction.

(Decree 2372 of 2010, art. 30).

ARTICLE 2.2.2.1.3.10. *damping function.* The territorial ordering of the surface of the territory surrounding and adjoining the protected areas must fulfill a buffer function that allows mitigating the negative impacts that human actions may cause on said areas. The land use planning adopted by the municipalities for these areas should be aimed at mitigating and preventing disturbances in protected areas, helping to correct alterations that occur as a result of pressures in said areas, harmonizing the occupation and transformation of the territory with the conservation objectives of protected areas and

contribute to the conservation of biophysical elements, cultural elements and values, environmental services and ecological processes related to protected areas.

The Regional Autonomous Corporations must take into account the buffer function as part of the criteria for the definition of the environmental determinants that Law 388 of 1997 deals with.

(Decree 2372 of 2010, art. 31).

ARTICLE 2.2.2.1.3.11. ***Publication and registration in the Registry of Public Instruments of public areas.*** The administrative act by which a public protected area is reserved, delimited, declared or subtracted, as it is of a general nature, must be published in the Official Gazette and registered in the corresponding Public Instruments Registry Offices, in accordance with the codes created for this purpose by the Superintendence of Notaries and Registry. The aforementioned registration will have no cost.

(Decree 2372 of 2010, article 32).

ARTICLE 2.2.2.1.3.12. ***Social and ecological function of the property and limitation of use.*** In the case of public protected areas, their reservation, delimitation, delimitation, declaration and management imply a limitation to the attribute of the use of the public or private property on which it falls.

This affectation entails the imposition of certain restrictions or limitations on the exercise of the property right by its owner, or the imposition of obligations to do or not do to the owner, in accordance with that purpose and derived from the ecological function that is its own, which they vary in intensity according to the management category in question, under the terms of this decree.

The limitation to the domain due to the reservation, delimitation, alinderation, declaration and management of the respective area, empowers the Administration to intervene the uses and activities that are carried out in them, to avoid that the purposes for which they are created are contradicted, without prejudice to the legitimately acquired rights within the current legal and constitutional framework. Likewise, the imposition of the easements necessary to achieve the corresponding conservation objectives in each case is appropriate.

(Decree 2372 of 2010, art. 33).

SECTION 4

ZONING AND PERMITTED USES

ARTICLE 2.2.2.1.4.1. ***Zoning.*** The Sinap protected areas must be zoned for management purposes, in order to guarantee compliance with their conservation objectives. The zones and their consequent sub-zones will depend on the intended destination for the area according to the defined management category, in accordance with the provisions of this decree and may be the following:

Preservation zone . It is a space where management is aimed above all at avoiding its alteration, degradation or transformation by human activity. A protected area may contain one or several preservation zones, which are kept as intangibles for the achievement of conservation objectives. When, for whatever reason, intangibility is not a sufficient condition for achieving the conservation objectives, this area should be classified as a restoration area.

Restoration area. It is a space aimed at the partial or total restoration to a previous state, of the composition, structure and function of biological diversity. In restoration areas, processes induced by human actions can be carried out, aimed at fulfilling the conservation objectives of the protected area. A protected area may have one or more restoration zones, which are transitory until the desired state of conservation is reached and in accordance with the conservation objectives of the area, in which case it will be named according to the zone that corresponds to the new situation. It will be the administrator of the protected area who will define and implement the necessary actions for the maintenance of the restored area.

Sustainable use zone: Includes spaces to carry out productive and extractive activities compatible with the conservation objective of the protected area. It contains the following subzones:

a) Subzone for sustainable use. They are spaces defined in order to take advantage of biodiversity in a sustainable way, contributing to its preservation or restoration;

b) Subzone for development: These are spaces where controlled, agricultural, livestock, mining, forestry, industrial, non-nuclear housing activities are allowed with restrictions on the density of occupation and the construction and execution of development projects, under a scheme compatible with the conservation objectives of the protected area.

General area for public use. They are those spaces defined in the management plan in order to achieve particular management objectives through education, recreation, ecotourism and the development of infrastructure to support research. It contains the following subzones:

a) Subzone for recreation. It is that portion, in which access to visitors is allowed through the development of a minimum infrastructure such as trails or viewpoints;

b) High-density use subzone. It is that portion, in which the controlled development of minimum infrastructure for the reception of visitors and the development of interpretation facilities is allowed.

(Decree 2372 of 2010, art. 34).

ARTICLE 2.2.2.1.4.2. ***Definition of permitted uses and activities.*** According to the planned destination for each category of management, the uses and consequent activities allowed must be regulated for each protected area in the Management Plan and adhere to the following definitions:

a) Preservation uses: They include all those activities of protection, regulation, organization and control and surveillance, aimed at maintaining the attributes, composition, structure and function of biodiversity, avoiding human intervention and its effects as much as possible;

b) Restoration uses: These include all activities for the recovery and rehabilitation of ecosystems; management, repopulation, reintroduction or transplant of species and enrichment and management of habitats, aimed at recovering the attributes of biodiversity;

c) Uses of Knowledge: These include all research, monitoring or environmental education activities that increase information, knowledge, the exchange of knowledge, sensitivity and awareness of environmental issues and the understanding of natural values and functions, social and cultural aspects of biodiversity;

d) Sustainable use: They include all activities of production, extraction, construction, adaptation or maintenance of infrastructure, related to the sustainable use of biodiversity, as well as agricultural, livestock, mining, forestry, industrial activities and development projects. and non-nucleated housing with restrictions on the density of occupation and construction as long as they do not alter the attributes of biodiversity provided for each category;

e) Enjoyment uses: These include all recreation and ecotourism activities, including the construction, adaptation or maintenance of the infrastructure necessary for their development, which do not alter the attributes of biodiversity provided for in each category.

Paragraph 1. The uses and activities permitted in the different protected areas that make up SINAP may be carried out as long as they do not alter the structure, composition and function of the biodiversity characteristic of each category and do not contradict their conservation objectives.

2nd paragraph. In the different protected areas that make up Sinap, all uses and activities that are not contemplated as permitted for the respective category are prohibited.

(Decree 2372 of 2010, art. 35).

ARTICLE 2.2.2.1.4.3. ***Ways to acquire the right to use natural resources.*** In the different protected areas, the activities allowed in them can be carried out, in the terms of the previous articles, in

accordance with the ways of acquiring the right to use the renewable natural resources regulated in Decree-law 2811 of 1974, its regulations and with the provisions of this decree, or the regulations that replace or modify them.

It corresponds to the competent environmental authority to grant the permits, concessions and authorizations for these purposes, and to liquidate, collect and collect the rights, rates, contributions, tariffs and fines derived from the use of the renewable natural resources of the areas, and of the other assets. and environmental services offered by them.

(Decree 2372 of 2010, art. 36).

ARTICLE 2.2.2.1.4.4. *Development of permitted activities.* The definition of the zoning of each one of the areas that is carried out through the respective management plan, does not entail in any case, the right to directly carry out the activities inherent to the respective zone by the possible private owners, occupants, users or inhabitants who are or are located within such areas.

In this way, the development of the activities allowed in each of the zones must be preceded by the permit, concession, license, or authorization that may apply, granted by the competent environmental authority and accompanied by the definition of the technical criteria for its realization.

(Decree 2372 of 2010, art. 37).

SECTION 5

DECLARATION OF PUBLIC PROTECTED AREAS

ARTICLE 2.2.2.1.5.1. *Criteria for the designation of protected areas.* The declaration of protected areas will be made based on technical, social and environmental studies, in which the following criteria will be applied as a minimum:

Biophysical criteria:

a) Representativeness: That the proposed area includes levels of biodiversity not represented or insufficiently represented in the system of protected areas, according to the defined conservation goals;

b) Irreplaceability: That it considers unique or unusual samples and remnants of types of ecosystems, which for reasons due to transformation processes or due to their uniqueness, are not repeated within spatial units of analysis of a higher nature such as biomes or biogeographic units;

c) Ecological integrity: That the proposed area allows maintaining ecological integrity, guaranteeing the natural dynamics of change of the attributes that characterize its biodiversity;

d) Degree of threat: That the proposed area protects populations of species considered in some global or national category of threat or that are cataloged in this condition based on a regional or local analysis.

Socioeconomic and cultural criteria:

a) That it contributes to the maintenance of strategic areas of cultural conservation; as an active process for the survival of ethnic groups recognized as differentiated cultures in the country;

b) That it includes historical and cultural zones or archaeological sites associated with biodiversity conservation objectives, essential for the preservation of cultural heritage;

c) That they consider areas in which, without permanent occupation, the different levels of biodiversity are used responsibly, partially or totally establishing sustainable production systems;

d) That it includes areas that provide fundamental environmental benefits for the well-being of human communities;

e) That the ownership and tenure of the land is not considered a negative element against the possibility of achieving the conservation objectives of the protected area and that there is the possibility of generating effective solutions so as not to compromise the design of the protected area;

f) That it manages to bring together the work and effort of social and institutional actors, thus guaranteeing governance over the protected area and the financing of the activities necessary for its management and administration.

Paragraph. The analysis of these criteria is not exclusive and must take into account the particularities that arise on the corresponding national or regional scale.

(Decree 2372 of 2010, art. 38).

ARTICLE 2.2.2.1.5.2. ***Previous favorable concept.*** The process for the declaration of a protected area must be based on studies of the biophysical, socioeconomic and cultural dimensions. In the case of protected areas of a national nature, the declaration must have a previous concept from the Colombian Academy of Exact Physical and Natural Sciences and for protected areas of a regional nature, the aforementioned concept must be requested from the Research Institutes attached and linked to the Ministry of Environment. and Sustainable Development attending to the specialty of the competences assigned by law.

The concept request must be accompanied by a summary document, in which the reasons why it is considered pertinent to declare the area are stated.

(Decree 2372 of 2010, art. 39).

ARTICLE 2.2.2.1.5.3. ***Process.*** The procedure for the declaration of protected areas has the purpose of pointing out the actions that must be carried out by the environmental authorities at the national or regional level, involving the main elements of the biophysical, socioeconomic and cultural dimensions, so that specific conservation objectives are achieved. and strategic.

Paragraph. Those areas that before July 1, 2010, have been designated by the municipalities, through their Municipal Councils, on which the respective Regional Autonomous Corporation carries out administration and management actions and that, in the opinion of said authority, require to be declared , reserved and bordered as regional protected areas, may carry out said procedure before the Board of Directors of the Corporation, without advancing the procedure referred to in this decree, nor requiring the prior favorable concept referred to in the previous article, no later than July 1, 2011.

(Decree 2372 of 2010, art. 40).

ARTICLE 2.2.2.1.5.4. ***Information request to other entities.*** In the declaration phase, in the homologation and recategorization processes that may take place, as well as in the preparation of the management plan, the authority that advances the process must request information from the competent entities, in order to analyze aspects such as ownership and land ownership, presence of ethnic groups, existence of applications, mining titles or areas of strategic mining interest, hydrocarbon exploration or exploitation projects, projected road developments and the presence of crops for illicit use.

(Decree 2372 of 2010, art. 41).

ARTICLE 2.2.2.1.5.5. ***Prior consultation.*** The declaration, expansion or subtraction of protected areas, as well as the adoption of the respective management plan, is an administrative measure likely to directly affect recognized ethnic groups, for which instances of community participation must be generated during the process. Additionally, under the coordination of the Ministry of the Interior and with the participation of the Public Ministry, the process of prior consultation with the communities that inhabit or regularly or permanently use the area that is intended to be declared a protected area must be carried out.

(Decree 2372 of 2010, art. 42).

SECTION 6

SINAP STRUCTURE, PLANNING AND INFORMATION SYSTEM

ARTICLE 2.2.2.1.6.1. ***Regionalization of Sinap.*** In order to make effective the principles and objectives of the National System of Protected Areas, the following regional subsystems are established that must function as coordination scenarios and planning units of Sinap:

Caribbean Region: Includes the area of the departments of the Archipelago of San Andrés, Providencia and Santa Catalina, Sucre, Magdalena, La Guajira, Córdoba, Cesar, Bolívar, Atlántico and the municipalities of Arboletes, Necoclí, San Juan de Urabá and San Pedro de Urabá in the department of Antioquia.

Pacific Region: Includes the area of the department of Chocó, the municipalities of El Tambo, Guapi, López de Micay and Timbiquí in the department of Cauca, the municipalities of Barbacoas, Cumbitara, El Charco, Francisco Pizarro (Salahonda), La Tola, Magüí (Payán), Mosquera, Olaya Herrera (Bocas de Satinga), Policarpa, Roberto Payán (San José), Tumaco and Santa Bárbara (Iscuandé) in the department of Nariño, the municipalities of Buenaventura, Cali, Dagua and Jamundí in the department del Valle del Cauca and the municipality of Turbo in the department of Antioquia.

Orinoco Region: Includes the area of the departments of Arauca, Meta, Vichada and Casanare.

Amazon Region: Includes the area of the departments of Guainía, Guaviare, Putumayo, Vaupés, the municipalities of Acevedo and Palestina in the department of Huila, and the municipality of Piamonte in the department of Cauca.

Northeastern Andes Region: Includes the area of the departments of Santander, Norte de Santander, Boyacá and Cundinamarca.

Western Andes Region: Includes the area of the departments of Antioquia, Caldas, Cauca, Huila, Nariño, Quindío, Risaralda, Tolima and Valle del Cauca.

Paragraph 1. These regional subsystems are the geographical scope in which the conservation gaps of the country's ecosystems or their characteristic groups are analyzed, and in which the priorities for designation of regional public protected areas are defined that complement the priorities defined at the national scale. national. Within three months, counted from the entry into force of this decree, the Sinap coordinator will publish, based on the official cartography of the IGAC, the map of the Regional Subsystems of Protected Areas.

2nd paragraph. The regionalization established in this decree does not preclude the creation of protected area systems generated from social conservation processes within its limits. These systems will define their own limits according to specific conservation objectives.

(Decree 2372 of 2010, art. 43).

ARTICLE 2.2.2.1.6.2. ***Sinap coordination structure.*** In order to guarantee the harmonious, comprehensive and coordinated operation of the National System of Protected Areas, a National Council of Protected Areas will be formed, which will be made up of the Minister of Environment and Sustainable Development or acting as his delegate the Vice Minister of Environment, in his capacity as President, the Director of National Natural Parks of Colombia in his capacity as coordinator, the Director of Ecosystems and a representative designated by each of the regional subsystems of protected areas indicated in the previous article. Said Council will deal with the following matters:

a) Recommend the adoption of strategies to harmonize the management of protected areas in the different areas of management, as well as the other components of the National System of Protected Areas;

b) Socialize and discuss within it the policies, rules and procedures related to Sinap;

c) Formulate recommendations on Sinap's plans, programs and projects that are submitted for its consideration, in order to guarantee coherence and coordination in their formulation and implementation;

d) Recommend guidelines for coordination with environmental authorities, territorial entities, authorities and representatives of ethnic groups, non-governmental and community organizations, and individuals, strategies for the formation, development, operation and consolidation of this System. ;

e) Evaluate the advances in the consolidation of the National System of Protected Areas and propose the recommendations that may arise;

f) Recommend follow-up schemes to Sinap to verify compliance with national conservation objectives and goals;

g) Make your own rules.

Paragraph. In addition to the designated representative of the Regional Subsystem, the Subsystems of Protected Areas of the Colombian Massif and the Coffee Growing Region, will have a seat in the National Council of Protected Areas through a representative designated by each one. The full Council may authorize the linking of new members.

(Decree 2372 of 2010, art. 44).

ARTICLE 2.2.2.1.6.3. *Sinap action plan.* The action plan is Sinap's strategic planning instrument, which will contain the management guidelines for the consolidation of a complete, ecologically representative and efficiently managed system, and will detail the goals, indicators, persons responsible and the required budget. The Sinap Action Plan will take into account the commitments derived from the Biological Diversity Agreement approved by Law 165 of 1994.

The Ministry of Environment and Sustainable Development, through the National Natural Parks of Colombia, will adopt the Sinap Action Plan by resolution.

(Decree 2372 of 2010, art. 45).

ARTICLE 2.2.2.1.6.4. *Regional action plans.* Each regional subsystem must have an Action Plan, which is the instrument that guides management in the medium term and that develops and complements the actions of the Sinap action plan. The regional action plans must be harmonious and consistent with the other planning instruments defined by law.

(Decree 2372 of 2010, art. 46).

ARTICLE 2.2.2.1.6.5. *Management plan for protected areas.* Each of the protected areas that make up Sinap will have a management plan that will be the main planning instrument that guides its conservation management for a period of five (5) years so that results are evidenced against the achievement of the objectives. of conservation that motivated its designation and its contribution to the development of Sinap. This plan must be formulated within the year following the declaration or, in the case of existing areas that are integrated into Sinap, within the year following registration and have at least the following:

Diagnostic component: It illustrates the basic information of the area, its regional context, and spatially and temporally analyzes the conservation objectives, specifying the current condition of the area and its problems.

Ordering component: It contemplates the information that regulates the management of the area, here the zoning and the rules for the use of resources and the development of activities are defined.

Strategic component: Formulates the most appropriate strategies, procedures and activities with which the conservation objectives are sought to be achieved.

Paragraph 1. The Management Plan must be built guaranteeing the participation of the actors that are involved in the regulation of the management of the protected area. In the case of public protected areas, the management plan will be adopted by the entity in charge of managing the protected area through an administrative act.

2nd paragraph. In the case of National Protective Forest Reserves, the Management Plan will be adopted by the Ministry of Environment and Sustainable Development.

3rd paragraph. The regulation on environmental compensation must incorporate actions for the conservation and management of protected areas that are members of Sinap.

(Decree 2372 of 2010, art. 47).

ARTICLE 2.2.2.1.6.6. ***Information system in protected areas.*** The National System of Protected Areas must have an Information System, attached to the Environmental Information System for Colombia.

(Decree 2372 of 2010, art. 48).

SECTION 7

AREAS OF THE NATURAL NATIONAL PARKS SYSTEM

SUBSECTION

CONTENT AND PURPOSE

ARTICLE 2.2.2.1.7.1. ***Contents.*** This section contains the general regulations applicable to the set of areas with exceptional values for the national heritage, which due to their natural characteristics and for the benefit of the nation's inhabitants, are reserved and declared within one of the types of areas defined and in Article 329 of Decree-Law number 2811 of 1974.

(Decree 622 of 1977, art. 1).

ARTICLE 2.2.2.1.7.2. ***Denomination.*** For the purposes of this section, the set of areas referred to in the previous article will be called: "National Natural Parks System".

(Decree 622 of 1977, art. 2).

ARTICLE 2.2.2.1.7.3. ***Object.*** In order to comply with the general objectives indicated in article 2.2.2.1.7.2 of this decree and the purposes set forth in article 328 of Decree-Law 2811 of 1974, the objective is, through the System of National Natural Parks:

1. To technically regulate the management and use of the areas that make up the System.

2. Reserve outstanding and representative areas of the natural heritage that allow the conservation and protection of the fauna, flora and gea contained in the respective primary ecosystems, as well as their perpetuation.

3. Preserve natural genetic banks.

4. Reserve and conserve areas that have outstanding landscape values.

5. Investigate the values of the renewable natural resources of the country, within reserved areas to obtain their best knowledge and promote the development of new and better techniques for the conservation and management of such resources within and outside the areas of the System.

6. Perpetuate in a natural state representative samples of biotic communities, biogeographic units and physiographic regions.

7 Perpetuate wildlife species that are in danger of disappearing.

8. Provide environmental reference points for research, studies and environmental education.

9. Maintain biological diversity and ecological balance through the conservation and protection of natural areas.

10. Establish and protect areas for biological, geological, historical or cultural studies, reconnaissance and research.

11. Provide recreation to visitors compatible with the objectives of the areas of the National Natural Parks System.

12. Increase the welfare of the country's inhabitants through the perpetuation of exceptional values of the national heritage.

13. Use the resources contained in the areas of the National Natural Parks System for educational purposes, in such a way that their true meaning, their functional relationships are made explicit, and through the understanding of the role played by man in nature, to awaken interest in its preservation.

(Decree 622 of 1977, art. 3).

ARTICLE 2.2.2.1.7.4. *Competent entity.* According to the provisions of Decree-Law 3572 of 2011, National Natural Parks of Colombia, is the competent entity for the management and administration of the System of National Natural Parks, to which this Decree refers.

(Decree 622 of 1977, art. 4).

SECTION 8

DEFINITIONS

ARTICLE 2.2.2.1.8.1. *Definitions.* For the purposes of this decree, the following definitions are adopted:

1. *Zoning.* Subdivision for management purposes of the different areas that make up the System of National Natural Parks, which is planned and determined in accordance with the purposes and natural characteristics of the respective area, for its proper administration and for the fulfillment of the stated objectives. Zoning does not imply that the parts of the area receive different degrees of protection, but rather that each of them must be given special management in order to guarantee its perpetuation.

2. *Primitive zone* . Area that has not been altered or that has suffered minimal human intervention in its natural structures.

3. *Intangible zone* . Area in which the environment must be kept away from the slightest human alteration, so that the natural conditions are preserved in perpetuity.

4. *Natural recovery zone* . Zone that has suffered alterations in its natural environment and that is destined to achieve the recovery of the nature that existed there or to obtain, through restoration mechanisms, a desired state of the cycle of ecological evolution; Once recovery or the desired state has been achieved, this area will be named according to the category that corresponds to it.

5. *Historical cultural zone* . Zone in which there are archaeological remains, traces or signs of past cultures, survival of indigenous cultures, historical features or scenarios in which transcendental events of national life took place.

6. *Outdoor general recreation area* . Area that, due to its natural conditions, offers the possibility of giving certain facilities to the visitor for outdoor recreation, without this being the cause of significant changes in the environment.

7. *Area of high density of use* . Area in which, due to its natural conditions, characteristics and location, recreational activities can be carried out and environmental education provided in such a way that it harmonizes the place with nature, producing the least possible alteration.

8. Buffer zone. Zone in which the disturbances caused by human activity in the areas surrounding the different areas of the National Natural Parks System are attenuated, in order to prevent them from causing disturbances or alterations in the ecology or wildlife of these areas.

9. *Master plan* . Technical guide for the development, interpretation, conservation, protection, use and management in general of each of the areas that make up the System of National Natural Parks; includes the respective zoning.

10. *Biotic community* . Set of plant and animal organisms that occupy a given area or place. Within it, at least one or some of its species usually complete their biological cycle and form an organized unit.

11. *Physiographic region* . Geographic unit defined by characteristics such as drainage, relief, geomorphology, hydrology; usually their boundaries are arcifinios.

12. *Biogeographic unit* . Area characterized by the presence of genera, species and subspecies of wild plants or animals that are endemic or exclusive to it.

13. *Genetic resources* . Set of transmitting particles of hereditary characters within the natural populations of wild flora and fauna, which occupy a given area.

(Decree 622 of 1977, art. 5).

SECTION 9

RESERVATION AND DELIMITATION

ARTICLE 2.2.2.1.9.1. *Competence for reservation and delimitation.* It corresponds to the Ministry of Environment and Sustainable Development, reserve and border the different areas that make up the System of National Natural Parks.

(Decree 622 of 1977, art. 6).

ARTICLE 2.2.2.1.9.2. *Special regime.* The declaration of a natural national park is not incompatible with the constitution of an indigenous reserve; Consequently, when for ecological and biogeographical reasons an area occupied by indigenous groups has to be included, totally or partially, within the System of National Natural Parks, the corresponding studies will be carried out jointly with the Colombian Institute of Rural Development (Incoder), with the in order to establish a special regime for the benefit of the indigenous population in accordance with which the permanence of the community and its right to economic use of renewable natural resources will be respected, observing the technologies compatible with the objectives of the system indicated for the respective area.

(Decree 622 of 1977, art. 7).

ARTICLE 2.2.2.1.9.3. *Reservation and delimitation.* The reservation and delimitation of an area of the System of National Natural Parks, will be carried out by specifying the corresponding category, according to the terms of the definitions contained in article 329 of Decree-law 2811 of 1974 and one or more of the purposes contemplated in Article 328 of the mentioned decree.

(Decree 622 of 1977, art. 8).

ARTICLE 2.2.2.1.9.4. *Land expropriation.* In accordance with the provisions of article 14 of Law 2a of 1959, the areas established as national natural parks are of public utility and in accordance with the provisions of Law 160 of 1994, the Incoder may advance the expropriation of lands or improvements of individuals that exist in them, as well as National Natural Parks can do it in the case of what is established in Decree 3572 of 2011.

In each case and when the interested parties do not agree to voluntarily sell the land and improvements required for the due development of the areas that make up the System of National Natural Parks, the Incoder will order the corresponding expropriation process to be carried out subject to legal regulations. in force on the matter.

(Decree 622 of 1977, art. 9).

ARTICLE 2.2.2.1.9.5. *Improvements.* The value of improvements made within the current areas of the National Natural Parks System after April 5, 1977, or those made after the inclusion of an area within the National Natural Parks System will not be recognized. .

(Decree 622 of 1977, art. 10).

ARTICLE 2.2.2.1.9.6. ***Prohibition of adjudication of vacant lots.*** In the areas established or that are established as areas of the National Natural Parks System, the adjudication of vacant lots is prohibited, in accordance with the provisions of article 13 of Law 2 of 1959.

(Decree 622 of 1977, art. 11).

SECTION 10

MANAGEMENT

ARTICLE 2.2.2.1.10.1. ***Competent environmental authority.*** In accordance with the provisions of Decree 3572 of 201, National Natural Parks of Colombia is the competent authority for the management and administration of the National Natural Parks System, therefore, in accordance with the object indicated in this chapter, it is responsible for developing among others the following functions:

1. Regulate technically, the management and use of national natural parks, nature reserves, unique natural areas, flora sanctuaries, fauna sanctuaries and parkways.

2. Preserve, restore and promote the wildlife of the different areas that make up the System of National Natural Parks.

3. Approve, supervise and coordinate the programs carried out by other national institutions and agencies, in relation to the areas of the National Natural Parks System.

4. Monitor compliance with current legal provisions on environmental pollution in the different areas that make up the System of National Natural Parks.

5. Prepare the respective master plans for the different areas that make up the System of National Natural Parks.

6. Advance the interpretation of the existing natural values in the areas of the System of National Natural Parks.

7. Execute the respective master plans conceived for each one of the areas of the System of National Natural Parks.

8. Coordinate and advance the dissemination corresponding to the different areas of the National Natural Parks System.

9. Prepare statistical information on the different aspects of the areas of the National Natural Parks System.

10. Regulate, authorize and control the use of implements, methods and periodicity for the investigation of the natural values of the areas of the System of National Natural Parks.

11. Control and monitor the areas of the National Natural Parks System.

12. Enforce the purposes and goals established for each and every one of the areas of the National Natural Parks System.

13. Provide services related to the use of the different areas of the National Natural Parks System, in accordance with the respective master plans for which the corresponding rates will be established.

14. Set the maximum quotas for visitors, the maximum number of people that can be admitted to the different sites at the same time, periods in which activities for the general public must be suspended, in the different areas and zones of the National Parks System. Natural.

15. Establish the rates that will govern in the different areas of the National Natural Parks System, for the provision of services and the sale of authorized products.

16. Establish the mechanisms that it deems convenient in each of the areas that make up the System of National Natural Parks, tending to obtain resources destined for the programs of the same System, as long as these mechanisms do not harm said areas or entail impairment or degradation. any of the same.

17. Regulate advertising related to natural landscapes or the protection of natural resources.

18. Advance the expropriation that may take place in accordance with the provisions of article 335 of Decree-Law 2811 of 1974 and in Chapter III of this decree.

(Decree 622 of 1977, art. 13).

ARTICLE 2.2.2.1.10.2. It corresponds to the Ministry of Environment and Sustainable Development, to define buffer zones for each of the areas that make up the System of National Natural Parks, and subject them to special regulated management for each case, limiting or restricting their use by their owners.

(Decree 622 of 1977, art. 14).

ARTICLE 2.2.2.1.10.3. ***Acts and contracts with foreign governments.*** In no activity related to the different areas of the National Natural Parks System, foreign governments may be admitted as partners or shareholders, nor may any rights in this regard be established in their favor. Therefore, all acts and contracts that violate this rule will be null.

(Decree 622 of 1977, art. 15).

SECTION 11

MANAGEMENT AND DEVELOPMENT

ARTICLE 2.2.2.1.11.1. ***Management plan.*** The areas that make up the System of National Natural Parks will have their respective master plan where the developments, facilities, use and management of each of them will be determined.

(Decree 622 of 1977, art. 16).

ARTICLE 2.2.2.1.11.2. ***Denomination.*** For all purposes, the areas that make up the System of National Natural Parks may only be named according to the nomenclature that corresponds to their category within the System.

(Decree 622 of 1977, art. 17).

ARTICLE 2.2.2.1.11.3. ***Zoning.*** The zoning of the areas of the National Natural Parks System may include:

1. In the natural national parks:

a) Intangible zone;

b) Primitive area;

c) Natural recovery zone;

d) Cultural historical zone;

e) Outdoor general recreation area;

f) Area of high density of use;

g) Buffer zone.

2. In nature reserves:

a) Primitive zone;

b) Intangible zone;

c) Natural recovery zone;

d) Cultural historical zone;

e) Outdoor general recreation area;

f) Buffer zone.

3. In unique natural areas:

a) Primitive zone;

b) Intangible zone;

c) Natural recovery zone;

d) Cultural historical zone;

e) Outdoor general recreation area;

f) Area of high density of use;

g) Buffer zone.

4. In the fauna and flora sanctuaries:

a) Primitive zone;

b) Intangible zone;

c) Natural recovery zone;

d) Cultural historical zone;

e) Outdoor general recreation area;

f) Buffer zone.

5. On parkways:

a) Primitive zone;

b) Intangible zone;

c) Natural recovery zone;

d) Cultural historical zone;

e) Outdoor general recreation area;

f) Area of high density of use;

g) Buffer zone.

(Decree 622 of 1977, art. 18).

SECTION 12

CONCESSIONS AND CONTRACTS

ARTICLE 2.2.2.1.12.1. *Provision of services.* Authorize the National Natural Parks of Colombia so that, in accordance with current legal regulations, they may enter into contracts that allow the provision of services referred to in Point 14, of article 2.2.2.1.10.1 of this decree, contemplated in the respective master plans of the areas that make up the System of National Natural Parks.

(Decree 622 of 1977, art. 21).

ARTICLE 2.2.2.1.12.2. *Buildings.* When the contracts referred to in the preceding article include constructions, their plans must be submitted to the prior approval of the National Natural Parks of Colombia, through the corresponding technical offices.

(Decree 622 of 1977, art. 22).

SECTION 13

USE

ARTICLE 2.2.2.1.13.1. *Permitted activities.* The activities permitted in the different areas of the National Natural Parks System may be carried out as long as they are not the cause of significant alterations to the natural environment.

(Decree 622 of 1977, art. 23).

ARTICLE 2.2.2.1.13.2. *Authorizations.* The different areas that make up the National Natural Parks System can be used by nationals and foreigners through prior authorization from the National Natural Parks of Colombia in accordance with the regulations issued by this entity for the respective area.

(Decree 622 of 1977, art. 24).

ARTICLE 2.2.2.1.13.3. *Other authorization provisions.* The authorizations referred to in the previous article of this regulation do not confer on their holders any right that may prevent the use of the areas of the National Natural Parks System by other persons, nor do they imply any responsibility for the National Natural Parks of Colombia, therefore, visitors to these areas assume the risks that may arise during their stay in them.

(Decree 622 of 1977, art. 25).

ARTICLE 2.2.2.1.13.4. *Authorization timeframe.* People who use the areas of the National Natural Parks System may remain in them only for the time specified in the respective authorizations, in accordance with the regulations issued for each one.

(Decree 622 of 1977, art. 26).

SECTION 14

OBLIGATIONS OF USERS

ARTICLE 2.2.2.1.14.1. *Obligations of the users.* Users with any purpose of the areas of the National Natural Parks System are obliged to:

1. Obtain the corresponding authorization in accordance with the purposes of the visit.

2. Comply with the rules that regulate the different aspects of each area.

3. Show the respective authorization to the competent officials and authorities and duly identify themselves when required.

4. Denounce before the officials of the National Natural Parks of Colombia, and other competent authorities, the commission of infractions against the regulations, and

5. Comply with the other requirements indicated in the respective authorization.

(Decree 622 of 1977, art. 27).

ARTICLE 2.2.2.1.14.2. *Authorizations for research or studies.* Whoever obtains authorization to carry out research or studies in the areas of the National Natural Parks System must:

a) Submit to the National Natural Parks of Colombia a detailed report of the activities carried out and the results obtained;

b) Send copies of the publications made based on such studies and investigations;

c) Submit duplicates or at least one specimen of each of the species, subspecies and objects or samples obtained to the National Natural Parks of Colombia. The Institute may in special cases exempt from this obligation.

(Decree 622 of 1977, art. 28).

ARTICLE 2.2.2.1.14.3. all private who intends to provide guide services in the areas of the National Natural Parks System, must have authorization granted by the National Natural Parks of Colombia.

(Decree 622 of 1977, art. 29).

SECTION 15

PROHIBITIONS

ARTICLE 2.2.2.1.15.1. ***Prohibitions for alteration of the natural environment.*** The following behaviors that may result in the alteration of the natural environment of the areas of the National Natural Parks System are prohibited:

1. The dumping, introduction, distribution, use or abandonment of toxic substances or pollutants that may disturb ecosystems or cause damage to them.

2. The use of any chemical product with residual effects and explosives, except when the latter must be used in authorized works.

3. Develop agricultural or industrial activities including hotels, mining and oil.

4. Felling, cutting, thinning or spraying.

5. Make any kind of fires outside the sites or facilities in which the use of stoves or barbecues is authorized, for the preparation of meals in the open air.

6. Carry out excavations of any kind, except when authorized by the National Natural Parks of Colombia for technical or scientific reasons.

7. Causing damage to the facilities, equipment and in general to the constitutive values of the area.

8. Any activity that the National Natural Parks of Colombia or the Ministry of Environment and Sustainable Development determines that may be the cause of significant modifications of the environment or of the natural values of the different areas of the National Natural Parks System.

9. Exercising any act of hunting, except hunting for scientific purposes.

10. Carry out any act of fishing, except fishing for scientific purposes duly authorized by the National Natural Parks of Colombia, sport fishing and subsistence fishing in areas where, due to their natural and social conditions, the Ministry of Environment and Sustainable Development allows this class. of activity, as long as the authorized activity does not threaten the ecological stability of the sectors in which it is allowed.

11. Collect any flora product, except when authorized by the National Natural Parks of Colombia for research and special studies.

12. Temporary or permanent introduction of animals, seeds, flowers or propagules of any kind.

13. Carrying and using any kind of fireworks or carrying flammable substances not expressly authorized and explosive substances.

14. Throw or deposit rubbish, waste or residues in places not authorized for it or incinerate them.

15. Producing noise or using sound instruments or equipment that disturbs the natural environment or inconveniences visitors.

16. Alter, modify, or remove signs, notices, fences, and milestones.

(Decree 622 of 1977, art. 30).

ARTICLE 2.2.2.1.15.2. ***Prohibitions for alteration of the organization.*** The following behaviors that may result in the alteration of the organization of the areas of the System of National Natural Parks are prohibited:

1. Carry firearms and any implement used to carry out acts of hunting, fishing and felling of forests, except for the exceptions provided for in numbers 9 and 10 of the previous article.

2. Sell, trade or distribute products of any kind, except those expressly authorized.

3. Promote, carry out or participate in meetings not authorized by the National Natural Parks of Colombia

4. Abandon objects, vehicles or equipment of any kind.

5. Discrimination of any kind.

6. Make any kind of propaganda, not foreseen in the regulation referred to in article 2.2.2.1.10.1. numeral 14 of this chapter.

7. Getting drunk or provoking and participating in scandals.

8. Travel with commercial or private vehicles outside the established schedule and route and park them in places not demarcated for such purposes.

9. Take photographs, movies or sound recordings of natural values to be used for commercial purposes, without prior approval.

10. Entering at hours other than those established or without the corresponding authorization, and

11. Supply food to animals.

ARTICLE 2.2.2.1.1.5.3. ***Applicable sanctions.*** The sanctioning regime will correspond to the content of Law 1333 of 2009 or the rule that modifies or replaces it.

(Decree 622 of 1977, art. 32).

SECTION 16

CONTROL AND SURVEILLANCE

ARTICLE 2.2.2.1.16.1. ***Control and surveillance.*** It is up to the National Natural Parks of Colombia to organize control and surveillance systems to enforce the regulations

of this chapter and the respective Decree-Law 2811 of 1974 (National Code of Renewable Natural Resources and Environmental Protection).

(Decree 622 of 1977, art. 40).

ARTICLE 2.2.2.1.16.2. ***Applicable sanctions.*** The applicable sanctioning regime will correspond to that provided for in Law 1333 of 2009 or the norm that replaces it.

(Decree 622 of 1977, art. 35).

ARTICLE 2.2.2.1.16.3. ***Police functions.*** In accordance with the provisions of Decrees 2811 of 1974 and numeral 13 of article 2 of Decree 3572 of 2011, the officials designated by National Parks of Colombia to exercise control and surveillance will have police functions.

(Decree 622 of 1977, art. 41).

SECTION 17

CIVIL SOCIETY RESERVES

ARTICLE 2.2.2.1.17.1. ***Definitions.*** For the correct interpretation of the rules contained in this Decree, the following definitions will be adopted:

Civil Society Nature Reserve. The part or all of the area of a property that preserves a sample of a natural ecosystem and is managed under the principles of sustainability in the use of natural resources is called a Civil Society Natural Reserve. Areas in which timber resources are industrially exploited are excluded, admitting only the exploitation of timber for domestic use and always within sustainability parameters.

Sample of Natural Ecosystem. A sample of natural ecosystem is understood as the functional unit composed of biotic and abiotic elements that has evolved naturally and maintains its structure, dynamic composition and ecological functions.

(Decree 1996 of 1999, art. 1).

ARTICLE 2.2.2.1.17.2. ***Goal.*** The Natural Reserves of the Civil Society will have as an objective the integrated management under sustainability criteria that guarantees the conservation, preservation, regeneration or restoration of the natural ecosystems contained in them and that allows the generation of environmental goods and services.

(Decree 1996 of 1999, art. 2).

ARTICLE 2.2.2.1.17.3. ***Uses and Activities in the Reserves.*** The uses or activities to which the Natural Reserves of Civil Society may be dedicated, which are understood to be sustainable for the terms of this Decree, will be the following:

1. Activities that lead to the conservation, preservation, regeneration and restoration of ecosystems, among which are isolation, protection, control and revegetation or enrichment with native species.

2. Actions that lead to the conservation, preservation and recovery of native fauna populations.

3. Domestic timber harvesting and the sustainable use of non-timber resources.

4. Environmental education.

5. Recreation and ecotourism.

6. Basic and applied research.

7. Technical and professional education and training in disciplines related to the environment, sustainable agricultural production and regional development.

8. Production or generation of direct environmental goods and services to the Reserve and indirect to its area of influence.

9. Construction of social fabric, extension and community organization.

10. Permanent room.

(Decree 1996 of 1999, art. 3).

ARTICLE 2.2.2.1.17.4. ***Zoning.*** The zoning of the Natural Reserves of Civil Society may contain, in addition to the areas that are considered convenient to include, the following:

1. Conservation area: area occupied by a landscape or a natural, animal or plant community, either in a primary state or that has evolved naturally and is in the process of recovery.

2. Buffer zone and special management: that area of transition between the anthropic landscape and the conservation zones, or between the former and the special areas for protection such as water sources, wetlands and riverbeds. This area may contain stubble or secondary vegetation and may be exposed to sustainable agricultural and extractive activities of regular intensity.

3. Agrosystems zone: area dedicated to sustainable agricultural production for human or animal use, both for domestic consumption and for marketing, favoring food security.

4. Area of intensive use and infrastructure: location area of the houses, restaurants, lodgings, stables, sheds, warehouses, nurseries, trails, roads, viewpoints, electrical installations and fixed machinery, sanitary and basic sanitation installations and facilities for education, recreation and sports.

Civil Society Nature Reserves must have at least one Conservation Zone.

(Decree 1996 of 1999, art. 4).

ARTICLE 2.2.2.1.17.5. ***Registration registration.*** Any person who owns an area called the Civil Society Natural Reserve must obtain a single registration through the National Natural Parks of Colombia.

(Decree 1996 of 1999, art. 5).

ARTICLE 2.2.2.1.17.6. ***Registration Request.*** The application for registration of a Civil Society Nature Reserve must be submitted to the National Natural Parks of Colombia directly or through a non-profit organization, and must contain:

1. Name or business name of the applicant and address to be notified.

2. Address and nationality.

3. Name, location, boundaries and extension of the property and of the area that will be registered as a Natural Reserve of Civil Society.

4. Geographical location of the property on a cadastral plate or on an individual plate referenced with flat coordinates. Failing that, delimitation of the property on a topographic base plate.

5. Zoning and description of the uses and activities to which the Civil Society Nature Reserve will be allocated and location on the map.

6. Brief descriptive review of the characteristics of the natural ecosystem and its strategic importance for the area.

7. State whether, as the owner, you have real and effective possession of the property.

8. Copy of the certificate of freedom and tradition of the property to be registered, issued no more than thirty (30) business days from the filing of the application.

(Decree 1996 of 1999, art. 6).

ARTICLE 2.2.2.1.17.7. ***Process.*** Once the request is received, Parques Nacionales Naturales de Colombia will evaluate the documentation provided and register the reservation within thirty (30) business days, counted from the date of receipt.

When the request is not accompanied by the documents and information indicated in the previous article, the missing documents will be indicated to the applicant upon receipt. If you insist that it be filed, the request will be received, leaving an express record of the observations that were made.

If the information or documents provided by the interested party are not sufficient to decide, the contribution of whatever is needed will be required once and the term will be suspended. If two (2) months after the request has not been provided, it will be understood that the registration request has been withdrawn and it will be filed.

The National Natural Parks of Colombia will send notice of the beginning of the procedure for the registration of a Natural Reserve of Civil Society, to the Mayor's Offices and the Autonomous Regional or Sustainable Development Corporations with jurisdiction in the area. Said notices will be placed in a visible place in the respective Secretaries during the term of ten (10) business days.

The National Natural Parks of Colombia may visit or request from the environmental authority with jurisdiction in the area, the necessary information to verify the importance of the sample of the natural ecosystem and the sustainability of the production and use processes carried out on the property. that is intended to be registered as a reserve. As a result of the visit a report will be produced.

(Decree 1996 of 1999, art. 7).

ARTICLE 2.2.2.1.17.8. *Content of the Administrative Act for which it is registered.* The National Natural Parks of Colombia will register the Natural Reserves of Civil Society, through a reasoned administrative act that must contain the following information:

1. Name of the natural or legal person who owns the registered area or property and their identification.

2. Address for notifications.

3. Name of the reservation.

4. Area and location of the registered property and of the reserved area, if it is constituted on part of a property.

5. Zoning, uses and activities to which the Civil Society Nature Reserve will be allocated.

6. Order the sending of copies to the National Planning Department, the Governor, the Mayor and the environmental authority with jurisdiction over the registered property.

Paragraph. From the execution of the administrative act by which it is registered, the owner of the Reserve may exercise the rights that the law confers to the Natural Reserves of Civil Society.

(Decree 1996 of 1999, art. 8).

ARTICLE 2.2.2.1.17.9. *Oppositions.* In the event that a third party opposes the registration of the Natural Reserve of Civil Society, alleging the right of domain or possession over the respective property, said procedure or the granted registration will be suspended, until the competent authority resolves the conflict through a definitive ruling. , duly executed.

(Decree 1996 of 1999, art. 9).

ARTICLE 2.2.2.1.17.10. Denial of Registration. The National Natural Parks of Colombia may deny the registration of Civil Society Nature Reserves, through a reasoned administrative act, when the requirements indicated in the law or these regulations are not met, and if as a result of the visit to the property, the authority environmental determines that part or all of the property destined for the reserve does not meet the conditions defined in this Decree.

Against this administrative act, only the reversal appeal will proceed.

(Decree 1996 of 1999, art. 10).

ARTICLE 2.2.2.1.17.11. *Rights.* The holders of duly registered Civil Society Nature Reserves may exercise the following rights:

1. Rights of participation in the planning processes of development programs.

2. Prior consent for the execution of public investments that affect them.

3. Right to incentives.

4. Other participation rights established by law.

(Decree 1996 of 1999, art. 11).

ARTICLE 2.2.2.1.17.12. *Rights of Participation in the Planning Processes of Development Programs.* Once the Registry is obtained, the holders of the Natural Reserves of Civil Society will be called to participate, by themselves or through a non-profit organization, in the planning processes of national

development programs or of the territorial entities, which are They will be carried out in the area of direct influence where the property is located.

The National Planning Department or the Secretariat, Administrative Department or Planning Office of the territorial entities must send invitations by certified mail to the holders of duly registered Civil Society Nature Reserves, to participate in the analysis and discussion of the plans. of national development or of the territorial entities, within the National Planning Council, of the Territorial Planning Councils or of the organisms of the territorial entity that fulfill the same functions.

(Decree 1996 of 1999, art. 12).

ARTICLE 2.2.2.1.17.13. *Prior Consent.* The execution of investments by the State that require an environmental license and that affect one or several Natural Reserves of Civil Society duly registered, will require the prior consent of the owners thereof. For this purpose, the following procedure will be followed:

1. Whoever intends to carry out a public investment project that requires an environmental license must request information from the National Natural Parks of Colombia about the Natural Reserves of Civil Society registered in the area of execution of the project.

2. The executor of the investment must personally notify the holder or holders of the registered reserves. Said notification must contain:

a) Description of the project to be executed and its importance for the region, with a copy of the Environmental Impact Study if it has already been prepared;

b) Investment amount and execution terms;

c) Request to express prior consent before the respective environmental authority within a term of one (1) month counted from the notification. In the event that several reserves are affected, this consent will be manifested in a public hearing that will be convened ex officio by the respective authority and in which the interested parties, the community and the owner of the project may participate, under the coordination of the competent environmental authority.

3. The owner of the reservation may express his consent in writing and if he does not pronounce himself within the established term, his tacit consent will be understood.

4. In those cases in which there is no consent, the owner of the reserve must express it in writing within the indicated term or in the respective hearing, arguing the reasons that assist him to prevent the deterioration of the protected environment.

5. In all cases, the Environmental Authority will make the decision regarding the granting of the license in accordance with the Constitution and the law.

(Decree 1996 of 1999, art. 13).

ARTICLE 2.2.2.1.17.14. *Incentives.* The national government and the territorial entities must create incentives aimed at conservation by the owners of the Natural Reserves of Civil Society registered with the National Natural Parks of Colombia.

(Decree 1996 of 1999, art. 14).

ARTICLE 2.2.2.1.17.15. *Obligations of the Holders of the Reserves.* Once the registration is obtained, the owner of the Civil Society Nature Reserve must comply with the following obligations:

1. Comply with special diligence the regulations on protection, environmental conservation and management of natural resources.

2. Adopt preventive measures and/or suspend planned activities and uses if they generate potential risk or negative impacts on the natural ecosystem.

3. Inform the National Natural Parks of Colombia and the corresponding environmental authority about the alteration of the natural ecosystem due to force majeure or fortuitous event or due to the act of a third party, within fifteen (15) days following the event.

4. Inform Parques Nacionales Naturales de Colombia about the acts of disposition, alienation or limitation to the domain that it carries out on the property, within thirty (30) days following the celebration of any of these acts.

(Decree 1996 of 1999, art. 15).

ARTICLE 2.2.2.1.17.16. *Registry Modification.* The registry of Civil Society Nature Reserves may be modified at the request of a party when the circumstances existing at the time of the request have changed.

(Decree 1996 of 1999, art. 16).

ARTICLE 2.2.2.1.17.17. *Cancellation of Registration.* The registration of Civil Society Nature Reserves before the National Natural Parks of Colombia may be canceled in the following cases:

1. Voluntarily by the owner of the reservation.

2. Due to the natural, artificial or provoked disappearance of the ecosystem that was sought to be protected.

3. Due to noncompliance by the owner of the reserve with the obligations contained in this Decree or with the regulations on environmental protection or on the management and use of renewable natural resources.

4. As a consequence of a judicial decision.

(Decree 1996 of 1999, art. 17).

ARTICLE 2.2.2.1.17.18. *Promotion.* In order to promote and facilitate the acquisition, establishment and free development of natural areas by civil society, the Ministry of Environment and Sustainable Development and other environmental authorities, will carry out until October 21, 2000, a broad campaign for its dissemination and they will develop and publish in the four months following its effectiveness, a technical manual for the establishment, management and procedure related to the registration, rights and duties of the holders of the reserves.

(Decree 1996 of 1999, art. 18).

SECTION 18

INTEGRATED MANAGEMENT DISTRICTS

ARTICLE 2.2.2.1.18.1. *Procedure for the subtraction.* Procedure for the subtraction of areas of the Integrated Management District of renewable natural resources (DMI) If for reasons of public utility or social interest established by law, it is necessary to carry out projects, works or activities that imply the subtraction of an area belonging to a DMI, the following procedure will be followed:

1. The interested party shall submit a written request for removal addressed to the regional autonomous corporation or to those of sustainable development accompanied by a study that will serve as the basis for the decision, which, at a minimum, will include the following information:

a) Justification of the need for removal;

b) Location of the DMI and detailed and exact delimitation of the polygon to be subtracted and incorporated into the official IGAC cartography;

c) Accreditation of the interested party of ownership of the property to be subtracted or authorization of the owner;

d) Socioeconomic and environmental characterization of the area to be subtracted:

i) Abiotic environment;

ii) Biotic environment;

iii) Socioeconomic environment;

e) Identification and description of the benefits and impacts that the subtraction can generate both inside and in the areas adjacent to the DMI;

f) Environmental measures aimed at optimizing the benefits and managing the impacts generated as a result of the removal of an area from the DMI. These measures will take into account the comprehensive management plan to make the area to be subtracted compatible with the objectives of the DMI and the land uses defined in the POT, and will include at least objectives, indicators, goals and costs.

In the event that in the area subject to subtraction, it is intended to develop a project, work or activity subject to concession, permit, or environmental license, the environmental measures indicated in the previous paragraph, will be part of said environmental authorization, and in all case will be subject to control and monitoring by the environmental authority.

2. From the date of filing of the study, the corporation will have five (5) business days to verify that the documentation is complete and issue the order to initiate the process that will be notified and published in accordance with article 70 of Law 99 of 1993, and will proceed to its evaluation.

3. Once this term has expired, within the following ten (10) business days, the Corporation may request in writing and only once from the interested party the additional information deemed essential. In this case, the terms that have the authority to decide will be suspended.

4. Within twenty (20) business days following the expiration of the term indicated in numeral 2 of this article, or upon receipt of the required information, the corporation will evaluate and assess the feasibility of the theft.

5. Based on the concept referred to in the previous numeral, the Board of Directors of the respective corporation, in a term not exceeding fifteen (15) business days, will decide through an administrative act whether or not to approve the subtraction, in accordance with the provisions of literal g) of article 27 of Law 99 of 1993. Projects, works or activities to be developed in an area subtracted from a DMI, must comply with current environmental regulations.

Paragraph 1. Requests for subtractions in process will be subject to the provisions of this decree.

2nd paragraph. It is the responsibility of the Board of Directors of the corporation to issue the Agreement approving the declaration of a DMI and the corresponding comprehensive management plan.

3rd paragraph. The evaluation, control and monitoring services carried out by the corporation on the occasion of the subtraction of an area of the DMI, will be charged, based on article 96 of Law 633 of 2000 or the rule that modifies or replaces it.

(Decree 2855 of 2006, art. 1).

EPISODE 2

FOREST RESERVES

ARTICLE 2.2.2.2.1.2. *Validity.* Thefts carried out by the Ministry of Environment and Sustainable Development or the entity that exercised said function, will remain in force under the terms and conditions of the respective administrative act of theft.

CHAPTER 3

ENVIRONMENTAL LICENSES

SECTION 1

GENERAL DISPOSITION

ARTICLE 2.2.2.3.1.1. ***Definitions.*** For the correct interpretation of the rules contained in this decree, the following definitions are adopted:

Scope of projects, works or activities: A project, work or activity includes the planning, location, installation, construction, assembly, operation, maintenance, dismantling, abandonment and/or termination of all actions, uses of space, activities and infrastructure related and associated with its development.

Area of influence: Area in which the significant environmental impacts caused by the execution of a project, work or activity, on the abiotic, biotic and socioeconomic media, in each of the components of said media, are manifested in an objective and quantifiable way. Because the impact areas may vary depending on the component being analyzed, the area of influence may correspond to several different polygons that intersect each other.

Mining exploitation: Regarding the definition of mining exploitation, the provisions of Law 685 of 2001, or the one that modifies, replaces or repeals it, will be accepted.

Environmental impact: Any alteration in the biotic, abiotic and socioeconomic environment, that is adverse or beneficial, total or partial, that can be attributed to the development of a project, work or activity.

Compensation measures: These are actions aimed at compensating and repaying communities, regions, localities and the natural environment for the negative impacts or effects generated by a project, work or activity, which cannot be avoided, corrected or mitigated.

Correction measures: These are the actions aimed at recovering, restoring or repairing the conditions of the environment affected by the project, work or activity.

Mitigation measures: These are the actions aimed at minimizing the impacts and negative effects of a project, work or activity on the environment.

Prevention measures: These are the actions aimed at avoiding the negative impacts and effects that a project, work or activity may generate on the environment.

Deep sea ports: They are those maritime terminals, in which their set of physical elements and access channel works whose capacity to move cargo is equal to or greater than one million five hundred thousand (1,500,000) tons/year and in which vessels with a draft equal to or greater than twenty-seven (27) feet.

Environmental management plan: It is the detailed set of measures and activities that, as a result of an environmental assessment, are aimed at preventing, mitigating, correcting or compensating duly identified environmental impacts and effects caused by the development of a project, work or activity. It includes follow-up, monitoring, contingency, and abandonment plans according to the nature of the project, work, or activity.

The environmental management plan may be part of the environmental impact study or as a management and control instrument for projects, works or activities that are covered by a transition regime.

(Decree 2041 of 2014, art. 1).

ARTICLE 2.2.2.3.1.2. ***Competent environmental authorities.*** The following authorities are competent to grant or deny an environmental license, in accordance with the law and this decree:

1. The National Environmental Licensing Authority (ANLA).

2. The Regional Autonomous Corporations and those of Sustainable Development.

The Regional Autonomous Corporations and the Sustainable Development Corporations may delegate the exercise of this competence to the territorial entities, for which they must especially take into account the technical, economic, administrative and operational capacity of such entities to exercise the delegated functions.

3. The municipalities, districts and metropolitan areas whose urban population exceeds one million (1,000,000) inhabitants within their urban perimeter in the terms of article 66 of Law 99 of 1993.

4. The environmental authorities created by Law 768 of 2002.

(Decree 2041 of 2014, art. 2).

ARTICLE 2.2.2.3.1.3. ***Concept and scope of the environmental license.*** The environmental license is the authorization granted by the competent environmental authority for the execution of a project, work or activity, which, in accordance with the law and regulations, may cause serious damage to renewable natural resources or the environment or introduce modifications considerable or conspicuous to the landscape; which subjects the beneficiary of this, to compliance with the requirements, terms, conditions and obligations that it establishes in relation to the prevention, mitigation, correction, compensation and management of the environmental effects of the project, work or authorized activity.

The environmental license will implicitly include all permits, authorizations and/or concessions for the use, exploitation and/or affectation of renewable natural resources, which are necessary for the useful life of the project, work or activity.

The use, exploitation and/or affectation of renewable natural resources must be clearly identified in the respective environmental impact study.

The environmental license must be obtained prior to the initiation of the project, work or activity. No project, work or activity will require more than one environmental license.

Paragraph. The Regional Autonomous Corporations and other environmental authorities may not grant environmental permits, concessions or authorizations, when these are part of a project whose environmental license falls under the exclusive jurisdiction of the National Environmental Licensing Authority (ANLA).

(Decree 2041 of 2014, art. 3).

ARTICLE 2.2.2.3.1.4. ***Global environmental license.*** For the development of works and activities related to mining and hydrocarbon exploitation projects, the competent environmental authority will grant a global environmental license, which covers the entire area of exploitation that is requested.

In this case, for the development of each of the activities and works defined in the hydrocarbon stage, it will be necessary to present an environmental management plan, in accordance with the terms, conditions and obligations established in the global environmental license.

Said environmental management plan will not be subject to prior evaluation by the competent environmental authority; Therefore, once submitted, the interested party may start the execution of the works and activities, which will be subject to environmental control and monitoring.

The global environmental license for mining exploitation will include the construction, assembly, exploitation, benefit and internal transportation of the corresponding minerals or materials.

(Decree 2041 of 2014, art. 4).

ARTICLE 2.2.2.3.1.5. ***The environmental license compared to other licenses.*** Obtaining the environmental license is a prior condition for the exercise of rights arising from permits, authorizations, concessions, contracts and licenses issued by authorities other than the environmental ones.

The environmental license is a prerequisite for the granting of port concessions, in accordance with the provisions of paragraph 1 of article 52 of Law 99 of 1993.

Likewise, the modification of the environmental license is a prior condition for the exercise of the rights derived from modifications of permits, authorizations, concessions, contracts, titles and licenses issued by other authorities different from the environmental ones, as long as these changes vary the terms , conditions or obligations contained in the environmental license.

(Decree 2041 of 2014, art. 5).

ARTICLE 2.2.2.3.1.6. ***Term of the environmental license.*** The environmental license will be granted for the useful life of the project, work or activity and will cover the phases of construction, assembly, operation, maintenance, dismantling, final restoration, abandonment and/or completion.

(Decree 2041 of 2014, art. 6).

SECTION 2

COMPETENCE AND ENFORCEMENT OF THE ENVIRONMENTAL LICENSE

ARTICLE 2.2.2.3.2.1. ***Projects, works and activities subject to environmental license.*** Only the projects, works and activities listed in articles 2.2.2.3.2.2 and 2.2.2.3.2.3 of this decree will be subject to an environmental license.

The environmental authorities may not establish or impose environmental management plans for projects other than those established in this decree or as a result of the application of the transition regime.

(Decree 2041 of 2014, art. 7).

ARTICLE 2.2.2.3.2.2. ***Competence of the National Environmental Licensing Authority (ANLA).*** The National Environmental Licensing Authority (ANLA) will exclusively grant or deny the environmental license for the following projects, works or activities:

1. In the hydrocarbon sector:

a) Seismic exploration activities that require the construction of roads for vehicular traffic and seismic exploration activities in the marine areas of the national territory when they are carried out in depths less than 200 meters;

b) Exploratory drilling projects outside existing hydrocarbon production fields, in accordance with the area of interest declared by the petitioner;

c) The exploitation of hydrocarbons, which includes the drilling of wells of any kind, the construction of facilities specific to the activity, complementary works including the internal transport of fluids from the field through pipelines, internal storage, internal roads and other infrastructures. associated and connected;

d) The transportation and conduction of liquid and gaseous hydrocarbons that are developed outside the exploitation fields that imply the construction and assembly of infrastructure of conduction lines with diameters equal to or greater than six (6) inches (15.24 centimeters), including pumping and/or pressure reduction stations and the corresponding storage and flow control infrastructure; Except for those activities related to the distribution of natural gas for residential, commercial or industrial use;

e) The delivery terminals and hydrocarbon transfer stations, understood as the storage infrastructure associated with the transportation of hydrocarbons and their products and derivatives through pipelines;

f) The construction and operation of refineries and petrochemical developments that are part of a refining complex;

2. In the mining sector:

The mining of:

a) Coal: When the projected exploitation is greater than or equal to eight hundred thousand (800,000) tons/year;

b) Construction materials and non-metallic industrial clays or minerals:

When the projected production is greater than or equal to six hundred thousand (600,000) tons/year for clays or greater than or equal to two hundred fifty thousand (250,000) cubic meters/year for other construction materials or non-metallic industrial minerals;

c) Metallic minerals and precious and semi-precious stones: When the projected total removal of useful and sterile material is greater than or equal to two million (2,000,000) tons/year;

d) Other minerals and materials: When the projected mineral exploitation is greater than or equal to one million (1,000,000) tons/year.

3. The construction of dams, dams or reservoirs, whatever their destination, with a capacity greater than two hundred million (200,000,000) cubic meters of water.

4. In the electricity sector:

a) The construction and operation of electric power generation plants with an installed capacity equal to or greater than one hundred (100) MW;

b) Projects for the exploration and use of virtually polluting alternative energy sources with an installed capacity greater than or equal to one hundred (100) MW;

c) The laying of the transmission lines of the National Transmission System (STN), made up of the set of lines with their corresponding substations that are projected to operate at voltages equal to or greater than two hundred and twenty (220) KV

5. Projects for the generation of nuclear energy.

6. In the maritime and port sector:

a) The construction or expansion and operation of deep-sea ports;

b) Deepening dredging of access channels to deep-sea ports;

c) The stabilization of beaches and coastal entrances.

7. The construction and operation of international airports and new runways therein.

8. Execution of public works:

8.1. Projects of the national road network referring to:

a) The construction of highways, including bridges and other infrastructure associated with it;

b) Corrected by art. 4, National Decree 703 of 2018. <*The new text is as follows*> The construction of second lanes; Except as provided in paragraph 2 of article 2.2.2.5.1.1 of this decree.

The original text was as follows:

b) The construction of second lanes; Except as provided in paragraph 2 of article 1 of Decree 769 of 2014;

c) The construction of tunnels with their accesses.

8.2 Execution of projects in the national river network referring to:

a) The construction and operation of public ports;

b) Rectification of riverbeds, closure of arms, meanders and madreviejas;

c) The construction of spurs;

d) Diversion of riverbeds in the fluvial network;

e) Deepening dredging in navigable channels and in delta areas.

8.3. The construction of railways and/or variants of the national railway network, both public and private.

8.4. The construction of hard maritime works (breakwaters, spurs, construction of dikes) and the regeneration of dunes and beaches.

9. The construction and operation of irrigation and/or drainage districts with coverage greater than 20,000 hectares.

10. Pesticides:

10.1. The production of pesticides.

10.2. The importation of pesticides in the following cases:

a) Pesticides for agricultural use (active ingredient and/or formulated product), with the exception of pesticides of biological origin made based on extracts of plant origin. The importation of chemical pesticides for agricultural use will comply with the procedure established in Andean Decision 436 of 1998, or the rule that modifies, replaces or repeals it;

b) Pesticides for veterinary use (active ingredient and/or formulated product), with the exception of formulated products for topical use for pets; accessories for external use such as earmuffs, necklaces, nose rings, among others;

c) Pesticides for use in public health (active ingredient and/or formulated product);

d) Pesticides for industrial use (active ingredient and/or formulated product);

e) Pesticides for domestic use (active ingredient and/or formulated product), with the exception of those pesticides for domestic use in individual presentation or packaging.

11. The import and/or production of those substances, materials or products subject to controls by virtue of international treaties, conventions and protocols of an environmental nature, except in those cases in which said regulations indicate a special authorization for this purpose. In the case of Living Modified Organisms (LMO), for which only the procedure established in Law 740 of 2002, and in its regulatory decrees or the norms that modify, replace or repeal it, will be applied in its evaluation and pronouncement.

12. Projects that affect the Areas of the National Natural Parks System:

a) The projects, works or activities that affect the areas of the System of National Natural Parks to be carried out within them, within the framework of the activities permitted therein;

b) The projects, works or activities indicated in articles 2.2.2.3.2.2 and 2.2.2.3.2.3 of this decree, located in the buffer zones of the System of National Natural Parks previously determined, as long as they are compatible with the plan environmental management of these areas.

13. Projects, works or activities for the construction of infrastructure or agribusiness that are intended to be carried out in the national public protected areas covered by this decree or other than the areas of National Natural Parks, as long as their execution is compatible with the uses defined for the respective management category.

Paragraph corrected by art. 4, National Decree 703 of 2018. <*The new text is the following* > The foregoing does not apply to infrastructure projects, works or activities related to housing units and maintenance and rehabilitation activities in transportation infrastructure projects in accordance with the provisions of article 44 of Law 1682 2013, except for improvement activities in accordance with the provisions of article 2.2.2.5.4.4 of this decree. (...)

The original text was the following

The foregoing does not apply to infrastructure projects, works or activities related to housing units and maintenance and rehabilitation activities in transportation infrastructure projects in accordance with the provisions of article 44 of Law 1682 of 2013, except for improvement activities. in accordance with the provisions of article 4 of Decree 769 of 2014.

14. The projects carried out by the Regional Autonomous Corporations referred to in the second paragraph of numeral 19 of article 31 of Law 99 of 1993.

15. Projects that require transfer from one basin to another when at least one of the two presents a value equal to or greater than 2 cubic meters/second during periods of minimum flow.

16. The introduction into the country of parents, species, subspecies, breeds, hybrids or foreign varieties for the purposes of cultivation, raising, biological control, reproduction and/or commercialization, to establish or implant in natural or artificial environments, which may affect the stability ecosystems or wildlife. As well as the establishment of zoocriaderos that implies the management of species listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The environmental license will cover the research or experimental phase and the commercial phase. The research phase involves the stages of obtaining or importing the parental stock and the import of plant material for propagation, the installation or construction of the breeding farm or nursery, and the research or experimentation activities of the project. To authorize the commercial phase, a modification of the environmental license will be required.

Paragraph 1. For hydrocarbon projects where the exploitation area of interest corresponds to the previously licensed exploration area of interest, the interested party may request the modification of the exploration license to carry out the exploitation activities. In this case, the provisions of article 4 of this decree will apply.

Paragraph 2nd. Regarding numeral 12 of this article, prior to the decision on the environmental license, the Ministry of Environment and Sustainable Development will have the concept of the National Natural Parks of Colombia.

The interpretation trails, those used for research and to carry out control and surveillance actions, as well as the projects, works or activities carried out to fulfill the administration functions of the protected areas that are foreseen in the corresponding management plan, will not require a license. environmental.

3rd paragraph. The zoocriaderos of foreign species referred to in numeral 16 of this article, may not carry out commercial activities with introduced individuals, nor with their production, in any of their biological stages, unless the ANLA has authorized them as supplier farms and only when said specimens are destined for establishments legally authorized for their management in a closed cycle.

4th paragraph. The introduction into the country of parents of foreign species, subspecies, races or varieties that have been declared invasive or potentially invasive by the Ministry of Environment and Sustainable Development, with the technical and scientific support of the related Scientific Research Institutes, may not be authorized. to the Ministry.

5th paragraph. The Ministry of Environment and Sustainable Development will be able to point out by reasoned resolution the foreign species, which have been irregularly introduced into the country and may be the object of closed-cycle breeding activities. The foregoing is without prejudice to the imposition of preventive and punitive measures that may apply.

(Decree 2041 of 2014, art. 8).

ARTICLE 2.2.2.3.2.3. ***Competence of the Regional Autonomous Corporations.*** The Regional Autonomous Corporations, those of Sustainable Development, the Large Urban Centers and the

environmental authorities created by Law 768 of 2002, will grant or deny the environmental license for the following projects, works or activities, which are executed in the area of their jurisdiction .

1. In the mining sector

The mining of:

a) Coal: When the projected exploitation is less than eight hundred thousand (800,000) tons/year;

b) Construction materials and clays or non-metallic industrial minerals: When the projected mineral production is less than six hundred thousand (600,000) tons/year for clays or less than two hundred and fifty thousand (250,000) cubic meters/year for other construction materials or for non-metallic industrial minerals;

c) Metallic minerals, precious and semi-precious stones: When the projected total removal of useful and sterile material is less than two million (2,000,000) tons/year;

d) Other minerals and materials: When the projected mineral exploitation is less than one million (1,000,000) tons/year.

2. Steel, cement and fixed concrete plants whose concrete production exceeds ten thousand (10,000) cubic meters/month.

3. The construction of dams, dams or reservoirs with a capacity equal to or less than two hundred million (200,000,000) cubic meters of water.

4. In the electricity sector:

a) The construction and operation of power plants with a capacity greater than or equal to ten (10) and less than one hundred (100) MW, different from power plants that generate energy from water resources;

b) The laying of lines of the Regional Transmission System made up of the set of lines with their connection modules and/or substations, which operate at voltages between fifty (50) KV and less than two hundred and twenty (220) KV;

c) The construction and operation of power generating plants from water resources with a capacity of less than one hundred (100) MW; except for small hydroelectric plants intended to operate in Non-Interconnected Zones (ZNI) and whose capacity is equal to or less than ten (10) MW;

d) Projects for the exploration and use of virtually polluting energy sources with an installed capacity equal to or greater than ten (10) MW and less than one hundred (100) MW.

5. In the maritime and port sector:

a) The construction, expansion and operation of seaports that are not deep-sea ports;

b) Deepening dredging of the access channels to the ports that are not considered as deep draft;

c) The execution of private works related to the construction of hard works (breakwaters, spurs, construction of dikes) and the regeneration of dunes and beaches.

6. The construction and operation of airports at the national level and of new runways in them.

7. Projects in the secondary and tertiary road network:

a) The construction of highways, including bridges and other infrastructure associated with it;

b) Corrected by art. 5, National Decree 703 of 2018. < *The new text is as follows* > The construction of second lanes; Except as provided in paragraph 2 of the article of article 2.2.2.5.1.1 of this decree.

The original text was as follows:

b) The construction of second lanes; Except as provided in paragraph 2 of article 1 of Decree 769 of 2014;

c) The construction of tunnels with their accesses.

8. Execution of private works in the national river network:

a) The construction and operation of ports;

b) Rectification of riverbeds, closure of arms, meanders and madreviejas;

c) The construction of spurs;

d) Diversion of riverbeds in the fluvial network;

e) Deepening dredging in channels and in delta areas.

9. The construction of railways of a regional nature and/or variants of these, both public and private.

10. The construction and operation of facilities whose purpose is the storage, treatment, use, recovery and/or final disposal of waste or hazardous waste, and the construction and operation of security landfills for hospital waste in cases where the regulations on the material allows.

11. The construction and operation of facilities whose purpose is the storage, treatment, use (recovery/recycling) and/or final disposal of Waste Electrical and Electronic Equipment (WEEE) and waste batteries and/or accumulators.

The repair and reconditioning activities of used electrical and electronic equipment do not require an environmental license.

12. The construction and operation of plants whose purpose is the use and recovery of biodegradable organic solid waste greater than or equal to twenty thousand (20,000) tons/year.

13. The construction and operation of sanitary landfills; however, the operation may only be carried out by the persons indicated in article 15 of Law 142 of 1994.

14. The construction and operation of wastewater treatment systems that serve populations equal to or greater than two hundred thousand (200,000) inhabitants.

15. The manufacturing industry for the manufacture of:

a) Basic chemical substances of mineral origin;

b) Alcohols;

c) Inorganic acids and their oxygenated compounds.

16. Projects whose object is the storage of dangerous substances, with the exception of hydrocarbons.

17. The construction and operation of irrigation and/or drainage districts for areas greater than or equal to five thousand (5,000) hectares and less than or equal to twenty thousand (20,000) hectares.

18. Projects that require transfer from one basin to another when at least one of the two presents a value equal to or less than two (2) cubic meters/second, during periods of minimum flow.

19. Commercial hunting and the establishment of commercial breeding farms.

20. The projects, works or activities that affect the areas of the Natural Regional Parks System to be carried out within them, within the framework of the activities permitted therein;

21. Corrected by art. 5, National Decree 703 of 2018. *<The new text is the following>* The projects, works or activities of construction of infrastructure or agribusiness that are intended to be carried out in the regional public protected areas that articles 2.2.2.1.1.1 to 2.2.2.1.6.6 of this decree deal with, different from the areas of Natural

Regional Parks, as long as their execution is compatible with the uses defined for the respective management category.

The foregoing does not apply to infrastructure projects, works or activities related to housing units and maintenance and rehabilitation activities in transportation infrastructure projects in accordance with the provisions of article 44 of Law 1682 of 2013, except for improvement activities. in accordance with the provisions of article 2.2.2.5.1.1 of this decree. (...)

The original text was as follows:
21. Projects, works or activities for the construction of infrastructure or agribusiness that are intended to be carried out in the regional public protected areas covered by Decree 2372 of 2010, other than the areas of Regional Natural Parks, as long as their execution is compatible with the uses defined for the respective management category.

The foregoing does not apply to infrastructure projects, works or activities related to housing units and maintenance and rehabilitation activities in transportation infrastructure projects in accordance with the provisions of article 44 of Law 1682 of 2013, except for improvement activities. in accordance with the provisions of article 4 of Decree 769 of 2014

22. The projects, works or activities on the submerged cultural heritage, which is dealt with in article 4 of Law 1675 of 2013, within twelve (12) nautical miles.

Added by art. 5, National Decree 1421 of 2016 <*Text added is as follows*> The construction and operation of gold benefit plants.

Paragraph 1. The Regional Autonomous Corporations will exercise the competence referred to in numeral 5 of this Article, without prejudice to the competences that correspond to other environmental authorities over maritime waters, low-tide lands and beaches.

Likewise, said authorities must, in the cases contemplated in subparagraphs b) and c) of the aforementioned numeral, request an opinion from the José Benito Vives de Andrías Marine and Coastal Research Institute (Invemar) on the possible environmental impacts on the marine and coastal ecosystems that can generate the project, work or activity subject to environmental licensing.

2nd paragraph. For the purposes of numeral 19 of this article, the environmental license will contemplate the experimental and commercial phases. The experimental phase includes development hunting activities, construction or installation of the zoocriadero and the research activities of the project. To authorize the commercial phase, a modification of the environmental license previously granted for the experimental phase will be required.

When development hunting activities are carried out outside the area of jurisdiction of the competent entity to grant the environmental license, the environmental authority with jurisdiction in the area of distribution of the resource must issue a development hunting permit in accordance with the established in current regulations. Similarly, the commercial hunting of individuals of species on which there is a ban or prohibition may not be authorized.

3rd paragraph. The Regional Autonomous Corporations may only grant environmental licenses for the establishment of zoocriaderos for commercial purposes of exotic species in a closed cycle; For this purpose, the parental stock must come from a commercial animal breeding facility that has an environmental license and is duly authorized as a supplier farm.

4th paragraph. When, in accordance with the functions indicated in the law, the environmental license for the construction and operation of the projects, works or activities that this article deals with, is requested by the Regional Autonomous Corporations, those of Sustainable Development and the environmental authorities to which refers to article 66 of Law 99 of 1993 and article 13 of Law 768 of 2002, this will be the responsibility of the National Authority of Environmental Licenses (ANLA).

Likewise, when the aforementioned authorities manifest a conflict for the granting of an environmental license, the Ministry of Environment and Sustainable Development may assume responsibility for the environmental licensing of the project, by virtue of the provisions of numeral 31 of article 5 of the aforementioned law.

5th paragraph. The Regional Autonomous Corporations and other environmental authorities will not have the powers indicated in this article, when the projects, works or activities are part of a project whose environmental license falls under the exclusive jurisdiction of the National Environmental Licensing Authority (ANLA).

(Decree 2041 of 2014, art. 9).

ARTICLE 2.2.2.3.2.4. ***Ecosystems of special ecological importance.*** When the projects referred to in articles 2.2.2.3.2.2 and 2.2.2.3.2.3. of this decree, intend to intervene wetlands included in the list of wetlands of international importance (RAMSAR), moors or mangroves, the competent environmental authority must request a prior concept from the Ministry of Environment and Sustainable Development, on the conservation and sustainable use of said ecosystems .

In the same way, the environmental authorities must take into account the determinations that have been adopted on the matter through the different administrative acts in relation to the conservation and sustainable use of said ecosystems.

(Decree 2041 of 2014, art. 10).

ARTICLE 2.2.2.3.2.5. ***Of the projects, works or activities that require subtraction of the national forest reserves.*** It corresponds to the Ministry of Environment and Sustainable Development to evaluate the requests and adopt the decision regarding the subtraction of the national forest reserves for the development of activities of public utility and social interest, in accordance with the special regulations issued for this purpose.

(Decree 2041 of 2014, art. 11).

ARTICLE 2.2.2.3.2.6. ***Definition of competencies.*** When the project, work or activity is carried out in the jurisdiction of two or more environmental authorities, said authorities must send the request for environmental licensing to the National Environmental Licensing Authority (ANLA), who will designate the competent environmental authority to decide on the environmental license. .

In the act of granting the same, the designated authority will specify the form of participation of each entity in the monitoring process.

In any case, once the environmental license has been granted, the beneficiary must pay the environmental fees to the environmental authority in whose jurisdiction the direct use of the resource subject to the fee is made. The foregoing without prejudice to the provisions of the second paragraph of article 66 of Law 99 of 1993.

For the purposes of the provisions of this article, the environmental authority before which the application for an environmental license is formulated shall notify the National Environmental Licensing Authority (ANLA) of said situation, attaching the following information:

a) Description of the project (objective, activities and characteristics of each jurisdiction and georeferenced location);

b) Technical considerations (general description of the environmental components of each jurisdiction, description and location of the general infrastructure in each jurisdiction and significant environmental impacts), and

c) Demand for resources and environmental permits or concessions required in each jurisdiction.

Once the information has been received, the ANLA will designate the competent environmental authority within the following fifteen (15) business days to carry out the environmental licensing procedure.

(Decree 2041 of 2014, art. 12).

SECTION 3

ENVIRONMENTAL STUDIES

ARTICLE 2.2.2.3.3.1. ***From environmental studies.*** The environmental studies referred to in this title are the environmental diagnosis of alternatives and the environmental impact study that must be submitted to the competent environmental authority.

Environmental studies are subject to the issuance of technical concepts by the competent environmental authorities.

(Decree 2041 of 2014, art. 13).

ARTICLE 2.2.2.3.3.2. ***Of the terms of reference.*** The terms of reference are the general guidelines that the environmental authority indicates for the preparation and execution of environmental studies that must be presented to the competent environmental authority.

Environmental studies will be prepared based on the terms of reference issued by the Ministry of Environment and Sustainable Development. The applicant must adapt them to the particularities of the project, work or activity.

The applicant for the environmental license must use the terms of reference, in accordance with the specific conditions of the project, work or activity that it intends to develop.

The terms of reference issued by the current Ministry of Environment and Sustainable Development, prior to the entry into force of this decree, will remain fully valid.

When the Ministry of Environment and Sustainable Development has not issued the terms of reference for the preparation of a certain environmental impact study, the environmental authorities will set them specifically for each case within fifteen (15) business days following the presentation of the request.

Notwithstanding the use of the terms of reference, the applicant must present the study in accordance with the General Methodology for the Presentation of Environmental Studies, issued by the Ministry of Environment and Sustainable Development, which will be mandatory.

Paragraph 1. For projects, works or activities in the infrastructure sector, the terms of reference of the Environmental Diagnosis of Alternatives (DAA), may only require information from the pre-feasibility phase, in accordance with the provisions of Law 1682 of 2013 or the regulation that replace, modify or repeal. Due to the above, the terms of reference for the DAA of the infrastructure sector must be adjusted by the Ministry of Environment and Sustainable Development, before March 15, 2015.

2nd paragraph. The Regional Autonomous Corporations, Sustainable Development Corporations, Large Urban Centers and Environmental Public Establishments covered by Law 768 of 2002, must take as a strict reference the generic terms of reference issued by the Ministry of Environment and Sustainable Development.

3rd paragraph. The Ministry of Environment and Sustainable Development with the support of the ANLA will update the General Methodology for the Presentation of Environmental Studies before March 15, 2015.

(Decree 2041 of 2014, art. 14).

ARTICLE 2.2.2.3.3.3. ***Participation of the communities.*** The communities must be informed of the scope of the project, with emphasis on the impacts and the proposed management measures, and

assess and incorporate the contributions received during this process into the environmental impact study, when considered pertinent.

In the cases in which it is required, the provisions of article 76 of Law 99 of 1993, regarding prior consultation with traditional indigenous and black communities, must be complied with, in accordance with the provisions of the regulations that regulate the matter.

(Decree 2041 of 2014, art. 15).

ARTICLE 2.2.2.3.3.4. ***From the Manual of Evaluation of Environmental Studies of Projects.*** For the evaluation of environmental studies, the environmental authorities will adopt the general criteria defined in the Manual for the Evaluation of Environmental Studies of Projects issued by the Ministry of Environment and Sustainable Development.

Paragraph. The Ministry of Environment and Sustainable Development, with the support of the ANLA, will update the Evaluation Manual for Environmental Studies of Projects before March 15, 2015.

(Decree 2041 of 2014, art. 16).

SECTION 4

ENVIRONMENTAL DIAGNOSIS OF ALTERNATIVES

ARTICLE 2.2.2.3.4.1. ***Object of the environmental diagnosis of alternatives.*** The Environmental Diagnosis of Alternatives (DAA), aims to provide information to evaluate and compare the different options presented by the petitioner, under which it is possible to develop a project, work or activity. The different options must take into account the geographical environment, the biotic, abiotic and socioeconomic characteristics, the comparative analysis of the effects and risks inherent to the work or activity; as well as possible solutions and control and mitigation measures for each of the alternatives.

The foregoing in order to provide the elements required to select the alternative or alternatives that allow optimizing and rationalizing the use of resources and avoiding or minimizing the risks, effects and negative impacts that may be generated.

(Decree 2041 of 2014, art. 17).

ARTICLE 2.2.2.3.4.2. ***Enforceability of the environmental diagnosis of alternatives.*** Those interested in the projects, works or activities described below must request a statement from the competent environmental authority on the need to present the Environmental Diagnosis of Alternatives (DAA):

1. The seismic exploration of hydrocarbons that requires the construction of roads for vehicular traffic.

2. The transportation and conduction of liquid or gaseous hydrocarbons, which are developed outside the fields; of exploitation that imply the construction and assembly of infrastructure of conduction lines with diameters equal to or greater than six (6) inches (15.24 centimeters), except in those cases of new lines whose route is going to be carried out through rights of way or existing easements .

3. Liquid hydrocarbon delivery terminals, understood as the storage infrastructure associated with pipeline transportation.

4. The construction of refineries and petrochemical developments.

5. The construction of dams, dams or reservoirs.

6. The construction and operation of electric power generating plants.

7. Projects for the exploration and use of virtually polluting alternative energy sources with an installed capacity greater than ten (10) MW.

Paragraph transient. Added by art. 1, National Decree 2462 of 2018 <*The added text is the following*> In the cases that the competent environmental authorities have required the presentation of the Environmental Diagnosis of Alternatives (DAA) or

are in evaluation of the Environmental Diagnosis of Alternatives (DAA) of the projects of exploration and use of sources of virtually polluting alternative energy from solar, wind, geothermal and tidal energy, the respective environmental authorities at the request of the interested party, will terminate the administrative actions related to this environmental study.

8. The laying of new transmission lines of the National Transmission System.

9. Nuclear power generation projects.

10. The construction of ports.

11. The construction of airports.

12. The construction of highways, tunnels and other associated infrastructure of the national, secondary and tertiary road network.

13. The construction of second lanes.

14. The execution of works in the national river network, except deepening dredging.

15. The construction of railways and variants of these.

16. Projects that require transfer from one basin to another.

(Decree 2041 of 2014, art. 18).

ARTICLE 2.2.2.3.4.3. ***Basic content of the environmental diagnosis of alternatives.*** The environmental diagnosis of alternatives must be prepared in accordance with the General Methodology for the Presentation of Environmental Studies that this decree deals with and the terms of reference issued for this purpose and contain at least the following:

1. Objective, scope and description of the project, work or activity.

2. The general description of the alternatives for the location of the project, work or activity, characterizing the area of interest environmentally and identifying the areas of special management, as well as the characteristics of the social and economic environment for each alternative presented.

3. Information on the compatibility of the project with the land uses established in the Territorial Ordinance Plan or its equivalent. The foregoing, without prejudice to the provisions of Decree 2201 of 2003, or the rule that modifies or replaces it.

4. The identification and comparative analysis of the potential risks and effects on the environment; as well as the use and/or exploitation of the natural resources required for the different alternatives studied.

5. Identification of the communities and the mechanisms used to inform them about the project, work or activity.

6. An environmental cost-benefit analysis of the alternatives.

7. Selection and justification of the chosen alternative.

(Decree 2041 of 2014, art. 19).

ARTICLE 2.2.2.3.4.4. ***Criteria for the evaluation of the Environmental Diagnosis of Alternatives (DAA).*** The environmental authority will review the study based on the Manual of Environmental Studies of Projects of article 16 of this decree. Likewise, it will evaluate that the Environmental Diagnosis of Alternatives (DAA), complies with the provisions of this decree, and also that the interested party has presented for each of the project's alternatives, the corresponding comparative analysis of the environmental impacts, specifying which of these cannot be avoided or mitigated.

It must be reviewed and evaluated that the information of the diagnosis is relevant and sufficient for the selection of the best alternative of the project, and that it presents substantiated answers to the concerns and observations of the community.

Paragraph 1st. Added by art. 1st, National Decree 1585 of 2020 . < *The added text is the following* > The administrative act that chooses the alternative will be valid for three (3) years, counted from its final date. After this term, without the interested party filing the application for environmental licensing, the Environmental Authority will declare the loss of its validity in accordance with the rules provided in article 2.2.2.3.8.7. of this decree.

Paragraph 1ºA. transitory . Added by art. 1st, National Decree 1585 of 2020 . < *The added text is the following* > The provisions of Paragraph 1 of this rule will apply to the request procedures for Environmental Diagnosis of Alternatives that begin after its validity.

Paragraph 2nd. Added by art. 1st, National Decree 1585 of 2020 . < *The added text is the following* > If the interested party submits an Environmental License application with an alternative other than the one chosen in the administrative act of the Environmental Diagnosis of Alternatives, the Environmental Authority will not process the Environmental License application, and the interested party must request the start of a new process of Environmental Diagnosis of Alternatives.

(Decree 2041 of 2014, art. 20).

SECTION 5

ENVIRONMENT EFFECT INVESTIGATION

ARTICLE 2.2.2.3.5.1. ***From the Environmental Impact Study (EIA).*** The Environmental Impact Study (EIA) is the basic instrument for making decisions on projects, works or activities that require an environmental license and will be required in all cases in which it is required according to the law and these regulations. This study must be prepared in accordance with the General Methodology for the Presentation of Environmental Studies referred to in article 14 of this decree and the terms of reference issued for this purpose, which must include at least the following:

1. Project information, related to the location, infrastructure, project activities and other information considered pertinent.

2. Characterization of the area of influence of the project, for the abiotic, biotic and socioeconomic environments.

3. Demand for natural resources by the project; The information required for the request for permits related to the capture of surface water, discharges, occupation of riverbeds, use of construction materials, forestry use, collection of specimens of biological diversity for non-commercial purposes, atmospheric emissions, management of solid waste, exploration and exploitation of groundwater.

4. Information related to the evaluation of environmental impacts and risk analysis.

5. Environmental management zoning, defined for the project, work or activity for which the exclusion areas, the intervention areas with restrictions and the intervention areas are identified.

6. Economic evaluation of the positive and negative impacts of the project.

7. Environmental management plan of the project, expressed in terms of a management program, each one of them differentiated into projects and their implementation costs.

8. Follow-up and monitoring program for each of the abiotic, biotic and socioeconomic media.

9. Contingency plan for the construction and operation of the project; that includes action for spills, fires, leaks, emissions and/or discharges outside the permitted limits.

10. Dismantling and abandonment plan, which defines the final use of the land, the main management measures, restoration and morphological reconformation.

11. Corrected by art. 5, National Decree 1956 of 2015. <*The corrected numeral is as follows*> 1% investment plan, which includes the elements and costs considered to estimate the investment and the proposed investment projects, in accordance with the provisions of section 1, chapter 3, title 9, part 2, book 2 of this decree or rule that modifies, replaces or repeals it.

The original text was as follows:

11. Investment plan of 1%, which includes the elements and costs considered to estimate the investment and the proposal of investment projects, in accordance with the provisions of Decree 1900 of 2006 or the rule that modifies it, replaces it or repeal

12. Compensation plan for loss of biodiversity in accordance with the provisions of Resolution 1517 of August 31, 2012 or the one that modifies, replaces or repeals.

Paragraph 1. The Environmental Impact Study for hydrocarbon exploratory drilling activities must be carried out on the area of specific geological interest that is declared, being necessary to include in its scope, among other aspects, an analysis of the environmental sensitivity of the area of interest, the corridors of the access roads, surface installations of type wells, production tests and the transport in tank cars and/or pipelines of the generated fluids.

Paragraph 2nd. The Ministry of Environment and Sustainable Development will set the criteria that users must apply for the preparation of the economic evaluation of the positive and negative impacts of the project, work or activity based on the proposal presented by the National Environmental Licensing Authority (ANLA), before March 15, 2015.

The import activities dealt with in numerals 10-2 and 11 of the article referring to the Competence of the National Environmental Licensing Authority (ANLA) in this decree, must not present the economic evaluation dealt with in numeral 6 of the present article.

(Decree 2041 of 2014, art. 21).

Article 2.2.2.3.5.2. Criteria for the evaluation of the environmental impact study.

The competent environmental authority will evaluate the study based on the general criteria defined in the Project Environmental Studies Evaluation Manual. Likewise, it must verify that it complies with the object and content established in articles 14 and 21 of this decree; contains relevant and sufficient information about the identification and qualification of the impacts, specifying which of them cannot be avoided or mitigated; as well as the corresponding environmental management measures.

(Decree 2041 of 2014, art. 22).

SECTION 6

PROCESS FOR OBTAINING THE ENVIRONMENTAL LICENSE

ARTICLE 2.2.2.3.6.1. ***From the evaluation of the Environmental Diagnosis of Alternatives (DAA).*** In the cases contemplated in article 18 of this decree, the following procedure will be applied:

1. The person interested in obtaining an environmental license must make a written request addressed to the competent environmental authority, in which they will request that it be determined whether or not the project, work or activity requires the preparation and presentation of a Diagnosis.

Environment of Alternatives (DAA), enclosing for the effect, the description, the objective and scope of the project and its location by means of coordinates and plans.

Within fifteen (15) business days following the filing of the application, the environmental authority will rule, by official letter, on the need to present or not DAA, attaching the terms of reference for preparing the DAA or EIA, as the case may be. .

2. In case of requiring DAA, the interested party must file the study of what article 19 of this decree deals with, together with a copy of the identification document and the certificate of existence and legal representation, in case of being a legal entity. Once the information is received with all the required requirements, the competent environmental authority will immediately proceed to issue an administrative act to start the process of evaluating the Environmental Diagnosis of Alternatives (DAA), an act that will be communicated in the terms of Law 1437 of 2011 and will be published in the bulletin of the competent environmental authority, in the terms of article 70 of Law 99 of 1993.

Hydroelectric projects must submit a copy of the corresponding registration issued by the Mining-Energy Planning Unit (UPME); Likewise, the competent environmental authority will request from this entity a technical concept related to the energy potential of the different alternatives. In this case, the terms that the environmental authority has to decide will be suspended, while said entity makes and submits the respective pronouncement.

3. Once the administrative act to start the process has been issued, the competent environmental authority will evaluate the documentation presented, will check that the study meets the minimum requirements contained in the Environmental Studies Evaluation Manual and will visit the project when it deems it pertinent, to which will have fifteen (15) business days; the competent environmental authority may require the applicant, within the following three (3) business days and only once, the additional information that it considers pertinent to decide.

4. The petitioner will have a term of one (1) month to submit the required information, a term that may be extended by the competent environmental authority in an exceptional manner, until before the expiration of the term and for an equal term, upon request of the interested party. in accordance with the provisions of article 17 of Law 1437 of 2011 or the rule that modifies, replaces or repeals it.

In any case, the additional information provided by the applicant must be exclusively that required and may only be provided once. In the event that the applicant submits information that is different from that stated in the request or it is subject to supplements subsequent to that initially submitted, the competent environmental authority will not consider said information within the application evaluation process.

5. In the event that the applicant does not submit the information in the terms established in the previous paragraph, the environmental authority will order the file of the request for a pronouncement on the DAA and will return all the documentation provided, through an administrative act. which will be notified in the terms of the law.

6. Once the information has been provided by the interested party in the pronouncement on the DAA, the competent environmental authority will have ten (10) working days to evaluate the DAA, choose the alternative on which the corresponding Environmental Impact Study must be prepared and set the respective terms of reference, through an administrative act that will be notified in accordance with the provisions of Law 1437 of 2011 and will be published in the bulletin of the environmental authority in the terms of article 71 of Law 99 of 1993.

7. The appeals enshrined in Law 1437 of 2011 proceed against the decision by which a pronouncement on the DAA is made.

Paragraph. When the Environmental Diagnosis of Alternatives (DAA), does not meet the minimum requirements established in the Manual for the Evaluation of Environmental Studies adopted by the Ministry of Environment and Sustainable Development and the criteria set forth in this decree, the authority, through an administrative act, shall terminate the process and the applicant may submit a new application.

(Decree 2041 of 2014, art. 23).

ARTICLE 2.2.2.3.6.2. ***About the environmental license application and its requirements.*** In cases in which no statement is required on the enforceability of the Environmental Diagnosis of Alternatives (DAA) or once said procedure has been completed, the person interested in obtaining an environmental

license must file the environmental impact study referred to in the article 21 of this decree and attach the following documentation:

1. Unique Environmental License Form.

2. Plans that support the EIA, in accordance with the provisions of Resolution 1415 of 2012, which modifies and updates the Geographic Storage Model (Geodataba-se) or the one that replaces, modifies or repeals it.

3. Estimated cost of investment and operation of the project.

4. Power of attorney duly granted when acting through a proxy.

5. Proof of payment for the provision of the environmental license evaluation service. For applications filed with the ANLA, a self-assessment must be made prior to submitting the environmental license application. In the event that the user requires the liquidation made by the competent environmental authority for purposes of payment of the evaluation service, this must be requested at least fifteen (15) business days prior to the presentation of the environmental licensing application.

6. Identification document or certificate of existence and legal representation, in the case of legal entities.

7. Certificate from the Ministry of the Interior on the presence or absence of ethnic communities and the existence of collective territories in the project area in accordance with the provisions of the provisions related to the Interinstitutional Coordination Protocol for Prior Consultation.

8. Copy of the filing of the document required by the Colombian Institute of Anthropology and History (ICANH), through which the provisions of Law 1185 of 2008 are complied with.

9. Format approved by the competent environmental authority, for the preliminary verification of the documentation that makes up the environmental license application.

10. Repeal numeral 10 of article 24 of Decree 2041 of 2014, which refers to the "Certification of the Special Administrative Unit for the Management of Dispossessed Lands, in which it is indicated if an area of influence overlaps the area of influence of the project. macro-targeted and/or micro-targeted by said Unit, or if it has been requested for a particular inclusion in the registry of dispossessed or forcibly abandoned lands, which affects any of the properties.

(Decree 783 of 2015, art. 1).

Paragraph 1. Those interested in the execution of mining projects must submit a copy of the mining title and/or the mining concession contract duly granted and registered in the National Mining Registry. Likewise, those interested in the execution of hydrocarbon projects must submit a copy of the respective contract.

2nd paragraph. In the case of projects, works or activities under ANLA's jurisdiction, the applicant must also file a copy of the Environmental Impact Study with the respective regional environmental authorities. Proof of the previous filing must be submitted to the ANLA at the time of the environmental license application.

3rd paragraph. Environmental license applications for coal mining projects must include studies on the conditions of the mode of transportation from the coal mining site to the port of shipment thereof, in accordance with the provisions of Decree 3083 of 2007 or the rule that modifies or replaces it.

4th paragraph. In the case of hydrocarbon exploration and/or exploitation projects in which the hydraulic stimulation activity is intended to be carried out in the wells, the applicant must attach a concept from the National Hydrocarbons Agency (ANH), stating that said activity it will be executed in a conventional field and/or in an unconventional field.

(Decree 2041 of 2014, art. 24).

ARTICLE 2.2.2.3.6.3. ***From the evaluation of the environmental impact study.*** Once the environmental license application has been made, the following procedure will be completed:

1. As of the date of filing of the application with the fulfillment of the required requirements, the competent environmental authority will immediately proceed to issue the administrative act of initiation of the environmental license process, which will be communicated in the terms of Law 1437 of 2011 and will be published in the bulletin of the competent environmental authority in the terms of article 70 of Law 99 of 1993.

2. Once the administrative act to start the process has been issued, the competent environmental authority will evaluate that the environmental study presented meets the minimum requirements contained in the Manual for the Evaluation of Environmental Studies and will visit the project, when its nature requires it, within twenty (20) business days after the administrative act of initiation.

When the visit is not deemed pertinent or once the previous period has expired, the competent environmental authority will have ten (10) working days to hold a meeting in order to request the additional information that is considered pertinent once.

Said meeting will be convened by the competent environmental authority by official letter, which must be attended by at least the applicant, or legal representative in case of being a legal entity or its duly constituted attorney, and by the competent environmental authority must be attended by the official delegate for this purpose. Likewise, in cases of competence of the ANLA, it may convene said meeting to the Regional Autonomous Corporation(s), of Sustainable Development or the Large Urban Centers that are in the area of jurisdiction of the project, to rule on the use and exploitation of renewable natural resources. This will be the only scenario for the competent environmental authority to require additional information once that it considers necessary to decide, which will be reflected in the minutes.

Any decision adopted at this meeting will be notified verbally, and a precise record must be left through the minutes of the decisions adopted and the circumstances in which said decisions were notified. Likewise, against the decisions adopted at this meeting by the environmental authority, the reversal appeal will proceed, which must be resolved outright at the same meeting, leaving a record in the minutes.

Failure to attend this meeting by the applicant will not prevent it from being held, except when the petitioner requests it for just cause.

In cases of competence of the ANLA, the non-attendance at this meeting by the Regional Autonomous Corporation, Sustainable Development Corporation or Large Urban Centers convened will not prevent it from being held.

The petitioner will have a term of one (1) month to submit the required information; This term may be extended by the competent environmental authority in an exceptional manner, until before the expiration of the term and for an equal term, upon request of the interested party in accordance with the provisions of article 17 of Law 1437 of 2011 or the rule that it. modify, replace or repeal.

In any case, the additional information provided by the applicant must be exclusively that requested in the request made by the environmental authority and may only be provided once. In the event that the applicant submits information that is different from that contained in the requirement or it is subject to supplements after the initially delivered, the competent environmental authority will not consider said information within the evaluation process of the environmental license application. .

3. In the event that the applicant does not submit the information in the terms established in the previous numeral, the environmental authority will order the filing of the environmental license application and the return of all the documentation provided, through a reasoned administrative act that is will notify in the terms of the law.

4. Once the information is submitted by the applicant, the environmental authority will have ten (10) business days to request from other entities or authorities the technical concepts or pertinent information that must be sent within a period not exceeding twenty (20) business days.

During the process of requesting concepts to other authorities, the competent environmental authority must continue with the evaluation of the request.

5. Once the previous term expires, the environmental authority will have a maximum term of thirty (30) business days to issue the administrative act that declares that all the required information has been gathered, as well as to issue the resolution that grants or denies the environmental license. Such decision must be notified in accordance with the provisions of Law 1437 of 2011 and published in the bulletin of the environmental authority in the terms of article 71 of Law 99 of 1993.

6. The appeals enshrined in Law 1437 of 2011 proceed against the resolution by which the environmental license is granted or denied.

Paragraph 1. When charging for the evaluation service, the environmental authorities will take into account the calculation system and method established in article 96 of Law 633 of 2000 and its regulations.

2nd paragraph. In the case of projects, works or activities under the jurisdiction of the National Environmental Licensing Authority (ANLA), the environmental authority or authorities with jurisdiction in the area of the project where it is intended to make use and/or exploitation of renewable natural resources will have a maximum term of fifteen (15) business days, counted from the filing of the environmental impact study by the applicant, to issue the respective concept on them and send it to the ANLA.

Likewise, and in the event that the ANLA requires additional information related to the use and/or exploitation of renewable natural resources, the environmental authority or authorities with jurisdiction in the project area must issue the corresponding technical concept on the same in a maximum term of fifteen (15) business days counted from the filing of the additional information by the applicant.

When the environmental authorities referred to in this paragraph have not ruled once the term indicated above has expired, the ANLA will proceed to rule on the environmental license on the use and/or exploitation of renewable natural resources.

3rd paragraph. In the event that during the environmental licensing process, the holding of an environmental public hearing is requested or necessary in accordance with the provisions of article 72 of Law 99 of 1993 and this decree or the regulation that modifies it, substitute or repeal, the terms that you have the authority to decide will be suspended. This suspension will be counted from the date of fixing of the edict through which the public hearing is convened, until the issuance of the minutes of said hearing by the environmental authority.

4th paragraph. When the Environmental Impact Study (EIA) does not meet the minimum requirements of the Environmental Studies Assessment Manual, the environmental authority, through an administrative act, will terminate the process and the applicant may submit a new application.

5th paragraph. When the project, work or activity requires the subtraction of a forest reserve area or the lifting of a ban, the environmental authority may not apply numeral 5 of this article, until the applicant submits a copy of the administrative acts, through of which the subtraction or lifting of the ban is granted.

Paragraph 6. For hydroelectric projects, the competent environmental authority must request a concept from the Mining-Energy Planning Unit (UPME) regarding the energy potential of the project within the period established for requesting concepts from other entities.

Paragraph 7. In the event that by the date of the summons to the meeting referred to in numeral 2 of this article, third parties have been recognized in accordance with the provisions of article 70 of Law 99 of 1993, the environmental authority must communicate the minutes referred to in said number.

Paragraph 8th . Added by art. 2nd, National Decree 1585 of 2020 . < *The added text is the following* > The interested party in the environmental license application process must provide all the documents required in Decree number 1076 of 2015 and other

current regulations, including the protocolization of the prior consultation when appropriate.
However, if during the process of evaluating the Environmental Impact Study, the Environmental Authority considers it technically and legally necessary for the interested party to update the pronouncement of the Directorate of the National Prior Consultation Authority of the Ministry of the Interior (DANCP), on the origin prior consultation, the terms that the Environmental Authority has to decide will be suspended.
The Environmental Authority will not continue with the evaluation process, until the interested party submits the decision issued by the Directorate of the National Authority for Prior Consultation of the Ministry of the Interior (DANCP) related to the inadmissibility of the prior consultation or submits the protocolization prior consultation, when appropriate.
This suspension will start from the expiration of the term provided for in paragraph 7 of numeral 2 of this article and until the interested party submits the decision issued by the Directorate of the National Prior Consultation Authority of the Ministry of the Interior (DANCP) of non-adherence of prior consultation or the formalization of the Prior Consultation.
In any case, the period of suspension will not exceed eighteen (18) months, after which, without the provisions of this paragraph being met, the file will be archived.
In no case will the Environmental Authority grant an environmental license without the protocolization of the prior consultation when it proceeds.
Paragraph 8th A. transitory . Added by art. 2nd, National Decree 1585 of 2020 . < *The added text is the following* > The Environmental Authorities that, at the date of entry into force of Paragraph 8, have actions in progress, may suspend the terms that have the authority to decide, until the interested party submits the decision that on the matter, issue the Directorate of the National Authority for Prior Consultation of the Ministry of the Interior (DANCP) or submit the protocolization of the prior consultation, when appropriate. In any case, the period of suspension will not exceed eighteen (18) months, after which, without the provisions of this paragraph being met, the file will be archived.
(Decree 2041 of 2014, art. 25).

Article 2.2.2.3.6.3.A. Force majeure or fortuitous event . Added by art. 3rd, National Decree 1585 of 2020 . < *The added text is the following* > If in the processing of the procedures indicated in articles 2.2.2.3.6.3 and 2.2.2.3.8.1. of this Decree, situations that configure force majeure or fortuitous event arise, the Environmental Authority, ex officio or at the request of the interested party, may suspend or extend the respective terms.
The Environmental Authority will decide on the request within a maximum period of ten (10) days. Against the administrative act that decides on the force majeure or fortuitous event, the reversal appeal proceeds, which will be decided within a term of ten (10) days. The foregoing is without prejudice to the fact that the request is presented at the meeting of additional information, event in which the decision and the appeal will be resolved at the same meeting.
ARTICLE 2.2.2.3.6.4. *Project overlap*. The competent environmental authority may grant an environmental license to projects whose areas overlap with licensed projects, as long as the interested party in the project to be licensed demonstrates that these can coexist and also identifies the management and individual responsibility for the environmental impacts generated in the project. overlapping area.

For this purpose, the person interested in the project to be licensed must inform the environmental authority about the overlapping, who in turn must notify the holder of the environmental license object of the overlapping of such a situation so that they are aware of said situation and can make a statement to the respect in the terms of law.

(Decree 2041 of 2014, art. 26).

ARTICLE 2.2.2.3.6.5. ***Of the Autonomous Corporations of Sustainable Development.*** In development of the provisions of articles 34, 35 and 39 of Law 99 of 1993, for the granting of environmental licenses related to mining operations and the construction of road infrastructure, the Autonomous Corporations for Sustainable Development, referred to in the The aforementioned articles must, prior to granting, send to the National Environmental Licensing Authority (ANLA) the draft administrative act that decides on the viability of the project, together with the technical concept and the minutes in which it is brought to the attention of the Board of Directors. the project.

The National Environmental Licensing Authority (ANLA) within a maximum term of twenty (20) business days counted from its filing, must issue the corresponding concept of approval of the project so that it is taken into account by the environmental authority.

Once the aforementioned concept has been issued, the competent environmental authority must decide on the viability of the project in the terms of the provisions of numerals 5 and 6 of article 25 of this decree.

(Decree 2041 of 2014, art. 27).

ARTICLE 2.2.2.3.6.6. ***Content of the environmental license.*** The administrative act by virtue of which an environmental license is granted will contain:

1. The identification of the natural or legal person, public or private, to whom the execution or development of a project, work or activity is authorized, indicating the name or reason for the execution or development of a project, work or activity, indicating the name or company name, identity document and address.

2. The general purpose and location of the project, work or activity.

3. A summary of the environmental considerations and motivations that have been taken into account for the granting of the environmental license.

4. List of the different activities and works that are authorized with the environmental license.

5. The renewable natural resources that are authorized to be used, exploited and/or affected, as well as the conditions, prohibitions and requirements for their use.

6. The additional requirements, conditions and obligations to the submitted environmental management plan that the beneficiary of the environmental license must comply with during the construction, operation, maintenance, dismantling and abandonment and/or completion of the project, work or activity.

7. The obligation to publish the administrative act, in accordance with article 71 of Law 99 of 1993.

8. Others deemed by the competent environmental authority.

(Decree 2041 of 2014, art. 28).

SECTION 7

MODIFICATION, ASSIGNMENT, INTEGRATION, LOSS OF VALIDITY OF THE ENVIRONMENTAL LICENSE, AND CESSATION OF THE ENVIRONMENTAL LICENSING PROCESS

ARTICLE 2.2.2.3.7.1. ***Modification of the environmental license.*** The environmental license must be modified in the following cases:

1. When the holder of the environmental license intends to modify the project, work or activity in such a way that additional environmental impacts are generated to those already identified in the environmental license.

2. When the environmental license is granted, the use, exploitation or affectation of renewable natural resources, necessary or sufficient for the proper development and operation of the project, work or activity, is not contemplated.

3. When the intention is to vary the conditions of use, exploitation or affectation of a renewable natural resource, in such a way as to generate a greater impact on them with respect to what is enshrined in the environmental license.

4. When the owner of the project, work or activity requests to carry out the reduction of the licensed area or its expansion with areas adjoining the project.

5. When the project, work or activity changes competent environmental authority due to an adjustment in the volume of exploitation, depth, production, level of tension and other characteristics of the project.

6. When, as a result of the monitoring tasks, the authority identifies additional environmental impacts to those identified in the environmental studies and requires the licensee to adjust such studies.

7. When the areas subject to environmental licensing have not been intervened and these areas are returned to the competent authority by their owner.

8. When it is intended to integrate the environmental license with other environmental licenses.

9. In the case of existing hydrocarbon exploration and/or exploitation projects in conventional deposits that also intend to carry out hydrocarbon exploration and exploitation activities in unconventional deposits, as long as the project, work or activity is intended to be carried out in the same area and licensed and the owner is the same, otherwise it will require to advance the environmental licensing process that this decree deals with.

This numeral does not apply to projects that have an environmental management plan as a management and control instrument, in which case the corresponding environmental license must be obtained.

Paragraph 1. For those works that respond to minor modifications or normal adjustments within the ordinary course of the licensed activity and that do not imply new environmental impacts additional to those initially identified and dimensioned in the environmental impact study, the holder of the environmental license, will request through written and attaching the supporting information, the pronouncement of the competent environmental authority on the need or not to advance the process of modifying the environmental license, who will pronounce himself by official letter within a maximum term of twenty (20) business days.

The Ministry of Environment and Sustainable Development will indicate the cases in which it will not be required to advance the process of modifying the environmental license or its equivalent, for those works or activities considered minor changes or normal adjustment within the ordinary course of projects; Said regulation shall apply to all the competent environmental authorities.

In terms of minor changes or normal adjustments in transportation infrastructure projects, the regulations issued by the national government in compliance with the provisions of article 41 of Law 1682 of 2013 must be followed.

2nd paragraph. For the purposes of the provisions of numeral 5, the interested party must submit the request to the environmental authority of the project, who will send the file within ten (10) business days to the competent environmental authority in the modification so that it assumes the project in the state you are in.

3rd paragraph. When the modification consists of expanding the areas of the initially licensed project, a certificate from the Ministry of the Interior regarding the presence or absence of ethnic communities

and the existence of collective territories must be provided in accordance with the provisions of Decree 2613 of 2013.

(Decree 2041 of 2014, art. 29).

ARTICLE 2.2.2.3.7.2. ***Requirements for the modification of the environmental license.*** When it is intended to modify the environmental license, the following information must be presented and filed with the competent environmental authority:

1. Application signed by the license holder. In the event that the owner is a legal person, the request must be signed by the legal representative of the same or, failing that, by the duly constituted attorney.

2. The description of the work(s) or activity(ies) subject to modification; including plan and maps of the location, the cost of the modification and the justification.

3. The complement of the environmental impact study that contains the description and evaluation of the new environmental impacts, if any, and the proposed adjustment to the corresponding environmental management plan. The document must be presented in accordance with the General Methodology for the Presentation of Environmental Studies issued by the Ministry of Environment and Sustainable Development.

4. Proof of payment of the collection for the provision of services for the evaluation of the environmental studies of the project, work or activity. For applications filed with the National Authority for Environmental Licenses (ANLA), the self-assessment must be made prior to the request for modifications.

5. Copy of the proof of filing of the supplement to the environmental impact study before the respective environmental authority with jurisdiction in the area of direct influence of the project, in cases under the jurisdiction of the National Environmental Licensing Authority (ANLA), provided that it is of a petition that modifies the use, exploitation and/or affectation of renewable natural resources.

(Decree 2041 of 2014, art. 30).

SECTION 8

PROCESS FOR THE MODIFICATION OF THE ENVIRONMENTAL LICENSE

ARTICLE 2.2.2.3.8.1. ***Procedure:***

1. As of the filing date of the application with the fulfillment of the required requirements, the competent environmental authority will immediately proceed to issue the act of initiation of the environmental license modification process, which will be communicated in the terms of Law 1437 of 2011 and will be published in the bulletin of the competent environmental authority in the terms of article 70 of Law 99 of 1993.

2. Once the administrative act to initiate the modification process has been issued, the competent environmental authority will assess that the supplement to the submitted environmental study conforms to the minimum requirements contained in the Environmental Studies Assessment Manual and will visit the project when the nature of the study requires it, within fifteen (15) business days after the administrative act of initiation; when the visit is not considered pertinent or after the previous period has expired, the competent environmental authority will have five (5) business days to hold a meeting in order to request the additional information that is considered pertinent once.

Said meeting will be convened by the competent environmental authority by official letter, which must be attended by at least the applicant, or legal representative in case of being a legal entity or its duly constituted attorney, and by the competent environmental authority must be attended by the official delegate for this purpose. Likewise, in cases of competence of the ANLA, it may convene said meeting to the Regional Autonomous Corporation(s), of Sustainable Development or the Large Urban Centers that are in the area of jurisdiction of the project, to rule on the use and exploitation of renewable natural

resources. This will be the only scenario for the environmental authority to require additional information once that it considers necessary to decide, which will be reflected in the minutes.

Any decision adopted at this meeting will be notified verbally, and a precise record must be left through the minutes of the decisions adopted and the circumstances in which said decisions were notified. Likewise, against the decisions adopted at this meeting by the environmental authority, the reversal appeal will proceed, which must be resolved outright at the same meeting, leaving a record in the minutes.

Failure to attend this meeting by the applicant will not prevent it from being held, except when the petitioner requests it for just cause.

In the cases of competence of the ANLA, the non-attendance to this meeting by the Regional Autonomous Corporation, of Sustainable Development or Large Urban Centers summoned will not prevent the realization of the same.

The petitioner will have a term of one (1) month to submit the required information; This term may be extended by the environmental authority in an exceptional manner, until before the expiration of the term and for an equal term, upon request of the interested party in accordance with the provisions of article 17 of Law 1437 of 2011 or the rule that modifies it. replace or repeal.

In any case, the additional information provided by the applicant must be exclusively that requested in the request made by the environmental authority and may only be provided once. In the event that the applicant submits information that is different from that contained in the requirement or it is subject to supplements after the initially delivered, the competent environmental authority will not consider said information within the evaluation process of the request for modification of environmental license.

3. When the applicant does not submit the information in the terms established in the previous paragraph, the environmental authority will order the filing of the modification request and the return of all the documentation provided, through a reasoned administrative act that will be notified in the terms of the law.

4. Once the information has been submitted by the applicant, the environmental authority will have up to ten (10) additional business days to request technical concepts or pertinent information from other entities or authorities, which must be sent within a period not exceeding ten (10) days. business days.

During the process of requesting concepts to other authorities, the competent environmental authority must continue with the evaluation of the request.

5. Once the previous term has expired, the environmental authority will have a maximum term of twenty (20) business days to issue the administrative act that declares that information has been collected and the resolution or administrative act that grants or denies the modification of the environmental license. Such decision must be notified in accordance with the provisions of Law 1437 of 2011 and published under the terms of article 71 of Law 99 of 1993.

6. Against the resolution by which the modification of the environmental license is granted or denied, the resources established in Law 1437 of 2011 proceed.

Paragraph 1. In the case of projects, works or activities assigned to the ANLA, whose request for modification is related to the use and/or exploitation of renewable natural resources, the regional environmental authorities with jurisdiction in the area of influence of the project will have a term of maximum of ten (10) business days, counted from the filing of the environmental impact study supplement, to rule on the requested modification if there is room for them, for which the petitioner will submit the filing certificate destined for the aforementioned entity.

2nd paragraph. When the ANLA requires additional information related to the use and/or exploitation of renewable natural resources, the environmental authority or authorities with jurisdiction in the project area must issue the corresponding technical concept on the same, within a maximum term of seven (7) business days counted from the filing of the additional information by the applicant.

When the environmental authorities referred to in this paragraph have not ruled once the aforementioned term has expired, the ANLA will proceed to rule on the modification of the environmental license on the use and/or exploitation of renewable natural resources.

3rd paragraph. In the event that during the process of modifying the environmental license, the holding of an environmental public hearing is requested or necessary in accordance with the provisions of article 72 of Law 99 of 1993 and Decree 330 of 2007 or the regulation that modifies, replaces or repeals it, the terms that the competent environmental authority has to decide will be suspended. This suspension will be counted from the date of fixing of the edict through which the public hearing is convened, until the issuance of the minutes of said hearing by the environmental authority.

4th paragraph. When the supplement to the Environmental Impact Study (EIA) does not meet the minimum requirements of the Environmental Studies Evaluation Manual, the environmental authority, through an administrative act, will terminate the process and the applicant may submit a new application.

5th paragraph. When the modification of the project, work or activity requires the subtraction of a forest reserve area or the lifting of a ban, the environmental authority may not apply numeral 5 of this article, until the applicant submits a copy of the administrative acts, through which the subtraction or lifting of the ban is granted.

Paragraph 6. In the event that by the date of the summons to the meeting referred to in numeral 2 of this article, third parties have been recognized in accordance with the provisions of article 70 of Law 99 of 1993, the environmental authority must communicate the minutes referred to in said number.

Paragraph 7th. Added by art. 4th, National Decree 1585 of 2020 . < *The added text is the following* > The interested party in the environmental license modification request process must provide all the documents required in Decree number 1076 of 2015 and other current regulations, including the protocolization of the prior consultation when it proceeds.
However, if during the evaluation of the supplement to the Environmental Impact Study, the Environmental Authority considers it technically and legally necessary for the interested party to update the pronouncement of the Directorate of the National Prior Consultation Authority of the Ministry of the Interior (DANCP) on the origin of the consultation prior, the terms that the Environmental Authority has to decide will be suspended.
The Environmental Authority will not continue with the evaluation process, until the interested party submits the decision issued by the Directorate of the National Authority for Prior Consultation of the Ministry of the Interior (DANCP) related to the inadmissibility of the prior consultation or submits the protocolization prior consultation, when appropriate.
This suspension will start from the expiration of the period provided for in paragraph 6 of numeral 2 of this article and until the interested party submits the decision issued by the Directorate of the National Prior Consultation Authority of the Ministry of the Interior (DANCP) of non-adherence of prior consultation or the formalization of the Prior Consultation, when appropriate.
In any case, the period of suspension will not exceed eighteen (18) months, after which, without the provisions of this paragraph being met, the file will be archived.
In no case will the Environmental Authority modify the environmental license without the protocolization of the prior consultation when it proceeds.
Paragraph 7th A. Transient. Added by art. 4th, National Decree 1585 of 2020 . < *The added text is the following* > The Environmental Authorities that at the date of entry into force of paragraph 7 have actions that are in progress, may suspend the terms to decide on the modification of the environmental license, until the interested party

allege the decision on the matter issued by the Directorate of the National Prior Consultation Authority of the Ministry of the Interior (DANCP), or allege the protocolization of the prior consultation, when appropriate. In any case, the period of suspension will not exceed eighteen (18) months, after which, without the provisions of this paragraph being met, the file will be archived.
(Decree 2041 of 2014, art. 31).

ARTICLE 2.2.2.3.8.2. ***Procedure for modification in order to include new sources of materials.*** In accordance with the provisions of article 42 of Law 1682 of 2011, when new sources of materials are identified and required during the execution of a transportation infrastructure project, the procedure to be followed will be as follows:

1. As of the filing date of the application with the fulfillment of the required requirements, the competent environmental authority will immediately proceed to issue the act of initiation of the environmental license modification process, which will be communicated in the terms of the Law 1437 of 2011, and will be published in the bulletin of the competent environmental authority, under the terms of article 70 of Law 99 of 1993.

2. Once the administrative act of initiation of the procedure has been issued, the competent environmental authority will evaluate the documentation presented and will visit the project, when its nature requires it, within seven (7) business days after the administrative act of initiation; Once this term has expired, the environmental authority will have three (3) business days to hold a meeting in order to request the additional information considered pertinent once. Said meeting will be convened by the competent environmental authority by official letter, which must be attended by at least the applicant, or legal representative in case of being a legal entity or its duly constituted attorney, and by the competent environmental authority must be attended by the official delegate for this purpose. Likewise, in cases of competence of the ANLA, it may convene said meeting to the Regional Autonomous Corporation(s), of Sustainable Development or the Large Urban Centers that are in the area of jurisdiction of the project, to rule on the use and exploitation of renewable natural resources. This will be the only scenario for the environmental authority to require additional information once that it considers necessary to decide, which will be reflected in the minutes.

The petitioner will have a term of one (1) month to submit the required information, this term may be extended by the competent environmental authority, exceptionally, until before the expiration of the term and for an equal term, upon request of the interested party. in accordance with the provisions of article 17 of Law 1437 of 2011 or the rule that modifies, replaces or repeals it.

Any decision adopted at this meeting will be notified verbally, and a precise record must be left through the minutes of the decisions adopted and the circumstances in which said decisions were notified. Likewise, against the decisions adopted at this meeting by the environmental authority, the reversal appeal will proceed, which must be resolved outright at the same meeting, leaving a record in the minutes.

Failure to attend this meeting by the applicant will not prevent it from being held, except when the petitioner requests it for just cause.

In the cases of competence of the ANLA, the non-attendance to this meeting by the Regional Autonomous Corporation, of Sustainable Development or Large Urban Centers summoned will not prevent the realization of the same.

3. In the event that the applicant does not submit the information in the terms established in the previous paragraph, the environmental authority will order the file of the request for modification and the return of all the documentation provided, through a reasoned administrative act that will be notified. in the terms of the law.

In any case, the additional information provided by the applicant must be exclusively that requested in the request made by the environmental authority and may only be provided once. In the event that

information is submitted that is different from that stated in the requirement or is subject to supplements after the initially delivered, the competent environmental authority will not consider said information within the process of evaluating the license modification request. environmental.

4. Once the information is provided by the applicant, the environmental authority will have up to three (3) additional business days to request from other entities or authorities the technical concepts or pertinent information that must be sent within a period not exceeding seven (7) days. business days.

During the process of requesting concepts to other authorities, the competent environmental authority must continue with the evaluation of the request.

5. Once the previous term has expired, the competent environmental authority will have a maximum term of ten (10) business days to issue the act that declares that information has been gathered and the resolution or administrative act that grants or denies the modification of the environmental license. Such decision must be published under the terms of article 71 of Law 99 of 1993.

Paragraph 1. In the case of projects, works or activities assigned to the ANLA, whose request for modification is related to the use and/or exploitation of renewable natural resources, the regional environmental authorities with jurisdiction in the area of influence of the project will have a term of maximum of seven (7) business days, counted from the filing of the environmental impact study supplement, to rule on the requested modification if there is room for them, for which the petitioner will submit the filing certificate destined for the aforementioned entity.

Likewise, and when the ANLA requires additional information related to the use and/or exploitation of renewable natural resources, the environmental authority or authorities with jurisdiction in the project area must issue the corresponding technical concept on them, within a maximum term seven (7) business days counted from the filing of the additional information by the applicant.

In the event that the environmental authorities referred to in this paragraph have not ruled once the term indicated above has expired, the ANLA will proceed to rule on the modification of the environmental license on the use and/or exploitation of renewable natural resources. .

2nd paragraph. In the event that during the process of modifying the environmental license, the holding of an environmental public hearing is requested or necessary in accordance with the provisions of article 72 of Law 99 of 1993 and Decree 330 of 2007 or the regulation that modifies, replaces or repeals it, the terms that the competent environmental authority has to decide will be suspended. This suspension will be counted from the date of fixing of the edict through which the public hearing is convened, until the issuance of the minutes of said hearing by the environmental authority.

3rd paragraph. The competent environmental authority within seven (7) business days after the order of initiation may reject the complement of the environmental impact study through a reasoned administrative act, when the review of the complement of the EIA referred to in numeral 2 of this article concludes that it does not meet the minimum requirements of the Environmental Studies Evaluation Manual adopted by the Ministry of Environment and Sustainable Development. In this case, the process will be terminated and the applicant may submit a new application.

4th paragraph. When the modification of the project, work or activity requires the subtraction of a forest reserve area or the lifting of a ban, the environmental authority may not apply numeral 5 of this article, until the applicant submits a copy of the administrative acts, through which the subtraction or lifting of the ban is granted.

5th paragraph. In the event that by the date of the summons to the meeting referred to in numeral 2 of this article, third parties have been recognized in accordance with the provisions of article 70 of Law 99 of 1993, the environmental authority must communicate the minutes referred to in said number.

(Decree 2041 of 2014, art. 32).

ARTICLE 2.2.2.3.8.3. *Change of applicant*. During the process for granting the environmental license and at the request of the interested parties, there may be a change of applicant.

The change of applicant will not affect the processing of the environmental license.

(Decree 2041 of 2014, art. 33).

ARTICLE 2.2.2.3.8.4. ***Total or partial assignment of the environmental license.*** The beneficiary of the environmental license at any time may transfer it totally or partially, which implies the transfer of the rights and obligations derived from it.

In such cases, the transferor and the transferee will request the transfer in writing to the competent environmental authority, identifying whether it is a total or partial transfer and attaching for this purpose:

a) Copy of identification documents and certificates of existence and legal representation, in case of legal persons;

b) The transfer document through which the interested parties and the project, work or activity are identified;

c) For the purposes of the partial assignment of the environmental license, the assignor and the assignee must attach a document detailing each and every one of the rights and obligations of the environmental license and its administrative acts issued subsequently.

The environmental authority must rule on the assignment within thirty (30) business days following the receipt of the request through an administrative act and will issue the administrative acts that are necessary for this purpose.

In any of the aforementioned cases, the transferee will assume the rights and obligations derived from the administrative act or acts subject to total or partial transfer in the state in which they are found.

Paragraph 1. The partial assignment will only proceed when the obligations can be divided, which implies that the activities of the execution of the same have the character of divisible.

2nd paragraph. In the cases of mining and hydrocarbons, the administrative act in which the competent authority approves the assignment of the respective contract must be attached to the assignment request.

(Decree 2041 of 2014, art. 34).

ARTICLE 2.2.2.3.8.5. ***Integration of environmental licenses.*** The environmental license of a project, work or activity may be modified to integrate it with other environmental licenses, as long as the object of the projects to be integrated is the same, their areas are adjoining and they could have been carried out in the same procedure. In the case of mining projects, the provisions of the Mining Code must be observed.

The environmental licenses object of integration will form a single file.

Paragraph 1. In any case, when there are several holders of the administrative act resulting from the integration, they must state to the environmental authority that they are jointly and severally liable for compliance with the environmental obligations and conditions imposed for this purpose on the occasion of the integration.

2nd paragraph. The integration of environmental licenses will follow the same procedure that article 31 of this decree deals with.

(Decree 2041 of 2014, art. 35).

ARTICLE 2.2.2.3.8.6. ***Requirements for integration of environmental licenses.*** The holder(s) of the environmental licenses interested in the integration, who meet the conditions established in the previous article, must submit the following information to the competent environmental authority:

1. Proof of payment of the charge for the provision of services for the evaluation of the environmental studies of the project, work or activity. For applications filed with the ANLA, a self-assessment must be made prior to the application for integration, for which the sum of the costs of the projects to be integrated must be taken into account.

2. Identification document and certificates of existence and legal representation, in the case of legal entities, from one of the holders.

3. The environmental impact study that covers the projects, works or activities to be integrated, which must be presented in accordance with the General Methodology for the Presentation of Environmental Studies referred to in article 14 of this decree and contain at least the following information :

a) Identification of each of the environmental impacts present at the time of integration, as well as the cumulative environmental impacts on each of the natural resources used by the projects;

b) The new integrated environmental management plan, which covers the measures aimed at preventing, mitigating, correcting or compensating for the present environmental impacts, the cumulative ones and other impacts of the projects, works or activities to be integrated; as well as the monitoring and follow-up program and the integrated contingency plan;

c) The compliance status of the 1% investments, if applicable, and the compliance plan for pending activities;

d) The new integrated environmental management plan, which covers the measures aimed at preventing, mitigating, correcting or compensating for the present environmental impacts, the cumulative ones and other impacts of the projects, works or activities to be integrated; as well as the monitoring and follow-up program and the integrated contingency plan;

e) The description of the projects, works or activities including plans and location maps;

f) The identification of each one of the environmental permits, concessions or authorizations for the use of the renewable natural resources of the projects, works or activities, as well as their potential use in their integration;

g) In the case of mining projects, a copy of the administrative act through which the mining authority approves the integration of the mining areas and/or operations must be attached.

4. The obligations derived from the administrative acts, identifying those pending to be fulfilled and those fulfilled, enclosing for this purpose the respective support.

5. The identification of each one of the obligations derived from the administrative acts to be integrated together with the technical and legal support through which the integration of the same is justified.

(Decree 2041 of 2014, art. 36).

ARTICLE 2.2.2.3.8.7 . ***Loss of validity of the environmental license.*** The competent environmental authority may, through a reasoned resolution, declare the loss of validity of the environmental license, if after five (5) years from its execution, the construction of the project, work or activity has not started. This situation must be recorded in the act that grants the license.

For purposes of the declaration on the loss of validity, the environmental authority must previously require the interested party to report on the reasons why the work, project or activity has not started.

Within fifteen days (15) following the request, the interested party must report the reasons why the project, work or activity has not been started for its evaluation by the environmental authority.

In any case, provided that circumstances of force majeure or fortuitous event can be proven, the loss of validity of the license will not become effective.

(Decree 2041 of 2014, art. 37).

ARTICLE 2.2.2.3.8.8. ***Cessation of the environmental license process.*** The competent environmental authorities ex officio or at the request of the petitioner, will declare the cessation of the proceedings for the granting of an environmental license or for the establishment or imposition of an environmental management plan for projects, works or activities that, according to this decree, do not require said instruments. administrative management and environmental control, and will proceed to order the corresponding file.

The foregoing without prejudice to processing and obtaining the environmental permits, concessions or authorizations that may apply for the use and/or exploitation of renewable natural resources.

(Decree 2041 of 2014, art. 39).

ARTICLE 2.2.2.3.8.9. ***Of the modification, assignment, integration, loss of validity or the cessation of the process of the environmental management plan.*** For projects, works or activities that have an environmental management plan as an environmental management and control instrument established by the environmental authority, the same general rules established for environmental licenses in this title will apply. When the environmental management plan intends to include new areas for the development of activities related to the project and these activities are listed in articles 2.2.2.3.2.2 and 2.2.2.3.2.3 of this decree, the owner of the management plan environmental management must process the corresponding environmental license. For other activities, the owner may request the modification of the environmental management plan in order to include the new areas.

(Decree 2041 of 2014, art. 39).

SECTION 9

CONTROL AND FOLLOW UP

ARTICLE 2.2.2.3.9.1. ***Control and follow up.*** The projects, works or activities subject to an environmental license or environmental management plan, will be subject to control and monitoring by the environmental authorities, with the purpose of:

1. Verify the efficiency and effectiveness of the management measures implemented in relation to the environmental management plan, the follow-up and monitoring program, the contingency plan, as well as the dismantling and abandonment plan and the 1% investment plan. , if they apply.

2. Verify and demand compliance with all the terms, obligations and conditions derived from the environmental license or environmental management plan.

3. Corroborate the behavior of the biotic, abiotic and socioeconomic environments and of the natural resources against the development of the project.

4. Review the cumulative impacts generated by the projects, works or activities subject to an environmental license and located in the same area in accordance with the studies required of their owners for this purpose and impose on each of the projects the environmental restrictions that it considers in order to reduce the environmental impact in the area.

5. Verify compliance with environmental permits, concessions or authorizations for the use and/or utilization of renewable natural resources, authorized in the environmental license.

6. Verify compliance with the environmental regulations applicable to the project, work or activity.

7. Verify the facts and the environmental measures implemented to correct the environmental contingencies that have occurred.

8. Impose additional environmental measures to prevent, mitigate or correct environmental impacts not foreseen in the environmental studies of the project.

In the development of said management, the environmental authority may carry out, among other activities, visits to the place where the project is developed, make requirements, impose environmental

obligations, corroborate technically or through tests the results of the monitoring carried out by the beneficiary of the license. environment or environmental management plan.

In the case of projects that intend to start their construction phase, according to their nature, the environmental authority must carry out a first follow-up visit to the project no later than two (2) months after the start of construction activities.

9. Once the Environmental Compliance Reports (ICAs) have been submitted, the competent environmental authority must rule on them within a term not exceeding three (3) months.

Paragraph 1. The environmental authority that granted the environmental license or established the respective environmental management plan will be in charge of carrying out the control and monitoring of the authorized projects, works or activities.

In order to comply with the provisions of this paragraph, the environmental authorities must seek to strengthen their technical, administrative and operational capacity.

2nd paragraph. The scientific entities attached and linked to the Ministry of Environment and Sustainable Development may support the monitoring and control of projects at the request of the competent environmental authority.

3rd paragraph. When the project, work or activity, in compliance with the provisions of Law 1185 of 2008, had presented an Archaeological Management Plan, the control and monitoring of the activities described in it will be the responsibility of the Colombian Institute of Anthropology and History.

(Decree 2041 of 2014, art. 40).

ARTICLE 2.2.2.3.9.2. ***From the dismantling and abandonment phase.*** When a project, work or activity requires or must begin its dismantling and abandonment phase, the owner must submit to the competent environmental authority, at least three (3) months in advance, a study containing at least:

a) The identification of the environmental impacts present at the beginning of this phase;

b) The dismantling and abandonment plan; which will include the management measures for the area, the final restoration activities and other pending actions;

c) The plans and location maps of the infrastructure subject to dismantling and abandonment;

d) The obligations derived from the administrative acts, identifying those pending to be fulfilled and those fulfilled, enclosing for this purpose the respective support;

e) The costs of the activities for the implementation of the dismantling and abandonment phase and other pending obligations to be fulfilled.

The environmental authority, within a maximum term of one (1) month, will verify the status of the project and declare said phase to have begun through an administrative act, in which it will consider the executed obligations fulfilled and will impose the dismantling and abandonment plan that also includes compliance with outstanding obligations and final restoration activities.

Once this phase has been declared, the owner of the project, work or activity must submit, within the next five (5) business days, a policy that covers the costs of the activities described in the dismantling and abandonment plan, which must be constituted in favor of the competent environmental authority and whose renewal must be carried out annually and for three (3) more years after said phase is completed.

Those projects, works or activities that have a current policy or bank guarantee aimed at guaranteeing the financing of dismantling, final restoration and abandonment activities must not sign a new policy but must file a copy of it with the environmental authority. as long as the protection of the costs established in literal e) of this article is guaranteed.

Once this phase has been completed, the competent environmental authority must, through an administrative act, terminate the Environmental License.

Paragraph 1. The area of the environmental license in the dismantling and abandonment phase may be subject to environmental licensing for a new project, work or activity, as long as said situation does not interfere with the development of the aforementioned phase.

2nd paragraph. The owner of the project, work or activity must ensure that its dismantling and abandonment plan, in addition to the environmental requirements, contemplates what is required by the competent authorities in matters of mining and hydrocarbons in their respective specific dismantling, closure and abandonment plans.

(Decree 2041 of 2014, art. 41).

ARTICLE 2.2.2.3.9.3. ***Environmental contingencies.*** If during the execution of the projects, works, or activities subject to environmental licensing or environmental management plan, fires, spills, escapes, emission parameters and/or discharges outside the permitted limits or any other environmental contingency occur, the owner must execute all the necessary actions in order to put an end to the environmental contingency and inform the competent environmental authority in a term not exceeding twenty-four (24) hours.

The environmental authority will determine the need to verify the facts, the environmental measures implemented to correct the contingency and may impose additional measures if necessary.

The contingencies generated by spills of hydrocarbons, derivatives and harmful substances, will also be governed by the provisions of Decree 321 of 1999 or the rule that modifies or replaces it.

(Decree 2041 of 2014, art. 42).

ARTICLE 2.2.2.3.9.4. ***From the Project Environmental Monitoring Manual.*** For the monitoring of projects, works or activities subject to environmental license or environmental management plan, the environmental authorities will adopt the criteria defined in the Project Environmental Monitoring Manual issued by the Ministry of Environment and Sustainable Development.

(Decree 2041 of 2014, art. 43).

ARTICLE 2.2.2.3.9.5. ***The collection of the environmental monitoring service.*** The fee for the collection of the monitoring service for environmental licenses and environmental management plans will be set in accordance with the system and method of calculation indicated in the current regulations for the case, and the money collected for this concept will only be may allocate for the full performance of said function.

(Decree 2041 of 2014, art. 44).

ARTICLE 2.2.2.3.9.6. ***Of the commission of proceedings.*** The National Environmental Licensing Authority (ANLA) may commission the practice of tests and of the measures and diligences that are deemed necessary for the adequate fulfillment of the functions assigned by law and regulations to the environmental authorities.

Likewise, the Autonomous Regional and Sustainable Development Corporations may commission these proceedings in the municipalities, districts and metropolitan areas whose urban population exceeds one million inhabitants within their urban perimeter and in the environmental authorities created by Law 768 of 2002. .

(Decree 2041 of 2014, art. 45).

ARTICLE 2.2.2.3.9.7. ***Delegation between environmental authorities.*** The environmental authorities may delegate the function of environmental monitoring of environmental licenses and environmental management plans to other environmental authorities by entering into inter-administrative agreements within the framework of Law 489 of 1998 or the rule that modifies, replaces or repeals it. .

(Decree 2041 of 2014, art. 46).

SECTION 10

ACCESS TO ENVIRONMENTAL INFORMATION

ARTICLE 2.2.2.3.10.1. ***Of the Comprehensive Window of Environmental Procedures Online (VITAL).*** The Integral Window for Environmental Procedures Online (VITAL) is a centralized system with national coverage through which all administrative procedures for environmental licenses, environmental management plans, permits, concessions and environmental authorizations are directed and unified, as well as information on all the actors that participate in one way or another in it, which allows improving the efficiency and effectiveness of the institutional capacity in order to fulfill the essential purposes of the State.

The Single National Format for Environmental License Application will be available through the aforementioned application.

Ideam must, before October 15, 2015, implement and use the Comprehensive Window for Environmental Procedures Online (VITAL), whose administration will be in charge of the National Environmental Licensing Authority (ANLA).

Paragraph 1. The ANLA will communicate to the environmental authorities the environmental procedures, permits and authorizations that are available in the Single Window for Environmental Procedures online (VITAL), for which the environmental authorities will have a period of three (3) months counted from such communication, to start incorporating it.

2nd paragraph. Environmental authorities must develop dissemination strategies so that internal and external users of each authority make use of the tool.

(Decree 2041 of 2014, art. 47).

ARTICLE 2.2.2.3.10.2. ***From the Single Environmental Registry (RUA).*** The Ministry of the Environment and Sustainable Development will adopt, through an administrative act, the Protocols for the Monitoring and Follow-up of the Information Subsystem on the Use of Renewable Natural Resources in charge of Ideam for the different productive sectors, whose information capture and output tool is the Single Environmental Registry (RUA).

To the extent that the protocols for each sector are adopted, the holders of licenses or environmental management plans will periodically report the status of environmental compliance of their activities through the RUA. In the same way, the environmental authorities will carry out the environmental follow-up using this tool, insofar as it is applicable.

The Ministry of Environment and Sustainable Development must adopt the protocols for the energy, hydrocarbon and mining sectors, before October 15, 2015.

The information contained in the RUA will not need to be included in the Environmental Compliance Report.

(Decree 2041 of 2014, art. 48).

ARTICLE 2.2.2.3.10.3. ***Environmental information for decision making.*** The Institute of Hydrology, Meteorology and Environmental Studies (Ideam), must have environmental information available for decision-making and that has been generated as part of the studies and evaluation and monitoring activities within the environmental licensing process.

The environmental authorities must periodically provide the information they receive or generate on the matter themselves, in accordance with the guidelines established by Ideam.

Paragraph 1. IDEAM and ANLA will look for mechanisms to manage and have sufficient regional information or baseline information to establish an environmental zoning, duly validated and updated; The ANLA must make this information available to users on its web portal or through the SIAC portal. In

any case, the inputs for the baseline information must be provided by the IGAC in accordance with the provisions of CONPES 3762 of 2013 and by the members of the SIAC in accordance with the provisions of Resolution number 1484 of 2013 or the one that the modify, replace or repeal.

Likewise, any natural or legal person may provide geographic information and Ideam and ANLA must validate it in advance to make it available to users.

2nd paragraph. Once made available to users, the available information must be used by the applicant to prepare the environmental impact study, so it will not be necessary to incorporate it into the baseline of said study unless the competent environmental authority so requires. The competent environmental authority will use it to carry out the evaluation of the EIA.

The regional or baseline information that is published on the web portal must be updated by Ideam and ANLA, for the abiotic and biotic environments every five (5) years and for the socioeconomic environment every two (2) years.

(Decree 2041 of 2014, art. 49).

ARTICLE 2.2.2.3.10.4. ***Access to information.*** Any natural or legal person has the right to make a direct request for information in relation to the elements likely to produce contamination and the dangers that the use of said elements may cause to human health in accordance with article 16 of Law 23 of 1973. Said request must be answered within ten (10) business days. In addition, any person may invoke their right to be informed about the amount and use of financial resources, which are intended for the preservation of the environment.

(Decree 2041 of 2014, art. 50).

ARTICLE 2.2.2.3.10.5. ***Declaration of status of the procedure.*** Any person may request information on the status of a project, work or activity subject to an environmental license before the competent environmental authority, who will issue a certificate of the status of the procedure.

(Decree 2041 of 2014, art. 51).

SECTION 11

FINAL PROVISIONS

ARTICLE 2.2.2.3.11.1. ***Transitional regime.*** The transition regime will apply to projects, works or activities that are in the following cases:

1. The projects, works or activities that began the procedures for obtaining an environmental license or the establishment of an environmental management plan or modification thereof, will continue their process in accordance with the regulations in force at the time of their initiation.

Notwithstanding the applicants who initiated the procedures to obtain an environmental license, the establishment of an environmental management plan, and whose project, work or activity is not included in the list of activities described in articles 8 and 9 of this regulation, they may request the termination of the process from the competent environmental authority, as applicable.

2. The projects, works or activities, which in accordance with the regulations in force before the issuance of this decree, obtained the permits, concessions, licenses and other authorizations of an environmental nature that were required, will continue their activities subject to the terms, conditions and obligations indicated in the administrative acts thus issued.

3. The projects, works or activities that, by virtue of the provisions of this decree, are not the responsibility of the authorities that are currently aware of their evaluation or monitoring, must be immediately forwarded to the competent environmental authority for the purposes to which there is place. In any case, this remission may not exceed one (1) month.

Paragraph 1. In the aforementioned cases, the environmental authorities will continue to carry out the necessary control and monitoring activities, in order to determine compliance with environmental

regulations. In the same way, they may make periodic adjustments when necessary, establish through motivated administrative act the environmental management measures that are considered necessary and/or eliminate unnecessary ones.

2nd paragraph. The holders of environmental management plans may request the modification of this instrument before the competent environmental authority in order to include the necessary permits, authorizations and/or concessions for the use, exploitation and/or affectation of renewable natural resources. for the project, work or activity. In this case, the permits, authorizations and/or concessions for the use, exploitation and/or affectation of renewable natural resources will be included in the environmental management plan and their validity will begin from the expiration of the permits that are in force.

3rd paragraph. The environmental authorities that are in charge of animal husbandry projects that involve the management of species listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) must submit in no more than fifteen (15) days. business days, counted from the entry into force of this decree, the files containing the same destined for the ANLA who will assume them in the state in which they are found.

Paragraph 4 or . Added by art. 6, National Decree 1421 of 2016. *<The new text is as follows>* For the development of works and activities related to the operation of the gold benefit plants, the respective environmental license will be required by the competent environmental authority.

In accordance with the provisions of article 9 or Law 1658 of 2013, the location of gold benefit plants that use mercury and the burning of mercury and gold amalgam in areas of residential, commercial, institutional or recreational use is prohibited. , which will be called prohibited zones.

Failure to comply with the provisions of this paragraph will lead to the imposition of preventive and punitive measures enshrined in Law 1333 of 2009.
(Decree 2041 of 2014, art. 52).

CHAPTER 4

PUBLIC HEARINGS

SECTION 1

PUBLIC HEARINGS ON ENVIRONMENTAL LICENSES AND PERMITS

ARTICLE 2.2.2.4.1.1. *Object.* The purpose of the environmental public hearing is to make known to social organizations, the community in general, public and private entities the request for environmental licenses, permits or concessions, or the existence of a project, work or activity, the impacts that this may generate or generates and the management measures proposed or implemented to prevent, mitigate, correct and/or compensate said impacts; as well as receive opinions, information and documents provided by the community and other public or private entities.

(Decree 330 of 2007, art. 1).

ARTICLE 2.2.2.4.1.2. *Scope.* Opinions, information and documents will be received at the public hearing, which must be taken into account at the time of decision-making by the competent environmental authority. No decisions will be made during the public hearing. This participation mechanism does not exhaust the right of citizens to participate through other instruments in the corresponding administrative action.

Paragraph. The public hearing is not an instance of debate or discussion.

(Decree 330 of 2007, art. 2).

ARTICLE 2.2.2.4.1.3. *Chance.* The holding of an environmental public hearing shall proceed in the following cases:

a) In advance of the act that puts an end to the administrative action, either for the issuance or modification of the environmental license or the permits required for the use and/or exploitation of renewable natural resources;

b) During the execution of a project, work or activity, when the violation of the requirements, terms, conditions and obligations under which the license or environmental permit was granted is manifest.

(Decree 330 of 2007, art. 3).

ARTICLE 2.2.2.4.1.4. *Costs.* The costs for transportation and per diem expenses incurred by the competent environmental authorities by virtue of holding environmental public hearings will be borne by the person responsible for the execution or interested in the project, work or activity subject to a license, permit or environmental concession, for which the liquidation or re-liquidation of the environmental evaluation or monitoring services will be carried out, in accordance with the provisions of article 96 of Law 633 of 2000 and its regulations.

(Decree 330 of 2007, art. 4).

ARTICLE 2.2.2.4.1.5. *Request.* The holding of an environmental public hearing may be requested by the Attorney General of the Nation or the Delegate for Environmental and Agrarian Affairs, the Ombudsman, the Minister of Environment and Sustainable Development, the General Directors of the other environmental authorities, the governors , the mayors or at least one hundred (100) people or three (3) non-profit entities.

The request must be made to the environmental authority and contain the name and identification of the applicants, the address, the identification of the project, work or activity with respect to which the holding of the environmental public hearing is requested and the reasons for it.

During the procedure for the issuance or modification of an environmental license, permit or concession, the public hearing may only be held after the delivery of the environmental studies and/or documents required and the additional information requested. In this case, the request for celebration may be submitted even before the issuance of the administrative act through which it is resolved on the relevance or not of granting the environmental authorization that may take place.

If two or more requests for an environmental public hearing are received, related to the same license or permit, they will be processed jointly and the same public hearing will be convened, in which the subscribers of the different requests may intervene.

(Decree 330 of 2007, art. 5).

ARTICLE 2.2.2.4.1.6. *Evaluation of the request.* Within fifteen (15) business days following the presentation of the request to hold a public hearing, the competent environmental authority will rule on the relevance or not of calling it.

In the event that the requirements indicated in the previous article are not met, the competent environmental authority will deny the request. The foregoing does not prevent a new request from being submitted once the grounds that gave rise to said denial have been corrected.

When it is deemed pertinent to convene the holding of the public hearing, the procedure indicated in the following article will be followed.

Paragraph. In cases where a public hearing is requested during the follow-up, the environmental authority will evaluate the information provided by the applicant and will visit the project, work or activity. Likewise, the control entities will be invited to attend. Based on the foregoing, the relevance or otherwise of holding the public hearing will be determined.

(Decree 330 of 2007, art. 6).

ARTICLE 2.2.2.4.1.7. *Announcement.* The competent environmental authority will order the holding of the public hearing by reasoned administrative act; It will also convene it by edict, which must be issued

at least thirty (30) business days prior to the issuance of the administrative act through which the decision is made regarding the granting or not of the environmental license, permit or concession, or in the event of the alleged violation of the requirements, terms, conditions and obligations under which the environmental license or permit was granted.

The edict must contain:

1. Identification of the entities and the community of the municipality where the environmental public hearing is to be held.

2. Identification of the project, work or activity object of the request.

3. Identification of the natural or legal person interested in the environmental license or permit.

4. Date, place and time of celebration.

5. Call for those who wish to attend and/or intervene as speakers.

6. Place(s) where speakers can be registered.

7. Place(s) where the environmental studies will be available for consultation.

8. Date, place and time of at least one (1) informative meeting, for the cases of application for the granting or modification of an environmental license or permit.

The edict will be posted the day after its issuance and will remain posted for ten (10) business days in the General Secretariat or the unit that acts as its substitute for the entity that calls the hearing, within which it must be published in the bulletin of the respective entity, in a newspaper of national circulation at the expense of the interested party in the project, work or activity, and posted in the mayor's offices and ombudsmen of the municipalities located in the area of influence of the project, work or activity.

Likewise, the person interested in the project, work or activity, must at his own expense disseminate the content of the edict from its posting and until the day before the holding of the public hearing, through the radio, regional communication media. and local and on billboards that must be posted in public places of the respective municipality(ies).

In cases under the jurisdiction of the Ministry of Environment and Sustainable Development, the edict must also be established in the Legal Secretariats of the Regional Autonomous Corporations and other environmental authorities in whose jurisdiction the project, work or activity is intended to be carried out or is carried out.

Paragraph. The terms for substantively deciding the application for an environmental license or permit will be suspended from the date of fixing of the edict through which the public hearing is convened, until the day of its celebration.

(Decree 330 of 2007, art. 7).

ARTICLE 2.2.2.4.1.8. ***Availability of environmental studies.*** The applicant for the environmental license or permit shall make the environmental studies or the documents required for this purpose available to the interested parties for their consultation as of the publication of the edict and at least twenty (20) calendar days before the holding of the public hearing, in the general secretariat or the dependency that takes its place in the environmental authorities, mayors or municipal representatives in whose jurisdiction the project, work or activity is intended to be carried out or is carried out and on the web page of the environmental authority . At the end of this term, the environmental public hearing may be held.

Paragraph. In order to hold public hearings during the follow-up of environmental licenses or permits, in addition to complying with the foregoing, the environmental authority must make available to interested parties for consultation a copy of the administrative acts issued within the corresponding administrative action and that relate to the object of the hearing.

(Decree 330 of 2007, art. 8).

ARTICLE 2.2.2.4.1.9. *Briefing.* The informative meeting referred to in numeral 8 of article 7 of this decree, has the purpose of providing the communities by the environmental authority, more information on the scope and the rules under which they can participate in the public hearing and also , present by the interested party in the environmental license or permit, the project, the environmental impacts and the proposed management measures, in such a way that citizen participation is strengthened during the public hearing.

This meeting must be held at least ten (10) business days before the public hearing and may be attended by any person who so desires.

The informative meeting will be convened through radio and local communication media and on billboards that will be posted in public places in the respective jurisdiction.

(Decree 330 of 2007, art. 9).

ARTICLE 2.2.2.4.1.10. *Registrations.* Those interested in intervening in the public hearing must register with the general secretariat or the unit that acts as environmental authorities, mayors or municipal representatives, through the format that the Ministry of Environment and Sustainable Development will prepare for this purpose. In all cases, they must attach a document related to the purpose of the public hearing.

Paragraph. Persons interested in intervening in the public hearing may register from the posting of the edict referred to in this decree and up to three (3) business days prior to the date of its celebration.

(Decree 330 of 2007, art. 10).

ARTICLE 2.2.2.4.1.11. *Place of celebration.* It must be carried out at the headquarters of the competent environmental authority, the municipal mayor's office, auditoriums or in places located in the locality where the project, work or activity is to be carried out, which are easily accessible to the interested public.

In the case of linear projects, understood as those for the conduction of hydrocarbons, electrical transmission lines, road corridors and railway lines, up to two (2) public hearings may be held in places that are within the area of influence of the project. , in the opinion of the competent environmental authority.

(Decree 330 of 2007, art. 11).

ARTICLE 2.2.2.4.1.12. *Participants and interveners.* The environmental public hearing may be attended by any person who wishes to do so. However, only the following people may intervene:

Own right:

1. Legal representative of the competent environmental authority and other officials who are delegated or appointed for this purpose.

2. Representative(s) of the natural or legal persons who have requested the holding of the hearing.

3. Attorney General of the Nation, the Delegate Attorney for Environmental and Agrarian Affairs or the Environmental and Agrarian Judicial Attorneys or their delegates.

4. Ombudsman or his delegate.

5. Governor(s) of the department(s) where the project is located or is intended to be located, or their delegates.

6. Mayor(s) of the municipality(ies) or district(s) where the project is located or intended to be developed or their delegates.

7. Municipal or district personero or his delegate.

8. The representatives of the environmental authorities with jurisdiction in the site where the project, work or activity is developed or intended to be developed, or their delegates.

9. The directors of the scientific research institutes assigned and linked to the Ministry of Environment and Sustainable Development or their delegates.

10. The petitioner of the environmental license or permit.

The aforementioned people will not require prior registration. By prior registration:

1. Other public authorities.

2. Experts and community and/or environmental organizations.

3. Natural or legal persons.

(Decree 330 of 2007, art. 12).

ARTICLE 2.2.2.4.1.13. ***Installation and development.*** The environmental public hearing will be chaired by the representative of the competent environmental authority or by whomever he delegates, who in turn will act as moderator and appoint a Secretary.

The President will read the Agenda and will install the public hearing, indicating the purpose and scope of the citizen participation mechanism, the applicant(s), the project, work or activity and the internal regulations under which it will be developed.

Interventions will begin taking into account the people who can do so in their own right in accordance with the provisions of this decree and subsequently those registered. The President will establish the duration of the interventions, which will be strictly enforced.

Interventions must be made in a respectful manner and refer exclusively to the purpose of the hearing. Interpellations or interruptions of any kind during their development will not be allowed.

During the public hearing, the interveners may submit documents and evidence, which shall be delivered to the Secretary.

In the intervention of the interested party or beneficiary of the environmental license or permit, the project will be presented with emphasis on the identification of the impacts, the environmental management measures proposed or implemented and the procedures used for the participation of the community in the preparation of the studies. environmental and/or in the execution of the project.

The public hearing must be recorded in magnetic and/or audiovisual media.

Paragraph. In the public hearings that are carried out during the monitoring of the projects, works or activities subject to an environmental license or permit, the competent environmental authority will make a presentation of the actions taken during the corresponding administrative procedure.

(Decree 330 of 2007, art. 13).

ARTICLE 2.2.2.4.1.14. ***Termination.*** Once the Order of the Day has been exhausted, the President will end the environmental public hearing. Within five (5) business days following the holding of the public hearing, the competent environmental authority will draw up a record of the same, which will be signed by the President, in which the most important aspects exposed during its realization will be collected and They will be subject to analysis and evaluation expressly at the time of adopting the decision that may arise. The minutes of the environmental public hearing and the documents provided by the participants will form part of the respective file.

(Decree 330 of 2007, art. 14).

ARTICLE 2.2.2.4.1.15. ***Special situations.*** When the public hearing cannot be concluded on the day it was convened, it may be suspended and will continue the following day.

When situations occur that disturb or impede the normal development of the public hearing, the President may terminate it, leaving a written record.

In the event that the public hearing cannot be held, the head of the environmental authority or his delegate will record the reason why it could not be held, and an edict will be issued and set in which a new date will be set for its realization.

(Decree 330 of 2007, art. 15).

ARTICLE 2.2.2.4.1.16. ***Environmental management plans.*** The holding of public hearings requested for projects, works or activities subject to the establishment or imposition of environmental management plans shall be subject to the procedure indicated in this decree.

By virtue of the calling and holding of the environmental public hearing, the activities of the projects, works or activities subject to an environmental management plan that are in operation will not be suspended.

(Decree 330 of 2007, art. 16).

ARTICLE 2.2.2.4.1.17. ***Instructive.*** The Ministry of Environment and Sustainable Development will prepare instructions for the public hearings referred to herein, which will establish in detail the procedure that must be followed to advance them and facilitate their understanding.

(Decree 330 of 2007, art. 17).

CHAPTER 5

SECTION 1

IMPROVEMENT ACTIVITIES IN TRANSPORTATION INFRASTRUCTURE PROJECTS

ARTICLE 2.2.2.5.1. ***Object.*** The purpose of this chapter is to establish the list of improvement activities in transportation infrastructure projects, according to the studies prepared by the Ministries of Transportation and Environment and Sustainable Development, in coordination with the National Authority for Environmental Licenses:

(Decree 769 of 2014, art. 1).

SUBSECTION 1

A. LAND-ROAD MODE

ARTICLE 2.2.2.5.1.1. ***Land-Road mode.*** The activities listed below that are developed in existing infrastructure will not require an environmental license:

1. Construction of an additional lane to the existing roads and other works associated with this activity, as long as it does not imply the materialization of a second axis and remains within the right of way corresponding to each road category (primary, secondary, tertiary).

2. The adjustment of existing roads in accordance with the specifications established in Law 105 of 1993 or the one that modifies or replaces it and the current technical standards, of existing roads, rails, berms, bridges, pontoons and drainage works.

3. Geometric design adjustments and vertical or horizontal realignment, including cuts and/or fills for the construction of the third rail, as long as they do not imply the materialization of a new axis.

4. The adaptation, expansion, reinforcement, replacement of bridges, depressed structures and/or vehicular pontoons on existing roads.

5. The adaptation, reinforcement, replacement and/or construction of pedestrian bridges, depressed structures and/or pedestrian pontoons.

6. The adequacy and construction of transverse and longitudinal drainage and sub-drainage works.

7. The construction of berms.

8. The paving of roads including the placement and conformation of the sub-base, base and wearing course.

9. The installation, relocation and temporary operation of crushing plants for stone materials, asphalt or concrete production plants in the vicinity of the main works or the area of influence of the project, during the time the improvement activity is carried out. .

10. The installation and operation of temporary camps and associated infrastructure during the time the improvement activity is carried out.

11. The construction of protection works, containment, profiling and/or terracing of slopes.

12. The relocation, adaptation, expansion or construction of fixed weighing stations with parking areas.

13. The relocation, adaptation, expansion or construction of toll stations and operation control centers.

14. The construction of platforms, bike paths, bus stops.

15. The expansion or construction of central separators.

16. The construction of false tunnels on tracks, and at the entrance and exit of tunnels.

17. Construction of service corridors in tunnels.

18. Rectification, profiling and/or adaptation of the cross section of tunnels for the purpose of improving vehicular flow and in accordance with the specifications established in Law 105 of 1993 or that which modifies or replaces it. A rectification will not be considered, the extension of the cross section of the tunnel if the objective is the construction of new roads.

19. The installation of vertical and horizontal signaling, metal barriers and defenses.

20. The second lanes, as long as the provisions of the paragraph of this article are complied with.

Paragraph 1.- The construction of second lanes, the construction of tunnels with their accesses or the construction of highways including bridges and other infrastructure associated with it will require the issuance of the corresponding environmental license.

Paragraph 2.- Notwithstanding the previous paragraph, the second lanes may be considered as improvement activities, in those events in which the environmental authority so determines.

For this purpose, the owner must present to the competent environmental authority a document in which, according to the impacts that this may generate, justify the reasons why the execution of the same does not generate serious deterioration to the renewable natural resources or to the environment. environment or introduce considerable or notorious modifications to the landscape. The environmental authority within a maximum term of twenty (20) business days counted from the filing of the application must issue, by official letter, the corresponding pronouncement.

(Decree 769 of 2014, art. 1).

SUBSECTION 2

B. LAND-RAIL MODE

ARTICLE 2.2.2.5.2.1. *Ground-Rail mode.*

1 **.** Extension of railway lines and/or construction of lines parallel to the existing ones and other works associated with each other, provided that:

a) They are in the railway corridor;

b) They do not involve resettlement or relocation;

c) The respective environmental permits and authorizations are obtained from the competent authorities, for the disposal of the material derived from cuttings.

2. The adjustment of the railway lines to the specifications established in the Law and in the technical standards related to railway lines, bridges, pontoons, sidings and drainage works.

3. The adaptation, migration or expansion of the trail (distance between rails) and/or construction of third rails.

4. The rectification of geometric alignments (horizontal and/or vertical) of the railway lines.

5. The adequacy, expansion, reinforcement, replacement of bridges, depressed structures and/or pontoons on railways.

6. The adaptation, expansion, reinforcement, replacement and/or construction of pontoons, depressed structures and/or pedestrian bridges.

7. The adaptation, expansion, reinforcement, replacement or construction of transverse and longitudinal drainage and underdrainage works.

8. The adequacy and/or change of substructure (embankments, cuts, sub-base and placement of ballast).

9. The installation, relocation and temporary operation of crushing plants for stone materials, concrete production plants in the vicinity of the main works or the area of influence of the project, during the time the improvement activity is carried out.

10. The installation and operation of temporary camps and associated infrastructure during the time the improvement activity is carried out.

11. The construction of protection works, containment, profiling and/or terracing of slopes for railway lines.

12. The relocation, construction, adaptation and expansion of stations and/or control and service centers.

13. The construction of false tunnels in railway lines, and at the entrance and exit of tunnels.

14. Construction of service corridors in tunnels.

15. Rectification, profiling and/or adaptation of the cross section of tunnels for the purpose of improving the railway line. The extension of the cross section of the tunnel will not be considered a rectification, especially if the objective is the construction of lines parallel to the railway line.

16. The installation of vertical and horizontal signaling, metal barriers and defenses and overpasses.

17. The change of sleepers and/or rails from lower to higher weight or vice versa and/or updating of accessories.

18. The qualification of railways, understanding the qualification as the activity that is carried out to be able to reuse or operate a line that is inactive.

(Decree 769 of 2014, art. 1).

SUBSECTION 3

C. AQUATIC-RIVER MODE AND AQUATIC MODE OF PORT INFRASTRUCTURE

ARTICLE 2.2.2.5.3.1. *Aquatic-Fluvial Mode and Aquatic Port Infrastructure Mode*

I. Aquatic-Fluvial Mode

1. Navigation aids

2. River improvement dredging works.

3. The coatings and protections on the banks of the river, which do not constitute channeling.

4. The construction of submerged docks for the formation or fixation of the navigable channel.

Paragraph. For purposes of the aquatic-fluvial mode, it will be understood as:

1. Submerged dam: Structure perpendicular or longitudinal to the current, whose crest level does not exceed the water level of 50% of exceedance curves recorded at the closest limnimetric station, and whose purpose is to orient and direct summer flows, secondary channels towards a navigable channel while, in accordance with Law 1242 of 2008, it remains in the main channel. These structures must be designed to allow the transit of medium and high flows above their crown.

2. Secondary canal: It is the result of the temporary or permanent natural bifurcation of the flow within the channel of a river.

3. River improvement dredging: Hydraulic engineering work through which material is removed from the riverbed with the purpose of improving its navigability conditions, achieving an additional depth to that of service, up to 50% of the maximum depth found. in the section to intervene along the trough (talweg or deepest channel) recorded under a reference level of 95% of the level duration curve of the closest limnimetric station.

(Decree 769 of 2014, art. 1).

ARTICLE 2.2.2.5.3.2.

II: Water mode-port infrastructure

1. Works or activities that require improvement in constructed and/or intervened areas of ports, related to: The adequacy or construction of access roads to the project, the construction or improvement of administrative or port buildings, the construction of new facilities earmarked for the electrical system of the project, the construction of new yards or storage areas that do not involve the handling of solid bulk or support buildings, the improvement of the defense system, docking and mooring of docks and the construction of hydraulic and sanitary infrastructure, including pipes, accessories, works for handling drinking water and domestic waste.

(Decree 769 of 2014, art. 1).

SUBSECTION 4

D. AIR MODE

ARTICLE 2.2.2.5.4.1. ***Air Mode***

1. The remodeling, construction, relocation and/or expansion of terminals, control towers, SAR building, SEI building, fuel stations and other airside and groundside service buildings.

2. The remodeling, relocation and demarcation of runways.

3. Construction, expansion, adaptation, relocation and/or marking of platforms, turning platforms, taxiways, waiting parking areas, maintenance and ground services areas, jet protection areas, security areas and waiting points.

4. The placement of sub-bases, bases and/or pavements for runways, platforms, turning platforms, taxiways, waiting parking lots, holding points and runway axis displacement.

5. The construction and/or geometric correction of platforms, turning platforms, taxiways, waiting parking areas, security zones and waiting points within the perimeter of the airport.

6. The leveling of safety zones (RESAS and strips).

7. The expansion, relocation and/or modification of enclosures, roads, works of art, networks and other physical infrastructure works at airports or aeronautical stations.

8. Construction, expansion, relocation and/or improvement of wastewater, drinking and industrial treatment systems, including hydraulic and sanitary infrastructure.

9. The installation and infrastructure of radio aids, radars, stations, VOR/DME and other navigation and/or surveillance system aids.

Paragraph.- The activities listed in article 1 letter B. Land-Rail Mode, letter C. Aquatic-Fluvial and Port Infrastructure Mode- II Aquatic Mode- Port Infrastructure and letter D. Air Mode of this Decree, will be applicable in the areas or sections of the project in which the environmental license has not been necessary or do not have a valid environmental management instrument.

(Decree 769 of 2014, art. 1).

ARTICLE 2.2.2.5.4.2. ***Without environmental license.*** The activities listed are applicable to the areas or sections of projects that, according to current regulations, are not subject to the rules on environmental licensing.

Paragraph. In any case, when in particular and in the development of a specific infrastructure project, the owner considers that an activity can be considered an improvement, he must previously request a pronouncement from the National Environmental Licensing Authority (ANLA). For this purpose, the owner must submit a document in which, according to the impacts that the activity may generate, justify the reasons why the execution of the same does not generate serious deterioration to the renewable natural resources or the environment or introduce considerable modifications. or noticeable to the landscape.

The ANLA within thirty (30) days following receipt of the request will determine by official letter if the activity corresponds to an improvement.

(Decree 769 of 2014, art. 2).

ARTICLE 2.2.2.5.4.3. ***Environmental Guide Adaptation Program (PAGA).*** The interested party in the execution of the improvement activities listed in this decree, must apply the Environmental Guidelines for each subsector and prepare an Adaptation Program of the Environmental Guide (PAGA) which will contain at least:

1. Introduction;

2. Description of the activity including location plans or maps and their respective georeferencing;

3. Justification that the activity is included within those provided for in the first article of this Decree;

4. Area of Influence and Environmental Baseline (Abiotic, Biotic and Socioeconomic Characterization);

5. Identification and evaluation of Environmental Impacts;

6. Environmental Management Programs;

7. Execution Schedule;

8. Required Environmental Permits;

9. Budget, and

10. Contingency Plan.

(Decree 769 of 2014, art. 3).

ARTICLE 2.2.2.5.4.4. ***National System of Protected Areas.*** When the improvement activities listed in this decree are intended to be carried out within the public protected areas that make up the National System of Protected Areas (SINAP) or the buffer zones of the System of National Natural Parks duly

delimited, it must be processed and Obtain the corresponding environmental license, within the framework of the permitted activities.

(Decree 769 of 2014, art. 4).

ARTICLE 2.2.2.5.4.5. ***Environmental permits, concessions or authorizations.*** In the event that for the execution of the improvement activities listed in this decree, the use, exploitation and/or affectation of renewable natural resources is required, the interested party must previously process and obtain the respective permit, concession or authorization. according to current environmental regulations.

Likewise, when the activity is covered by a permit, concession or authorization, the modification thereof must be processed and previously obtained, when appropriate.

In any case, the environmental authorities may not demand, establish or impose environmental licenses, environmental management plans or their equivalents to the activities listed in this decree.

(Decree 769 of 2014, art. 5).

ARTICLE 2.2.2.5.4.6. ***Environmental procedures.*** In the event that, for the execution of the improvement activities listed in this decree, the process of subtraction and/or lifting of the ban is required, these must be processed and obtained from the environmental authority.

(Decree 769 of 2014, art. 6).

CHAPTER 6

LIST OF MINOR CHANGES OR NORMAL ADJUSTMENTS IN PROJECTS IN THE TRANSPORTATION INFRASTRUCTURE SECTOR

SECTION 1

ARTICLE 2.2.2.6.1.1. ***Object.*** Establish the list of activities considered minor modifications or normal adjustment within the ordinary business of projects subject to Environmental License or Environmental Management Plan for the transport infrastructure sector, in all its modes, which will not require advance processing of modification of the Environmental License or the Environmental Management Plan as stated for each mode, according to the studies prepared by the Ministries of Transport and Environment and Sustainable Development, prior concept of the National Authority of Environmental Licenses.

Minor changes are understood as minor modifications or normal adjustments within the ordinary course of the licensed activity, which do not imply new environmental impacts.

The minor changes correspond to those activities that meet all the conditions established below:

i) Be located within the corridor or licensed area;

ii) They do not imply new impacts or with a greater degree of importance than those initially identified in the Environmental Impact Study;

iii) Do not imply changes in environmental permits;

iv) Do not imply permanent variations to the obligations, requirements, restrictions and prohibitions established in the Environmental License, Environmental Management Plan or other Environmental Management and Control Instruments;

v) That the management measures have been contemplated for the execution of the activities proposed in the environmental studies presented within the framework of the different management instruments, and

vi) Do not involve additional risks to those initially identified or changes in the contingency plan;

vii) Do not involve interventions on beaches, mangroves, corals and/or seagrasses, which are additional and/or different from those already identified and authorized.

PARAGRAPH. The activities that are related in this decree, comply with the conditions set forth in this article, and therefore, will not require any additional assessment or pronouncements from the environmental authorities. The foregoing, without prejudice to the powers of inspection, surveillance and control of said authorities.

(Decree 770 of 2014, art. 1).

ARTICLE 2.2.2.6.1.2. ***Common minor changes to two or more modes.*** The following are minor changes:

1. Donation of surplus material from the transportation infrastructure works, in areas located on properties other than those contained in the Environmental License, as long as these have the authorizations and permits of the competent environmental authority and in compliance with article 59 of Law 1682 of 2013.

2. Water supply through private, municipal and/or village aqueducts, as long as they are available for supply according to the flow granted and the destination of the resource that the respective water concession allows.

3. The use of leftover material for road maintenance, as long as there is permission from local authorities and/or property owners, when applicable.

4. Adjustment or modification of the water collection point, as long as they are carried out within the homogeneous section of licensed collection.

5. Corrected by art. 6, National Decree 1956 of 2015. <*The corrected text is the following*> Adjustment or modification of the licensed dumping point, as long as the assimilation capacity of the receiving body for the polluting load of the dumping is maintained and the uses downstream of the point are not affected. The foregoing in accordance with the provisions of title 3, part 2, book 2.

The original text was as follows:

5. Adjustment or modification of the licensed discharge point, as long as the assimilation capacity of the receiving body for the pollutant load of the discharge is maintained and the uses downstream of the point are not affected. The foregoing in accordance with the provisions of Decree 3930 of 2010.

6. Addition of materials subject to exploitation included within the temporary use as long as:

a) They are within the licensed polygon;

b) Do not modify the daily operating capacity;

c) Does not imply a change in the competence of the authority that granted the environmental authorization.

7. Changes associated with the use of new materials and/or construction and/or operational methods for land and air modes.

8. Change of suppliers of construction materials as long as the new supplier has all the environmental permits and licenses associated with the exploitation of non-renewable natural resources, such as aggregates and granular material.

(Decree 770 of 2014, art. 2).

ARTICLE 2.2.2.6.1.3. ***Land-road mode.*** The following are minor changes:

1. Construction of an additional lane to the existing roads and other works associated with this activity, as long as it does not imply the materialization of a second axis and remains within the right of way corresponding to each road category (primary, secondary, tertiary).

2. Vertical or horizontal realignment, including cuts and/or fills for the construction of the third lane, as long as it does not imply the materialization of a new axis and remains within the right of way corresponding to each road category (primary, secondary and tertiary).).

3. Changes in the location of camps and associated infrastructure as long as they are within the licensed areas. They may include the modification of the concessioned water conduction systems or of the authorized discharge conduction systems.

4. Use of authorized material extraction zones as Excavation Surplus Material Disposal Zones (ZODMEs) that do not entail the expansion of the licensed area for material extraction, as long as they maintain:

a) The withdrawal zones of the bodies of water;

b) The licensed conditions associated with the management of geotechnical and morphological stability;

c) Conditions associated with water management and recovery and abandonment plan. The foregoing does not apply to the extraction zones in the beds of water sources.

5. Disposal of surplus material from the project in quarries located outside the licensed area that are in the process of morphological restoration, recovery or abandonment, as provided by the environmental authorities, in compliance with the restoration plan.

6. Change of authorized volumes or expansion of Excavation Excess Material Disposal Zones (ZODMEs) as long as its expansion is within the licensed polygon.

7. Changes in the domestic and industrial wastewater treatment systems, as long as no new areas are intervened and these changes guarantee the efficiencies necessary to comply with current environmental regulations and the assimilation capacity of the receiving body is maintained.

8. Changes in the receiver and/or systems or treatment facilities for ordinary, hospital or hazardous solid waste, only in the event that the management of these solid wastes is authorized to be developed by a third party and has environmental permits. required.

9. Installation, relocation and temporary operation of asphalt or concrete production plants, in the vicinity of tunnels, viaducts, areas or buildings for operation and right of way, as long as it remains within the limits of the noise standard and air quality.

10. The installation, relocation and temporary operation of crushing plants for stone materials in the vicinity of tunnels, viaducts, areas or buildings for operation and right of way, in the event that the emission permit granted through the environmental license has contemplated the modeling for the entire corridor and as long as the limits of the noise and air quality standard are maintained.

11. Modification, construction and relocation of pontoons and transverse or longitudinal drainage and sub-drainage works.

12. Change in the hydraulic area required to carry out works at river crossings (bridges, pontoons, culverts and box culverts, among others) without reducing the hydraulic capacity and respecting what is established in the design manual of the National Institute of Roads or the let him do his times.

13. Use of lateral loan materials for embankments, separators and other works in which said material can be used, as long as they are within the right of way along the licensed corridor.

14. Modification of the technical specifications in dimensions, materials and procedures.

15. Longitudinal relocation of drainage management works, as well as those associated with realignment (culverts, box culverts, among others).

16. Installation and/or relocation of wildlife crossings.

17. Change of sites for forest compensation, within the provisions of the compensation manual or the one that takes its place.

18. Relocation, expansion, adaptation, reinforcement, replacement or construction of pedestrian bridges, depressed structures and/or walkways.

19. Relocation, adaptation, expansion or construction of fixed weighing stations with parking areas.

20. Construction of Operation Control Centers (CCO).

21. Construction and/or relocation of returns that do not involve populations.

22. Construction and/or relocation of toll stations.

(Decree 770 of 2014, art. 3).

ARTICLE 2.2.2.6.1.4. ***Land-rail mode.*** The following are minor changes:

1. Expansion of railway lines and/or construction of lines parallel to the existing ones and other works associated with each other, provided that the activity:

a) They are in the licensed corridor;

b) Do not pass through populated centers;

c) They do not involve resettlement or relocation;

d) Does not involve the construction of tunnels;

e) If cuts are made, they do not generate impacts in areas of springs and their surrounding area, depletion of water due to deconfinement of aquifers, and/or destabilization of rock masses;

f) Do not fill in wetlands and/or morichales and estuaries.

2. Geometric design adjustments in the construction of roads and bridges within the licensed corridor.

3. Changes in the location of camps and associated infrastructure as long as they are within the licensed areas. They may include the modification of the concessioned water conduction systems or of the authorized discharge conduction systems.

4. Change of authorized volumes or expansion of Excavation Excess Material Disposal Zones (ZODMEs) as long as their expansion is within the licensed polygon.

5. Changes in the domestic and industrial wastewater treatment systems, as long as no new areas are intervened and these changes guarantee the efficiencies necessary to comply with current environmental regulations and the assimilation capacity of the receiving body is maintained.

6. Changes in the receiver and/or systems or treatment facilities for ordinary, hospital or hazardous solid waste, only in the event that solid waste management is authorized to be developed by a third party and has the required environmental permits. .

7. Installation, relocation and temporary operation of asphalt or concrete production plants, in the vicinity of tunnels, viaducts, areas or buildings for operation and right of way, as long as it remains within the limits of the noise standard and air quality.

8. The installation, relocation and temporary operation of crushing plants for stone materials in the vicinity of tunnels, viaducts, areas or buildings for operation and right of way, in the event that the emission permit granted through the environmental license has contemplated the modeling for the entire corridor, and as long as it remains within the limits of the noise and air quality standard.

9. Maintenance and recovery of roads (highways) associated with the project that present damage or deterioration and require their rehabilitation, during the construction and/or operation phase of the project.

10. Recovery and construction of pontoons, works of art and hydraulic works that do not involve the intervention of areas other than those defined in the license or environmental management plan.

11. Use of lateral loan materials for embankments as long as they are within the right of way along the licensed railway corridor.

12. Change in the hydraulic section required to carry out works at river crossings (bridges, pontoons, culverts and box culverts, among others) without reducing the hydraulic capacity.

13. Modification of detailed designs of works (bridges, pontoons, foundations, accesses, works of art, among others) within the licensed railway corridor.

14. Temporary stockpiles, for periods of up to a maximum of fifteen (15) days, for construction materials, as long as it does not obstruct accesses or homes.

15. Installation and/or relocation of wildlife crossings.

16. Change of sites for forest compensation, within the provisions of the compensation manual or the one that takes its place.

17. The use of sources of materials that have mining titles and environmental licenses issued by the competent authorities.

18. Relocation or construction of pedestrian bridges, depressed structures and/or walkways.

19. Adequacy of intersections at national, departmental or municipal crossings.

20. Construction of stations and their associated infrastructure when they are within the right of way along the licensed railway corridor.

21. Construction of hydraulic works (including protection works), roadways, accessory works and slope stabilization.

22. Construction of elevated and/or depressed steps for pedestrian use, as long as the safety conditions for their use are guaranteed.

23. Rehabilitation or preventive and corrective maintenance or changes in architectural designs at railway stations.

24. Rehabilitation and maintenance of drainage works within the right of way of the railway line.

25. The qualification of existing railways, understanding the qualification as the activity that is carried out to be able to reuse or operate a line that is inactive.

(Decree 770 of 2014, art. 4).

ARTICLE 2.2.2.6.1.5. ***Aquatic-fluvial, maritime and port infrastructure mode.*** They are, among others, the following:

A. Aquatic-river mode

1. Adjustments in the location and/or dimensions of spurs, provided that:

a) Do not increase the initial narrowing ratio of the channel;

b) Do not modify the original shore recovery line;

c) They are within the zone characterized environmentally and approved for the development of the project;

d) Keep the purpose for which it was approved.

2. Adjustments in the location and/or dimensions of the licensed works of channel rectification projects, channel diversion, closure of arms, meanders and madreviejas, as long as:

a) They are located within the environmentally characterized zones, and approved for the development of the project;

b) Keep the objective for which it was approved;

c) Do not alter the hydro-sedimentological regime.

3. Increase in the authorized volume of deepening dredging in navigable channels and in delta areas, maintaining the technical specifications of the channel defined in the environmental license, as long as:

a) The authorized dump or dumps have the capacity to receive the material resulting from the dredging;

b) The bed materials that are removed do not contain contaminated materials;

c) Areas of beaches, mangroves, corals and/or seagrasses additional to those initially identified are not affected.

B. Aquatic-maritime mode

1. Increase in the authorized volume of deepening dredging in navigable channels, maintaining the technical specifications of the channel defined in the environmental license, as long as:

a) The authorized dump or dumps have the capacity to receive the material resulting from the dredging;

b) That the bed materials to be removed do not contain contaminated materials;

c) Areas of beaches, mangroves, corals and/or seagrasses, in addition to those initially identified, are not affected.

2. Adjustments in the location and/or dimensions of the constituent elements of hard works and regeneration of dunes and beaches within the licensed area, as long as the result of the modeling of the adjustments does not show affectations in relation to the hydro-sedimentological behavior in the area of influence.

C. Aquatic Mode (river and sea)- Port infrastructure

1. Increase in the authorized volume of dredging of approach channels, maneuvering areas, docking areas for port terminals, maintaining the technical specifications of the channel defined in the environmental license, as long as:

a) The authorized dump or dumps have the capacity to receive the material resulting from the dredging;

b) The bed materials that are removed do not contain contaminated materials;

c) Water patrol areas, the bed of the body of water, beaches, mangroves, corals and/or seagrasses, in addition to those initially identified, are not affected.

2. Works or activities for the construction and operation of ports that require design changes in licensed areas, whether they are built and/or intervened or under construction, as long as they do not involve the construction of new access roads.

Said works or activities correspond to:

a) Rehabilitation and/or modification of specifications or alignment of internal roads and/or existing access roads to the project;

b) Rehabilitation and/or modification of specifications or alignment of internal railways of the project;

c) Change in the layout of pipelines and gas pipelines within the project area, located in land area;

d) Redesign, relocation or redistribution of buildings, administrative reception and/or storage areas, as long as it does not involve solid bulk storage areas;

e) Construction of facilities for the electrical system of the project;

f) Demolition of pavements, warehouses and/or buildings;

g) Rehabilitation and/or repairs to the dock defense system;

h) Constructive adjustments to piers, piers, marinas and docking systems that are part of a port terminal and that do not modify the hydro-sedimentological behavior of the body of water where the pier is built;

i) Changes of mooring elements in docks such as bitts or bollards; j) Repairs and/or preventive maintenance of the dock;

k) Maintenance of marginal protection elements under the dock;

l) Relocation and/or redistribution of the hydraulic and sanitary infrastructure, including pipes, accessories, works for the management of drinking and domestic residual water;

m) Changes in domestic wastewater treatment systems, as long as no new areas are intervened and these changes guarantee the necessary efficiencies for compliance with current environmental regulations and the assimilation capacity of the receiving body is maintained;

n) Maintenance dredging of channels and maneuvering areas for port terminals, as long as the dumps are sufficient for the material to be dredged and no mangroves, corals or seagrasses are intervened.

(Decree 770 of 2014, art. 5).

ARTICLE 2.2.2.6.1.6. *Air mode.* The following are minor changes:

1. Construction, remodeling, relocation, expansion and/or demolition of terminals, control towers, the Aeronautical Rescue Service (SAR) building, the Fire Extinction Service (SEI) building, and other airside and groundside service buildings.

2. Remodeling, relocation, demarcation and/or expansion of platforms, taxiways, turning platform, waiting parking spaces, security zones (Runway End and Safety Area (RESA), strips), jet protection areas and checkpoints. waiting, aircraft maintenance areas and ground services, within the licensed area.

3. Construction, expansion, relocation and/or improvement of wastewater treatment systems, as long as areas other than those licensed are not intervened and these changes guarantee the necessary efficiencies for compliance with current environmental regulations and the capacity of assimilation of the receiving body.

4. Rehabilitation of roads and perimeter fences.

5. The expansion, relocation and/or modification of enclosures, roads, works of art, networks and other physical infrastructure works at airports or aeronautical stations.

6. Extension of tracks, as long as:

a) Natural water sources are not affected;

b) Compliance with the provisions of the noise regulations for the construction and operation stage and with the provisions of the environmental control and management instrument.

7. Expansion of the radar network.

8. Minor works in modernization and expansion: refers to civil, architectural and physical infrastructure works, whose purpose is to update and/or expand the existing infrastructure without implying the construction of stations or fuel storage. These works include:

a) Architectural works:

i) Remodeling or updating of technology or areas of passenger and cargo terminals or complementary buildings in airports for airside or landside use; ii) Remodeling or updating of technology or areas of buildings for aeronautical use: control towers, Fire Department buildings, Air Rescue Service Buildings, Navigation Surveillance Control or Management Centers, surface radars, weather stations, equipment; iii) Remodeling or improvement of urban planning such as: roads, internal or external parking lots within the airport area, or improvement of roads or unpaved roads.

b) Civil works:

i) Remodeling or updating of channels, surface or subsurface drainage, grease traps, sand traps, complementary to drainage works, box, scraping, glue;

ii) Remodeling of platforms, taxiways and runways, etc., corresponding to structural improvements, improvements in rolling folders, minor enlargements of cross sections;

iii) Improvements or updating of leveling and sections of runway strip zones, taxiway strips, runway shoulders and taxiways, apron safety zones;

iv) Remodeling or updating of airport facilities: area for airport authorities and services.

Remodeling required by aerodrome certification requirement at international airports.

c) Physical infrastructure

i) Remodeling or updating sewage or rainwater sewage networks, oxidation pool systems, sinks and their complementary infrastructure; ii) Remodeling or updating of aqueduct networks, fire-fighting network, water storage tanks, fire-fighting systems and their complementary infrastructure; iii) Remodeling or updating of energy systems, electrical points, loads, stations, substations, networks, ups, relays, transformers for the airside system and the groundside system.

9. Construction of new taxiways (aircraft stand access lanes, apron taxiways and rapid exit taxiways) and expansion of taxiways (aircraft stand access lanes, taxiways on apron and quick exit lanes).

10. Construction or expansion of turning keys.

11. Expansion and leveling of safety zones (Runway End and Safety Area-RESA, strips).

12. Works in the aeronautical infrastructure, facilities and services intended to facilitate and make air navigation possible, such as signs, lighting, navigation aids, aeronautical information, telecommunications, meteorology, radars, stations, VOR/DME and other navigation aids. navigation and surveillance systems.

13. The following activities to be carried out, as long as they have management records for environmental control and monitoring and do not require the displacement or modification of permits or restrictions on air operations, unless there is a contingency plan to mitigate the impacts that may be generated with the temporary lifting of the air operation restriction:

a) Activities of resurfacing, maintenance or leveling of the runways already built; including Foreign Object Damage (FOD) elimination (potential damage generated by foreign objects on the runway), crack sealing, pothole removal, runway demarcation and maintenance of visual aids and signage;

b) Partial activities of resurfacing, maintenance or leveling of taxiways;

c) Maintenance or expansion of waiting parking lots within authorized areas;

d) Rehabilitation of existing roads for the transfer of land vehicles;

e) Rehabilitation of parking platform or aircraft parking areas that include change of concrete or pavement in said areas;

f) Changes in the type of pavement for existing waiting platforms and taxiways that require preventive or corrective maintenance;

g) Rehabilitation or preventive and corrective maintenance or changes in architectural designs in areas of passenger terminal, cargo, hangar service, aviation in general, control towers, SAR building, SEI building, and other buildings associated with airside and landside airport activity;

h) Construction, shaping, lining and maintenance of rainwater channels;

i) Rehabilitation and maintenance of drainage works, geotechnical control and physical infrastructure of the aerodrome;

j) Construction, adaptation, relocation or expansion of barriers against noise.

14. Changes in the receiver and/or systems or treatment facilities for ordinary, hospital or hazardous solid waste, only in the event that the management of these solid wastes is authorized to be developed by a third party and has environmental permits. required.

(Decree 770 of 2014, art. 6).

ARTICLE 2.2.2.6.1.7. ***Processing of minor modifications or normal adjustments.*** Prior to the execution of the activities described in the preceding article, the holder of the Environmental License or Environmental Management Plan of each project, work or activity must submit a report to the Environmental Authority for the file of the activities to be executed, to effects of being taken into account in the environmental monitoring and control process that will be carried out under the terms of article 39 of Decree 2820 of 2010, or the regulation that modifies or replaces it, which will contain the following information:

1. Description of the activity including location plans or maps and their respective georeferencing.

2. Justification that the activity to be carried out does not imply new environmental impacts as established in Law 1682 of 2013 and article 1 of this decree.

PARAGRAPH 1. In any case, when in a particular way and in the development of a specific infrastructure project subject to an environmental license or environmental management plan, the holder considers that an activity may be a minor change or a normal adjustment within the ordinary line of business. The activity must request the corresponding statement from the competent environmental authority in accordance with the procedure indicated for the granting of environmental licenses, the norm that modifies or replaces it. For this purpose, the environmental authority will pronounce itself by official letter.

PARAGRAPH 2. The Environmental Authority, when carrying out the control and monitoring of the Environmental License or the Environmental Management Plan and in the event of identifying that the performance of activities do not correspond to those listed in this Decree and those described in the report presented , will impose preventive measures and will initiate the environmental sanctioning investigation that may arise, in accordance with the provisions of Law 1333 of 2009 or that which modifies or replaces it.

(Decree 770 of 2014, art. 7).

ARTICLE 2.2.2.6.1.8. ***National System of Protected Areas.*** When the activities listed in this decree are intended to be carried out within the public protected areas that make up the National System of Protected Areas (SINAP) or the duly delimited buffer zones of the System of National Natural Parks, the authorization must be processed and obtained. corresponding modification of the environmental license or its equivalent instrument, within the framework of the permitted activities.

(Decree 770 of 2014, art. 8).

ARTICLE 2.2.2.6.1.9. ***Area of application.*** The application of the above provisions covers projects, works or activities in the infrastructure sector that have an Environmental License or Environmental Management Plan under the jurisdiction of the National Environmental Licensing Authority (ANLA) or any other environmental authority.

(Decree 770 of 2014, art. 9).

CHAPTER 7

DIRECT CHARGE

SECTION 1

DIRECT CHARGE

ARTICLE 2.2.2.7.1.1. ***Charge direct.*** In all the seaports of the country, the loading of coal in ships must be done through a direct loading system, using encapsulated conveyor belts or another equivalent technological system. The boarding site will be the closest to the beach line that avoids anchoring for loading, through the execution of docks, maneuvering areas and adequate access channels.

The maritime ports that as of August 15, 2007 are authorized for the operation of coal, must be compatible with the Comprehensive Port Management Plan and have the system referred to in the previous paragraph.

Paragraph. The interested party must process and obtain the necessary permits, concessions, authorizations and/or modifications to ensure compliance with the provisions of this article. The foregoing without prejudice to the other requirements demanded by the competent authorities.

(Decree 3083 of 2007, art. 1).

ARTICLE 2.2.2.7.1.2. ***Port operation.*** The operation of the coal ports must be carried out in accordance with the best practices and clean technologies that prevent the dispersion of coal particles, including, among others, efficient humidification systems, height control of coal storage and unloading piles, reduction of inventories and control of emissions at transfer points. These operations will have barriers or other devices to control the dispersion of these particles outside the handling areas.

(Decree 3083 of 2007, art. 2).

ARTICLE 2.2.2.7.1.3. ***Obligation.*** For the application of the environmental license, the new mining exploitation projects must include studies on the conditions of the mode of transport from the coal exploitation site to the port of shipment of the same.

(Decree 3083 of 2007, art. 3).

SECTION 2

ADDITIONS TO DIRECT CHARGE

ARTICLE 2.2.2.7.2.1. ***Schedule of activities.*** Seaports that load coal must submit, for the approval of the Ministry of Transportation and the competent environmental authority, the schedule that contains the activities necessary to comply with the obligation of direct loading. provided for in the sole decree of the transport sector or the norm that takes its place.

(Decree 4286 of 2009, art. 1).

ARTICLE 2.2.2.7.2.2. ***Monthly progress report.*** Within five (5) business days following the approval of the activity schedule referred to in the previous article, the seaports that load coal must submit a monthly progress report on said schedule to the competent environmental authority.

Within five (5) business days following the submission of the monthly progress report, the competent environmental authority will transfer it to the National Infrastructure Agency so that it may evaluate and issue a binding concept on its compliance. The National Infrastructure Agency must issue its concept no later than fifteen (15) business days following its receipt.

(Decree 4286 of 2009, art. 2).

ARTICLE 2.2.2.7.2.3. ***Breach.*** Failure to submit the schedule of activities mentioned in article 5 of the monthly progress report provided for in this decree, will lead to the imposition of sanctioning measures by the competent environmental authority, established in Law 1333 of July 21, 2009.

Likewise, non-compliance with the activities foreseen in the schedule referred to in the first article of this Decree, will give rise to the imposition of sanctioning measures by the competent environmental authority, established in Law 1333 of July 21, 2009.

(Decree 4286 of 2009, art. 3).

ARTICLE 2.2.2.7.2.4. *Compliance schedule.* In cases where the Ministry of Transportation and the competent environmental authority approve the compliance schedule, its implementation will be subject to the time and conditions of the administrative act that approved it.

The acceptance of the schedules by the aforementioned authorities does not exempt from the obligation to process and obtain the permits, concessions, authorizations and other procedures necessary to advance the respective works.

Paragraph. Notwithstanding the foregoing, those seaports that have not delivered the schedule for compliance with the direct loading obligation may deliver it, without prejudice to the imposition of the sanctions enshrined in Law 1333 of July 21, 2009 or that which modify, repeal or add determined in accordance with the specific conditions of each port.

(Decree 700 of 2010, art. 1).

CHAPTER 8

SCIENTIFIC INVESTIGATION

SECTION 1

PERMITS

ARTICLE 2.2.2.8.1.1. *Object.* Regulate the permit for the collection of specimens of wild species of biological diversity for the purpose of non-commercial scientific research.

(Decree 1376 of 2013, art. 1).

ARTICLE 2.2.2.8.1.2. *Area of application.* This decree will apply to the activities of collecting specimens of wild species of biological diversity for the purpose of non-commercial scientific research, which is carried out in the national territory, without prejudice to the provisions of Law 13 of 1990 regarding competition. of the National Authority for Aquaculture and Fisheries (AUNAP) or the entity acting in its stead, in matters of scientific research of fishery resources and the powers assigned by the sole regulation established for the Defense Sector with regard to the marine scientific or technological research.

The provisions contained in this decree will be applied without prejudice to the current legal regulations on biosafety, public health, animal and plant health.

Paragraph 1. The Ministry of Environment and Sustainable Development, its attached and linked scientific entities, National Natural Parks of Colombia, Autonomous Regional and/or Sustainable Development Corporations and Large Urban Centers will not require the Specimen Collection Permit referred to in this paragraph. this decree. The specimens must be deposited in a collection previously registered with the "Alexander Von Humboldt" Biological Resources Research Institute and the associated information of the scientific research project must be published in the Colombian Biodiversity Information System (SiB).

Paragraph 2. The collection of specimens of wild species of biological diversity for the purpose of carrying out environmental impact studies will be governed by the specific regulations issued by the National Government for that purpose, which does not exempt whoever collects them from supplying the information associated with the specimens collected from the Colombian Biodiversity Information System (SiB).

Paragraph 3. The provisions of this decree shall not be applicable to scientific research or teaching practices carried out with specimens of domestic species.

Paragraph 4. The collection of specimens of wild species of biological diversity that is carried out within a research project must have the exclusive purpose of non-commercial scientific research. The provisions

of this decree do not apply to the collection of specimens of wild species of biological diversity for industrial, commercial or biological prospecting purposes.

Paragraph 5. Basic scientific research that is carried out within the framework of a permit for the collection of specimens of wild species of biological diversity for non-commercial purposes and that involves activities of molecular systematics, molecular ecology, evolution and biogeography, do not constitute access to the genetic resource in accordance with the scope of application of this decree.

Carrying out these activities with collected specimens does not exempt the researcher from supplying the information associated with the Biodiversity Information System of Colombia (SiB) and from digitally submitting the publications derived from them to the Ministry of Environment and Sustainable Development. , who must respect the corresponding intellectual property rights.

Paragraph 6. To access the genetic resources and/or derivative products, for industrial, commercial or biological prospecting purposes, of specimens collected under a permit to collect specimens of wild species of biological diversity for non-commercial purposes , the interested party must sign the contract for access to genetic resources and/or derived products, in accordance with current national legislation. In this case, the Ministry of Environment and Sustainable Development may grant the collection permit in the same act, when appropriate.

(Decree 1376 of 2013, art. 2).

ARTICLE 2.2.2.8.1.3. ***Definitions.*** For purposes of applying this decree, the following definitions will be taken into account:

Specimen of wild species of biological diversity: Any living or dead wild organism of biological diversity or any of its products, parts or derivatives, hereinafter referred to only as specimen.

Information associated with the collected specimens: It is that basic information inherent to the specimens, such as taxonomic information at the best possible level of detail; collection location (including altitude and geographic coordinates); date of collection and collector, among others.

National Research Institutions: For the purposes of this Decree, "National Research Institutions" shall mean the following:

a) Institutions of higher education;

b) Current biological collections registered in the Single National Registry of Biological Collections managed by the "Alexander Von Humboldt" Biological Resources Research Institute;

c) Institutes or scientific research centers that have research groups categorized before Colciencias in thematic areas associated with collection activities.

Permit to collect specimens of wild species of biological diversity for non-commercial scientific research purposes: It is the authorization granted by the competent environmental authority for the collection of specimens of wild species of biological diversity for non-commercial scientific research purposes. This permit will henceforth be called the Collection Permit.

Collection of specimens: Consists of the processes of temporary or permanent capture, removal or extraction from the natural environment of specimens of biological diversity to obtain scientific information for non-commercial purposes, the integration of inventories or the increase of collection holdings. scientific or museographic.

(Decree 1376 of 2013, art. 3).

ARTICLE 2.2.2.8.1.4. ***Competition.*** The competent environmental authorities for granting the Collection Permit are:

a) The Regional Autonomous Corporations or those of sustainable development or the large urban centers, when the collection activities are carried out exclusively in their respective jurisdictions;

b) The National Environmental Licensing Authority (ANLA), in case the collection activities are carried out in the jurisdiction of two or more environmental authorities;

c) National Natural Parks of Colombia, when the collection activities are carried out within the areas of the System of National Natural Parks.

(Decree 1376 of 2013, art. 4).

ARTICLE 2.2.2.8.1.5. *Modalities.* The Collection Permit may be granted under one of the following modalities:

1. Collection Framework Permit.

2. Individual Collection Permit.

(Decree 1376 of 2013, art. 5).

SECTION 2

APPLICATION FOR THE COLLECTION FRAMEWORK PERMIT

ARTICLE 2.2.2.8.2.1. *Collection Framework Permit.* The National Research Institutions that intend to collect specimens of wild species of biological diversity, to carry out non-commercial scientific research projects, must request the issuance of a Framework Collection Permit that covers all scientific research programs, from the competent environmental authority. carried out by researchers linked to the respective institution.

Paragraph. The collection of specimens for teaching and educational purposes at the university level must be covered by a valid Collecting Framework Permit.

(Decree 1376 of 2013, art. 6).

ARTICLE 2.2.2.8.2.2. *Applicant conditions.* The National Research Institutions that seek to obtain a Collection Framework Permit must comply with the following conditions:

a) Higher education institutions must be approved by the Ministry of National Education as well as their academic programs related to collection activities;

b) Have scientific research programs that contain the different thematic lines or research fields associated with the collection activities, and that have research groups categorized before Colciencias;

c) Have a unit responsible for the administration of scientific research programs;

d) Have an internal information system for registering and monitoring research projects.

(Decree 1376 of 2013, art. 7).

ARTICLE 2.2.2.8.2.3. *Request.* The documents that must be provided for the request for the Collection Framework Permit are:

a) Duly completed Collection Framework Permit Application Form;

b) Certificate of existence and legal representation or its equivalent of the requesting entity, issued no more than 30 days prior to the date of submission of the request;

c) Indication of research programs;

d) List of researchers linked to each program within the institution;

e) Brief description of the programs to be carried out, in accordance with the requirements of the Collection Framework Permit Request Form.

(Decree 1376 of 2013, art. 8).

ARTICLE 2.2.2.8.2.4. ***Obligations of the holder of the Collection Framework Permit.*** The National Research Institutions must comply with the following obligations before the competent environmental authority, for each research program:

a) Every six months, from the granting of the Collecting Framework Permit, list the information of all the research projects carried out by program in the Format for the List of Material Collected from the Wild Environment, and include the publications derived from each one in digital form . The competent environmental authority must respect the corresponding intellectual property rights;

b) Deposit within the term of the validity of the permit, the specimens in a national collection registered with the "Alexander Von Humboldt" Biological Resources Research Institute, in accordance with the provisions of the regulations that regulate the matter and keep in file the certificates of deposit that were sent to the competent environmental authority. In the event that the specimens do not have to be sacrificed or that they remain alive, in the case of wild flora and fauna, during the development of scientific research, the competent authority may authorize their release into the natural environment or their delivery to conservation centers. ex situ, such as zoos, aquariums, botanical gardens, among others;

c) Present the final report of the collection activities related to each investigation assigned to the investigation programs. This report must include the Format for the List of Material Collected from the Wild Environment;

d) The National Research Institution will be responsible for carrying out the sampling in an adequate manner in terms of the total number of samples, sampling frequency, sampling sites, among other aspects, so that the species or ecosystems are not affected, due to of over-collection, impacts on critical places for reproduction, affectation of biological cycles, diet, among others;

e) Provide the Biodiversity Information System of Colombia (SiB) with the information associated with the collected specimens, and deliver the certificate issued by said system to the competent authority.

Paragraph 1. In the case of intending to collect threatened, closed or endemic species, the holder of the Collection Framework Permit must request prior authorization from the competent authority to carry out said project according to the Endangered Species Collection Authorization Request Form. Banned or Endemic. Compliance with said requirement must be reported in the reports referred to in this article.

Paragraph 2. The holder of the Collection Framework Permit who intends to collect specimens within an area of the National Natural Parks System, must, prior to collection, obtain authorization from the National Natural Parks of Colombia.

To obtain such authorization, the applicant must submit to the National Natural Parks of Colombia the Form for the Collection of Specimens within the National Natural Parks System. The National Natural Parks of Colombia, within a term of thirty (30) days counted from the filing of the format, must resolve the request and, if applicable, establish the conditions it deems pertinent to advance the collection.

The collection authorization issued by the National Natural Parks of Colombia will implicitly entail the right to enter the protected area and must be reported in the reports dealt with in this article.

(Decree 1376 of 2013, art. 9).

ARTICLE 2.2.2.8.2.5. ***of the prior consultation.*** In the case in which the collection activities require prior consultation with ethnic groups, the National Research Institution will be solely responsible for advancing it in accordance with current legal procedures. Compliance with said requirement is mandatory, prior to the start of the execution of each project, and must be reported in the reports referred to in this article.

(Decree 1376 of 2013, art. 10).

ARTICLE 2.2.2.8.2.6. ***Modification of the Collecting Framework Permit.*** The holder of the Collection Framework Permit, during the validity of the permit, may request the inclusion of new research

programs or modify the national or foreign researchers assigned to each program, for which he must process the modification of the respective permit, attending to what is indicated in the Collection Framework Permit Modification Form.

(Decree 1376 of 2013, art. 11).

SECTION 3

APPLICATION FOR THE INDIVIDUAL COLLECTION PERMIT

ARTICLE 2.2.2.8.3.1. ***Individual Collection Permit.*** Natural or legal persons who intend to collect specimens to carry out a non-commercial scientific research project must obtain an Individual Collection Permit.

(Decree 1376 of 2013, art. 12).

ARTICLE 2.2.2.8.3.2. ***Request.*** The documents that must be provided for the request for the Individual Collection Permit are the following:

a) Duly completed Individual Collection Permit Application Form;

b) Identification document of the person in charge of the project. If it is a natural person, a copy of the identity card, if it is a legal person, a certificate of existence and legal representation or its equivalent of the requesting entity, with an issue date not exceeding 30 days prior to the date of filing of the request ;

c) The curriculum vitae of the person in charge of the project and of his work group;

d) If applicable, administrative act to lift the bans;

e) Information on whether the collection involves threatened or endemic species;

f) Certification from the Ministry of the Interior on the presence or not of ethnic groups in the territory in which the collection will take place;

g) Record of protocolization of the prior consultation when necessary.

Paragraph. The competent environmental authority may reject the Individual Collection Permit when the collection of specimens puts threatened, endemic or prohibited species at risk. This rejection will be made by means of a reasoned resolution against which an appeal for reversal proceeds.

(Decree 1376 of 2013, art. 13).

ARTICLE 2.2.2.8.3.3. ***Obligations of the holder of the Individual Collection Permit.*** National or foreign natural or legal persons who obtain an Individual Collection Permit must comply with the following obligations before the competent environmental authority:

a) Deposit the specimens in a national collection registered with the "Alexánder von Humboldt" Biological Resources Research Institute within the term of validity of the permit, in accordance with the provisions of the regulations that regulate the matter, and send a copy of the records deposit to the competent environmental authority;

b) Submit reports of collection activities related to the permit, including the list of material collected, removed or extracted temporarily or permanently from the wild in accordance with the Format for the List of Material Collected from the Wild Environment, according to the periodicity established by the competent authority;

c) Send a digital copy of the publications derived from the project;

d) Provide the Biodiversity Information System of Colombia (SiB) with the information associated with the collected specimens, and deliver to the competent authority the certificate issued by said system;

e) The holder of this permit will be responsible for carrying out the sampling in an adequate manner in terms of the total number of samples, sampling frequency, sampling sites, among other aspects, so that

the species or ecosystems in question are not affected. reason for over-collection, negative impacts in critical places for reproduction, affectation of biological cycles, diet, among others.

(Decree 1376 of 2013, art. 14).

ARTICLE 2.2.2.8.3.4. ***Request for adjustments.*** The competent environmental authority may request the holder of the Individual Collection Permit to adjust the total number of samples, sampling frequency, sampling sites, among other aspects, in a sustained manner, considering that the collection may affect the species or ecosystems in question. reason for over-collection, impacts on critical places for reproduction, affectation of biological cycles, diet, among others.

(Decree 1376 of 2013, art. 15).

SECTION 4

FOREIGN RESEARCHERS

ARTICLE 2.2.2.8.4.1. ***Researchers from foreign institutions linked to the Collection Framework Permit.*** Foreign researchers who intend to carry out specimen collection activities for non-commercial scientific research purposes must be linked to a National Research Institution that has a Framework Collection Permit or to a foreign institution that has a current cooperation agreement with a National Research Institution. National Research Institute that has said permit.

(Decree 1376 of 2013, art. 16).

ARTICLE 2.2.2.8.4.2. ***Application for the Individual Permit for foreigners.*** In addition to complying with the requirements set forth in article 12, foreign natural or legal persons must submit for the consideration of the competent environmental authority:

a) Letter from the National Research Institution stating that it accepts their participation in the respective research project, and

b) Copy of the cooperation agreement signed between the higher education institution or foreign research institute and the respective National Research Institution.

All documents must be translated into Spanish and be duly legalized or apostilled, as the case may be.

(Decree 1376 of 2013, art. 17).

SECTION 5

PROCESSING OF COLLECTION PERMITS

ARTICLE 2.2.2.8.5.1. ***Admission of the request.*** Upon receiving the request, the competent environmental authority must verify if it is complete in order to proceed to file it.

(Decree 1376 of 2013, art. 18).

ARTICLE 2.2.2.8.5.2. ***Procedure.*** To obtain the Collection Permit, the following procedure will be completed:

1. Once the request for the Collection Permit has been received with all the requirements, the competent authority will issue the order that initiates the process, in accordance with article 70 of Law 99 of 1993 or the rule that modifies, replaces or repeals it, within of the five (5) days following its receipt and will publish an extract of the request on its Internet portal, to guarantee the right of participation of possible interested parties.

2. Once the initiation order has been issued, the competent environmental authority will have twenty (20) days to request additional information in writing and only once. While the requested information is provided, the terms will be suspended, in accordance with articles 14 and 15 of the Code of Administrative Procedure and Administrative Litigation or the rule that modifies, replaces or repeals them.

3. As of the issuance of the initiation order or the receipt of the additional information requested, as the case may be, the competent environmental authority will have twenty (20) days to grant or deny the permit, by resolution, against which they will proceed. legal resources.

Said decision will be notified in the terms of the Code of Administrative Procedure and Administrative Litigation.

(Decree 1376 of 2013, art. 19).

ARTICLE 2.2.2.8.5.3. ***Validity of permits.*** Collection Framework Permits may be granted for up to ten (10) years. These terms will be counted from the issuance of the permit.

Individual Collection Permits may be granted for up to five (5) years. These terms will be counted from the issuance of the permit.

(Decree 1376 of 2013, art. 20).

ARTICLE 2.2.2.8.5.4. ***Assignment.*** The holder of the Collection Framework Permit may not assign the permit, its rights and obligations to other people. The holder of the Individual Collection Permit may assign the permit, its rights and obligations to other persons, with prior authorization from the competent authority.

(Decree 1376 of 2013, art. 21).

ARTICLE 2.2.2.8.5.5. ***Comprehensive Online Window for Environmental Procedures (VITAL).*** The National Environmental Licensing Authority (ANLA) within a period not exceeding one (1) year following the issuance of this decree will make available to the environmental authorities and the public the Comprehensive Online Environmental Procedures Window (VITAL) created by Decree number 2820 of 2010 or the rule that modifies, replaces or repeals it, through which the online procedures related to the Framework and Individual Collection Permits can be carried out. As of said term, the competent environmental authorities for the granting of these permits must implement the online process.

Paragraph. As of June 27, 2013 and until the online procedure referred to in this article is implemented, the formats listed in this paragraph will be available to interested parties on the website of the Ministry of Environment and Sustainable Development.

a) Request Form for the Collection Framework Permit;

b) Request Form for the Individual Collection Permit;

c) Format for the List of Material Collected from the Wild Environment;

d) Form for the Collection of Specimens within the System of National Natural Parks;

e) Format for the Modification of the Collection Framework Permit;

f) Request Form for Authorization to Collect Endangered, Banned or Endemic Species.

(Decree 1376 of 2013, art. 22).

SECTION 6

FINAL PROVISIONS

ARTICLE 2.2.2.8.6.1. ***Prohibition of marketing specimens or samples obtained for scientific research purposes.*** Specimens or samples obtained in exercise of the permit referred to in this decree may not be used for commercial purposes.

(Decree 1376 of 2013, art. 23).

ARTICLE 2.2.2.8.6.2. ***Control and follow up.*** The environmental authority that granted the Collection Permit must verify compliance with the conditions established in the respective permit.

(Decree 1376 of 2013, art. 24).

ARTICLE 2.2.2.8.6.3. ***Suspension or revocation of the permit.*** The Collection Permit may be suspended or revoked in accordance with article 62 of Law 99 of 1993, through a resolution motivated by the environmental authority that granted it, ex officio or at the request of a party, in cases in which the researcher has failed to comply with the obligations indicated in the same or in the current environmental regulations. The foregoing, without prejudice to the preventive and sanctioning measures referred to in Law 1333 of 2009, and the civil, criminal and disciplinary actions that may arise.

(Decree 1376 of 2013, art. 25).

ARTICLE 2.2.2.8.6.4. ***Sanctions.*** In case of non-compliance with the provisions contained in this decree, the provisions of Law 1333 of 2009, or the one that modifies, replaces or repeals it, will be complied with, without prejudice to the criminal, civil and disciplinary actions that may take place.

(Decree 1376 of 2013, art. 26).

ARTICLE 2.2.2.8.6.5. ***Payment.*** As a stimulus to scientific research, the competent authorities will not charge any evaluation and monitoring services to the Collection Permits.

(Decree 1376 of 2013, art. 27).

ARTICLE 2.2.2.8.6.6. ***Mobilization of specimens.*** The resolution through which the Framework or Individual Collection Permit is granted, will include the authorization for the mobilization within the national territory of the specimens to be collected. In the case of the Collection Framework Permit, the National Research Institution will issue a certification stating the specimens to be collected that will be mobilized.

Paragraph. For the mobilization of specimens covered by a Collection Permit in the national territory, no additional safe-conduct is required.

(Decree 1376 of 2013, art. 28).

ARTICLE 2.2.2.8.6.7. ***Export of specimens.*** In the event that export of specimens or samples is required, covered by a Framework or Individual Collection Permit, the provisions of CITES and NON-CITES provisions must be followed.

Decree 1376 of 2013, art. 29).

ARTICLE 2.2.2.8.6.8. ***Special regime against special events.*** In the event of any of the following events that require obtaining an Individual Collection Permit, the competent environmental authority may issue the same after the collection of the specimens:

a) Potential risks or completed natural disasters;

b) Adoption of urgent measures for the health protection of fauna and flora that prevent the spread of pests and diseases, as well as those emergency measures required to control invasive species;

c) Adoption of urgent measures in matters of health, epidemics, worrying rates of disease and/or morbidity, natural disasters.

(Decree 1376 of 2013, art. 30).

ARTICLE 2.2.2.8.6.9. ***Transitional regime.*** Study permits for scientific research purposes granted prior to June 27, 2013 will remain in force for the term of their issue.

Researchers who, as of June 27, 2013, began the procedures to obtain study permits for scientific research purposes, will continue their process in accordance with the regulations in force at that time. However, they may request the application of the procedure established in this decree and obtain the Framework or Individual Collection Permit.

(Decree 1376 of 2013, art. 31).

CHAPTER 9

BIOLOGICAL COLLECTIONS

SECTION 1

ARTICLE 2.2.2.9.1.1. *Object.* The object aims to develop the following aspects:

a) The administration and operation of the biological collections in the national territory;

b) The rights and obligations of the holders of biological collections;

c) The procedure for registering biological collections before the "Alexánder von Humboldt" Biological Resources Research Institute.

(Decree 1375 of 2013, art. 1).

ARTICLE 2.2.2.9.1.2. *Area of application.* Applies to natural or legal persons who own biological collections.

Paragraph 1. Zoos, aquariums and botanical gardens will comply with the provisions of current regulations on the matter. In the event that said establishments have biological collections, these will be governed by the provisions of this decree.

Paragraph 2. The provisions contained in this decree apply without prejudice to current regulations on biosafety, public health, animal and plant health.

(Decree 1375 of 2013, art. 2).

ARTICLE 2.2.2.9.1.3. *Definitions.* For the purposes of applying this decree, the following definitions will be taken into account:

Biological Collection: Set of specimens of biological diversity preserved under specialized curatorship standards for each of the groups deposited in it, which must be duly cataloged, maintained and organized taxonomically, in accordance with the provisions of the respective management protocol, that constitute the patrimony of the Nation and that are under the administration of a natural or legal person, such as herbariums, natural history museums, germplasm banks, tissue and DNA banks, libraries and strain collections and others that the Ministry of Environment and Sustainable Development so considers it.

Specimen: Any living or dead organism of biological diversity or any of its products, parts or derivatives.

Minimum information associated with the specimens that are part of the collection: It is that basic information inherent to the specimens, such as the taxonomic information at the best possible level of detail; collection location (including altitude and geographic coordinates); date of collection and collector, among others.

Holotype: Single specimen or part thereof, designated or fixed from the type series as witness to the name of a nominal species or subspecies when establishing the nominal taxon.

Management protocol for biological collections: Document prepared by the owner of the collection that describes the activities carried out with respect to the deposited specimens, in order to guarantee the good quality, conservation and legal administration of the national biological collections. Said Protocol must be prepared in accordance with the Terms of Reference issued for this purpose by the Ministry of Environment and Sustainable Development.

Single National Registry of Biological Collections: Instrument granted and managed by the "Alexander Von Humboldt" Biological Resources Research Institute as the competent entity to carry out this activity, through which the legal possession of the specimens of the biological collections is protected. .

The information contained in the registry is a self-declaration, its veracity is the sole responsibility of the owner of the collection, notwithstanding that the "Alexander Von Humboldt" Biological Resources Research Institute verifies it.

Collection Holder: Person who registers the collection, who will be legally responsible for it. In the case of legal entities, the owner will be the legal representative or whoever acts on his behalf.

(Decree 1375 of 2013, art. 3).

ARTICLE 2.2.2.9.1.4. ***Activities to develop in biological collections.*** Biological collections, in addition to being recipients of specimens and carrying out curatorial activities to guarantee their maintenance and care, may carry out, among others:

a) Activities for scientific purposes, aimed exclusively at generating knowledge and basic scientific information, in order to discover and explain natural phenomena and processes, without including activities of biological prospecting, industrial application or commercial use;

b) Educational and informative work on national biodiversity;

c) Support for the implementation of conservation programs;

d) Provide specimens for the development of research;

e) Lend and exchange specimens with other national or international biological collections. In these cases, agreements or contracts must be signed and a record book of loans and exchanges must be maintained, which may be consulted at any time by the competent environmental authority in the exercise of its control and surveillance function.

Paragraph 1. Basic scientific research activities for non-commercial purposes that use biological collections and that involve activities of molecular systematics, molecular ecology, evolution and molecular biogeography do not constitute access to the genetic resource in accordance with the scope of application of this decree.

Paragraph 2. To access the genetic resources of the specimens deposited in the biological collections for industrial, commercial or biological prospecting purposes, the interested party must sign the contract for access to genetic resources in accordance with current national legislation.

(Decree 1375 of 2013, art. 4).

ARTICLE 2.2.2.9.1.5. ***Obligation to register biological collections.*** The natural or legal person that manages a biological collection must carry out the Unique Registry of the Biological Collection before the "Alexander Von Humboldt" Biological Resources Research Institute, in accordance with the procedure established in article 7 of this decree.

Paragraph. The "Alexander Von Humboldt" Biological Resources Research Institute will maintain on its website the updated list of registered collections, including information on the specimens registered in each collection and the details of the contact person.

(Decree 1375 of 2013, art 5).

ARTICLE 2.2.2.9.1.6. ***Obligations of biological collections.*** Biological collections must comply with the following obligations:

a) Enter and keep updated the information of the biological collection in the Single National Registry of Biological Collections through the Biological Collections Registration and Updating Form;

b) Keep updated and share, under prior agreement, the information associated with the specimens deposited in the collections, with the Information System on Biodiversity of Colombia (SiB);

c) Submit in digital form to the Ministry of Environment and Sustainable Development, through the Directorate of Forests, Biodiversity and Ecosystem Services, the publications derived from the

investigations carried out with specimens of the same. The Ministry of Environment and Sustainable Development must respect the corresponding intellectual property rights;

d) Comply with the collection management protocol;

e) Prepare and update internal regulations for the use of each collection and make it available to interested parties.

Paragraph. The information associated with the specimens that are under some category of threat according to the national red lists or the International Union for Conservation of Nature IUCN or that are categorized in some of the appendices of the CITES Convention, may be subject to restrictions. in the cases that the Ministry of Environment and Sustainable Development, in compliance with its functions, so determines.

(Decree 1375 of 2013, art. 6).

ARTICLE 2.2.2.9.1.7. ***Registration procedure.*** The procedure for registering the biological collection is as follows:

a) Fill out the Form for the Registration and Updating of Biological Collections and file it with the "Alexander Von Humboldt" Biological Resources Research Institute;

b) Received the registration application with all the requirements, the "Alexander Von Humboldt" Biological Resources Research Institute, within twenty (20) business days following the filing of the same and prior verification of the information, will issue a document signed by its legal representative certifying the registration of the collection;

c) In the event that the information provided by the interested party is incomplete or inconsistent, the "Alexander Von Humboldt" Biological Resources Research Institute will request the missing information in writing and only once.

This requirement will interrupt the term available to the "Alexander Von Humboldt" Biological Resources Research Institute to decide, and once the interested party complies with said requirements, the terms to issue the registration certificate will begin again. If one (1) month has elapsed from the request for said information, it has not been provided, it will be understood that the request has been withdrawn and it will be filed or, in the event that the inconsistencies are not corrected, the Institute will refrain from record the collection.

(Decree 1375 of 2013, art. 7).

ARTICLE 2.2.2.9.1.8. ***Deposit of Specimens.*** The registered biological collections will receive the legally collected specimens that comply with adequate standards of quality and curatorship, and that are in accordance with the entry regulations for each collection. At the time of deposit, the collection that receives said specimens must send the depositor the Certificate of Deposit Form.

The registered biological collection may reserve the right to receive specimens of biological diversity for the following reasons:

a) Not having the Permit for the Collection of Wild Specimens of Biological Diversity for Non-Commercial Scientific Research Purposes, or the Permit for the Collection of Specimens of Biological Diversity for the preparation of Environmental Impact Studies (EIA) or other documentation that proves their legal provenance;

b) Excess of duplicates of the same species;

c) Lack of capacity to maintain additional samples under the precepts of the management protocol;

d) Delivery of specimens in a poor state of preservation or that do not have the associated information;

e) The specimens do not comply with the management protocol or with the collection standards.

Paragraph. When the collection reserves the right to receive specimens for the reasons listed in this article, the "Alexander Von Humboldt" Biological Resources Research Institute will guide the depositor on the final destination of said specimens.

(Decree 1375 of 2013, art. 8).

ARTICLE 2.2.2.9.1.9. ***Mobilization of specimens in the national territory.*** The mobilization of specimens in the national territory from collections that have the Single National Registry of Biological Collections does not require a safe-conduct for their mobilization, since the record of said registry issued by the "Alexander Von Biological Resources Research Institute" will act as such. Humboldt", along with a certification signed by the owner of the collection, stating the specimens moved.

Paragraph. In any case, whoever carries out the mobilization of biodiversity specimens will take the necessary measures to guarantee the adequate conservation of the transported specimens.

(Decree 1375 of 2013, art. 9).

ARTICLE 2.2.2.9.1.10. ***Import and Export of Specimens of the Collections.*** Those interested in importing live specimens from biological collections as a loan, exchange or donation, must obtain the import permit related to the CITES Convention or the provisions for NON-CITES species, as the case may be. The granting of said permit will be subject to a binding concept issued by the Ministry of Environment and Sustainable Development in relation to the risk assessment.

Those interested in exporting live or dead specimens from biological collections registered as loan or exchange under agreements or agreements with foreign research institutions, must obtain the export permit related to the CITES Convention or the provisions for NON-CITES species, depending on the case.

Paragraph. The holotypes of the biological collections may only leave the country on loan.

(Decree 1375 of 2013, art. 10).

ARTICLE 2.2.2.9.1.11. ***Reentry of specimens from the collections.*** For the re-entry into the country of specimens from collections that left on loan, the following will be required:

a) Report five (5) business days in advance of the respective re-entry to the Ministry of Environment and Sustainable Development. The port of entry must be indicated, if applicable, the way in which the specimens will be returned and the quantity or volume;

b) In the event that the specimens of the collections enter through a port of entry, send a copy of the information of the previous paragraph to the environmental authority with jurisdiction in the port of entry and of the export authorization;

c) In the event that the specimens of the collections enter through a port of entry under a new condition of preparation, assembly or taxonomic identification, this situation must be certified by the interested party and attached to the information sent to the Ministry of Environment and Sustainable Development. . Specimens subject to re-entry and that are part of a collection with a current registration may not be seized due to this new condition of preparation, assembly or taxonomic identification.

Paragraph. Biological collections must request the repayment of legal loans with foreign collections that are outside the term of the loan.

(Decree 1375 of 2013, art. 11).

ARTICLE 2.2.2.9.1.12. ***Monitoring and evaluation.*** The "Alexander Von Humboldt" Biological Resources Research Institute will monitor and periodically evaluate the updating of the collections in the Single National Registry of Biological Collections. The "Alexander Von Humboldt" Biological Resources Research Institute may request ex officio the updating of non-current collections.

The Regional Autonomous Corporations and the urban environmental authorities may verify at any time the information related to the registration of biological collections, the management protocol, the

record book of loans and exchanges, for which the holders of the same are obliged to allow duly authorized officials to enter the sites where the registered biological collections are located.

(Decree 1375 of 2013, art. 12).

ARTICLE 2.2.2.9.1.13. ***Terms of Reference management protocol for biological collections.*** The Ministry of Environment and Sustainable Development must make the Terms of Reference so that the owners of the collections prepare the management protocols for the biological collections.

(Decree 1375 of 2013, art. 13).

ARTICLE 2.2.2.9.1.14. ***Online procedure.*** The "Alexander Von Humboldt" Biological Resources Research Institute, within a period not exceeding six (6) months following the issuance of this decree, will establish the online procedure to carry out the procedures contained in this decree.

Likewise, as of the validity of this decree and until the online procedure is implemented, the formats referenced in articles 6 and 9 will be available to interested parties on the website of the Ministry of Environment and Sustainable Development.

(Decree 1375 of 2013, art. 14).

ARTICLE 2.2.2.9.1.15. ***Sanctions.*** In case of non-compliance with the provisions contained in this decree, the provisions of Law 1333 of 2009, or the one that modifies, replaces or repeals it, will be complied with, without prejudice to the criminal, civil and disciplinary actions that may take place.

(Decree 1375 of 2013, art. 15).

ARTICLE 2.2.2.9.1.16. ***Transitional Regime.*** Biological collections that are not registered, or whose registration has expired as of June 27, 2013, must be registered under the terms provided in this section. Biological collections registered as of June 27, 2013 must update their registration in accordance with what is established here.

The biological collections of natural persons, who as of June 27, 2013 are not able to comply with its provisions, will have one (1) year to deposit, link or associate it with a duly registered biological collection, in such a way that the information contained therein is included in the Biodiversity Information System of Colombia (SiB) and complies with the other obligations of this section.

If the term of the year foreseen in the previous paragraph expires, the collection could not be deposited, linked or associated with a duly registered collection, the "Alexander Von Humboldt" Biological Resources Research Institute will guide the depositor on the final destination of said specimens. .

(Decree 1375 of 2013, art. 16).

SECTION 2

STUDY PERMIT FOR THE COLLECTION OF SPECIMENS OF WILD SPECIES OF BIOLOGICAL DIVERSITY FOR THE PURPOSE OF PREPARING ENVIRONMENTAL STUDIES

ARTICLE 2.2.2.9.2.1. ***Activities to collect specimens of wild species of biological diversity.*** Any person who intends to carry out studies in which it is necessary to carry out activities to collect specimens of wild species of biological diversity in the national territory, in order to prepare environmental studies necessary to request and/or modify environmental licenses or their equivalent, permits , concessions or authorizations must previously request the issuance of the permit that regulates this decree from the competent environmental authority.

The permit referred to in this decree will cover the collection of specimens that are carried out during its validity in the framework of the preparation of one or several environmental studies.

Paragraph 1. The provisions contained in this decree will be applied without prejudice to the current legal regulations on biosafety, public health and animal and plant health.

Paragraph 2. Obtaining the permit referred to in this decree constitutes a prior procedure within the environmental licensing process and does not imply the authorization of access and use of genetic resources.

(Decree 3016 of 2013, art. 1).

ARTICLE 2.2.2.9.2.2. *Definitions.* For purposes of applying this decree, the following definitions will be taken into account:

Capture: It is understood as the action of capturing a wild specimen temporarily or permanently, either directly or through traps designed for that purpose.

Environmental Studies: Are those studies that are required by environmental regulations, to obtain or modify an environmental license or its equivalent, permit, concession or authorization and whose preparation involves carrying out any activity of collecting wild specimens of biological diversity.

Specimen of wild species of biological diversity: Any living or dead organism of biological diversity or any of its products, parts or derivatives hereinafter referred to only as specimen.

Biological group: Set of related organisms, which have been grouped according to common characteristics such as: morphology, taxonomy, genotype, etc.

Information associated with the collected specimens: It is that basic information inherent to the specimens, such as the species or the lowest possible taxonomic level; collection location (including altitude and geographic coordinates); date of collection and collector, among others.

Established methodologies: Refers to the methods or procedures that the user must use to carry out the proper collection and preservation. These methodologies must meet quality standards, with valid techniques for obtaining information in the areas under study; These must be referenced and approved at the national and/or international level.

Profile of professionals: Set of professional traits that characterize the people who will carry out the activities regulated in this decree, who have knowledge of the different biological groups to be characterized and their corresponding methodologies.

Study permit for the purpose of preparing Environmental Studies: It is the prior authorization granted by the competent environmental authority for the collection of specimens of wild species of biological diversity for the purpose of preparing environmental studies necessary to request and/or modify environmental licenses or its equivalent, permits, concessions or authorizations.

Collection of specimens: Consists of the processes of capture and/or removal or temporary or definitive extraction of specimens of biological diversity from the natural environment, for the realization of inventories and characterizations that allow the baseline survey of environmental studies.

(Decree 3016 of 2013, art. 2).

ARTICLE 2.2.2.9.2.3. *Competition.* The competent environmental authorities to grant the permit referred to in this Decree are:

1. National Environmental Licensing Authority (ANLA) when, according to the permit application, the collection activities are intended to be carried out in the jurisdiction of two or more environmental authorities.

2. Autonomous Regional or Sustainable Development Corporations, Environmental Authorities of the Large Urban Centers and the environmental authorities created by virtue of Law 768 of 2002, when the collection activities are intended to be carried out exclusively in their respective jurisdictions, in accordance with the request of the interested.

3. National Natural Parks of Colombia, when 'collection activities are intended to be carried out exclusively within the areas of the' System of National Natural Parks.

(Decree 3016 of 2013, art. 3).

ARTICLE 2.2.2.9.2.4. ***Application requirements.*** The documents that must be provided for the application are:

1. Study permit application form for the preparation of Environmental Studies, duly filled out, indicating the location of the department(s) and/or municipality(ies), where the collection of specimens will be carried out. in accordance with the provisions of article 3 of this decree.

2. Document that describes the methodologies established for each of the biological groups under study.

3. Document that describes the profile that the professionals who will take part in the studies must have.

4. Copy of the identification document of the permit applicant. If it is a legal person, the entity will verify the certificate of existence and legal representation online.

5. Copy of the consignment receipt for the value of the services set for the evaluation of the application.

(Decree 3016 of 2013, art. 4).

ARTICLE 2.2.2.9.2.5. ***Procedure.*** To obtain the study permit for the purpose of preparing the environmental studies that this decree deals with, the following procedures will be carried out:

1. Once the application has been filed with all the requirements, the competent authority will proceed within three (3) business days following receipt, to issue the order that initiates the process in accordance with article 70 of Law 99 of 1993 in accordance with Law 1437 of 2011, and will publish an extract of the request on its Internet portal to guarantee the right of participation of possible interested parties.

2. Once the initiation order has been executed and the information presented has been evaluated, the competent authority may require, by means of an order, within a term of ten (10) business days, only once, additional information that it deems necessary.

3. From the execution of the initiation order or the receipt of the additional information requested, as the case may be, the environmental authority will have ten (10) business days to grant or deny the permit by reasoned resolution, against which they will proceed the resources that may be appropriate, in accordance with the provisions of the Code of Administrative Procedure and Administrative Litigation. Said decision will be notified in the same terms of the aforementioned Code.

(Decree 3016 of 2013, art. 5).

ARTICLE 2.2.2.9.2.6. ***Obligations.*** The holder of the permit referred to in this decree must comply with the following obligations:

1. Inform the competent authority in writing fifteen (15) days in advance of their displacement, the geographical area with coordinates where the study or studies will be carried out and the expected date to carry out the authorized activities. Said official letter must include the list of the professionals assigned to the study based on the profiles related to the application in accordance with the Format for the Start of Collection Activities by Project.

Likewise, you must report the estimate of specimens that are intended to be moved in accordance with the provisions of article 10 of this decree.

2. One month after the activities for each study are completed, the permit holder must submit to the environmental authority a final report of the activities carried out, in the Format for the List of Material Collected for Environmental Studies.

3. For each of the studies, the interested party must submit, together with the final report, a file in a format compatible with the Geographic Storage Model (Geodatabase) in accordance with what is stated

in Resolution number 0188 of 2013, where the polygon of the study area and the effective sampling points discriminated by each of the biological groups.

4. Make the payment for follow-up referred to in article 12 of this decree and attend the visits that originate within the framework of the same.

5. Once the collection activities are completed, the permit holder must deposit the collected specimens in a national collection registered with the "Alexander von Humboldt" Biological Resources Research Institute, in accordance with the provisions of the regulations that regulate the matter and Submit the deposit certificates to the Competent Authority. In the event that the collections are not interested in the specimen, the holder must submit proof of this situation.

6. Once the study is finished, the permit holder must report to the Colombian Biodiversity Information System (SIB) the information associated with the collected specimens, and deliver to the environmental authority the certificate issued by said system.

7. Perform sampling adequately in terms of the total number of samples, sampling frequency, sampling sites, among other aspects, so that species or ecosystems are not affected, due to overcollection, impacts on critical places for reproduction, affectation of biological cycles, diet, among others, in accordance with approved methodologies.

8. Refrain from commercializing the material collected within the framework of the permit referred to in this decree.

(Decree 3016 of 2013, art. 6).

ARTICLE 2.2.2.9.2.7. ***Validity of permits.*** The permit referred to in this section may have a duration of up to two (2) years depending on the nature of the studies. The term of these permits may be extended when the non-execution of the studies, within the period of their validity, is due to force majeure.

(Decree 3016 of 2013, art. 7).

ARTICLE 2.2.2.9.2.8. ***Permit modification.*** When it is intended to change or add the Established Methodologies, the biological groups and/or the profiles of the professionals, the holder of the permit must previously process the modification of the permit, for which he must deliver the duly completed Form for the Modification of the Study Permit with Purposes of Preparation of Environmental Studies, for which the following procedure will be completed:

1. Once the application has been filed with all the requirements, the competent authority will proceed to issue the order that initiates the process within three (3) business days following its receipt.

2. Once the initiation order has been executed and the information presented has been evaluated, the competent authority may require, by means of an order, within a term of five (5) business days, only once, additional information that it deems necessary.

3. The user will have the term of one calendar month to collect the additional information. In case of not submitting it in a timely manner, the procedure will be understood to have been withdrawn and the application will be filed definitively under the terms of article 17 of the Code of Administrative Procedure and Contentious-Administrative Matters.

4. As of the execution of the initiation order or the receipt of the additional information requested, as the case may be, the environmental authority will have five (5) business days to grant or deny the permit, through a reasoned resolution, against which the reversal appeal will proceed.

(Decree 3016 of 2013, art. 8).

ARTICLE 2.2.2.9.2.9. ***Assignment.*** The holder of the permit referred to in this decree may transfer his rights and obligations, prior authorization from the competent environmental authority that issued the permit, the effect of which will be the transfer of the rights and obligations derived from it.

(Decree 3016 of 2013, art. 9).

ARTICLE 2.2.2.9.2.10. *Mobilization of specimens.* The administrative act that grants the permit referred to in this decree, will include the authorization for the mobilization of specimens to be collected within the national territory, specifying their general description and sample unit for the project that is intended to be developed, and the specific information will be taken into account for the follow-up of in accordance with this decree.

(Decree 3016 of 2013, art. 10).

ARTICLE 2.2.2.9.2.11. *Online procedure.* The National Environmental Licensing Authority (ANLA) within a period not exceeding one (1) year, counted from the issuance of this decree, will make available to the environmental authorities the Comprehensive Online Environmental Procedures Window (Vital) to advance the procedures and online actions of the Permit that this decree deals with.

Paragraph. As of the validity of this decree and until the online procedure referred to in this article is implemented, the formats listed in this paragraph will be available to interested parties on the website of the Ministry of Environment and Sustainable Development and of the National Environmental Licensing Authority:

1. Study Permit Request Form for the preparation of Environmental Studies.

2. Format for the List of Material Collected for Environmental Studies.

3. Format for the Modification of the Study Permit for the purpose of preparing Environmental Studies.

4. Format for the Start of Collection Activities by Project.

(Decree 3016 of 2013, art. 11).

ARTICLE 2.2.2.9.2.12. *Monitoring Collection.* In order to monitor, control and verify compliance with the obligations arising from the permit, the competent authority will carry out periodic inspections of all users. The competent environmental authority will apply the system and method of calculation established internally for this purpose.

(Decree 3016 of 2013, art. 12).

ARTICLE 2.2.2.9.2.13. *Preventive and sanctioning measures.* In case of non-compliance with the terms, conditions and obligations provided for in the permit, they will give rise to the preventive and sanctioning measures that Law 1333 of 2009 deals with.

(Decree 3016 of 2013, art. 13).

ARTICLE 2.2.2.9.2.14. Preferred application. Users who, prior to the issuance of this decree, began the procedures to obtain scientific research permits on biological diversity in order to protect the activities covered by this decree, will continue their procedure in accordance with the regulations in that decree. current moment. However, they may request preferential application of the procedure established in this decree.

(Decree 3016 of 2013, art. 14).

TITLE 3

NON-MARITIME WATERS

CHAPTER 1

INSTRUMENTS FOR THE PLANNING, REGULATION AND MANAGEMENT OF HYDROGRAPHIC BASINS AND AQUIFERS

SECTION 1

GENERAL DISPOSITION

ARTICLE 2.2.3.1.1.1. *Object.* Regulate:

1. Article 316 of Decree-Law 2811 of 1974 in relation to the instruments for the planning, management and management of the country's hydrographic basins and aquifers, in accordance with the structure defined in the National Policy for the Integral Management of Water Resources .

two. Modified by no. 15 of art. 12, National Decree 050 of 2018. *<The new text is as follows>* Paragraph 3 of Law 99 of 1993 and article 212 of Law 1450 of 2011 on joint commissions of common hydrographic basins.

(Decree 1640 of 2012, art. 1).

The original text was as follows:

2. Paragraph 3 of Law 99 of 1993 and article 212 of Law 1450 of 2011 on joint commissions of common hydrographic basins and consultation procedures for the adequate and harmonious management of areas of confluence of jurisdictions between the Regional Autonomous Corporations and the System of National Parks or Reserves.

(Decree 1640 of 2012, art. 1).

ARTICLE 2.2.3.1.1.2. ***Area of application.*** The provisions of this Chapter are of a permanent nature and govern throughout the National Territory and apply to all natural and legal persons, especially State entities with powers within the structure defined for the planning, organization and management of hydrographic basins and aquifers of the country, which according to their competences, will be responsible for the coordination, formulation, execution, follow-up and evaluation of the instruments established for such purpose.

(Decree 1640 of 2012, art. 2).

ARTICLE 2.2.3.1.1.3. ***Definitions.*** For the purposes of the application and interpretation of this chapter, the following definitions will be taken into account:

Aquifer. Rock or sediment unit, capable of storing and transmitting water, understood as the system that involves the recharge, transit and discharge zones, as well as its interactions with other similar units, surface and marine waters.

groundwater. The subalveas and those hidden below the surface of the ground or the seabed that sprout naturally, such as the sources and springs captured in the outcrop site or those that require works such as wells, filter galleries or other similar works for their birth.

Threat. Latent danger that a physical event of natural origin, or accidentally or intentionally caused or induced by human action, will occur with sufficient severity to cause loss of life, injury or other health impacts, as well as damage and losses to assets, infrastructure, livelihoods, provision of services and environmental resources.

Regional Environmental Council. Modified by no. 1, art. 12, National Decree 050 of 2018. *<The new text is as follows>* Instance of interinstitutional and intersectoral coordination of the actors present in the hydrographic or macro-basin area.

The original text was as follows:

Regional Environmental Council. *Instance of inter-institutional and intersectoral coordination of the actors present in the hydrographic area or macro-basin, for the purpose of agreement.*

Watershed. A hydrographic basin or basin is understood as the area of surface or underground water that discharges into a natural hydrographic network with one or several natural channels, with continuous or intermittent flow, that converge in a larger course that, in turn, can flow into a river . main, in a natural water reservoir, in a swamp or directly in the sea.

Ecosystem. Dynamic complex of plant, animal and microorganism communities and their non-living environment that interact as a functional unit.

Ecosystem of strategic importance for the conservation of water resources. Those that guarantee the supply of ecosystem services related to the hydrological cycle, and in general with the processes of regulation and availability of water resources in a given area.

Main ecological structure. Set of biotic and abiotic elements that support the essential ecological processes of the territory, whose main purpose is the preservation, conservation, restoration, use and sustainable management of renewable natural resources, which provide the support capacity for the socioeconomic development of the populations.

Risk management. It is the social process of planning, execution, monitoring and evaluation of policies and permanent actions for knowledge of risk and promotion of greater awareness of it, preventing or avoiding its generation, reducing or controlling it when it already exists and to prepare for and manage the disaster situations, as well as for subsequent recovery, meaning: rehabilitation and reconstruction. These actions have the explicit purpose of contributing to the safety, well-being and quality of life of people and to sustainable development.

Basin limit. A hydrographic basin is delimited by the line of divorce of the waters. Divorce line is understood as the maximum surface level or height, which divides two contiguous basins.

Subsequent level of the hydrographic subarea. Corresponds to those basins with drainage areas greater than 500 km2 within a hydrographic subzone and that are direct tributaries of the main river.

Hidric resource. Corresponds to surface, groundwater, meteoric and marine waters.

Resilience. Capacity of ecosystems to absorb disturbances, without significantly altering their natural characteristics of structure and functionality, that is, to return to a state similar to the original once the disturbance has ended.

aquifer system. It corresponds to a spatial domain, limited in surface and in depth, in which there are one or several aquifers, related or not to each other.

Ecosystem services. Processes and functions of ecosystems that are perceived by humans as a direct or indirect benefit (ecological, cultural or economic).

Intrinsic vulnerability of an aquifer to contamination. Characteristics of an aquifer that determine the ease with which a contaminant derived from human activities or natural phenomena can affect it.

Vulnerability. Susceptibility or physical, economic, social, environmental or institutional fragility that a community has to be affected or to suffer adverse effects in the event that a dangerous physical event occurs. It corresponds to the predisposition to suffer loss or damage of human beings and their livelihoods, as well as their physical, social, economic and support systems that can be affected by dangerous physical events.

Coastal area. Variable width strip of land and maritime space where processes of interaction between the sea and the land occur, containing diverse and productive ecosystems endowed with a great capacity to provide ecosystem services.

Paragraph. For the purposes of this Chapter, those threats and vulnerabilities that may restrict and condition the use and exploitation of the territory and its renewable natural resources are considered.

(Decree 1640 of 2012, art. 3).

Article 2.2.3.1.1.4. ***Of the structure for the planning, management and management of hydrographic basins and aquifers.*** The following hydrographic structure is established:

1. Hydrographic Areas or Macro-basins.

2. Hydrographic Zones.

3. Hydrographic Subzones or their subsequent level.

4. Micro-basins and aquifers.

Paragraph. The Institute of Hydrology, Meteorology and Environmental Studies (Ideam), will make official the Hydrographic Zoning map of Colombia at a scale of 1:500,000, relating the Hydrographic Areas, Hydrographic Zones and Hydrographic Subzones, with their respective geographical delimitation, hydrography, name and code.

(Decree 1640 of 2012, art. 4).

ARTICLE 2.2.3.1.1.5. ***Of the instruments for the planning, management and management of hydrographic basins and aquifers.*** The instruments that will be implemented for the planning, ordering and management of hydrographic basins and aquifers established in the structure of the previous article, are:

1. Strategic Plans, in the Hydrographic Areas or Macro basins.

2. National Program for Monitoring Water Resources in Hydrographic Zones.

3. Planning and Management Plans for Hydrographic Basins, in Hydrographic Subzones or their subsequent level.

4. Environmental Management Plans for Micro-basins in basins below the level of the subsequent level of the Hydrographic Subzone.

5. Aquifer Environmental Management Plans.

Paragraph 1. The aquifers must be subject to an Environmental Management Plan, whose planning and administration measures must be included in the Management and Management Plans of the corresponding hydrographic basins.

(Decree 1640 of 2012, art. 5).

ARTICLE 2.2.3.1.1.6. ***Of the instances for the coordination of the planning, regulation and management of the hydrographic basins and aquifers.*** They are coordination instances:

* The Regional Environmental Council of the Macro-basin, in each one of the Hydrographic Areas or Macro-basins of the country.

* The Joint Commission, in the Hydrographic Subzones or their subsequent level, when the corresponding basin is shared between two or more competent environmental authorities.

(Decree 1640 of 2012, art. 6).

ARTICLE 2.2.3.1.1.7. ***Of the instances of participation.*** They are instances of participation for the planning, management and management of hydrographic basins and aquifers:

* Basin Councils: In the basins that are the object of a management and planning plan.

* Work Tables: In the micro basins or aquifers subject to the Environmental Management Plan.

(Decree 1640 of 2012, art. 7).

ARTICLE 2.2.3.1.1.8. ***Of the Regional Water Assessments.*** The competent environmental authorities will prepare the Regional Water Assessments, which include the integrated analysis of the supply, demand, quality and analysis of the risks associated with the water resource in their jurisdiction for the hydrographic zoning of the environmental authority, based on the hydrographic subzones .

Paragraph 1. The Institute of Hydrology, Meteorology and Environmental Studies (Ideam) will issue the technical guidelines for the development of Regional Water Assessments.

Paragraph 2. The competent environmental authorities, as of the issuance of the guidelines referred to in paragraph 1, will have a term of three (3) years to formulate regional water assessments.

Paragraph 3. The Regional Water Studies will serve as input for the organization and management of the Hydrographic Basins.

(Decree 1640 of 2012, art. 8).

SECTION 2

OF STRATEGIC PLANS

ARTICLE 2.2.3.1.2.1. ***From the concept.*** Modified by no. 2 of art. 12, National Decree 050 of 2018 . *<The new text is the following>* Long-term environmental planning instrument that, with a national vision, constitutes the framework for the formulation, adjustment and/or execution of the different policy, planning, planning and management instruments in each of them.

Paragraph. The strategic plans of the Hydrographic Areas or Macro-basins will be formulated at a scale of 1:500,000 or a more detailed level when the available information allows it.

(Decree 1640 of 2012, art. 9).

The original text was as follows:

Article 2.2.3.1.2.1. From the concept. *Long-term environmental planning instrument that, with a national vision, constitutes the framework for the formulation, adjustment and/or execution of the different policy, planning, planning, management, and monitoring instruments existing in each of them.*

Paragraph. The strategic plans of the Hydrographic Areas or Macro-basins will be formulated at a scale of 1:500,000 or a more detailed level when the available information allows it.

(Decree 1640 of 2012, art. 9).

ARTICLE 2.2.3.1.2.2. ***Hydrographic Areas object of the Strategic Plan.*** Corresponds to the macro-basins established in the Hydrographic Zoning map of Colombia:

1. Caribbean

2. Magdalena-Cauca

3. Orinoco

4. Amazon

5. Pacific

(Decree 1640 of 2012, art. 10).

ARTICLE 2.2.3.1.2.3. ***Of the competence and formulation of the Strategic Plans.*** The Ministry of Environment and Sustainable Development in a participatory manner, based on the information and technical inputs provided by the competent environmental authorities, the attached and linked scientific entities referred to in Title V of Law 99 of 1993 and the Regional Autonomous Corporation of the River Grande de la Magdalena (Cormagdalena) in what corresponds to its jurisdiction, will formulate the Strategic Plan for each of the Hydrographic Areas or Macro-basins, which will have the following phases:

1. Baseline: Analysis of the available technical, scientific, economic, social and environmental information and identification of actors involved in the planning of the natural resources of the macro-basin, as well as the main conflicts and unintentional natural and man-made risks related to the natural resources.

2. Diagnosis: Identification and evaluation of factors and variables that affect the development of the macro-basin, associated with changes in the state of water resources and other natural resources.

3. Strategic analysis: Agreement on the desired model of the respective macro-basin, based on which the guidelines and directives for the comprehensive management of water and other natural resources will be defined.

4. Agreements and strategic actions: Definition of agreements, actions and investments that can be implemented by each of the key actors.

Paragraph 1. The Strategic Plans of the Macro-basins must be formulated in a participatory manner, in accordance with the provisions of Section 3 of this chapter.

2nd paragraph. The Ministry of Environment and Sustainable Development, if necessary, will review and adjust the guidelines and directives established in the Strategic Plans every ten (10) years.

3rd paragraph. The competent entities that generate the information and technical inputs with which the Ministry of Environment and Sustainable Development will prepare the strategic plans of the macro-basins, must provide the pertinent information in the technical means indicated by the Ministry for this purpose.

(Decree 1640 of 2012, art. 11).

ARTICLE 2.2.3.1.2.4. ***Of the scope.*** The Strategic Plan of the respective macro-basin constitutes the framework for:

1. The formulation of the new River Basin Planning and Management Plans within the macro-basin, as well as for the adjustment of those that have already been formulated.

2. The formulation of the Management Plans of the Coastal and Oceanic Marine Environmental Units, as well as for the adjustment of those already formulated.

3. The formulation of the Environmental Management Plans for the Micro-basins and aquifers, as well as for the adjustment of those that have already been formulated.

4. The structuring of the national water resource monitoring network.

5. The formulation of sectoral public policies of a regional and/or local nature.

6. The formulation of the new quadrennial action plans of the regional environmental authorities, in accordance with the obligations stipulated in Decree 1200 of 2004 and other regulations.

7. Establish criteria and guidelines for hydrological management of the main rivers of the macro-basin by the environmental authorities, in terms of quantity and quality, as well as the uses of water at the sub-area level.

8. Establish strategies and actions to improve governance of water resources and other natural resources in the macro-basin.

Paragraph. Notwithstanding what is stated in numerals 1, 2 and 3 of this article, the Strategic Plans of the macro-basins must consider both the Basin Planning and Management Plans, as well as the Management Plans of the Coastal and Oceanic Marine Environmental Units. and of the Environmental Management Plans for micro-basins and aquifers, which are approved in these areas before the publication of this decree, those aspects that serve as input for its formulation.

(Decree 1640 of 2012, art. 12).

ARTICLE 2.2.3.1.2.5. ***of coordination.*** The monitoring of the Strategic Plans of the macro-basins will be carried out through the Regional Environmental Council of the Macro-basin of each Hydrographic Area.

(Decree 1640 of 2012, art. 13).

SECTION 3

REGIONAL ENVIRONMENTAL COUNCILS OF MACRO BASINS

ARTICLE 2.2.3.1.3.1. ***Of the scope.*** They are coordination instances for:

1. Participation in the formulation and monitoring of the Plan.

2. Collection of information on the state and trend of the natural base and the current socioeconomic activities.

3. Promote the incorporation of the guidelines and directives that result from the Strategic Plans, in the planning instruments and action plans of the institutions and productive sectors present in the macro-basin.

4. Promote inter-institutional and intersectoral agreements and strategic actions on the use, management and exploitation of renewable natural resources and the sustainable development of social and economic activities that take place in the Hydrographic Areas or Macro-basins.

(Decree 1640 of 2012, art. 14).

ARTICLE 2.2.3.1.3.2. ***From the summons.*** Modified by art. 1, National Decree 050 of 2018. <*The new text is as follows*> ***Of the conformation.*** The Regional Environmental Councils of Macrobasins (Carmac) of each of the Hydrographic Areas of the country will be made up of:

1. The Minister of Environment and Sustainable Development or his delegate, who will preside over it.

two. The Minister of Mines and Energy or his delegate.

3. The Minister of Agriculture and Rural Development or his delegate.

Four. The Minister of Housing, City and Territory or his delegate.

5. The Minister of Health and Social Protection or his delegate.

6. The Minister of Transport or his delegate.

7. The directors or their delegates, of the competent environmental authorities of the respective macro-basin.

8. The legal representatives or their delegate of the departments that make up the macro-basin.

9. The Director of the Regional Autonomous Corporation of the Río Grande de la Magdalena (Cormagdalena) for the Carmac Magdalena-Cauca, or his delegate.

Paragraph 1st. Natural or legal persons may be invited to the Council sessions, who will have voice, but without vote, in order to discuss relevant aspects in the development of its object.

Paragraph 2nd. The members of the Regional Environmental Councils (Carmac) referred to in numerals 1 to 9, may only delegate their assistance to a managerial or advisory level official.

Paragraph 3rd. The Regional Environmental Council (Carmac) will define and approve its operating regulations through minutes. In necessary cases, adjustments may be made to it, which must be approved by minutes.

Paragraph 4th. The Ministry of Environment and Sustainable Development will exercise the technical secretariat and will convene the Regional Environmental Council of the Macro-basin of each of the five (5) Hydrographic Areas or Macro-basins of the country every six (6) months and extraordinarily at the request of the president of the respective Carmac.

Paragraph 5th. The entities that make up the Macrocuenca Regional Environmental Council (Carmac) will implement the Macrocuenca Strategic Plans within the scope of their powers, through the signing and execution of intersectoral and interministerial agreements, the incorporation of the guidelines in the formulation, adjustment or execution of the different planning instruments, and allocate the necessary financial resources for such implementation.

The original text was as follows:

Article 2.2.3.1.3.2. *The Ministry of Environment and Sustainable Development will summon at least the following actors to the Regional Environmental Councils of Macrobasins in each of the Hydrographic Areas of the country:*

1. The Minister or his/her delegate(s) of the representative sectors of the macro-basin.

2. The Director or his delegate of the competent environmental authorities of the respective macro-basin.

3. The Governor or his delegate from the departments that make up the macro-basin.

4. The mayors of the municipalities that make up the macro-basin in whose jurisdiction productive activities are carried out with an impact on the formulation scale of the Macro-basin Strategic Plans.

5. One (1) representative of the sectoral Chambers that group the sectors that develop productive activities with incidence at the scale of formulation of the Strategic Plans of Macrobasins.

6. The others that you consider relevant in each particular case.

Paragraph 1. *Those attending the Regional Environmental Councils of Macrobasins will define their operating regulations in a term not exceeding three (3) months counted from the first session. The Ministry of Environment and Sustainable Development will chair and carry out the Administrative and Technical Secretariat.*

2nd paragraph. *The Ministry of Environment and Sustainable Development will convene the Regional Environmental Council of the Macro-basin of each of the five (5) Hydrographic Areas or Macro-basins of the country, every six (6) months or in a shorter time if necessary, during the formulation , implementation and monitoring of the Strategic Plan.*

(Decree 1640 of 2012, art. 15).

SECTION 4

OF THE NATIONAL WATER RESOURCE MONITORING PROGRAM

ARTICLE 2.2.3.1.4.1. ***Field of action, objective and definition of competencies.*** The National Water Resources Monitoring Program will advance at the level of the Hydrographic Zones defined in the environmental zoning map of the Institute of Hydrology, Meteorology and Environmental Studies, Ideam, which will be the space to monitor the state of the water resource and the impact that the actions developed within the framework of the National Policy for the Comprehensive Management of Water Resources have on this.

The program will be implemented by the Institute of Hydrology, Meteorology and Environmental Studies, Ideam and the Institute of Marine and Coastal Research "José Benito Vives de Andreis" - Invemar in coordination with the competent environmental authorities, in accordance with the functions established in Chapter 5 of Title 3, Part 2, book 2 of this decree

The Ministry of Environment and Sustainable Development, based on the technical inputs provided by the attached and related scientific entities referred to in Title V of Law 99 of 1993, will adopt the National Water Resources Monitoring Program through an administrative act.

(Decree 1640 of 2012, art. 16).

ARTICLE 2.2.3.1.4.2. ***From the Regional Water Resources Monitoring Network.*** The competent environmental authority will implement the Regional Monitoring Network in its respective jurisdiction, with the support of Ideam and Invemar, within the framework of the National Water Resources Monitoring Program.

(Decree 1640 of 2012, art. 17).

SECTION 5

OF THE PLANS OF ORGANIZATION AND MANAGEMENT OF HYDROGRAPHIC BASINS

ARTICLE 2.2.3.1.5.1. ***General disposition.*** Planning and management plan for the Hydrographic Basin. Instrument through which the planning of the coordinated use of soil, water, flora and fauna and management of the basin is carried out, understood as the execution of works and treatments, in the perspective of maintaining the balance between the use social and economic of such resources and the conservation of the physical-biotic structure of the basin and particularly of the water resource.

Paragraph 1. It is the function of the Autonomous Regional and Sustainable Development Corporations to prepare the Planning and Management Plans for the Hydrographic Basins in their jurisdiction, as well as the coordination of their execution, monitoring and evaluation.

Paragraph 2. For the purposes of what is established in paragraph 3 of article 33 of Law 99 of 1993 in relation to the organization and management of common hydrographic basins between two or more Autonomous Regional and Sustainable Development Corporations, the process will be carried out taking into account, in addition, defined in this decree.

Paragraph 3. In hydrographic basins subject to management where there are areas of confluence of jurisdictions between the National Natural Parks of Colombia and a Regional Autonomous and Sustainable Development Corporation, they are responsible for agreeing on the adequate and harmonious management of said areas.

Paragraph 4. Partial approvals of Ordinance and Management Plans in shared hydrographic basins may not be carried out. The competent environmental authorities that are members of the joint commission, once formulated, will approve the respective plan by means of their own administrative act.

Paragraph 5. If the determinations that are made in the process of formulating the Hydrographic Basin Planning and Management Plans have a direct and specific impact on ethnic communities, the specific prior consultation required by the constitutionality block must be carried out in an integral and complete manner. in accordance with the guidelines outlined for it by the constitutional doctrine.

(Decree 1640 of 2012, art. 18).

ARTICLE 2.2.3.1.5.2. ***Of the Guidelines.*** The management of basins will be done taking into account the following:

1. The special character of conservation of the Areas of Special Ecological Importance.
2. The ecosystems and areas that the Environmental legislation has prioritized in their protection, such as: moors, sub-moors, water sources, wetlands, water rounds, aquifer recharge zones, coastal areas, mangroves, estuaries, meanders, swamps or others. similar habitats of hydrobiological resources, the nurseries and habitats of fish, crustaceans or other similar habitats of hydrobiological resources.

3. The consumption of water for human supply and, secondly, food production will have priority over any other use and must be taken into account in the management of the respective hydrographic basin.
4. The prevention and control of the degradation of water resources and other natural resources of the account.
5. The supply, demand, current and future of renewable natural resources, including actions for the conservation and recovery of the natural environment to encourage its sustainable development and the definition of measures for saving and efficient use of water.
6. The risk that may affect the physicobiotic and socioeconomic conditions in the basin, including climatic variability conditions and extreme hydrometeorological events.
(Decree 1640 of 2012, art. 19).

ARTICLE 2.2.3.1.5.3 ***Of the hydrographic basins subject to planning and management.*** The ordering and management will be carried out in the hydrographic basins corresponding to the Hydrographic Subzones defined in the Hydrographic Zoning map of Colombia or its subsequent level, where the ecological, economic or social conditions warrant it in accordance with the prioritization established in this decree. .

Paragraph. Adoption of measures. Notwithstanding the foregoing, in those hydrographic basins where planning has not begun, the Autonomous Regional and Sustainable Development Corporations will establish measures for the conservation and protection of the environment and renewable natural resources.

(Decree 1640 of 2012, art. 20).

ARTICLE 2.2.3.1.5.4 ***Of the cartographic scale.*** The Hydrographic Basin Planning and Management Plans will be drawn up as follows:

• At a scale of 1:100,000, for the basins that are part of the Orinoco, Amazon and Pacific hydrographic zones or macro-basins, or a more detailed level when the information available allows it.

• At a scale of 1:25,000, for the basins that are part of the Caribbean and Magdalena-Cauca hydrographic zones or macro-basins.

Paragraph. Transboundary basins will be subject to special treatment, for which the Ministry of Environment and Sustainable Development will coordinate the pertinent with the Ministry of Foreign Affairs.

(Decree 1640 of 2012, art. 21).

ARTICLE 2.2.3.1.5.5 ***Prioritization of hydrographic basins for planning and management.*** The Regional Autonomous Corporations will prioritize the basins subject to management in the respective Hydrographic Area or Macro-basin, in accordance with criteria of supply, demand and water quality, risk and governance.

Paragraph 1. The Ministry of Environment and Sustainable Development, with the technical inputs of Ideam, will develop the criteria for prioritizing the hydrographic basins subject to planning and management at the Hydrographic Area or Macro-basin level.

Paragraph 2. The Autonomous Regional and Sustainable Development Corporations will incorporate the results of the prioritization as well as the strategies, programs and projects defined in the Hydrographic Basin Planning and Management Plan, in the respective Regional Environmental Management Plans (PGAR) and Action Plans. .

Paragraph 3. Taking into account the particularities of geographical, environmental and ecological location of the area of jurisdiction of the Corporation for the Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina (Coralina), for purposes of ordering and managing its basins, it will be subject to special handling.

(Decree 1640 of 2012, art. 22).

ARTICLE 2.2.3.1.5.6 ***Of the Hydrographic Basin Planning and Management Plan as an environmental determinant.*** The Hydrographic Basin Planning and Management Plan is constituted as a standard of superior hierarchy and environmental determinant for the preparation and adoption of territorial planning plans, in accordance with the provisions of article 10 of Law 388 of 1997.

Once the Plan for the Organization and Management of the Hydrographic Basin in which one or several municipalities are located has been approved, they must take into account, in their own spheres of competence, what is defined by the Plan, as a rule of superior hierarchy, when formulating , review and/or adopt the respective Land Use Plan, in relation to:

1. Environmental zoning.

2. The programmatic component.

3. The risk management component.

Paragraph 1. For the determination of the risk, the areas identified as high threat in the Plan for the Planning and Management of the Basin, will be detailed by the territorial entities in accordance with their competences.

Paragraph 2. The specific risk studies that are prepared within the framework of the Hydrographic Basin Planning and Management Plan will be taken into account by the territorial entities in the processes of formulation, review and/or adoption of the Territorial Planning Plans.

(Decree 1640 of 2012, art. 23).

SECTION 6

OF THE DECLARATION IN REGULATION AND THE FORMULATION OF THE PLAN FOR THE ORGANIZATION AND MANAGEMENT OF HYDROGRAPHIC BASINS

ARTICLE 2.2.3.1.6.1. ***From the declaration.*** It will be carried out through a motivated resolution by each competent Regional Autonomous and Sustainable Development Corporation, and its purpose is to initiate the process of ordering the hydrographic basin.

Within fifteen (15) business days following the publication of the administrative act, natural and legal, public and private persons and ethnic communities present or carrying out activities in the basin must be informed. Said publication will be supplied through a notice that will be inserted in a newspaper with regional circulation or with coverage in the basin under management, as well as on the web page of the environmental authority.

Paragraph.- The administrative act of declaration of the start of the basin management process must include its delimitation in the cartographic base of the Agustín Codazzi Geographical Institute at the scale in which the basin management will be carried out, in accordance with the Hydrographic Zoning map of Colombia."

(Decree 1640 of 2012, art. 24).

ARTICLE 2.2.3.1.6.2. ***Of the Environmental Authorizations.*** During the period between the declaration of ordering the basin and the approval of the Management and Management Plan, the Competent Environmental Authority may grant, modify or renew the permits, concessions and other environmental authorizations that may apply, in accordance with the regulations valid. Once the plan has been duly approved, the permits, concessions and other environmental authorizations granted must be adjusted to the provisions therein.

(Decree 1640 of 2012, art. 25).

ARTICLE 2.2.3.1.6.3. ***Of the phases.*** It includes the following;

1. Sizing.

2. Diagnosis.

3. Prospective and environmental zoning.

4. Formulation.

5. Execution.

6. Monitoring and evaluation.

Paragraph 1. The Autonomous Regional and Sustainable Development Corporations will develop each of the phases that this article deals with in accordance with the technical criteria, procedures and methodologies established in the Technical Guide for the formulation of the Hydrographic Basin Planning and Management Plans.

Paragraph 2. The Ministry of Environment and Sustainable Development will prepare the Technical Guide for the Formulation of the Plans for the Organization and Management of Hydrographic Basins based on the technical inputs of Ideam and the support of the institutes attached and linked to the Ministry.

Paragraph 3. The Basin Planning and Management Plan will include the supporting technical documents, including annexes and resulting cartography. The foregoing, in accordance with what is indicated in the Technical Guide for the formulation of the Planning and Management Plans for Hydrographic Basins.

Paragraph 4. The Autonomous Regional and Sustainable Development Corporations will report annually to the Watershed Management component of the Management module of the Water Resources Information System (SIRH), the progress in the planning and management processes of the hydrographic basins of their jurisdiction, through the protocols and formats issued by the Ministry for this purpose.

(Decree 1640 of 2012, art. 26).

ARTICLE 2.2.3.1.6.4. ***From advertising.*** The competent environmental authority within fifteen (15) business days counted from the completion of the formulation phase, will inform the interested parties, by means of a notice that will be published in a newspaper with regional circulation or with coverage in the basin under management and on its website, in order to present the duly supported recommendations and observations, within twenty (20) business days following the publication of the notice.

Once the term for the presentation of recommendations and observations has expired, the competent environmental authority will proceed to study them and will adopt the necessary measures, for which it will have a term of up to two (2) months.

(Decree 1640 of 2012, art. 27).

ARTICLE 2.2.3.1.6.5. ***Of the harmonization of planning instruments.*** Within the development phases of the Hydrographic Basin Planning and Management Plan, the existing renewable natural resource planning and/or management instruments must be considered; If appropriate, said instruments must be adjusted and harmonized by the respective competent environmental authority in the execution phase, in light of what is defined in the respective plan. To this end, the following instruments must be taken into account, among others:

1. Wetland Management Plans.

2. Páramo Management Plan.

3. Comprehensive Mangrove Management Plans.

4. Delimitation of Water Rounds

5. Forest Management Plans and Forest Exploitation Plans.

6. Water Resource Management Plans.

7. Regulation of Water Uses and Discharges

8. The environmental component of the Water for Prosperity Programs.

9. Life plans and/or ethnic development plans in the environmental component.

10. Other environmental planning instruments for renewable natural resources.

(Decree 1640 of 2012, art. 28).

ARTICLE 2.2.3.1.6.6. ***Of the consideration of the sectoral instruments and plans.*** In the diagnostic, prospective and environmental zoning phases of the hydrographic basin planning and management process, sectoral planning instruments should be considered, in order to anticipate the demand for renewable natural resources in the basin, the potential impacts on themselves, ecosystems and biodiversity.

(Decree 1640 of 2012, art. 29).

ARTICLE 2.2.3.1.6.7. ***From the preparation phase.*** In this phase, the pertinent technical team will be formed to carry out and accompany the planning and management process of the hydrographic basin, the work program, the socialization and participation strategy, the collection and consolidation of existing information and the required logistics will be defined. in other aspects.

The participation strategy must identify the natural and legal persons, public and private, as well as the ethnic communities that are settled in the respective hydrographic basin and define the process of forming the Basin Councils.

Paragraph. In the preparation phase, the pre-consultation of the ethnic communities must be carried out when it is necessary, in accordance with the procedures established for this purpose.

(Decree 1640 of 2012, art. 30).

ARTICLE 2.2.3.1.6.8. ***From the diagnostic phase.*** In this phase, the following aspects will be identified and characterized, among other aspects:

1. The state of the basin in the social, cultural, economic and biophysical aspects, including its biodiversity, ecosystems and ecosystem services.

2. The supply and demand of renewable natural resources, with emphasis on water resources.

3. The conditions of threat and vulnerability that may restrict and condition the use and exploitation of the territory and its renewable natural resources.

4. Socio-environmental conflicts, restrictions and potentialities of the basin.

5. The demand for goods and services in the areas of urban use with respect to the environmental supply of the basin, identifying the impacts generated.

As a result of the diagnosis phase, the main ecological structure and the base line of the hydrographic basin in order will be defined, which will serve as input for the development of the Prospective and environmental zoning phase.

Urban areas and coastal zones should be considered as an integral part of the respective hydrographic basin and as such should be the object of analysis in the diagnostic, prospective and environmental zoning phases.

(Decree 1640 of 2012, art. 31).

ARTICLE 2.2.3.1.6.9. ***Of the prospective phase and environmental zoning.*** Phase in which the future scenarios of the coordinated and sustainable use of the soil, waters, flora and fauna present in the basin will be designed, which will define in a horizon of no less than ten (10) years the model of management of the basin, based on which the corresponding Management and Management Plan will be formulated.

Paragraph 1. As a result of the prospective phase, the environmental zoning will be prepared, which will have the purpose of establishing the different homogeneous units of the territory and the

categories of use and management for each of them. Threat conditions will be included as a component within this zoning.

Paragraph 2. The categories of use, management and the technical criteria for the preparation of the environmental zoning will be developed based on the parameters defined in the Technical Guide for the formulation of the Basin Management and Management Plans.

(Decree 1640 of 2012, art. 32).

ARTICLE 2.2.3.1.6.10. ***From the formulation phase.*** In this phase it will be defined;

1. The programmatic component.

2. Measures for the administration of renewable natural resources.

3. The risk management component.

Paragraph. In the formulation phase, prior consultation with the ethnic communities should be carried out when appropriate, in accordance with the procedures established for this purpose.

(Decree 1640 of 2012, art. 33).

ARTICLE 2.2.3.1.6.11. ***Of the programmatic component of the formulation phase.*** Which will include at least: objectives, strategies, programs, projects, activities, goals and indicators, schedules, sources of financing, monitoring and evaluation mechanisms and instruments, as well as those responsible for the execution of the activities contained therein, specifying the investments annually in the short, medium and long term.

(Decree 1640 of 2012, art. 34).

ARTICLE 2.2.3.1.6.12. ***Of the measures for the administration of renewable natural resources.*** In the formulation phase, the renewable natural resources that must be the object of implementation of planning and/or administration instruments by the competent environmental authorities must be defined and identified, such as:

1. Forests subject to restriction for forest use.

2. Ecosystems subject to environmental management measures.

3. Areas subject to risk assessment.

4. Species subject to environmental management measures

5. Areas subject to declaration of protected areas

6. Paramo areas subject to delimitation or management measures

7. Wetland areas subject to delimitation or management measures

8. Mangrove areas subject to delimitation or management measures

9. Bodies of water and/or aquifers subject to a water resource management plan.

10. Bodies of water and/or aquifers subject to regulations on the use of water.

11. Bodies of water subject to discharge regulations.

12. Riverbeds, beaches and beds subject to restriction for occupation.

13. Prioritized bodies of water for the definition of the water round.

14. Aquifers subject to environmental management plan.

Paragraph. Corrected by no. 11 items 25, National Decree 703 of 2018. <*The new text is as follows*> In the event that there are aquifers in the basin, the environmental management measures for preservation and restoration, among others, will be an integral part of the Basin Planning and Management Plan and must be subject to the provisions of the Methodological Guide

for the Formulation of the Environmental Management Plans for Aquifers.", which this decree deals with.

(Decree 1640 of 2012, art 35).

The original text was as follows:

Paragraph. *In the event that there are aquifers in the basin, the environmental management measures for preservation and restoration, among others, will be an integral part of the Basin Planning and Management Plan and must be subject to the provisions of the Methodological Guide for the Formulation of Environmental Management Plans for Aquifers.", which is the subject of this decree.*

(Decree 1640 of 2012, art 35).

ARTICLE 2.2.3.1.6.13. ***Of the risk management component.*** The competent environmental authorities in the formulation phase must incorporate risk management, for which they will prioritize and program actions for the knowledge and reduction of risk and environmental recovery of affected territories. The competent environmental authorities will develop this component based on the parameters that are defined in the Technical Guide for the formulation of the Basin Planning and Management Plans.

(Decree 1640 of 2012, art. 36).

ARTICLE 2.2.3.1.6.14. ***of approval.*** The Hydrographic Basin Planning and Management Plan will be approved by resolution, by the competent Regional Autonomous Corporation(s) and Sustainable Development Corporation(s), within the following two (2) months upon expiration of the terms provided in this decree. The administrative act that is issued in compliance with the provisions herein, will be published in the gazette of the respective entity. Additionally, it must be published in a newspaper with regional circulation and on the website of the respective entity.

(Decree 1640 of 2012, art. 37).

ARTICLE 2.2.3.1.6.15. ***From the execution phase.*** It corresponds to the competent Autonomous Regional and Sustainable Development Corporations to coordinate the execution of the Hydrographic Basin Planning and Management Plan, in the temporary scenario for which it was formulated, without prejudice to the powers established in the legal system for the investment and realization of the works and actions established in the formulation phase of the Plan.

(Decree 1640 of 2012, art. 38).

ARTICLE 2.2.3.1.6.16. ***From the monitoring and evaluation phase.*** The Autonomous Regional and Sustainable Development Corporations will carry out the follow-up and evaluation of the Hydrographic Basin Planning and Management Plan on an annual basis, based on the mechanism defined for this purpose in the respective Plan, in accordance with the provisions of the Technical Guide for the Formulation of the Planning and Management Plan for the Hydrographic Basin.

(Decree 1640 of 2012, art. 39).

ARTICLE 2.2.3.1.6.17. ***Of the revision and adjustments to the Planning and Management of the Hydrographic Basin.*** Based on the annual results of the follow-up and evaluation of the Hydrographic Basin Planning and Management Plan or in the event of significant changes in the forecasts on the selected prospective scenario, the Regional Autonomous and Sustainable Development Corporation may adjust totally or partially the Plan for Management of the Hydrographic Basin, for which it will be subject to the procedure established for the phases of diagnosis, prospective and formulation of the Plan.

(Decree 1640 of 2012, art. 40).

SECTION 7

OF THE FINANCING OF THE PROCESS OF ORGANIZATION AND MANAGEMENT OF HYDROGRAPHIC BASINS

ARTICLE 2.2.3.1.7.1. ***Of the sources of financing.*** The entities responsible for the implementation of the Plan, within the framework of their powers, may allocate the following resources for this purpose:

1. Those from the competent Regional Autonomous and Sustainable Development Corporations, such as:

a) The remuneration rates for discharges to bodies of water;

b) Rates for the use of water;

c) Electricity sector transfers;

d) The sums of money that natural and legal persons transfer to them under any title for the organization and management of the hydrographic basin;

e) Contributions for valuation;

f) Those from the surcharge or environmental percentage;

g) The compensations referred to in Law 141 of 1994 or the regulation that modifies or adds it;

h) Compensatory or forest exploitation rates;

i) Plan Agreement or Contract referred to in Article 8 of Law 1450 of 2011 for the execution of strategic projects;

i) Other resources appropriated for the organization and management of hydrographic basins.

2. Those from territorial entities, such as:

a) The 1% referred to in article 111 of Law 99 of 1993 or the rule that modifies, replaces or adds it;

b) Those appropriate in its budget in environmental matters;

c) Those provided for in environmental matters in the current National Development Plan, in relation to the plans for the Business management of Water and Sanitation Services.

3. Those coming from the users of the hydrographic basin, such as:

a) The 1% referred to in the paragraph of article 43 of Law 99 of 1993 or the rule that modifies, replaces or adds to it;

b) Those that must be invested in compensation measures for the use and exploitation and/or intervention - affectation of renewable natural resources;

c) Those not derived from compliance with environmental legislation within the framework of its corporate social responsibility.

4. Those from the General Royalties System.

5. Those from the Environmental Compensation Fund.

6. Those from the National Environmental Fund (Fonam).

7. Those from the Adaptation Fund.

8. Those coming from the Funds that the national government regulates for this purpose.

9. Those coming from any other financial and economic source that the competent environmental authority identifies and must be executed by the natural and/or legal persons that have a seat in the hydrographic basin.

10. Those from donations.

Resources from Law 1454 of 2011.

Paragraph 1. For the provisions of this Article, the specific destination foreseen in each source of financing will be taken into account.

Paragraph 2. The projects defined in the formulation phase of the hydrographic basin organization and management plan, as well as the preservation and restoration projects thereof, may be prioritized for execution by Fonam, the Environmental Compensation Fund and the General System. Royalties, in accordance with current regulations.

Paragraph 3. The investments referred to in literal a) of numeral 3 of this Article, will be made in the hydrographic basin that feeds the respective water source.

(Decree 1640 of 2012, art. 41. In accordance with the provisions of the first paragraph of article 216 of Law 1450 of 2011).

ARTICLE 2.2.3.1.7.2. ***Application of the principle of solidarity in the financing of the Planning and Management of Hydrographic Basins.*** In development of article 213 of Law 1450 of 2011, the competent environmental authorities, the territorial entities and other entities of the national, departmental or municipal order, settled and with responsibilities in the basin and its environmental problems, may within the framework of their competences , invest in the programs, projects and activities defined in the programmatic aspect of the Hydrographic Basin Planning and Management Plan, without taking into account its jurisdictional limits. For these purposes, agreements may be signed in accordance with Law 1454 of 2011.

(Decree 1640 of 2012, art. 42).

SECTION 8

OF THE JOINT COMMISSIONS

ARTICLE 2.2.3.1.8.1. ***of the object.*** The Joint Commissions referred to in paragraph 3 of article 33 of Law 99 of 1993, have the purpose of agreeing and harmonizing the process of ordering and managing common hydrographic basins between two or more Autonomous Regional and Sustainable Development Corporations.

(Decree 1640 of 2012, art. 43).

ARTICLE 2.2.3.1.8.2. ***Of the conformation.*** They will be integrated as follows:

1. The Directors of the Autonomous Regional and Sustainable Development Corporations or their delegate, of the Corporations with jurisdiction in the Hydrographic Basin subject to planning and management.

2. The Director of the Directorate of Comprehensive Management of Water Resources of the Ministry of Environment and Sustainable Development or his/her delegate(s), who will preside over it.

Paragraph 1. With the purpose of defining the consultation procedures for the adequate and harmonious management of areas of confluence of jurisdictions between the Regional Autonomous Corporations and the National Parks System, the Director of National Natural Parks of Colombia or his delegate or the respective Territorial Director, when there is a place, he will attend as a guest.

Paragraph 2. For the common hydrographic basins, the joint commission must be formed. To this end, any of the members of the basin may call for the formation of the Joint Commission that may arise.

Paragraph 3. Once the Joint Commission has been formed, the Autonomous Regional and Sustainable Development Corporations will proceed to publish the administrative act of constitution in accordance with the provisions of the legal system.

(Decree 1640 of 2012, art. 44).

ARTICLE 2.2.3.1.8.3. ***Of the meetings.*** The Joint Commission shall meet with the periodicity established in the schedule established for such purpose. Natural and/or legal persons may attend

the meetings of the Commission as guests, when the Commission deems it pertinent. The guests will have a voice but no vote.

(Decree 1640 of 2012, art. 45).

ARTICLE 2.2.3.1.8.4. ***Of the functions.*** The Joint Commission will fulfill the following functions:

1. Agree and establish policies for the organization and management of the shared hydrographic basin.

2. Recommend the adjustment of the Ordination and Management Plan of the common Hydrographic Basin.

3. Recommend the guidelines for the planning and administration of the renewable natural resources of the common hydrographic basin object of formulation or adjustment of the Planning and Management Plan, in relation to the following instruments, among others:

• The management of water resources.

• Regulation of water uses.

• The regulation of discharges.

• The delimitation of the hydric rounds.

• User legalization programs.

• The water resource monitoring program.

• Environmental management plans for aquifers.

• Declaration of Regional Systems of Protected Areas,

• The risk management component at the level of threat and vulnerability.

• The environmental management plan for micro-basins.

4. Serve as a scenario for managing conflicts in relation to the processes of formulating or adjusting the Ordinance and Management Plan of the common hydrographic basin and the administration of the renewable natural resources of said basin.

5. Agree on strategies for the application of economic instruments in the common hydrographic basin.

6. Annually carry out the follow-up and evaluation of the Ordinance and Management Plan of the common Hydrographic Basin.

7. Elect on a rotating basis the Secretary of the Joint Commission and the term of his term.

8. Define the meeting schedule.

9. Establish the technical committee.

10. Arrange with National Parks of Colombia in confluence areas of their respective jurisdictions, the process of organization and management of hydrographic basins.

(Decree 1640 of 2012, art. 46).

ARTICLE 2.2.3.1.8.5. ***Of the technical committees.*** The Joint Commission will establish technical committees, which will provide technical support for decision-making by the members of the Joint Commission. Individuals and legal entities may attend the meetings of the technical committee as guests, when appropriate.

Paragraph 1. The Director of National Natural Parks of Colombia or his delegate or the respective Territorial Director, will participate when appropriate, with the purpose of agreeing on the adequate and harmonious management of areas of confluence of jurisdictions between the Regional Autonomous Corporations and the Parks System. Nationals.

Paragraph 2. The technical committee will be made up of public servants from the environmental authorities that comprise it.

(Decree 1640 of 2012, art. 47).

SECTION 9.

OF THE BASIN COUNCILS

ARTICLE 2.2.3.1.9.1. ***From the Cuenca Council.*** It is the consultative and representative instance of all the actors that live and develop activities within the hydrographic basin.

Paragraph. The competent environmental authority may support the logistical and financial aspects for the operation of the Basin Council.

(Decree 1640 of 2012, art. 48).

ARTICLE 2.2.3.1.9.2. ***Of the conformation.*** Representatives from each of the

public and/or private legal persons established and carrying out activities in the basin, as well as peasant, indigenous and black communities, and user associations, guilds, as the case may be.

(Decree 1640 of 2012, art. 49).

ARTICLE 2.2.3.1.9.3. ***Of the functions.*** The Basin Council will have the following:

1. Provide available information on the general situation of the basin.

2. Participate in the phases of the Basin Management Plan in accordance with the guidelines defined by the Ministry of Environment and Sustainable Development.

3. Serve as a space for consultation in the different phases of the planning and management process of the basin, with emphasis on the prospective phase.

4. Serve as a channel for the presentation of recommendations and observations in the different phases of the ordering and management process of the hydrographic basin declared in order, by natural and legal persons settled in it.

5. Permanently disclose with their respective communities or sectors whom they represent, the advances in the phases of the basin ordering and management process.

6. Propose financing mechanisms for the programs, projects and activities defined in the plan formulation phase.

7. Accompaniment to the execution of the Basin Planning and Management Plan.

8. Prepare its own regulations within a period of three (3) months from its installation,

9. Contribute with solution alternatives in conflict management processes in relation to the formulation or adjustment of the Plan for the Regulation and Management of the hydrographic basin and the administration of the renewable natural resources of said basin.

(Decree 1640 of 2012, art. 50).

ARTICLE 2.2.3.1.9.4. ***From the period of the representatives before the Cuenca Council.*** The period of the members of the Basin Councils will be four (4) years, counted from their installation.

(Decree 1640 of 2012, art. 51).

ARTICLE 2.2.3.1.9.5. ***From the secretariat.*** It must be exercised by whoever delegates the Basin Council and will be rotated in accordance with the provisions of its internal regulations. The functions will be defined in the internal regulations of the Basin Council.

(Decree 1640 of 2012, art. 52).

ARTICLE 2.2.3.1.9.6. ***Of citizen participation.*** Natural, legal, public and private persons, settled in the hydrographic basin declared in order by the competent environmental authority, may

participate in the different phases of the ordering and management process of the same, presenting their recommendations and observations through their representatives. in the Basin Council referred to in this decree, without prejudice to the other instances of participation that the competent environmental authority considers pertinent to implement in these processes.

(Decree 1640 of 2012, art. 53).

SECTION 10.

ENVIRONMENTAL MANAGEMENT PLANS

ARTICLE 2.2.3.1.10.1. Environmental Management Plan for Micro-basins. Of the object and the responsibility. Planning and administration of the renewable natural resources of the micro-basin, through the execution of projects and activities for the preservation, restoration and sustainable use of the micro-basin. The competent Environmental Authority will formulate the plan.

(Decree 1640 of 2012, art. 54).

ARTICLE 2.2.3.1.10.2. ***Of the micro-basins subject to the Environmental Management Plan*** **.** In those micro-basins that are not part of a Hydrographic Basin Ordinance and Management Plan, it will be formulated in the basins of a lower level than the subsequent level, as appropriate.

Paragraph. In the Environmental Management Plans for Micro-watersheds, the mechanism of prior consultation with the ethnic communities should be carried out when appropriate, in accordance with the procedures established for this purpose.

(Decree 1640 of 2012, art. 55).

ARTICLE 2.2.3.1.10.3. ***of the cartographic scale.*** The Environmental Management Plans for Micro-basins will be prepared on scales greater than or equal to 1; 10,000,

(Decree 1640 of 2012, art. 56).

ARTICLE 2.2.3.1.10.4. ***Of the selection and prioritization.*** The competent Environmental Authority will prepare the Environmental Management Plan for the micro-basin, after selecting and prioritizing it, when at least one of the following conditions are present or foreseen, in relation to water supply, demand and quality, risk and governance :

1. Physical, chemical or ecological imbalances in the natural environment derived from the use of its renewable natural resources.

2. Degradation of water or soil and, in general, of renewable natural resources, in terms of their quality and quantity, which may make them inadequate to meet the requirements of sustainable development of the community settled in the micro-basin.

3. Threats, vulnerability and environmental risks that may affect the ecosystem services of the micro-basin, and the quality of life of its inhabitants.

4. When the micro-basin is a supply source of aqueducts and the source is expected to be affected by anthropogenic or natural phenomena.

Paragraph 1. Technical consultation table. When the limits of a micro-basin include more than one jurisdiction and it is not part of a hydrographic basin in management, the competent Environmental Authorities with jurisdiction in it, will coordinate the process of planning and administration of the renewable natural resources of the micro-basin.

Paragraph 2. Once the Environmental Management Plan of the micro-basin has been approved, the corresponding municipality must take into account what is defined in the Plan, when preparing, adjusting and adopting the Land Management Plan.

Paragraph 3. Notwithstanding what is defined in this article, the competent Environmental Authorities will impose the measures of conservation, protection and sustainable use of natural resources that may take place, in those micro-basins that have not yet been the subject of an Environmental Management Plan.

(Decree 1640 of 2012, art. 57).

ARTICLE 2.2.3.1.10.5. ***Of the phases.*** It includes the following:

1. ***Sizing*** . The necessary technical team will be formed to carry out and accompany the formulation and implementation of the plan, the work plan, the socialization and participation strategy and logistics, among other aspects, will be defined.

2. ***Diagnosis.*** The problems generated by imbalances in the natural environment, the degradation in quantity or quality of renewable natural resources, the natural and anthropic risks, establishing the causes, the environmental impacts, among other aspects, will be identified and characterized.

3. ***Formulation.*** The projects and activities to be executed by the competent environmental authority will be defined, in order to solve the problem identified in the diagnosis, establishing the execution schedule, costs and responsible parties.

4. ***Execution.*** The projects and activities will be executed, in accordance with the provisions of the formulation phase.

5. ***Monitoring and evaluation.*** The follow-up and evaluation of the Program will be carried out, in accordance with the goals and indicators set forth in the respective program, in order to define the adjustments that may take place.

Paragraph 1st. Modified by no. 3 of art. 12, National Decree 050 of 2018 <*The new text is as follows*> The competent Environmental Authority for the formulation of the Environmental Management Plan of the micro-basin, will develop each of the phases that this article deals with according to the technical criteria, methodological procedures, which for this purpose, are established in the Methodological Guide for the Formulation of Environmental Management Plans for Micro-basins.

The original text was as follows:

Paragraph 1: *The competent Environmental Authority for the formulation of the Environmental Management Plan of the micro-basin, will develop each of the phases that this article deals with according to the technical criteria, methodological procedures, which for this purpose, are established in the Guide. Methodology for the Formulation of Environmental Management Programs for Micro-basins.*

Paragraph 2nd. Modified by no. 3 of art. 12, National Decree 050 of 2018 <*The new text is as follows*> The Ministry of Environment and Sustainable Development will issue, based on the technical inputs of the Institute of Hydrology, Meteorology and Environmental Studies -IDEAM, the Methodological Guide for the Formulation of Environmental Management Plans for Micro-basins.

The original text was as follows:

Paragraph 2: *The Ministry of Environment and Sustainable Development, based on the technical inputs of the Institute of Hydrology, Meteorology and Environmental Studies -IDEAM, will issue the Methodological Guide for the Formulation of Environmental Management Programs for Micro-basins.*

Paragraph 3. During the development of the phases of the Management Plan, the competent Environmental Authority may form working groups, as support for the development of the different phases of the plan.

(Decree 1640 of 2012, art. 58).

ARTICLE 2.2.3.1.10.6. ***of approval.*** The Environmental Management Plan for the Micro-basin will be approved, by resolution of the competent Environmental Authority, within two (2) months following the completion of the formulation of the Plan and will include in its Action Plan the programs and projects to be carried out accordingly. gradually.

When a micro-basin is shared, and being outside of a Hydrographic Basin Planning and Management Plan, the Environmental Management Plan must be approved in accordance with the provisions of paragraph 4 of article 2.2.3.1.5.1 of this decree. .

Paragraph. The competent Environmental Authority(ies) will report to the Ministry of Environment and Sustainable Development, the progress in relation to the selection, prioritization and formulation of the Environmental Management Plans of the micro-watersheds of their jurisdiction, for which the Ministry will prepare the format and define the periodicity for the respective report.

(Decree 1640 of 2012, art. 59)

ARTICLE 2.2.3.1.10.7. ***Of the Financing.*** The competent Environmental Authority(ies), the territorial entities and other entities of the national, departmental or municipal level, settled and with responsibilities in the micro-basin, may, within the framework of their competences, invest in the execution of the projects and activities for the preservation, restoration and sustainable use of the micro-basin.

The elaboration and execution of the Environmental Management Plan for Micro-basins will take into account the sources of financing foreseen in this decree, according to the specific destination of each source.

Pursuant to the provisions of article 213 of Law 1450 of 2011, the investments and costs of the projects and activities defined in the Environmental Management Plan for Micro-basins, even if they transcend jurisdictional limits, may be assumed jointly by the Regional Autonomous Corporation and of Sustainable Development and the territorial entities, according to each case.

(Decree 1640 of 2012, art. 60).

SECTION 11

ENVIRONMENTAL MANAGEMENT PLAN FOR AQUIFERS

ARTICLE 2.2.3.1.11.1. ***Of the object and the responsibility.*** Planning and administration of groundwater, through the execution of projects and activities for the conservation, protection and sustainable use of the resource. The competent environmental authority will formulate the plan.

Paragraph. In the Environmental Management Plans for Aquifers, the mechanism for prior consultation with ethnic communities should be developed when appropriate, in accordance with the procedures established for this purpose.

(Decree 1640 of 2012, art. 61).

ARTICLE 2.2.3.1.11.2. ***Of the selection and prioritization.*** In those aquifers that are not part of a Hydrographic Basin Planning and Management Plan, the competent environmental authority will prepare the Environmental Management Plan for Aquifers, after selecting and prioritizing it, when at least one of the following conditions, in relation to water supply, demand and quality, risk and governance:

1. Depletion or contamination of groundwater in accordance with the provisions of article 152 of Decree-Law 2811 of 1974 regulated by Articles 121 and 166 of Decree 1541 of 1978 or the rule that modifies or replaces them.

2. When groundwater is the only and/or main source of supply for human consumption.

3. When, due to its hydrogeological characteristics, the aquifer is strategic for the socioeconomic development of a region.

4. Existence of conflicts over the use of groundwater.

5. When the aquifer is required to be the alternate source due to shortage of surface water, due to anthropogenic or natural risks.

Paragraph 1 °. Notwithstanding what is defined in this article, the competent environmental authorities will impose the measures of conservation, protection and sustainable use of natural resources that may take place, in those aquifers that have not yet been the subject of an Environmental Management Plan.

Paragraph 2. The Ministry of Environment and Sustainable Development, based on the technical inputs of the Institute of Hydrology, Meteorology and Environmental Studies IDEAM, will issue the Methodological Guide for the Formulation of Environmental Management Plans for Aquifers.

Paragraph 3. Technical consultation table. When the limits of an aquifer include more than one jurisdiction and it is not part of a hydrographic basin in management, the competent environmental authorities with jurisdiction in the aquifer, will agree on the process of planning and managing groundwater. Once the Environmental Management Plan for the aquifer has been approved, the corresponding municipality must take into account what is defined in the Plan, when preparing, adjusting and adopting the Land Management Plan.

(Decree 1640 of 2012, art. 62).

ARTICLE 2.2.3.1.11.3. ***Of the phases.*** It includes the following:

1. ***Preparation phase.*** The necessary technical team will be formed to carry out and accompany the formulation and implementation of the plan, the work plan, the socialization and participation strategy and logistics, among other aspects, will be defined.

2. ***Diagnostic phase.*** The baseline of groundwater supply and demand will be prepared or updated, the identification of conflicts and problems due to the use of the aquifer, the analysis of the intrinsic vulnerability of the aquifers to contamination, the identification and analysis of risks of potential sources of pollution, among other things.

3. ***Formulation phase.*** The measures to be implemented, the projects and activities to be carried out will be defined, in order to solve the problem identified in the diagnosis, establishing the execution schedule, the costs and those responsible.

4. ***Execution phase.*** The measures, projects and activities will be developed, in accordance with the provisions of the formulation phase.

5. ***Monitoring and evaluation phase.*** The follow-up and evaluation of the Plan will be carried out, in accordance with the goals and indicators set forth in the respective plan, in order to define the adjustments that may take place.

Paragraph 1. The competent environmental authority(ies) in the formulation of the Environmental Management Plan of the Aquifer, will develop each of the phases dealt with in this document according to the technical criteria, procedures and methodologies, which for this effect is established in the Methodological Guide for the Formulation of Environmental Management Plans for Aquifers.

Paragraph 2. During the development of the phases of the Management Plan, the competent environmental authority may form working groups, as support for the development of the different phases of the plan.

(Decree 1640 of 2012, art. 63).

ARTICLE 2.2.3.1.11.4. ***of approval.*** The Environmental Management Plan for the Aquifer will be approved, through a resolution by the competent environmental authority(ies), within two (2) months following the completion of the formulation of the Plan and will incorporate in its Action Plan the programs and projects to be implemented gradually.

When the Aquifer is shared, and being outside of a Hydrographic Basin Planning and Management Plan, the Environmental Management Plan of the aquifer must be approved in accordance with the provisions of this decree.

Paragraph. The competent environmental authorities will report to the Institute of Hydrology, Meteorology and Environmental Studies (Ideam), the information corresponding to the Groundwater component of the Water Resources Information System (SIRH), and the progress in the formulation and implementation processes of Management Plans. of Aquifers of its jurisdiction.

(Decree 1640 of 2012, art. 64).

ARTICLE 2.2.3.1.11.5. ***Of the Financing.*** The competent environmental authority, the territorial entities and other entities of the national, departmental or municipal order, settled and with responsibilities in the area of the Aquifer, may, within the framework of their competences, invest in the execution of projects and activities of preservation, restoration and sustainable use of the Aquifer.

The elaboration and execution of the Environmental Management Plans for Aquifers will take into account the sources of financing foreseen in this decree, according to the specific destination of each source.

In development of the provisions of article 213 of Law 1450 of 2011, the investments and costs of the programs, projects and activities defined in the Aquifer Environmental Management Plan, even if they transcend jurisdictional limits, may be jointly assumed by the competent environmental authorities. , and the territorial entities.

(Decree 1640 of 2012, art. 65).

SECTION 12

TRANSITION REGIME

ARTICLE 2.2.3.1.12.1. ***Regarding the Basin Planning and Management Plans.*** Depending on the status of the management of the hydrographic basins of its jurisdiction, the competent environmental authority must apply the following transition regime:

1. Basins with Plan approved and/or in execution, as established in the then Decree 1729 of 2002. The competent environmental authority will review and adjust the Plan in accordance with the provisions of this decree, within a period of five (5) years. , counted as of August 2, 2012. The studies and results of the previously formulated plans will be taken into account during the adjustment stage of the respective Basin Planning and Management Plan.

2. Basins with Plans that are currently developing the diagnostic, prospective or formulation phases, as established in the then Decree 1729 of 2002. The competent environmental authority will review and adjust the results of the developed phases, as established in this Section.

3. Basins with a Plan formulated in accordance with the provisions of the then Decree 2857 of 1981. The competent environmental authority will review and adjust the Plan in accordance with the provisions of this decree, within a maximum period of three (3) years, counted from the August 2, 2012.

4. Basins with an Ordinance and Management Plan in development of the diagnosis, prospective, formulation, approved or in execution phases as established in the then Decree 1729 of 2002, whose current ordination area does not correspond to a hydrographic basin susceptible to ordination. according to the provisions of article 2.2.3.1.5.3 of this decree. The competent environmental authority must determine if the area is part of a hydrographic basin susceptible to management or, failing that, requires an Environmental Management Plan for Micro-basins that this decree deals with, in this sense, it will proceed to make the necessary adjustments. place within a period of five (5) years, counted from August 2, 2012.

(Decree 1640 of 2012, art. 66).

SECTION 13

FINAL PROVISIONS

ARTICLE 2.2.3.1.13.1. ***Of the Sanctions.*** Failure to comply with the provisions of the Hydrographic Basin Planning and Management Plan, in the Micro-basin Environmental Management Plans and in the Aquifer Environmental Management Plans, will entail for the offenders, the imposition of preventive measures and/or penalties that may apply in accordance with the provisions of article 5 of Law 1333 of 2009 or the rule that modifies or replaces it.

(Decree 1640 of 2012, art. 67).

CHAPTER two

USE AND PROMOTION OF WATER

SECTION 1

GENERAL DISPOSITION

ARTICLE 2.2.3.2.1.1. ***Object.*** Paragraph corrected by art. 6, National Decree 703 of 2018. < *The new text is as follows*> To meet the objectives established by article 2 of Decree-Law 2811 of 1974, this decree aims to regulate the regulations related to water resources in all their states, and includes the following aspects:

The original text was as follows:

Article 2.2.3.2.1.1. *In order to fulfill the objectives established by article 2 of Decree - Law 2811 of 1974, this Decree has the purpose of regulating the norms related to water resources in all its states, and includes the following aspects:*

1. The domain of the waters, riverbeds and riverbanks, and rules that govern their use subject to priorities, in order to ensure human, economic and social development, in accordance with the general interest of the community.

2. Corrected by art. 6, National Decree 703 of 2018. < *The new text is the following*> The regulation of the waters, occupation of the channels and the declaration of reserves and depletion, in order to ensure their quantitative preservation to guarantee the permanent availability of the resource.

The original text was as follows:

2. The regulation of the waters, occupation of the channels and the declaration of depletion reserves, in order to ensure their quantitative preservation to guarantee the permanent availability of the resource.

3. The restrictions and limitations to the domain in order to ensure the use of water by all users.

4. The regime to which certain special categories of water are subject.

5. The conditions for the construction of hydraulic works that guarantee the correct and efficient use of the resource, as well as the protection of other resources related to water.

6. The conservation of the waters and their channels, in order to ensure the qualitative preservation of the resource and to protect the other resources that depend on it.

7. The pecuniary charges due to the use of the resource and to ensure its maintenance and conservation, as well as the payment of the hydraulic works that are built for the benefit of the users.

8.-The causes of expiration that may arise due to the infraction of the regulations or due to the breach of the obligations contracted by the users.

(Decree 1541 of 1978, art. 1).

ARTICLE 2.2.3.2.1.2. ***Preservation, management and use of water.*** The preservation and management of waters are of public utility and social interest, in accordance with the provisions of article 1 of Decree - Law 2811 of 1974:

In the management and use of water resources, both the administration and the users, be they public or private waters, will comply with the general principles and rules established by the National Code of Renewable Natural Resources and Environmental Protection, especially those enshrined in articles 9 and 45 to 49 of the aforementioned Code.

(Decree 1541 of 1978, art. 2).

SUBSECTION 1

PROGRAM FOR THE EFFICIENT USE AND SAVING OF WATER (PUEAA)

Article 2.2.3.2.1.1.1. ***Purpose and scope of application*** **.** The purpose of this decree is to regulate Law 373 of 1997 in relation to the Program for the Efficient Use and Saving of Water and applies to the Environmental Authorities, to the users who request a water concession and to the territorial entities responsible for implementing projects. or guidelines aimed at the efficient use and saving of water.

Article 2.2.3.2.1.1.2. ***Efficient use and saving of water (UEAA)*** **.** It is any action that minimizes water consumption, reduces waste or optimizes the amount of water to be used in a project, work or activity, through the implementation of practices such as reuse, recirculation, use of rainwater, control of losses, the reconversion of technologies or any other practice aimed at the sustainable use of water.

Article 2.2.3.2.1.1.3. ***Program for the efficient use and saving of water (PUEAA)*** **.** The Program is a tool focused on optimizing the use of water resources, made up of a set of projects and actions that correspond to the development and adoption of users who request a water concession, with the purpose of contributing to the sustainability of this resource.

PARAGRAPH 1. The Ministry of the Environment and Sustainable Development, through a resolution, will establish the structure and content of the Program for the Efficient Use and Saving of Water PUEAA.

PARAGRAPH 2. For natural persons who, according to the technical criteria defined by the competent environmental authority, have a flow for the development of their activity, classified as "low", the Ministry of Environment and Sustainable Development will also establish the structure and content of the Program for the Efficient Use and Saving of Water PUEAA simplified.

Article 2.2.3.2.1.1.4. ***Efficient use and saving of water in territorial entities and environmental authorities*** **.** In development of the provisions of article 1 of Law 373 of 1997, it is up to the territorial entities to incorporate in their Development Plans and Territorial Planning, projects or guidelines aimed at the efficient use and saving of water within the framework of the National Policy. for the Comprehensive Management of Water Resources, of the environmental planning instruments of the environmental authorities or of the instruments for the comprehensive management of water resources adopted by the Environmental Authorities.

The Environmental Authorities must include in their Quadrennial Action Plan, the actions that promote and guide the implementation of the efficient use and saving of water in their jurisdiction, with their respective indicators and goals.

Article 2.2.3.2.1.1.5. ***Presentation of the PUEAA*** **.** For the purposes of the provisions of articles 2.2.3.2.9.1 and 2.2.2.3.6.2 of this decree, the request for a water concession and the request for presentation of an environmental license that implicitly implies the water concession must be submitted to the environmental authority The Program for the Efficient Use and Saving of Water PUEAA is competent.

Article 2.2.3.2.1.1.6. ***Information report*** **.** The executive summary report referred to in article 3 of Law 373 of 1997, corresponds to the information provided by the environmental authority in the water resource information system (SIRH).

Article 2.2.3.2.1.1.7. ***Entry into force of the Program for the Efficient Use and Saving of Water PUEAA*** **.** The Program for the Efficient Use and Saving of Water PUEAA applies to new projects, works or activities that begin after the effective date of this Subsection.

PARAGRAPH 1. For projects, works or activities that are in progress or in activity and that are in the following events, a transition regime will be adopted, as follows:

1. The projects, works or activities that initiated the procedures for obtaining the water concession or the establishment of the environmental license that implicitly implies the water concession required by the regulations in force at that time, will continue their process in accordance with the same and in case of obtaining them, they may advance and/or continue the project, work or activity, according to the terms, conditions and obligations issued for this purpose, unless the interested party avails himself of what is hereby provided unilaterally.

2. The projects, works or activities, which in accordance with the regulations in force before the addition of this subsection, obtained the water concessions or the environmental license implicit in the concession, will continue their activities subject to the terms, conditions and obligations indicated in the administrative acts thus issued, in any case, in the event that the holder of the environmental concession or license intends to renew or modify the concession, he must apply the provisions herein.

SECTION two

OF THE DOMAIN OF THE WATERS, COURSES AND RIBERAS

ARTICLE 2.2.3.2.2.1. ***Classification of waters*** **.** In accordance with the provisions of articles 80 and 82 of Decree-Law 2811 of 1974, the waters are divided into two categories: public domain waters and private domain waters.

For purposes of interpretation, when talking about water, without further qualification, it should be understood that it is for public use.

(Decree 1541 of 1978, art. 4).

ARTICLE 2.2.3.2.2.2. ***Public use waters.*** They are waters for public use:

a) The rivers and all the waters that flow through natural channels permanently or not;

b) The waters that run through artificial channels that have been derived from a natural channel;

c) Lakes, lagoons, swamps and swamps:

d) The waters that are in the atmosphere;

e) Groundwater currents and deposits;

f) Rainwater;

g) Private waters, which are not used for three (3) consecutive years, from the effective date of Decree - Law 2811 of 1974, when so declared by order of the competent Environmental Authority prior to the procedure provided for in this Decree, Y

h) Other waters, in all their states and forms, referred to in article 77 of Decree-Law 2811 of 1974, as long as they are not born and die within the same property.

The original text was as follows:

h) The other waters, in all their states and forms, referred to in article 77 of Decree-Law 2811 of 1974, as long as they are not born and die within the same property.

ARTICLE 2.2.3.2.2.3 ***Waters of private domain.*** They are waters of private property, as long as they are not stopped being used by the owner of the estate for three (3) continuous years, those that sprout naturally and that disappear by infiltration or evaporation within the same estate.

(Decree 1541 of 1978, art. 6)

ARTICLE 2.2.3.2.2.4. ***Domain over waters for public use.*** Corrected by no. 13 art. 25, National Decree 703 of 2018. *<The new text is the following>* The control that the Nation exercises over the waters for public use, in accordance with article 80 of Decree-Law 2811 of 1974, does not imply their usufruct as fiscal assets, but because they belong to the State, to it It is incumbent on the control or supervision over the use and enjoyment that correspond to individuals, in accordance with the rules of Decree - Law 2811 of 1974 and those contained in this Decree.

(Decree 1541 of 1978, art. 7).

The original text was as follows:

ARTICLE 2.2.3.2.2.4. Domain over waters for public use. *The domain exercised by the Nation over the waters for public use, in accordance with article 80 of Decree-Law 2811 of 1974, does not imply their usufruct as fiscal assets, but because they belong to the State, the latter is responsible for the control or supervision over the use and enjoyment that correspond to individuals, in accordance with the rules of Decree - Law 2811 of 1974 and those contained in this Decree.*

(Decree 1541 of 1978, art. 7).

ARTICLE 2.2.3.2.2.5. *Applications.* Water sources or water deposits in the public domain cannot be derived, nor used for any purpose, except in accordance with the provisions of Decree-Law 2811 of 1974 and these regulations.

(Decree 1541 of 1978, art. 8).

ARTICLE 2.2.3.2.2.6. *Prescription.* The domain over the waters for public use does not prescribe in any case.

ARTICLE 2.2.3.2.2.7. *Illicit object and nullity.* Corrected by no. 14 article 25, National Decree 703 of 2018. There is an illicit object in the transfer of water for public use. Rights independent of the estate for whose benefit they are derived cannot be constituted over them.

Therefore, any action or transaction made by owners of estates in which public domain waters exist or flow or benefit from them is null, as long as they include such waters for the act or business of assignment or transfer of ownership. .

Likewise, the cession or transfer, total or partial, of the sole right to use water, without the authorization referred to in article 95 of Decree - Law 2811 of 1974, will be null and void.

(Decree 1541 of 1978, art. 10).

The original text was as follows:

ARTICLE 2.2.3.2.2.7. Illicit object and nullity. *There is an illicit object in the sale of water for public use. Rights independent of the fund for whose benefit they are derived cannot be constituted over them.*

Therefore, any action or transaction made by owners of estates in which public domain waters exist or flow or benefit from them is null, as long as they include such waters for the act or business of assignment or transfer of ownership. .

Likewise, the cession or transfer, total or partial, of the sole right to use water, without the authorization referred to in article 95 of Decree - Law 2811 of 1974, will be null and void.

(Decree 1541 of 1978, art. 10).

SECTION 3

CONTROL OF CHANNELS AND RIVERBANKS

ARTICLE 2.2.3.2.3.1. *Natural channel.* Natural channel is understood as the strip of land occupied by the waters of a current when it reaches its maximum levels due to the effect of ordinary floods; and by the bed of natural water deposits, the soil that they occupy up to where ordinary levels reach due to the effects of rain or thaw.

(Decree 1541 of 1978, art. 11).

ARTICLE 2.2.3.2.3.2. *River beach.* Corrected by art. 7, National Decree 703 of 2018. <*The new text is the following*> River beach is the area of land between the line of the low waters of the rivers and the one where they reach, ordinarily and naturally in their greatest increment.

Lacustrine beach is the area of land comprised between the lowest and the highest ordinary and natural levels of the respective lake or lagoon.

The original text was as follows:
River beach is the area of land between the line of the low waters of the rivers and the one where they reach, ordinarily and naturally in their greatest increment.

(Decree 1541 of 1978, art. 12).

ARTICLE 2.2.3.2.3.3. *Ordinary lines or levels.* For the purposes of the application of the previous article, ordinary lines or levels are understood as the natural average heights of the last fifteen (15) years, both for the highest and for the lowest.

To determine these averages, the data provided by the entities that have them will be taken into account and in cases where the information is minimal or non-existent, the data provided by individuals will be used.

(Decree 1541 of 1978, art. 13).

ARTICLE 2.2.3.2.3.4. *Land titling.* For the purposes of applying article 83, letter d) of Decree-Law 2811 of 1974, when the Colombian Institute of Rural Development -INCODER, intends to title lands adjacent to rivers or lakes, the competent Environmental Authority must define the strip or area to which referred to in this article, to exclude it from the degree.

In the case of privately owned land located on the banks of rivers, streams or lakes, in which the area referred to in the previous article has not been delimited, when due to decreases, diversion or drying of the waters, occurred by natural causes, All or part of its channels or beds are permanently exposed, the soils that form them will not access the riparian properties but will be considered as part of the zone or strip referred to in article 83, letter d of Decree - Law 2811 of 1974, which may be up to thirty (30) meters wide.

(Decree 1541 of 1978, art. 14).

Paragraph 1. In order for the award to proceed in accordance with the regulations issued by INCODER to peasants or fishermen in the cases referred to in the fifth paragraph of Law 160 of 1994, it is necessary that the desiccation has occurred by removal of the waters, occurred due to natural causes, that such withdrawal has been definitive and irreversible and that the protective strip of the respective body of water has been delimited.

(Decree 1866 of 1994, art. 1).

Paragraph 2. The fact of the withdrawal of water due to natural causes and definitively and irreversibly, must be verified by the Institute of Hydrology, Meteorology and Environmental Studies -IDEAM-. If this fact is proven, the environmental entity will proceed to delimit the protection strip of the body of water referred to in literal d) of article 83 of the National Code of Renewable Natural Resources and Environmental Protection.

The strip referred to in the preceding paragraph belongs to the Nation and therefore is not adjudicable.

(Decree 1866 of 1994, art. 2).

Paragraph 3. The Ministry of Environment and Sustainable Development, in exercise of the function provided for in number 24 of article 5 of Law 99 of 1993, will regulate the conditions of conservation and management of the respective body of water. Said regulation will be sent to INCODER so that it is taken into account in the regulation of the titling of the awardable area.

(Decree 1866 of 1994, art. 3).

ARTICLE 2.2.3.2.3.5. of the domain. Matters related to the variation of a river and the formation of new islands shall be governed by the provisions of Title V, Chapter II of Book II of the Civil Code, taking into account the provisions of Article 83, letter d) of Decree-Law 2811 from 1974.

(Decree 1541 of 1978, art. 15).

ARTICLE 2.2.3.2.3.6. *Baldios.* The adjudication of vacant lots excludes that of the waters that they contain or run through them, which continue to belong to the public domain.

ARTICLE 2.2.3.2.3.7. *Private domain and social function* . The private domain of waters recognized by Decree - Law 2811 of 1974, must be exercised in a social function, and will be subject to the limitations and other provisions established by the National Code of Renewable Natural Resources and Environmental Protection and by this chapter. .

(Decree 1541 of 1978, art. 17).

SECTION 3A

OF THE BOUNDATION OF THE WATER ROUNDS

Added by art. 1, National Decree 2245 of 2017

<The added text is as follows>

Article 2.2.3.2.3A.1. *Purpose and scope of application.* The purpose of this decree is to establish the technical criteria based on which the competent Environmental Authorities will carry out the studies for the delimitation of the water rounds in the area of their jurisdiction.

The water round constitutes a norm of superior hierarchy and environmental determinant.

Article 2.2.3.2.3A.2. *Definitions.* For purposes of the application and interpretation of this decree, the following definitions will be taken into account:

1. Boundary: Process by which the competent Environmental Authority defines the physical limit of the hydric round of the bodies of water in its jurisdiction.

two. Permanent channel: Corresponds to the strip of land occupied by the maximum ordinary levels of a body of water without causing overflow of its natural margins.

3. Maximum tide line: Corresponds to the maximum elevation reached by the influence of the sea on bodies of water due to high tide or high tide and spring tide or siciqial.

Four. Water Round: Includes the strip parallel to the line of maximum tides or to the permanent channel of rivers and lakes, up to thirty meters wide.

Likewise, the afferent protection or conservation area will be part of the water round. Both for the parallel strip and for the related protection or conservation area, environmental management guidelines will be established, in accordance with the provisions of the "Technical Guide of Criteria for the Delimitation of Water Rounds in Colombia."

Article 2.2.3.2.3A.3. ***Of the technical criteria.*** The water round will be delimited from the functional point of view and its limit is drawn from the line of maximum tides or the line of the permanent bed of rivers and lakes, considering the following technical criteria:

1. Criteria for the delimitation of the line of maximum tides and that of the permanent channel:

a. The strip of land occupied by the maximum tide line must consider the maximum elevation produced by high tides or high tides and spring or sicigial tides. The same will be the one reported by the General Maritime and Port Directorate in accordance with the provisions of Decree-Law 2324 of 1984 or whoever acts on its behalf.

b. The permanent channel will be delimited from an analysis of the forms of the terrain, taking into account that it corresponds to the geoform on which the water and sediments flow or accumulate in conditions of flow of flows or levels without overflowing. its natural margins.

2. Criteria for the physical delimitation of the hydric round: The physical limit will be the result of the envelope that generates the superposition of the following criteria: geomorphological, hydrological and ecosystemic.

a. Geomorphological criteria: it should consider morphostructural, morphogenetic and morphodynamic aspects. The minimum morphological units to be considered should be: modern floodplain, recent terrace, escarpments, deposits outside the permanent channel, islands (plain or terrace), secondary channels, abandoned meanders, lentic systems and those portions of the floodplain that have been anthropized. The lateral and longitudinal structure of the alluvial corridor must be taken into account by including morphological indicators.

b. Hydrological criteria: should consider the area of land occupied by the body of water during the most frequent flood events, according to variability. intra-annual and inter-annual of the hydrological regime, considering the degree of morphological alteration of the body of water and its connection with the floodplain.

c. Ecosystemic criterion: it should consider the relative height of the riparian vegetation and the connectivity of the biological corridor, which determines the effectiveness of its structure for the transit and dispersion of species along it.

In the process of implementing the criteria contained in this article, the competent authorities will evaluate the particular and concrete situations that have been confirmed and will adopt the decisions that may be appropriate.

Paragraph. The development of the technical criteria that this article deals with, will be established in the "Technical Guide of Criteria for the Delimitation of the Water Rounds in Colombia" issued by the Ministry of Environment and Sustainable Development.

Article 2.2.3.2.3A.4 ***Prioritization for the delimitation of water rounds.*** The competent environmental authorities must define the order of priorities for the start of

the delimitation of the water rounds in their jurisdiction, taking into account for this purpose the provisions of the "Technical Guide of Criteria for the Delimitation of the Water Rounds in Colombia.

SECTION 4

EXTINCTION OF THE PRIVATE DOMAIN OF THE WATERS

ARTICLE 2.2.3.2.4.1. private waters. In accordance with articles 81 of Decree - Law 2811 of 1974 and 677 of the Civil Code, private waters are those that are born and die in an estate, sprouting naturally to the surface within the estate and evaporating completely or disappearing below the surface due to infiltration, within it, and provided that its private domain has not been extinguished in accordance with article 82 of Decree - Law 2811 of 1974. They are not private waters, therefore, those that leave the estate or flow into another course or deposit that comes out or extends outside the inheritance of birth.

(Decree 1541 of 1978, art. 18).

ARTICLE 2.2.3.2.4.2. *Domain transfer act.* Being inalienable and imprescriptible the domain over the waters for public use, these will not lose their character when by purchase or any other transfer of ownership the properties in which said waters were born and died become of the same owner.

(Decree 1541 of 1978, art. 19).

ARTICLE 2.2.3.2.4.3. *Hearing declaration of extinction of the private water domain.* To declare the extinction of the private domain of waters provided for by article 82 of Decree - Law 2811 of 1974, the competent Environmental Authority may act ex officio or at the request of the Public Ministry or of a party interested in obtaining a concession for the use of the waters of which it is about.

The competent Environmental Authority will set a hearing even when it acts ex officio, which will be public to hear the petitioner, if any, and whoever is considered the owner of the waters, and third parties who have rights or interests. The summons will be notified to the presumed owner of the waters in the manner established by the Code of Civil Procedure, and to the petitioner, and will be published once in the local newspaper, at least five (5) business days before the hearing date.

(Decree 1541 of 1978, art. 20).

ARTICLE 2.2.3.2.4.4. *Test request.* In the hearing referred to in the preceding Article, the parties must request all the evidence, which will be decreed during the same when they are pertinent and practiced in a term that will not exceed thirty (30) days, which will be set by the competent Environmental Authority. in the same audience. The presumed owner of the waters will be responsible for proof of having used them during the previous three (3) years.

ARTICLE 2.2.3.2.4.5. *Eye visit.* The practice of an eye visit will be decreed to verify if there are signs that the water has been used during the immediately previous three (3) years and the extent to which it was.

(Decree 1541 of 1978, art. 22).

ARTICLE 2.2.3.2.4.6. *Declaration of domain extinction.* The declaration of extinction will be made prior to the procedure established in the preceding articles, and against it proceed the resources provided for by Law 1437 of 2011 or the rule that modifies or replaces it. the processing of concession applications for the use of such waters.

(Decree 1541 of 1978, art. 23).

ARTICLE 2.2.3.2.4.7. *Publication.* The operative part of the order in which the extinction of the domain is declared, must be published in the bulletin referred to in article 71 of Law 99 of 1993, within fifteen (15) days following the execution of the order.

(Decree 1541 of 1978, art. 24).

ARTICLE 2.2.3.2.4.8. *Proof of publication.* In every file that is processed to obtain the use of the waters declared of public domain, there must be a record of the publication of the ruling that declares the extinction of the private domain.

(Decree 1541 of 1978, art. 25).

ARTICLE 2.2.3.2.4.9. *Term for the extinction of the domain.* The term of three (3) years prescribed by article 83 of Decree-Law 2811 of 1974, for the extinction of ownership over private waters, can only be counted from January 27, 1975.

(Decree 1541 of 1978, art. 26).

ARTICLE 2.2.3.2.4.10. *Application for declaration of domain extinction by individuals.* Individuals who request the declaration of extinction of the domain of private waters, if they simultaneously request a concession to use those same waters, will have priority to obtain it, if they meet the other requirements and qualities required by this chapter. Your concession applications will only be processed once the order that declares the extinction of the private domain of the waters in question is final.

(Decree 1541 of 1978, art. 27).

SECTION 5

OF THE WAYS TO ACQUIRE THE RIGHT TO USE THE WATERS AND ITS COURSES

ARTICLE 2.2.3.2.5.1. *General disposition.* The right to use the waters and riverbeds is acquired in accordance with article 51 of Decree - Law 2811 of 1974:

a. By ministry of law;

b. By concession;

c. By permission, and

d. By association.

(Decree 1541 of 1978, art. 28).

ARTICLE 2.2.3.2.5.2. *Right to use the waters.* Any person may use the waters without authorization in the cases provided in articles 2.2.3.2.6.1 and 2.2.3.2.6.2 of this Decree and has the right to obtain a concession for the use of public waters in the cases established in article 2.2.3.2. 7.1 of this Decree.

(Decree 1541 of 1978, art. 29).

ARTICLE 2.2.3.2.5.3. *Concession for the use of water.* Any natural or legal person, public or private, requires a concession or permit from the competent Environmental Authority to make use of public waters or their channels, except in the cases provided for in articles 2.2.3.2.6.1 and 2.2.3.2.6.2 of this Decree.

(Decree 1541 of 1978, art. 30).

ARTICLE 2.2.3.2.5.4. *Prohibition of imposition of taxes.* In accordance with the provisions of article 158 of Decree-Law 2811 of 1974, territorial entities cannot tax the use of water.

(Decree 1541 of 1978, art. 31).

SECTION 6

USES BY MINISTRY OF LAW

ARTICLE 2.2.3.2.6.1. *Use by ministry of law.* All the inhabitants can use the waters for public use while they run through natural channels, to drink, bathe, water animals, wash clothes and any other similar objects, in accordance with the sanitary regulations on the matter and with those for the protection of natural resources. renewable.

This common use must be made within the restrictions established in section 2 of article 86 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 32).

ARTICLE 2.2.3.2.6.2. ***Use of water that runs through an artificial channel.*** In the case of waters that flow through an artificial channel, it is also allowed to be used by all the inhabitants for domestic uses or watering holes, within the same conditions referred to in the previous Article, and provided that the use to which the waters are destined waters does not require that they be kept in a state of purity, or cause damage to the canal or ditch, or make it impossible or hinder the concessionaire's use of the water.

(Decree 1541 of 1978, art. 33).

ARTICLE 2.2.3.2.6.3. ***Domestic use of private domain waters.*** To use private domain waters for domestic purposes, the following is required:

That with the use of these waters no damage is caused to the estate where they are located:

That the domestic use is made without establishing derivations, or using machines or devices, or altering or contaminating the water in a way that makes it impossible for the owner of the property to use it, and

That the path and hours to make this right effective have been previously agreed with the owner of the estate.

(Decree 1541 of 1978, art. 34).

ARTICLE 2.2.3.2.6.4. ***General and free.*** The uses discussed in the preceding articles do not confer exclusivity and are free.

(Decree 1541 of 1978, art. 35).

SECTION 7

CONCESSIONS

ARTICLE 2.2.3.2.7.1. ***Common provisions.*** Any natural or legal person, public or private, requires a concession to obtain the right to use the waters for the following purposes:

a. Domestic supply in cases that require referral;

b. Irrigation and forestry;

c. Supply of drinking troughs when diversion is required:

d. Industrial use;

and. Thermal or nuclear generation of electricity;

F. Mining exploitation and treatment of minerals;

g. Oil exploitation;

h. Injection for geothermal generation:

Yo. hydroelectric generation;

J. Direct kinetic generation;

k. timber flotation;

l. Transport of minerals and toxic substances;

m. Aquaculture and fishing;

n. Recreation and sports;

either. medicinal uses, and

p. Other similar uses

ARTICLE 2.2.3.2.7.2. ***Availability of the resource and flow granted.*** The supply of water to satisfy concessions is subject to the availability of the resource, therefore, the State is not responsible when, due to natural causes, it cannot guarantee the flow granted. The chronological precedence in the concessions does not grant priority and in cases of scarcity all will be supplied pro rata or in shifts, according to article 2.2.3.2.13.16 of this Decree.

PARAGRAPH TRANSIENT. Added by art. 1, National Decree 465 of 2020 . <*The added text is the following*> As long as the declaration of the health emergency due to the coronavirus COVID-19 is maintained, by the Ministry of Health and Social Protection, the Competent Environmental Authorities must prioritize and immediately process the requests for concessions of surface and subterranean water presented by the municipalities, districts or persons providing residential public aqueduct services, as the case may be.

Said applications for water concessions must be destined for urban and rural aqueduct systems.
(Decree 1541 of 1978, art. 37).

ARTICLE 2.2.3.2.7.3. ***Administrative act and fixing of the term of the concessions.*** The term of the concessions will be fixed in the resolution that grants them, taking into account the nature and duration of the activity, for whose exercise it is granted, in such a way that its use is economically profitable and socially beneficial.

(Decree 1541 of 1978, art 38).

ARTICLE 2.2.3.2.7.4. ***Term of the concessions.*** The concessions referred to in the previous articles will be granted for a term not exceeding ten (10) years, except for those intended for the provision of public services or the construction of works of public or social interest, which may be granted for periods up to fifty (50) years old.

(Decree 1541 of 1978, art. 39).

ARTICLE 2.2.3.2J.5. ***Extension of concessions*** . Concessions may be extended, except for reasons of public convenience.

(Decree 1541 of 1978, art 40).

ARTICLE 2.2.3.2.7.6. ***Order of priorities.*** To grant water concessions, the following order of priorities will be taken into account:

a. Use for human, collective or community consumption, whether urban or rural;

b. Use for individual household needs;

c. Community agricultural uses, including aquaculture and fishing;

d. Individual agricultural uses, including aquaculture and fishing;

and. Hydroelectric power generation;

F. Industrial or manufacturing uses;

g. mining uses;

h. Community recreational uses, and

Yo. Individual recreational uses.

(Decree 1541 of 1978, art 41).

ARTICLE 2.2.3.2.7.7. *Variation of the order of precedence.* The competent Environmental Authority may vary the order of priority established in the previous article, taking into account the economic and social needs of the region, and in accordance with the following factors;

a. The regime of rainfall, temperature and evaporation;

b. The current and projected demand for water in the sectors that make up the region;

c. The economic and social development plans approved by the competent authority;

d. preservation of the environment, and

and. The need to maintain sufficient reserves of water resources.

(Decree 1541 of 1978, art. 42).

ARTICLE 2.2.3.2.7.8. *Priority of domestic use.* Domestic use will always have priority over others, collective uses over individual ones and those of the inhabitants of a region over those from outside it.

(Decree 1541 of 1978, art. 43).

SECTION 8

CHARACTERISTICS AND CONDITIONS OF THE CONCESSIONS

ARTICLE 2.2.3.2.8.1. *Faculty of use.* The right to use water for public use does not confer on its owner but the power to use them, in accordance with Decree-Law 2811 of 1974, this chapter and the resolutions that grant the concession.

(Decree 1541 of 1978, art. 44).

ARTICLE 2.2.3.2.8.2. *Concessions and current regulation.* The concessions granted will not be an obstacle for the competent Environmental Authority after them, to regulate in a general way the distribution of a current or derivation, taking into account the provisions of article 93 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 45).

ARTICLE 2.2.3.2.8.3. *Refusal to grant a concession for public utility or social interest.* When for reasons of public utility or social interest the competent Environmental Authority deems it convenient to deny a concession, it is empowered to do so through an order duly substantiated and subject to legal resources, in accordance with the provisions of Law 1437 of 2011 or the regulation that modify or replace

(Decree 1541 of 1978, art. 46).

ARTICLE 2.2.3.2.8.4. *Term to request extension.* The concessions referred to in this chapter may only be extended during the last year of the period for which they were granted, except for reasons of public convenience.

PARAGRAPH TRANSIENT. Added by art. 2, National Decree 465 of 2020 . <*The added text is the following*> Water concessions granted to home public aqueduct service providers that are about to expire, or that expire, while the declaration of a health emergency due to the coronavirus COVID-19 is maintained, by the Ministry of Social Protection, they will be understood to be extended automatically, and only for the duration of the declaration of said emergency.

Providers of residential public aqueduct services, whose water concession has expired, and are interested in making use of the resource, while the declaration of the aforementioned health emergency is maintained, must request the respective

concession, which will be shall be processed in accordance with the provisions of Section 9 of this Chapter.
(Decree 1541 of 1978, art. 47).

ARTICLE 2.2.3.2.8.5. *Collection works.* In any case, the water intake works must be provided with the necessary control elements that allow knowing at any time the amount of water derived by the intake, in accordance with the provisions of article 121 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 48).

ARTICLE 2.2.3.2.8.6. *Inalterability of the imposed conditions.* Any concession implies for the beneficiary, as an essential condition for its subsistence, the inalterability of the conditions imposed in the respective resolution. When the concessionaire needs to make any modification to the conditions established by the respective resolution, it must previously request the corresponding authorization, verifying the need for the reform.

(Decree 1541 of 1978, art. 49).

ARTICLE 2.2.3.2.8.7. *Concession transfer.* In order for the concessionaire to be able to transfer, totally or partially, the concession needs prior authorization. The competent Environmental Authority may deny it when for reasons of public utility or social interest it deems it convenient, by means of a motivated ruling.

(Decree 1541 of 1978, art. 50).

ARTICLE 2.2.3.2.8.8. *Tradition of property and term to request transfer.* In the event that the tradition of the beneficiary property with a concession occurs, the new owner, possessor or holder must request the transfer of the concession within the following sixty (60) days, for which he will present the documents that accredit him as such and others that are required, in order to be considered as the new holder of the concession.

(Decree 1541 of 1978, art. 51).

ARTICLE 2.2.3.2.8.9. *Transfer and powers of the Environmental Authority.* *The* competent Environmental Authority is empowered to authorize the transfer of a concession, fully preserving the original conditions or modifying them.

(Decree 1541 of 1978, art. 52).

ARTICLE 2.2.3.2.8.10. *Water concession for the provision of a public service.* The beneficiary of a water concession for the provision of a public service must meet the conditions of efficiency, regularity and continuity, under penalty of incurring the cause of expiration referred to in ordinal c) of article 62 of Decree - Law 2811 from 1974.

(Decree 1541 of 1978, art. 53).

SECTION 9

PROCEDURES FOR GRANTING CONCESSIONS

ARTICLE 2.2.3.2.9.1. *Concession request.* Natural or legal persons and government entities that wish to use water for uses other than those exercised by ministries of law require a concession, for which they must address a request to the competent Environmental Authority in which they express:

a) Name and surname of the applicant, identity documents, address and nationality. If it is a legal entity, public or private, its company name, address, documents related to its constitution, name and address of its legal representative will be indicated.

b) Name of the source from which the derivation is intended, or where the water is to be used.

c) Name of the property or properties, municipalities or communities that are going to benefit, and its jurisdiction.

d) Information on the destination that will be given to the water.

e) Amount of water to be used in liters per second.

f) Information on the systems that will be adopted for collection, diversion, conduction, restitution of surpluses, distribution and drainage, and on the investments, their amount and the term in which they will be made.

g) Inform if establishment of easement is required for the use of water or for the construction of the projected works.

h) Term for which the concession is requested.

i) Extension and type of crops to be irrigated.

j) The data provided in section 10 of this chapter for concessions with special characteristics.

k) The other information that the competent Environmental Authority and the petitioner consider necessary.

(Decree 1541 of 1978, art. 54).

ARTICLE 2.2.3.2.9.2. ***Annexes to the application.*** With the request you must submit:

a. Documents proving the identity of the applicant.

b. Authorization of the owner or possessor when the applicant is a mere holder, and

c. Updated certificate issued by the Public and Private Instruments Registry Office on the ownership of the property, or the appropriate proof of possession or possession.

(Decree 1541 of 1978, art. 55).

ARTICLE 2.2.3.2.9.3. ***Application for eye visit practice.*** Once the request has been submitted, an eye visit will be ordered at the expense of the interested party. This diligence will be carried out with the intervention of suitable officials in the disciplines related to the purpose of the visit.

(Decree 1541 of 1978, art. 55).

ARTICLE 2.2.3.2.9.4. Corrected by art. 8, National Decree 703 of 2018. *<The new text is as follows>* ***Warning setting.*** At least ten (10) days prior to the practice of the ocular visit, the competent Environmental Authority will have a notice posted in a public place in its offices and in the Mayor's Office or the local Inspectorate, indicating the place; the date and purpose of the visit so that people who believe they have the right to intervene can do so.

For more information, in those places where there are radio transmission facilities, the competent Environmental Authority may, at the expense of the petitioner, order a communication with the data referred to in the preceding paragraph, using such means.

(Decree number 1541 of 1978, article 57)".

The original text was as follows:

Article 2.2.3.2.9.4. Posting notice. *At least ten (10) days prior to the practice of the ocular visit, the competent Environmental Authority will have a notice posted in a public place in its offices and in the Mayor's Office or the local Inspectorate, indicating the place; the date and purpose of the visit so that they are created with the right to intervene so they can do so.*

For more information, in those places where there are radio transmission facilities, the competent Environmental Authority may, at the expense of the petitioner, order a communication with the data referred to in the preceding paragraph, using such means.

(Decree 1541 of 1978, art. 57).

ARTICLE 2.2.3.2.9.5. ***Visit.*** In the ocular visit diligence, at least the following will be verified:

a. Measurements of the source of origin, except if the competent Environmental Authority is sufficiently aware of its hydrological regime;

b. If there are towns that use the same waters for the domestic needs of their inhabitants or for other purposes that may be affected by the use requested;

c. If there are diversions for irrigation, power plants, industrial companies or other uses that may also be affected:

d. If the projected works are going to occupy land that does not belong to the same owner of the property that will benefit from the water, the technical reasons for this occupation;

and. Place and form of restitution of surpluses;

F. If the surplus cannot be returned to the channel of origin, the causes that prevent such restitution;

g. The information provided by the interested party in his request;

h. The others that in each case the competent Environmental Authority deems appropriate.

(Decree 1541 of 1978, art. 58).

ARTICLE 2.2.3.2.9.6. ***Water concession requests to provide public services.*** In the applications to use water to provide public services, all the details of the works, the extension and the number of properties or inhabitants that are projected to benefit, the term within which the service will be provided and its regulations must be indicated.

PARAGRAPH TRANSIENT. Added by art. 3. National Decree 465 of 2020 . <*The added text is the following*> As long as the declaration of the health emergency due to the COVID-19 coronavirus is maintained, by the Ministry of Health and Social Protection, the terms provided for the processing of surface water concessions to be referred to in this Section 9, will be reduced to one third.

(Decree 1541 of 1978, art. 59).

ARTICLE 2.2.3.2.9.7. ***Opposition.*** Any person who has the right or legitimate interest may oppose the granting of the concession.

The opposition will be asserted before the competent Environmental Authority before the ocular visit or during this diligence, stating the reasons on which it is based and accompanying the titles and other documents that the opponent deems appropriate to support it. The competent Environmental Authority, for its part, may demand from the opponent and the applicant for the concession the documents, tests and studies of a technical and legal nature that it deems necessary, setting a term that will not exceed thirty (30) days to submit them.

The opposition will be decided jointly in the resolution that grants or denies the concession.

(Decree 1541 of 1978, art. 60).

ARTICLE 2.2.3.2.9.8. ***Deadline to decide.*** Once the procedures established in the previous articles have been fulfilled, within fifteen (15) days following the practice of the ocular visit or the expiration of the term for the test, if any, the competent Environmental Authority will decide by reasoned ruling if it is or not appropriate to grant the requested concession.

(Decree 1541 of 1978, art. 61).

ARTICLE 2.2.3.2.9.9. ***Administrative act.*** The competent Environmental Authority will consign in the resolution that grants water concession at least the following points:

a. Name of the natural or legal person to whom it is granted;

b. Name and location of the properties that will benefit from the concession, description and location of the places of use, diversion and return of the waters;

c. Name and location of the source from which the water will be derived;

d. Quantity of water that is granted, use that will be given to the water, manner and opportunity in which the use will be made;

and. Term for which the concession is granted and conditions for its extension;

F. Works to be built by the concessionaire, both for the use of water and restitution of surplus water and for its treatment and defense of other resources, indicating the studies, designs and documents that must be submitted and the deadline for it;

g. Obligations of the concessionaire related to the use of water and environmental preservation, to prevent the deterioration of water resources and other related resources, as well as the information referred to in article 23 of Decree - Law 2811 of 1974.

h. Guarantees that ensure compliance with the concessionaire's obligations

Yo. pecuniary charges;

J. Regime of transfer to the competent Environmental Authority at the end of the concession, of the works affected to the use of water, including those that must build the concessionaire, and obligations and guarantees on its maintenance and timely reversal;

k. Requirements that will be made to the concessionaire in case of breach of obligations, and

l. Causes for the imposition of sanctions and for the declaration of expiration of the

concession.

(Decree 1541 of 1978, art. 62).

ARTICLE 2.2.3.2.9.10. ***Publication.*** The heading and the operative part of the resolution granting a water concession will be published in the bulletin referred to in article 71 of Law 99 of 1993.

(Decree 1541 of 1978, art. 63).

ARTICLE 2.2.3.2.9.11. ***Construction of hydraulic works.*** In order to make use of a water concession, it is required that the hydraulic works ordered in the respective resolution have been built by the holder of the concession and approved by the competent Environmental Authority in accordance with the provisions of this Decree.

(Decree 1541 of 1978, article 64).

ARTICLE 2.2.3.2.9.12. ***Water concession for different owners.*** When a derivation is going to benefit properties of different owners, the concession request must be formulated by all the interested parties.

(Decree 1541 of 1978, article 65).

ARTICLE 2.2.3.2.9.13. ***Community between beneficiaries*** . In the cases referred to in the previous article, once the respective concession has been granted, a community will be considered formed among the different beneficiaries, in order to take the water from the source of origin, distribute it among the users and conserve and improve the aqueduct, provided that the interested parties have not entered into another agreement for the same purpose.

(Decree 1541 of 1978, art. 66).

SECTION 10
SPECIAL CHARACTERISTICS OF SOME CONCESSIONS

ARTICLE 2.2.3.2.10.1. ***Aqueduct for domestic use.*** The concessions that the competent Environmental Authority grants for the provision of aqueduct services, will be subject, in addition to what is prescribed in

sections 7, 8 and 9 of this chapter, to the conditions and other special requirements established by the Ministry of Health. and Social Protection and what is foreseen in the regime for the provision of the home public aqueduct service.

(Decree 1541 of 1978, art. 67).

ARTICLE 2.2.3.2.10.2. ***Agricultural use, irrigation and drainage.*** Concessions for agricultural and forestry use, in addition to the provisions of sections 2, 3 and 4 of this Chapter, must include the obligation of the user to build and maintain adequate drainage and drainage systems to prevent erosion, scaling and salinization of the soils.

The competent Environmental Authority may also impose, as a condition of the concession, the obligation to join regional collection networks and contribute to the costs of their construction, maintenance and operation.

(Decree 1541 of 1978, art. 68).

ARTICLE 2.2.3.2.10.3. ***Industrial use.*** Industrial use is understood as the use of water in manufacturing or transformation processes and in their related or complementary processes.

(Decree 1541 of 1978, art. 69).

ARTICLE 2.2.3.2.10.4. ***Industrial use concession application annex.*** Concession applications for industrial use, in addition to the provisions of section 3 of this chapter, must attach the feasibility study of the industrial project whose specifications will be established by the competent Environmental Authority.

(Decree 1541 of 1978, art. 70).

ARTICLE 2.2.3.2.10.5. ***Lack of construction and commissioning of the wastewater treatment system.*** The competent Environmental Authority may temporarily suspend or declare the expiration of a concession for the use of water for industrial use, if the indicated term has not been built and put into service the wastewater treatment system to discharge them in the conditions and qualities required. in the providence that grants the dumping permit.

(Decree 1541 of 1978, art. 71).

ARTICLE 2.2.3.2.10.6. ***Machinery cooling.*** In requests for the use of water for cooling machinery, the request must also contain the exact data on the amount of water needed for said purpose and the descriptive memory of the operations carried out to determine the flow of the river or stream. as well as the washing operations including the periodicity, the place and the site where the dumping of the sewage occurs.

(Decree 1541 of 1978, art. 72).

ARTICLE 2.2.3.2.10.7. ***Energy use.*** Energy use of water is understood as its use in:

a. Kinetic generation, as in the movement of mills;

b. Hydroelectric and thermoelectric generation

c. Thermal and nuclear generation

(Decree 1541 of 1978, art. 73).

ARTICLE 2.2.3.2.10.8. ***Additional requirements in energy use.*** Applications for water concessions for the uses provided for in the previous article, in addition to what is established in sections 7, 8 and 9 of this chapter, must meet the following requirements:

a. Attach the feasibility study of the complete project, in the cases and with the requirements demanded by the competent Environmental Authority:

b. Specify the power and estimated annual generation;

(Decree 1541 of 1978, art. 74).

ARTICLE 2.2.3.2.10.9. ***Extensions of hydraulic force or term.*** To obtain extensions of hydraulic force or of the term, an application must be submitted, in which the greatest amount of force that is intended to be developed or the time for which the extension of the term is requested must be expressed. With the respective request, the documents that legally certify the existence of the concession will be presented.

(Decree 1541 of 1978, art. 75).

ARTICLE 2.2.3.2.10.10. ***Coexistence of the energy use of water with other uses.*** The concession of the use of water for the purposes set forth in this Decree does not prevent the same water from being granted for other uses.

(Decree 1541 of 1978, art. 76).

ARTICLE 2.2.3.2.10.11. ***Energy use and provision of the public service of distribution and supply of electricity.*** The concession of water for energy use does not involve the provision of the public service of distribution and supply of electricity, which will be processed separately before the competent authority, in accordance with the current legislation on the matter.

(Decree 1541 of 1978, art. 77).

ARTICLE 2.2.3.2.10.12. ***Mining and oil uses.*** Requests for water concessions for this type of use must be accompanied by the feasibility study of the project.

(Decree 1541 of 1978, art. 78).

ARTICLE 2.2.3.2.10.13. ***Additional Obligations.*** Water concessionaires for mining and oil use, in addition to being subject to the provisions of sections 7, 8 and 9 of this chapter, must comply with the obligations established by Articles 146 and 147 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 79).

ARTICLE 2.2.3.2.10.14. ***Water concessions for use in mineral pipelines and other authorizations.*** Water concessions for use in mineral pipelines must be managed before the competent Environmental Authority, independently of those related to the exploitation of mines and processing of minerals.

(Decree 1541 of 1978, art. 80).

ARTICLE 2.2.3.2.10.15. ***Oil exploitation*** **.** For the use of water for oil exploitation, the competent Environmental Authority will grant a concession in accordance with sections 7, 8 and 9 of this chapter.

(Decree 1541 of 1978, art. 81).

ARTICLE 2.2.3.2.10.16. ***Injections for secondary recovery of oil or natural gas.*** The use of water in reinjections for secondary recovery of oil or natural gas requires a special concession from the competent Environmental Authority, different from that required for the exploration and exploitation of oil or natural gas.

The concessionaire is obligated to prevent the contamination of the underground water tables that it crosses.

The uses of water for mining and oil exploration will be equally conditioned by the provisions of the Mining and Petroleum Codes and other specific legal and regulatory norms.

(Decree 1541 of 1978, art. 82).

ARTICLE 2.2.3.2.10.17. ***Wood flotation.*** The use of the waters for the transport of wood by flotation requires a concession from the competent Environmental Authority, which will be processed in accordance with sections 7, 8 and 9 of this chapter and will be granted to the holders of forest exploitation concessions. In the resolution that grants the concession, the sectors, times

and floatable volumes and the conditions will be determined so as not to disturb other uses of the waters or the rights of other water concessionaires.

(Decree 1541 of 1978, art. 83).

ARTICLE 2.2.3.2.10.18. ***Wood flotation rafts.*** The competent Environmental Authority, in coordination with the Ministry of Transportation, will determine the beaches where the wooden floating rafts may be beached and assembled.

(Decree 1541 of 1978, art. 84).

ARTICLE 2.2.3.2.10.19. ***River or lake vessels that transport substances capable of causing environmental damage and granting of licenses for river or lake transport of oil or toxic substances.*** To determine the places, the washing method, the operating conditions of river or lake vessels that transport substances capable of causing environmental damage, as well as for the granting of licenses for river or lake transport of oil or toxic substances, the Ministry of Transportation, will take into account, in accordance with the provisions of article 39 of Decree-Law 2811 of 1974, the regulations established for this purpose by the Ministry of Environment and Sustainable Development and will require compliance by those who carry out these activities.

(Decree 1541 of 1978, art. 85).

ARTICLE 2.2.3.2.10.20. ***Prevention of contamination derived from the operation or washing of ships.*** The Ministry of Environment and Sustainable Development will establish the necessary regulations to prevent contamination that may arise from the operation or washing of ships intended for human or cargo transport.

(Decree 1541 of 1978, art. 86).

SECTION 11

FEASIBILITY STUDIES ON USE OF WATER FOR

IRRIGATION PROJECTS

ARTICLE 2.2.3.2.11.1. ***Feasibility studies on the use of water for the formulation of irrigation projects.*** The competent Environmental Authority may grant special permits for up to a year, to carry out feasibility studies on the use of water for the formulation of irrigation projects at the farm level or groups of farms, when the cost of such studies and the corresponding civil works are to be financed with resources from the Bank of the Republic under the terms of Resolution number 28 of 1981 issued by the Monetary Board, or the provisions issued for the same purpose.

(Decree 2858 of 1981, art. 1).

ARTICLE 2.2.3.2.11.2. ***Request.*** For the granting of the permit, the interested party or parties must make the corresponding request in writing, specifying, at least, the following information:

a) Name and location of the property or properties that will benefit.

b) Name and location of the possible supply source.

c) Approximate amount of water to be used.

d) Term for which the permit is requested.

The request will be signed by the interested party or parties, along with which they must submit proof of their constitution and representation, if it is a legal person and the certificate of tradition of the property or properties issued by the corresponding registrar of public and private instruments.
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(Decree 2858 of 1981, art. 2).

ARTICLE 2.2.3.2.11.3. ***Visit and report.*** Within three days following the date of receipt of the request, the competent Environmental Authority will send an official to visit the farm or farms, to determine if according to the availability of water, it would be feasible to grant the required

concession. , once the credit has been approved in favor of the interested party or parties for the construction of the works, and provided that the legal and regulatory requirements required by such type of use are met. The official will deliver his report within ten days following the date of the visit, indicating in it the general situation of the property and the conditions of the usable water resources for the requested purposes.

Based on the report, the competent Environmental Authority will issue the corresponding study permit to the financial intermediary from which the financing referred to in article 2.2.3.2.11.1 of this decree is requested.

(Decree 2858 of 1981, art. 3).

ARTICLE 2.2.3.2.11.4. ***Priority of permit holders.*** The permit holders will have the first option over other applicants for the water concession, without prejudice to the first three priorities of use established in this decree and provided that they are granted financing for the preparation of feasibility studies for the irrigation project and comply with the provisions of the following article.

(Decree 2858 of 1981, art. 4).

ARTICLE 2.2. Corrected by art. 9, National Decree 703 of 2018. *<The new numbering is as follows>* 2.2.3.2.11.5.

Application for water concession. Before the expiration of the study permit, its holder must submit to the competent Environmental Authority the application for a water concession, which must be formalized in full in accordance with the provisions of paragraphs a, b, c, d, e, f. , g, h, i, and j of article 2.2.3.2.9.1 of this decree, attaching the following documents:

1. Authentic copy of the feasibility study.

2. Proof of ownership of the property or properties in favor of the applicant or applicants.

(Decree 2858 of 1981, art. 5).

ARTICLE 2.2.3.2.11.5. Corrected by art. 9, National Decree 703 of 2018. *<The new numbering is as follows>* 2.2.3.2.11.6. ***Term and validity of the concession.*** Water concessions under the terms of this decree may be granted for up to twenty years, their validity is conditional on the granting of credit to finance physical infrastructure works.

(Decree 2858 of 1981, art. 6).

ARTICLE 2.2.3.2.11.6. Corrected by art. 9, National Decree 703 of 2018. *<The new text is the following>* ***Term and validity of the concession.*** Water concessions under the terms of this decree may be granted for up to twenty years, their validity is conditional on the granting of credit to finance physical infrastructure works.

SECTION 12

OCCUPATION OF BEACHES, WATERWAYS AND BEDS

ARTICLE 2.2.3.2.12.1. ***Occupation.*** The construction of works that occupy the bed of a stream or water reservoir requires authorization, which will be granted under the conditions established by the competent Environmental Authority. Likewise, permission will be required in the case of permanent or temporary occupation of beaches.

The General Maritime and Port Directorate will grant these authorizations or permits in the areas of its jurisdiction, in accordance with the provisions of Decree Law 2324 of 1984, prior concept of the competent Environmental Authority.

When the Ministry of Transport must carry out dredging operations or build works that occupy the beds of rivers or lakes in order to maintain their navigability conditions, it will not require the authorization referred to in this chapter, but it must comply with the provisions of article 26 of Decree-Law 2811 of 1974, and the coordination mechanisms established by the competent

environmental authority together with the aforementioned Ministry to guarantee the protection of waters, riverbeds and beaches.

(Decree 1541 of 1978, art. 104).

ARTICLE 2.2.3.2.12.1.2 Corrected by art. 10, National Decree 703 of 2018. <*The new numbering is as follows*> 2.2.3.2.12.2

Tourism, recreation or sports services. *The* establishment of tourism, recreation or sports services in streams, lakes and other water deposits of the public domain require a concession or association in the terms established by the competent Environmental Authority.

The concession will be governed by the rules set forth in sections 7, 8 and 9 of this chapter and the association will be governed by current legislation on the matter.

(Decree 1541 of 1978, art. 105).

ARTICLE 2.2.3.2.12.1.3. Corrected by art. 10, National Decree 703 of 2018. <*The new numbering is as follows*> 2.2.3.2.12.3

Subsistence fishing and domestic uses. The temporary occupation of beaches for subsistence fishing does not require a permit. The transit and occupation of beaches and riverbanks to make domestic use of water is governed by the provisions of section 6 of this chapter.

(Decree 1541 of 1978, art. 106).

SECTION 13

REGULATION OF THE USE OF WATER AND DECLARATION OF RESERVES AND DEPLETION

ARTICLE 2.2.3.2.13.1. *Regulation of the use of water* . The competent Environmental Authority in order to obtain a better distribution of the waters of each current or derivation, in accordance with the provisions of Articles 156 and 157 of Decree-Law 2811 of 1974, will regulate when it deems it convenient, ex officio or upon request. on the one hand, the use of any current or public water deposit, as well as the derivations that benefit various properties. For this, a preliminary study will be carried out in order to determine the convenience of the regulation, taking into account the current distribution, the needs of the properties that use them and those of those who can take advantage of them.

(Decree 1541 of 1978, art. 107).

ARTICLE 2.2.3.2.13.2. *Regulatory desirability* . If from the result of the study referred to in the previous article, the convenience of advancing the regulation is deduced, the competent Environmental Authority will order it by reasoned ruling.

(Decree 1541 of 1978, art. 108).

ARTICLE 2.2.3.2.13.3. *Publication administrative act.* In order to make the interested parties aware of the ruling by which a regulation of water use is ordered, the competent Environmental Authority will make the following publications, at least ten (10) days in advance of the practice of the ocular visit , So:

a. A copy of the ruling that indicates the jurisdiction of the place where the visual visits must be carried out and the regulation is ordered will be posted in a public place of the competent Environmental Authority and in the Mayor's Office or Police Inspection of the place.

b. Notice for two consecutive times in the newspaper with the largest circulation in the region, about the place and date of the proceeding; If there are facilities in the area, this notice will be published through the local radio station.

(Decree 1541 of 1978, art. 109).

ARTICLE 2.2.3.2.13.4. ***Ocular visit and regulation studies of a current.*** The visual visit and the regulation studies of a current will be carried out by suitable officials in the matter, and will include at least the following aspects;

a. Mapping

b. Census of users of water use;

c. Hydrometeorological;

d. Agronomics;

and. Irrigation and drainage;

F. Socioeconomic

g. Waterworks

h. Incidence in the development of the region;

Yo. Of environmental incidence of the current and projected use of water;

J. Legal;

k. Consumption modules, and

l. Control and monitoring of exploitation.

In any case, the competent Environmental Authority may determine the characteristics that each of the aspects indicated must contain in consideration of the source and use in question.

(Decree 1541 of 1978, art. 110).

ARTICLE 2.2.3.2.13.5. ***Water distribution project and notice.*** Based on the studies and visits referred to in the previous Articles, a water distribution project will be prepared. This project will be communicated to the interested parties by means of a notice that will be published twice with an interval of ten (10) days between one and the other, in two of the newspapers with the largest circulation in the corresponding Department or Municipality, in order to that they may present the objections they consider pertinent within twenty (20) days following the publication of the last notice.

(Decree 1541 of 1978, art. 111).

ARTICLE 2.2.3.2.13.6. ***Dissemination notice.*** The notice referred to in the previous article can be broadcast twice through the local radio station with the same interval established in the previous article.

(Decree 1541 of 1978, art. 112).

ARTICLE 2.2.3.2.13.7. ***Objections, practice of diligence, project reform and publication of administrative act.*** Once the term of objections has expired, the competent Environmental Authority will proceed to study them; in the event that they are conducive, it will order the pertinent proceedings.

Once these procedures have been carried out and, if it were the case, the project has been reformed, the competent Environmental Authority will proceed to prepare the corresponding regulatory ruling, and once it has been issued, its heading and operative part will be published in the Official Gazette.

(Decree 1541 of 1978, art. 113).

ARTICLE 2.2.3.2.13.8. ***Water regulation effects.*** All water regulations affect existing uses, are of immediate application and imply concessions for the beneficiaries who are obliged to comply with

the conditions imposed in them and subject to the causes of expiration referred to in Decree-Law 2811 of 1974 and this Decree. .

(Decree 1541 of 1978, art. 114).

ARTICLE 2.2.3.2.13.9. ***Distribution, regulation or distribution of water for public use and aqueduct easement.*** For the purposes of the distribution, regulation or allocation of water for public use, any property that is crossed by a diversion is presumed to be encumbered with an aqueduct easement. In the case of community land, the easement is presumed on the portions occupied by the community members.

In the case of vacant land, such encumbrance is presumed on the proportions occupied by the settlers and occupants without prejudice to the easement being imposed in accordance with current regulations.

(Decree 1541 of 1978, art. 115).

ARTICLE 2.2.3.2.13.10. ***Review and modification of regulations on water for public use.*** Any regulation of water for public use may be reviewed or varied by the competent Environmental Authority at the request of an interested party or ex officio, when the conditions or circumstances that were taken into account to carry it out have changed and provided that the people who may be affected by the modification.

(Decree 1541 of 1978, art. 116).

ARTICLE 2.2.3.2.13.11 ***. Aspects to be considered in the revision and modification of the regulation of water for public use.*** In the process of revision or variation of a regulation of water for public use, the needs of the users and the circumstances that determine the revision or variation will be taken into account in order to satisfy them proportionally.

Likewise, the compliance given by the users to the rules that regulate the management of the resource and especially to the obligations included in the regulation that is intended to be varied or revised will be taken into account.

(Decree 1541 of 1978, art. 117).

ARTICLE 2.2.3.2.13.12. ***Declaration of reserves and exhaustion.*** Corrected by art. 11, National Decree 703 of 2018. < *The new text is as follows*> Without prejudice to the acquired rights and the special provisions provided by Decree-Law 2811 of 1974, the competent Environmental Authority may decree water reserves, understood as such:

a) The prohibition of granting permission or concession to use certain streams or water deposits, public domain lakes, or parts or sections of them, and

b) The prohibition of granting permits or concessions for certain uses of currents, water deposits or their beds or channels.

The original text was as follows:

Article 2.2.3.2.13.12. *Without prejudice to the rights acquired and the special provisions provided for by Decree-Law 2811 of 1974, the competent Environmental Authority may decree water reserves, understood as such:*

a. The prohibition of granting permission or concession to use certain streams or water deposits, public domain lakes, parts or sections of them, and

b. The prohibition of granting permits or concessions for certain current uses, water deposits or their beds or channels,

(Decree 1541 of 1978, art. 118).

ARTICLE 2.2.3.2.13.13 ***. End of reservations.*** Reserves may be decreed for any of the following purposes:

a. Organize or facilitate the provision of a public service.

b. Carry out programs for the restoration, conservation or preservation of the quality of the waters, their flow or their channels, beds or beaches, or the environment of which they are a part;

c. Advance studies or projects that may lead to the use of water, riverbeds or beds by the State;

d. Maintain an availability of public waters in accordance with the needs of the country;

and. To develop aquaculture programs, protect fish farms and maintain the ecological environment of the aquatic fauna or flora worthy of protection, and

F. For the establishment of special management zones in development of articles 137 and 309 of Decree-law 2811 of 1974.

(Decree 1541 of 1978, art. 119).

ARTICLE 2.2.3.2.13.14. ***Studies.*** The competent Environmental Authority will carry out studies at least on the aspects contemplated by article 2.2.3.2.13.4 of this Decree, and based on them will make the respective reservation.

When the reserve is declared to restore the quality of the waters or to carry out the studies provided for in point c) of article 2.2.3.2.13.13 of this Decree, once the objective has been fulfilled, the reserve may be lifted.

(Decree 1541 of 1978, art. 120).

ARTICLE 2.2.3.2.13.15. ***Declaration of exhaustion of the source.*** When a public water source has been gauged and use permits or concessions have been granted that reach or exceed the available flow, counting the existing storage works, the competent Environmental Authority may declare this source exhausted, a declaration that will be published in the main headquarters and in the respective sub-headquarters.

(Decree 1541 of 1978, art. 121).

ARTICLE 2.2.3.2.13.16. ***Restriction of uses or consumption temporarily.*** In cases of critical scarcity due to drought, pollution, natural disasters or damage caused by man, which limit the useful flows available, the competent Environmental Authority may temporarily restrict uses or consumption. For this purpose, you can establish shifts for the use or distribute the usable flows in percentage terms. This article will be applicable even if it affects rights granted by concessions or permits.

The rights of use over private waters may also be temporarily limited for the reasons referred to in this article.

(Decree 1541 of 1978, art. 122).

ARTICLE 2.2.3.2.13.17. ***Environmental emergency and faculties.*** In the event of an environmental emergency caused by floods, landslides or other natural catastrophes related to the waters or their channels or when there is imminent danger, the competent Environmental Authority may declare it.

The competent Environmental Authority may alter the order of priorities for granting concessions or permits and, in general, comply with the provisions of articles 2.2.3.2.13.16, 2.2.3.2.19.10, 2.2.3.2.19.11 and 2.2.3.2. 19.12 of this Decree; impose restrictions on the domain and advance expropriations that may take place if any of the circumstances provided for in article 69 of Decree-Law 2811 of 1974 occur.

(Decree 1541 of 1978, art. 123).

ARTICLE 2.2.3.2.13.18. ***Faculties for the protection of sources or water deposits.*** Corrected by art. 12, National Decree 703 of 2018. < *The new text is as follows*> In order to protect certain water sources or reservoirs, the competent Environmental Authority may limit areas surrounding them, in which the exercise of activities is prohibited or

restricted, such as dumping of sewage, use of fertilizers or pesticides, breeding of predatory livestock species and the like.

The competent Environmental Authority may prohibit, temporarily or definitively, certain uses, such as recreational, sports and fishing, in an entire hydrographic basin or sub-basin or sectors of it, when the analysis of the sewage or industrial waste that is discharge into a stream or body of water, it is deduced that there is contamination or danger of contamination that must be prevented or corrected immediately.

It may also restrict or prohibit other uses in order to restore or recover a stream or body of water that has been damaged or polluted.

The original text was as follows:

Article 2.2.3.2.13.18. *In order to protect certain sources or water deposits, the competent Environmental Authority may limit areas surrounding them, in which the exercise of activities, such as the dumping of sewage or residual water, the use of fertilizers or pesticides, the breeding of species of predatory cattle and the like.*

The competent Environmental Authority may prohibit, temporarily or definitively, certain uses, such as recreational, sports and fishing, in an entire hydrographic basin or sub-basin or sectors thereof, when the analysis of the sewage waters to the industrial wastes that are dumped into a stream or body of water it is deduced that there is contamination or danger of contamination that must be prevented or corrected immediately.

It may also restrict or prohibit other uses with the aim of restoring or recovering a stream or body of water that has been damaged or polluted.

SECTION 14

RESTRICTIONS AND LIMITATIONS TO THE DOMAIN

ARTICLE 2.2.3.2.14.1. ***Servitude in the public interest.*** In accordance with the provisions of article 919 of the Civil Code, every estate is subject to the easement of the aqueduct in favor of another estate that lacks the necessary waters for the cultivation of crops, plantations or pastures, or in favor of a town that necessary for the domestic service of the inhabitants or in favor of an industrial establishment that needs them for the movement of its machines and for its industrial processes.

(Decree 1541 of 1978, art. 125).

ARTICLE 2.2.3.2.14.2. ***Domain limitation or easement.*** In accordance with the provisions of article 67 of Decree-Law 2811 of 1974, ownership or easement limitation will be imposed on privately owned real estate when it is imposed by public utility or social interest.

The preservation and management of the water resource is considered to be of public utility or social interest in accordance with the provisions of article 1 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 126).

ARTICLE 2.2.3.2.14.3. ***Public utility and social interest of the easement for the construction of aqueducts for irrigation.*** In accordance with the provisions of article 8 of Law 98 of 1928 and articles 1 and 2 of Decree-Law 407 of 1949, the establishment of easements in the construction of aqueducts intended to irrigation and all kinds of works or constructions for the hydraulic, industrial or agricultural use of said works.

For a property to be subject to an aqueduct easement, it is essential that it is not feasible to conduct the water economically through estates belonging to the applicant.

(Decree 1541 of 1978, art. 127).

ARTICLE 2.2.3.2.14.4. ***Aqueduct easement.*** Any property that is crossed by a diversion of water from streams for public use is presumed to be encumbered with an aqueduct easement.

(Decree 1541 of 1978, art. 128).

ARTICLE 2.2.3.2.14.5. ***Easements and use of groundwater.*** The easements established in accordance with the law, also tax the properties in which works must be carried out for the use of groundwater and for its conduction.

(Decree 1541 of 1978, art. 129).

ARTICLE 2.2.3.2.14.6. ***Conditions for the imposition of easements*** **.** The competent Environmental Authority must in each specific case of administrative imposition of easement verify that the reasons of public utility and social interest established by article 1 of Decree - Law 2811 of 1974 and other laws in force to impose it are given and taking into account among others the following circumstances:

a. That an amicable settlement between the parties could not be achieved;

b. That the use of water that is projected to be carried out has been covered by a concession;

c. That the easement is essential to be able to make use of the granted water, technically and economically.

(Decree 1541 of 1978, art. 130).

ARTICLE 2.2.3.2.14.7. ***Order notification and conciliation hearing summons*** **.** Once the reasons of public utility have been verified by the competent Environmental Authority, the respective order will be personally notified to the owners of the real estate on which the easement is to be constituted, and a conciliatory hearing will be summoned, to which the petitioner must also attend. the servitude

The purpose of the hearing will be to seek an agreement on the following aspects of the easement:

a. Place and surface to be affected;

b. Works to be built;

c. Modality of your exercise;

d. Amount and method of payment of compensation.

If an agreement is reached, the competent Environmental Authority will issue a resolution in which it will establish the easement in the conditions agreed upon at the hearing; Providence that must be registered in the registry of users of the water resource and in the Registry Office of Public and Private Instruments.

(Decree 1541 of 1978, art. 131).

ARTICLE 2.2.3.2.14.8. ***Effect of non-reconciliation.*** If there is disagreement regarding the price and the corresponding compensation, the parties are free to go to the court for it to decide.

(Decree 1541 of 1978, art. 132).

ARTICLE 2.2.3.2.14.9. ***Eye visits and imposition of easement.*** The competent Environmental Authority will order the necessary visual inspections, in order to establish the points provided for in article 2.2.3.2.14.7, letters a), b) and c) of this Decree.

Based on the visits carried out, on the plans that have been drawn up and on all the information obtained, the competent Environmental Authority will establish the easement in the public interest, and in the same providence will order the surrender of the area, prior deposit of the amount that is not questioned, by order of the court hearing the matter.

(Decree 1541 of 1978, art. 133).

ARTICLE 2.2.3.2.14.10. ***Registration administrative act.*** The administrative ruling that imposes the easement must be registered in the corresponding Public and Private Instruments Registry Office.

(Decree 1541 of 1978, art. 134).

ARTICLE 2.2.3.2.14.11. *Content administrative act.* In the ruling that imposes the easement, the property or properties that are encumbered will be indicated, the water collection site or the location of the works, the route and characteristics of the ditch, the canal, the dumping works and the aqueduct. , and the areas to be occupied by them, in accordance with the approved plans.

(Decree 1541 of 1978, art. 135).

ARTICLE 2.2.3.2.14.12. *Servitude in private interest.* Prior to the constitution of a private interest easement referred to in articles 107 to 118 of Decree-Law 2811 of 1974, through jurisdiction, the competent Environmental Authority at the request of a party and with the participation of the interested parties, may determine the area that will be affected by the easement, the characteristics of the work and the other modalities concerning the exercise of that, in accordance with the plan drawn up for that purpose.

(Decree 1541 of 1978, art. 136).

ARTICLE 2.2.3.2.14.13. *Agreement between parties.* Once the circumstances referred to in the previous article have been established, the competent Environmental Authority will summon the parties to agree on the price of the area affected by the easement and its modalities.

If there is an agreement, a record will be drawn up in which the conditions for the payment of compensation, for the delivery of the affected area and for the execution of the necessary works, as well as their characteristics, will be indicated.

(Decree 1541 of 1978, art. 137).

ARTICLE 2.2.3.2.14.14. *Effects of non-agreement.* If there is no agreement between the parties, the interested party must resort to the jurisdictional route so that, in accordance with the provisions of the Code of Civil Procedure, the respective easement is imposed.

(*Decree 1541 of 1978, art. 138).*

ARTICLE 2.2.3.2.14.15. *Other applicable regulations.* Easements in private interest are also governed by the provisions established in articles 2.2.3.2.14.4 of this Decree and 106 to 118 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 139).

SECTION 15

ACQUISITION OF ASSETS AND EXPROPRIATION

ARTICLE 2.2.3.2.15.1. *Requirements and negotiations.* In any of the cases referred to in articles 69 and 70 of Decree-Law 2811 of 1974, the competent Environmental Authority will proceed to advance the negotiations for the acquisition of privately owned and patrimonial assets of public law entities, previously established the following circumstances:

a. The need to acquire such goods;

b. The determination of the assets that will be affected:

c. The determination of the people with whom the negotiation will take place.

(Decree 1541 of 1978, art. 140).

ARTICLE 2.2.3.2.15.2. *Voluntary alienation and expropriation.* The acquisition of real estate by voluntary alienation and expropriation shall be governed by the provisions of Law 388 of 1997 or the rule that modifies or replaces it.

(Decree 1541 of 1978, art. 141).

SECTION 16

REGIME OF CERTAIN SPECIAL WATER CATEGORIES

ARTICLE 2.2.3.2.16.1. ***Use of rainwater without concession.*** Without prejudice to the public domain of rainwater, and without losing such character, the owner, possessor or holder of a property can use the rainwater that falls or is collected in it, while it runs through it, without the need for a concession.

(Decree 1541 of 1978, art. 143).

ARTICLE 2.2.3.2.16.2. ***Rainwater concession.*** A concession will be required for the use of rainwater when these waters form a natural channel that crosses several properties, and when they leave the building even without being channeled.

(Decree 1541 of 1978, art. 144).

ARTICLE 2.2.3.2.16.3. ***Rainwater and construction works.*** The construction of works to store, conserve and conduct rainwater may be carried out as long as no damage is caused to third parties.

(Decree 1541 of 1978, art. 145).

ARTICLE 2.2.3.2.16.4. ***Groundwater, Exploration. Permission.*** Prospecting and exploration that includes test drilling in search of groundwater with a view to its subsequent use, both on privately owned and vacant land, requires permission from the competent Environmental Authority.

(Decree 1541 of 1978, art. 146).

ARTICLE 2.2.3.2.16.5. ***Requirements for obtaining the permit.*** Natural or legal persons, public or private, who wish to explore in search of groundwater, must submit a permit application to the competent Environmental Authority with the requirements to obtain a water concession, also providing the following information

a. Location and extent of the property or properties to be explored, indicating whether they are owned, owned by others or vacant;

b. Name and registration number of the drilling company, and list of specifications of the equipment to be used in the drilling;

c. Drilling system to be used and work plan;

d. Hydrogeological characteristics of the area, if known;

and. List of other existing groundwater uses within the area determined by the competent Environmental Authority

F. Area for which the permit is requested and its term;

g. Other data that the petitioner or the competent environmental authority consider convenient.

(Decree 1541 of 1978, art. 147).

ARTICLE 2.2.3.2.16.6. ***Annexes application for permission.*** Natural or legal persons, public or private, must accompany the application;

Certificate of the Registrar of Public and Private Instruments on the registration of the property or the adequate proof of possession or possession;

The documents that prove the identity or identification of the applicant, and

Written authorization with the authenticated signature of the owner or owners of the estates where the explorations are going to be carried out, if they are owned by others.

(Decree 1541 of 1978, art. 148).

ARTICLE 2.2.3.2.16.7. ***Procedure.*** Once the duly formulated exploration request has been received, the competent Environmental Authority will proceed to study each of the points listed in article 2.2.3.2.16.6 of this Decree, through professionals or technicians in the matter.

(Decree 1541 of 1978, art. 149).

ARTICLE 2.2.3.2.16.8. ***Permission and conditions.*** Based on the studies referred to in the previous article, the competent Environmental Authority may grant the permit. If the beneficiary is a natural or private legal pardon, the following conditions must be included:

a. That the exploration area does not exceed 1,000 hectares, as long as there are no other requests for the same area that imply reducing this extension;

b. That the period is not greater than one (1) year,

(Decree 1541 of 1978, art. 150).

ARTICLE 2.2.3.2.16.9. ***Exploration and aspects to consider.*** In the exploration process, the following aspects will be considered for the purposes of the report referred to in article 2.2.3.2.16.10 of this Decree:

1. Surface geological mapping;

2. Surface hydrology;

3. Geophysical prospecting;

4. Drilling of exploratory wells;

5. Pumping test;

6. Physical-chemical analysis of the waters, and

7. Compilation of data on existing and required water needs.

(Decree 1541 of 1978, art. 151).

ARTICLE 2.2.3.2.16.10. ***Permit holder report.*** Paragraph corrected by art. 13, National Decree 703 of 2018. *<The new text is as follows>* At the end of all groundwater exploration permits, the permit holder has a period of sixty (60) business days to deliver to the competent Environmental Authority, for each well drilled, a report that must contain, at least the following points:

The original text was as follows:

ARTICLE 2.2.3.2.16.10. Permit holder report. *At the end of all groundwater exploration permits, the permit holder has a period of sixty (60) business days to deliver a report to the competent Environmental Authority for each drilled hole that must contain, at least, the following points:*

a. Corrected by art. 13, National Decree 703 of 2018. *<The new text is as follows>* Location of the drilled well and of others that exist within the exploration area or close to it. The location will be done by geographical coordinates based on WGS84 and whenever possible with flat coordinates System "Magna Sirgas" origin Bogotá based on charts from the "Agustín Codazzi" Geographical Institute.

The original text was as follows:

a. Location of the drilled well and of others that exist within the exploration area or close to it. The location will be made by geographic coordinates based on WGS84 and whenever possible with flat coordinates originating from Bogotá "Magna Sirgas" based on charts from the "Agustín Codazzi" Geographical Institute;

b. Description of drilling and copies of geophysical studies, if any;

c. Drilling depth and method;

d. Stratigraphic profile of all drilled wells, whether or not they have water; description and analysis of the geological formations, thickness, composition, permeability, storage and real performance of the well if it is productive, and techniques used in the different phases. The permit holder must

deliver, when the entity requires it, samples of each geological formation traversed, indicating the level of the upper and lower level to which it corresponds;

and. Leveling the elevation of the well in relation to the altimetric bases established by the "Agustín Codazzi" Geographical Institute, static water levels contemporary to the test in the network of observation wells, and on the other duly calculated hydraulic parameters;

F. Water quality; physical-chemical and bacteriological analysis, and

g. Other data that the competent Environmental Authority deems appropriate.

(Decree 1541 of 1978, art. 152).

ARTICLE 2.2.3.2.16.11. ***Pumping test supervision.*** The pumping test referred to in point e) of the previous article must be supervised by an official designated by the competent Environmental Authority.

(Decree 1541 of 1978, art. 153).

ARTICLE 2.2.3.2.16.12. ***Effects of the exploration permit.*** Groundwater exploration permits do not confer a concession for the use of water, but will give priority to the holder of the exploration permit for the granting of the concession in the manner provided in sections 7, 8 and 9 of this chapter.

(Decree 1541 of 1978, art. 154).

ARTICLE 2.2.3.2.16.13. ***Exploitations.*** The use of groundwater, both in own and third-party properties, requires a concession from the competent Environmental Authority, with the exception of those used for domestic uses owned by the beneficiary or in properties that the beneficiary has possession or possession of.

(Decree 1541 of 1978, art. 155).

ARTICLE 2.2.3.2.16.14. ***Requirements and concession procedure.*** The groundwater concession application must meet the requirements and procedures established in section 9 of this chapter.

A copy of the exploration permit and certification on presentation of the report provided for in article 2.2.3.2.16.10 of this same statute shall be attached to the request.

(Decree 1541 of 1978, art. 157).

ARTICLE 2.2.3.2.16.15. ***Exemption permit and exploration process.*** If the well or work for the use of groundwater is located within a groundwater basin already known by the competent Environmental Authority, it may be exempt from the permit and the exploration process.

(Decree 1541 of 1978, art. 158).

ARTICLE 2.2.3.2.16.16. ***Preference granted by exploration permit*** **.** The owner, holder or holder of a property that, in exercise of the respective permit, has carried out groundwater exploration within its property will have preference to opt for the concession for the use of the same waters. Said option must be exercised within the two (2) months following the notification made by the competent Environmental Authority for this purpose. If within a term of one (1) year counted from the exercise of your option; the concession has not been granted to the applicant for reasons attributable to him, or if granted expired due to non-compliance, the concession may be granted to third parties.

(Decree 1541 of 1978, art. 159).

ARTICLE 2.2.3.2.16.17. ***Concessions for excess water.*** When the production of a well or lighting work exceeds the flow authorized in the concession, whether or not the concessionaire owns the land where the work is located; The competent Environmental Authority may grant concessions of the excess water to third parties who request them under the condition that they contribute proportionally to the costs of construction, maintenance and operation of the well or work, and will

set in such cases the percentage amount of the constructions, as well as the administration regime of the well or work.

ARTICLE 2.2.3.2.16.18. ***Groundwater concessions on land not owned by the concessionaire*** **.** Concessions to light groundwater on land not owned by the concessionaire can only be granted for domestic use and drinking trough prior to the constitution of easement and if the following circumstances occur:

a. Corrected by no. 16 article 25, National Decree 703 of 2018 *<The new text is as follows>* That the applicant's land does not have surface water or deep underground water that is economically exploitable, according to its financial capacity;

The original text was as follows:

a. That the applicant's land does not have surface water or deep underground water that is economically exploitable, according to its financial capacity;

b. Corrected by no. 16 article 25, National Decree 703 of 2018 *<The new text is the following>* That the case foreseen by article 2.2.3.2.16.17 of this Decree occurs, or that the owner, holder or possessor of the property does not exercise the option recognized by article 2.2.3.2.16.16 in the fixed term.

The original text was as follows:

b. That the case foreseen by article 2.2.3.2.16.17 of this Decree occurs, or that the owner, holder or possessor of the property does not exercise the option recognized by this article 2.2.3.2.16.16 within the established term .

(Decree 1541 of 1978, art. 161).

ARTICLE 2.2.3.2.16.19. Illuminated waters in mining or oil drilling. The lighted waters in mining or oil drilling will be granted, in the first place, to those who carry out the drilling until the concurrence of their needs, and may be granted to third parties if they do not disturb the mining or oil exploitation.

(Decree 1541 of 1978, art. 162).

ARTICLE 2.2.3.2.16.20. ***Other provisions applicable to surplus in the use of groundwater.*** When there are surpluses in any use of groundwater, the provisions of this Decree related to surface water will apply, as long as they are not incompatible. The holder of the concession is obliged to extract them without producing surpluses. In the event that this is unavoidable, said leftovers must be transported at their own expense to the nearest source or facilitate their use for neighboring properties, in which case the beneficiaries will contribute to defray the transportation costs.

(Decree 1541 of 1978, art. 163).

ARTICLE 2.2.3.2.16.21. ***Content administrative act.*** In groundwater concession resolutions, the competent Environmental Authority shall consign, in addition to what is stated in Section 9 of this chapter, the following:

a. The minimum distance that the well must be drilled in relation to other wells in production;

b. Technical characteristics that the well must have, such as: depth, diameter, coating, filters and geophysical studies that are known from exploration wells or others close to the well that is intended to be exploited;

c. Technical characteristics of the pump or compressor and well operation plan; it will indicate the maximum flow rate to be pumped in liters per second;

d. Napas to be isolated;

and. Napas from which it is allowed to illuminate waters indicating their maximum and minimum levels;

F. Type of control or shut-off valve, if the water arises naturally;

g. Type of flow measurement device, and

h. The others that the competent Environmental Authority deems convenient.

(Decree 1541 of 1978, art. 164).

ARTICLE 2.2.3.2.16.22. ***Imposition of combined use of surface and groundwater.*** The competent Environmental Authority—may impose on a surface and groundwater concessionaire the combined use of them, limiting the flow used under one or another system or the times in which one or the other can be used.

ARTICLE 2.2.3.2.16.23 Added by art. 4, National Decree 465 of 2020 **.** <*The text added is as follows*> **Temporary. Exceptional groundwater exploration.** As long as the declaration of the health emergency due to the coronavirus COVID-19 is maintained by the Ministry of Health and Social Protection, groundwater prospecting and exploration activities may be carried out without permission, provided that prior authorization is obtained. geoelectric information of the area of influence of the project, as well as the registration and endorsement of the competent environmental authority of the site to be drilled, for its respective control and monitoring.

Once the required prospecting and exploration have been carried out, the corresponding subterranean water concession must be requested from the competent environmental authority.

PARAGRAPH 1. The terms provided for the processing of these concessions will be reduced to one third.

PARAGRAPH 2. The beneficiary must ensure that the characteristics and criteria of the quality of water for human consumption indicated in the legal system are met.
(Decree 1541 of 1978, art. 165).

SECTION 17

PRESERVATION AND CONTROL

ARTICLE 2.2.3.2.17.1. ***Applicability declaration of exhaustion.*** The declaration of depletion authorized by articles 2.2.3.2.13.15 to 2.2.3.2.13.17 of this Decree, is applicable to groundwater for reasons of quantitative and qualitative availability of the same.

(Decree 1541 of 1978, art. 166).

ARTICLE 2.2.3.2.17.2. ***Other faculties of the Environmental Authority.*** Corrected by no. 17, art. 25, National Decree 703 of 2018 <*The new text is the following*> For the same reasons, the competent Environmental Authority may take, in addition to the measures provided for in articles 2.2.3.2.13.15 to 2.2.3.2.13.17 of this Decree, the following:

Order the concessionaires to build the works and works that are necessary to recharge and preserve the well, or,

Build the works referred to in the previous letter, in which case the valuation rate may be charged.

(Decree 1541 of 1978, art. 167).

The original text was as follows:

ARTICLE 2.2.3.2.17.2. Other faculties of the Environmental Authority. *For the same reasons, the competent Environmental Authority may take, in addition to the measures provided for in articles 2.2.3.2.13.15 to 2.2.3.2.13.17 of this Decree, the following:*

Order the concessionaires to build the works and works that are unnecessary to recharge and conserve the well, or,

Build the works referred to in the previous letter, in which case the valuation rate may be charged.

(Decree 1541 of 1978, art. 167).

ARTICLE 2.2.3.2.17.3. ***Concept of leftovers.*** For purposes of the application of article 154 of Decree-Law 2811 of 1974, "surplus" is understood as water that, granted, is not used in the exercise of exploitation.

(Decree 1541 of 1978, art. 168).

ARTICLE 2.2.3.2.17.4. ***Minimum distance between perforations.*** To avoid the interference that may occur between two or more wells as a result of the request for a new use, the competent Environmental Authority, taking into account the physical radius of influence of each one, will determine the minimum distance that must mediate between the requested drilling and the existing wells, their depth and the maximum flow that can be lit.

(Decree 1541 of 1978, art. 169).

ARTICLE 2.2.3.2.17.5. ***Use regime by concession.*** The competent Environmental Authority will set the utilization regime of each subterranean water concession in accordance with the availability of the resource and in harmony with the integral planning of the same in the zone.

(Decree 1541 of 1978, art. 170).

ARTICLE 2.2.3.2.17.6. ***Pumping Test Prerequisite.*** No use may be started without having previously carried out the pumping test referred to in article 2.2.3.2.16.11 of this Decree. The holder of the concession must provide the well with an adequate meter, connection to a pressure gauge and intake for obtaining water samples.

(Decree 1541 of 1978, art. 171).

ARTICLE 2.2.3.2.17.7. ***Obligation in studies or mining or oil exploitation.*** *Whoever* discovers or illuminates groundwater when carrying out studies or mining or oil exploitation, or for any other purpose, is obliged to give written and immediate notice to the competent Environmental Authority and provide the technical information available.

(Decree 1541 of 1978, art 172).

ARTICLE 2.2.3.2.17.8. ***Regulation of uses.*** The competent Environmental Authority may regulate at any time, in accordance with section 13 of this chapter, the use of any underground water source and determine the necessary measures for its protection.

(Decree 1541 of 1978, art. 173).

ARTICLE 2.2.3.2.17.9. ***Technical supervision of wells and drilling.*** The competent Environmental Authority will order the technical supervision of the wells and perforations to verify compliance with the obligations established in the permit or concession resolutions.

(Decree 1541 of 1978, art. 174).

ARTICLE 2.2.3.2.17.10. ***Prior environmental permit for well plugging.*** No one may carry out the plugging of wells without the prior permission of the competent Environmental Authority, which will designate an official to supervise the blocking operations.

(Decree 1541 of 1978, art. 175).

ARTICLE 2.2.3.2.17.11. ***Inter-institutional coordination in the prevention of contamination.*** In order to prevent contamination or deterioration of groundwater due to activities that do not have the purpose of exploiting water, such as exploitation of mines and quarries, drainage works, discharge of gases or hydrocarbons, establishment of cemeteries, deposits of garbage or polluting materials, the competent Environmental Authority will develop coordination mechanisms with the competent entities to grant concessions, licenses or permits related to each type of activity, in such a way that the obligations related to the preservation of the resource are foreseen in the respective providence. hydric

(Decree 1541 of 1978, art. 176).

ARTICLE 2.2.3.2.17.12. ***Other interinstitutional coordination measures.*** The competent Environmental Authority will also coordinate with the entities referred to in the previous article, measures such as carrying out the necessary studies to identify the sources of contamination and the degree of deterioration or the restriction, conditioning or prohibition of activities, in order to preserve or restore the quality of the groundwater resource.

(Decree 1541 of 1978, art. 177).

ARTICLE 2.2.3.2.17.13. ***Aspects to consider in groundwater research*** **.** In the investigation of groundwater, at least the following aspects must be considered:

1. General stratigraphy including configuration depths and thicknesses of the aquifers or identification of their permeable, impermeable and semi-impervious boundaries;

2. Configuration of piezometric elevations;

3. Configuration of piezometric levels referred to the terrain;

4. Piezometric evaluations over time;

5. Magnitude and distribution of infiltrations and extractions through wells, rivers, springs and lagoons or marshy areas;

6. Magnitude and distribution of the hydrodynamic properties of the aquifers deduced in pumping tests in transitory regime, and

7. Surface hydrological information.

8. The competent Environmental Authority will develop the appropriate mechanisms to coordinate the activities carried out by other entities in terms of research and

inventory of surface and groundwater, both from the point of view of its existence and its current and potential use.

(Decree 1541 of 1978, art. 178).

ARTICLE 2.2.3.2.17.14. ***Mineral and thermal waters.*** The competent Environmental Authority will be in charge of issuing the authorities for the use of mining-medicinal waters.

(Decree 1541 of 1978, art. 179).

ARTICLE 2.2.3.2.17.15. ***Destination preferences of medicinal mineral waters.*** The mineral-medicinal waters will preferably be used to allocate them to recovery centers, spas and packaging plants by the State or by individuals through concession.

(Decree 1541 of 1978, art. 180).

ARTICLE 2.2.3.2.17.16. ***Condition on reversal.*** In all mining-medicinal water use concessions, it must also be established as a condition that, at the end of the same, the constructions and installations and other services will revert to the domain of the State in good conditions of hygiene, conservation and maintenance, any compensation.

(Decree 1541 of 1978, art. 181).

SECTION 18

REGIME FOR THE USE OF BORDERING WATERS AND COURSES

ARTICLE 2.2.3.2.18.1. ***Use of bordering waters and channels.*** *In* everything related to the use and regulation of waters, riverbeds, beaches, coasts and bordering riverbanks, the provisions of the treaties, agreements or agreements signed with neighboring countries will be followed.

(Decree 1541 of 1978, art. 182).

SECTION 19

OF HYDRAULIC WORKS

ARTICLE 2.2.3.2.19.1. ***Waterworks.*** Pursuant to the provisions of article 119 of Decree - Law 2811 of 1974, the provisions of this section are intended to promote, encourage, direct and make mandatory the study, construction and operation of hydraulic works for any of the uses of water resources. and for its defense and conservation, without prejudice to the functions, correspond to the Ministry of Public Works

(Decree 1541 of 1978, art. 183).

ARTICLE 2.2.3.2.19.2. ***Presentation of plans and imposition of obligations.*** The beneficiaries of a concession or permit for the use of water or the exploitation of riverbeds are obliged to submit to the competent Environmental Authority for study, approval and registration, the plans of the works necessary for the capture, control, conduction, storage or distribution of the flow or the use of the channel.

In the resolution that authorizes the execution of the works, the holder of the permit or concession will impose the obligation to accept and facilitate the supervision that will

be carried out by the competent Environmental Authority to verify compliance with the obligations under its responsibility.

(Decree 1541 of 1978, art. 184).

ARTICLE 2.2.3.2.19.3. ***Public entities and provisions for the construction of public works.*** **The** Ministry of Transportation and the other entities that are responsible for the construction of public works must comply with and enforce the provisions of article 26 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 185).

ARTICLE 2.2.3.2.19.4. ***Approval for the construction of rural aqueducts to provide irrigation services.*** The construction of rural aqueducts to provide irrigation or other similar services requires approval, which may be denied for reasons of public convenience.

Provisional facilities that must be built by State entities in the performance of their functions are excepted.

(Decree 1541 of 1978, art. 187).

ARTICLE 2.2.3.2.19.5. ***Approval of plans and works, works or installations.*** The works, works or installations referred to in this section require two approvals:

That of the plans, including the final engineering designs, technical and descriptive reports, technical specifications and operation plan; approval that must be requested and obtained before starting the construction of the works, works and installations.

That of the works, works or installations once their construction is finished and before beginning their use, and without whose approval it cannot be started.

(Decree 1541 of 1978, art. 188).

ARTICLE 2.2.3.2.19.6. ***Obligations of public or private hydraulic works projects to use water or its channels or beds.*** Public or private hydraulic works projects to use water or its channels or beds must include studies, plans and budget for the works and works necessary for the conservation or recovery of water and its beds or channels, accompanied by a report, plans and budget must be submitted for approval and registration by the competent Environmental Authority.

(Decree 1541 of 1978, art. 191).

ARTICLE 2.2.3.2.19.7. ***Obligations for projects that include constructions such as dams, dikes, gates, spillways, public road crossings.*** Projects that include constructions such as dams, dams, gates, landfills, public road crossings, in whose construction it is necessary to guarantee third parties against possible damages that may be caused by deficiencies in the designs, location or execution of the work, must be accompanied in addition to those required in article 2.2.3.2.19.5. letter a) of this Decree, of a detailed technical report on the structural and hydraulic calculation of the works.

(Decree 1541 of 1978, art. 192).

ARTICLE 2.2.3.2.19.8. ***Plans and scales.*** The plans required by this section must be submitted in triplicate on plates of 100 x 70 centimeters and at the following scales:

a. For general location plans; scale 1:10,000 to 1:25,000 preferably deduced from geographic maps of the "Agustín Codazzi" Geographical Institute,

b. To locate reservoir, irrigable and other similar land for planimetric and topographic measurement, scales will be used: 1; 1,000 to 1; 5,000;

c. For horizontal scale profiles from 1:1,000 to 1:2,000 and vertical scale from 1:50 to 1:200

d. For civil works, from 1:25 to 1:100, and

and. For details from 1:10 to 1:50

(Decree 1541 of 1978, art. 194).

ARTICLE 2.2.3.2.19.9. ***Study, approval and registration of plans.*** The plans accompanied by the descriptive reports and hydraulic and structural calculations will be submitted to the competent Environmental Authority and once approved by it, both the original and the duplicates, with proof of approval, will be registered in the manner provided in chapter 4 of the present title.

For the study of the plans and descriptive reports and structural calculations submitted by the users in accordance with this section, as well as for the approval of the works once built, the competent Environmental Authority may request the collaboration of the Ministry of Transport and the Colombian Institute of Rural Development - INCODER.

(Decree 1541 of 1978, art. 195).

ARTICLE 2.2.3.2.19.10. ***Construction of defense works without permission.*** When, due to extraordinary floods or other emergencies, the owners, possessors, holders or administrators of properties or the Users' Associations find it necessary to build defense works without permission from the competent Environmental Authority, they must give written notice within the six (6) days following its initiation. These works will be built provisionally, taking care not to cause damage to third parties and will be subject to review or approval by the competent Environmental Authority.

(Decree 1541 of 1978, art. 196).

ARTICLE 2.2.3.2.19.11. ***Construction or demolition of works to avert imminent damage.*** In the same cases provided by the previous article, the competent Environmental Authority may order the construction or demolition of works to avert imminent damage. Once the state of emergency is over, said Environmental Authority will order that the works that are inconvenient be removed or new ones be built, on behalf of those who were directly or indirectly defended.

(Decree 1541 of 1978, art. 197).

ARTICLE 2.2.3.2.19.12. ***Unenforceability.*** No owner may object to defense works being carried out on the banks of rivers or in the channels or beds of streams or water reservoirs to protect other properties against the action of private or public entities.

(Decree 1541 of 1978, art. 198).

ARTICLE 2.2.3.2.19.13. ***Compulsory measuring devices.*** All water collection or lighting works must be provided with measuring devices or other elements that allow

knowing both the amount derived and consumed at any time; The plans referred to in this section must include such devices or elements.

(Decree 1541 of 1978, art, 199).

ARTICLE 2.2.3.2.19.14. ***Characteristics of the collector works and adductors of surpluses or irrigation drains.*** The collection and adduction works for surplus or irrigation drainage must have sufficient capacity to collect and conduct rainwater in such a way as to prevent it from overflowing onto public roads and other properties; The plans referred to in this section must include such works and their characteristics.

(Decree 1541 of 1978, art. 200).

ARTICLE 2.2.3.2.19.15. ***From the professionals.*** The projects referred to in this section will be carried out and trained by suitable qualified professionals in accordance with the provisions of current legal regulations.

(Decree 1541 of 1978, art. 201).

ARTICLE 2.2.3.2.19.16. ***Construction works.*** Once the plans and technical reports have been approved by the competent Environmental Authority, the concessionaires or permit holders must build the works within the term established; Once built, they will be submitted to study for approval.

(Decree 1541 of 1978, art. 202).

ARTICLE 2.2.3.2.19.17. ***Restoration of wetlands.*** Only for reasons of ecological convenience, increased biological productivity and economic and social order may, after study, undertake the restoration of swampy areas.

(Decree 1541 of 1978, art. 203).

SECTION 20

CONSERVATION AND PRESERVATION OF THE WATERS AND ITS COURSES

SUBSECTION

GENERAL PRINCIPLES

ARTICLE 2.2.3.2.20.1. ***Classification of water with respect to discharges.*** For the purposes of applying article 134 of Decree-Law 2811 of 1974, the following classification of water is established with respect to discharges:

Class I. Bodies of water that do not allow dumping.

Class II. Bodies of water that admit vertimientos with some treatment.

It belongs to Class I:

1. The headwaters of water sources;

2. Groundwater;

3. The bodies of water or coastal areas, currently used for recreation;

4. Corrected by num. 18 article 25, National Decree 703 of 2018. *<The new text is as follows>* A sector upstream of the intakes for drinking water, in extension that will be determined by the competent Environmental Authority;

The original text was as follows:

4. A sector upstream of the intakes for drinking water, in extension that will be determined by the competent Environmental Authority together with the Ministry of Health and Social Protection;

5. Those declared by the competent Environmental Authority as specially protected in accordance with the provisions of articles 70 and 137 of Decree Law 2811 of 1974.

They belong to Class II, the other bodies of water not included in Class I.

(Decree 1541 of 1978, art. 205).

ARTICLE 2.2.3.2.20.2. ***Concession and discharge permit.*** If, as a result of the use of water in any of the uses provided for in article 2.2.3.2.7.1 of this Decree, substances or waste have to be incorporated into the water, a dumping permit will be required, which will be transmitted together with the concession request. or permission for the use of water or after such activities occur after the granting of the permit or concession.

The current concession holders for the use of water must also apply for this permit.

(Decree 1541 of 1978, art. 208).

ARTICLE 2.2.3.2.20.3. ***Properties and obligations regarding the practice of water conservation, protective forests and soils.*** The owners, holders or holders of estates in which water sources are born or properties that are crossed by streams or water deposits or are adjacent to them, must comply with all obligations regarding the practice of water conservation, protective forests and soils in accordance with the regulations in force.

(Decree 1541 of 1978, art. 209).

ARTICLE 2.2.3.2.20.4. ***popular actions.*** The Municipal Ombudsman and any person may initiate the popular actions that Title XIV of Book II of the Civil Code consecrates in order to preserve national waters for public use, without prejudice to those that pertain to those directly interested.

(Decree 1541 of 1978, art. 210).

ARTICLE 2.2.3.2.20.5. ***Prohibition of dumping without prior treatment.*** It is prohibited to dump, without treatment, solid, liquid or gaseous residues, which may contaminate or eutrophicate the waters, cause damage or endanger human health or the normal development of flora or fauna, or prevent or hinder their use for other uses.

The degree of treatment for each type of discharge will depend on the destination of the sections or body of water, the effects on health and the ecological and economic implications.

(Decree 1541 of 1978, art. 211).

ARTICLE 2.2.3.2.20.6. ***Faculty of the environmental authority against dumping that disables a section or body of water.*** If, despite the planned or applied treatments, the dumping has to cause contamination to such a degree that it renders the section or body of water unusable for the uses or destination foreseen by the competent Environmental Authority, it may deny or declare the expiration of the concession of water or discharge permit.

(Decree 1541 of 1978, art. 212).

ARTICLE 2.2.3.2.20.7. ***Duty of collaboration and unenforceability in the practice of diligence.*** The holders of permits or concessions, the owners, possessors or holders of properties and the owners or representatives of establishments or industries must provide the officials who carry out the inspection, supervision or control - all the necessary data, and may not oppose the practice of these errands.

Polluting elements and substances will be controlled according to their mass quantity.

(Decree 1541 of 1978, art. 219).

SECTION 21

DUMPING FOR DOMESTIC AND MUNICIPAL USE.

ARTICLE 2.2.3.2.21.1. ***Rules applicable to concessions for the provision of aqueduct services.*** The concessions that the competent Environmental Authority grants for the provision of aqueduct services shall be subject to the provisions of sections 7, 8 and 9 of this chapter, without prejudice to the provisions of the regime for the provision of residential public services. sewerage

(Decree 1541 of 1978, art. 220).

ARTICLE 2.2.3.2.21.2. ***Obligations to start the construction, expansion or alteration of rooms or residential or industrial complexes.*** In accordance with the provisions of article 139 of Decree - Law 2811 of 1974, to start the construction, expansion or alteration of rooms or housing or industrial complexes, it will require the presentation and approval of drainage plans, pipes and sewage, and methods treatment and disposal of wastewater, previously.

(Decree 1541 of 1978, art. 221).

ARTICLE 2.2.3.2.21.3. ***Impossibility of discharging wastewater into public sewage systems.*** When wastewater cannot be taken to public sewage systems, the provisions of article 145 of Decree-Law 2811 of 1974 will govern, and its treatment must be done in such a way that it does not cause deterioration of receiving sources, soils, flora or the wildlife. The works must be previously approved in accordance with the provisions of articles 2.2.3.2.20.5 to 2.2.3.2.20.7 of this decree.

(Decree 1541 of 1978, art. 222).

ARTICLE 2.2.3.2.21.4. ***Sewage system and liquid waste treatment.*** In any sewage system, liquid waste must be subjected to a treatment that guarantees the conservation of the characteristics of the receiving current in relation to the classification referred to in article 2.2.3.2.20.1 of this Decree.

(Decree 1541 of 1978, art. 223).

ARTICLE 2.2.3.2.21.5. ***Setting the characteristics of the effluent.*** The characteristics of the effluent from the treatment plant will be set by the competent Environmental Authority in compliance with the provisions of paragraph 2 of article 2.2.3.2.20.5 of this Decree and other regulations in force on the matter.

(Decree 1541 of 1978, art. 224).

SECTION 22

DUMPING FOR AGRICULTURAL USE, IRRIGATION AND DRAINAGE

ARTICLE 2.2.3.2.22.1. ***Rules relating to the construction, maintenance and operation of collection and conduction works and drainage, drainage and waste treatment systems.*** Drains from irrigation can be granted preferentially for new uses in irrigation. The concession may impose on its beneficiary the obligation to contribute to the costs of construction, maintenance and operation of the collection and conduction works built by the original concessionaire. The competent Environmental Authority may also impose on all beneficiaries the contribution for the construction and maintenance of drainage systems, drainage and treatment of surpluses.

(Decree 1541 of 1978, art. 225).

SECTION 23

DUMPING FOR INDUSTRIAL USE

ARTICLE 2.2.3.2.23.1. ***Drains and effluents from industrial plants.*** Drains and effluents from industrial plants must be evacuated through special networks built for this purpose, in a way that facilitates the treatment of residual water, according to the characteristics and classification of the receiving source.

(Decree 1541 of 1978, art. 228).

ARTICLE 2.2.3.2.23.2. ***Location of industries that cannot guarantee the quality of the water within the permissible limits.*** The industries that cannot guarantee the quality of the waters within the permissible limits that are established, may only be installed in the places indicated by the competent environmental authority in accordance with the provisions of the Territorial Ordering Plan - POT.

To authorize their location in industrial zones, the volume and composition of the effluents and the quality of the receiving source will be taken into account, in accordance with article 141 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 229).

ARTICLE 2.2.3.2.23.3. *Punctual discharges to public sewage systems.* Industries may only be authorized to discharge their effluents into the public sewage system, as long as they comply with the standard of punctual discharges to public sewage systems.

(Decree 1541 of 1978, art. 230).

ARTICLE 2.2.3.2.23.4. *Environmental taxes.* The rates that users of water resources must pay will be governed by the provisions of articles 42 and 43 of Law 99 of 1993 and its regulations.

(Decree 1541 of 1978, art. 232).

ARTICLE 2.2.3.2.23.5. *Distribution of expenses for maintenance of resources, operation and conservation of hydraulic and treatment works, when the environmental authority assumes their construction.* The competent Environmental Authority will make an appraisal of the costs of maintenance of resources, operation and conservation of the hydraulic and treatment works when it assumes its construction, it will distribute the costs among the different users of the service in proportion to the amount of water or material used. for each one of them, and will indicate the method of payment.

The value of the fees corresponding to each user must be consigned in favor of the competent Environmental Authority.

(Decree 1541 of 1978, art. 234).

ARTICLE 2.2.3.2.23.6. *Issuance of peace and safe for payment of fees.* The competent Environmental Authority will issue a peace and safe to the users for the payment of the fees.

(Decree 1541 of 1978, art. 236).

SECTION 24

PROHIBITIONS, SANCTIONS, EXPIRY, CONTROL AND SURVEILLANCE

ARTICLE 2.2.3.2.24.1. *Prohibitions.* Because they are considered threats against the aquatic environment, the following behaviors are prohibited;

1. Incorporate or introduce solid, liquid or gaseous bodies or substances, or forms of energy in quantities, concentrations or levels capable of interfering with the well-being or health of people, attack the flora and fauna and other resources related to water resources.

2. Violate the provisions relating to the control of discharges.

3. Produce, in development of any activity, the following effects:

a. The harmful alteration of the natural flow of waters;

b. Sedimentation in water courses and reservoirs;

c. Harmful changes in the bed or water course;

d. Eutrophication;

and. The extinction or qualitative or quantitative decrease of the aquatic flora or fauna, and

F. The decrease in water resources as the natural source of energy.

(Decree 1541 of 1978, art. 238).

ARTICLE 2.2.3.2.24.2. *Other prohibitions.* Also Prohibit:

1. Use water or its channels without the corresponding concession or permit when this or those are mandatory in accordance with Decree - Law 2811 of 1974 and this Decree, or without compliance with the obligations set forth in article 97 of Decree - Law 2811 of 1974 .

2. Use more than the amount assigned in the resolution of the concession or permit;

3. Interfere with the legitimate use of one or more users;

4. Wasting assigned waters;

5. Vary the conditions of the concession or permit, or transfer them, totally or partially, without the corresponding authorization;

6. Prevent or hinder the construction of works that are ordered in accordance with Decree - Law 2811 of 1974, or oppose the maintenance of drainage ditches, diversion or crown.

7. Alter the works built for the use of the waters or for the defense of the riverbeds;

8. Use the collection, control, conduction, storage or distribution works of the flow without having previously presented the plans referred to in article 120 of Decree-Law 2811 of 1974 and section 19 of this chapter without having obtained the approval of such works;

9. Give the waters or riverbeds a destination other than that provided for in the resolution of the concession or permit.

10. Obstruct or prevent the surveillance or inspection of the competent officials, or refuse to provide the information to which users are obliged, in accordance with the provisions of articles 23 , 133 , 135 and 144 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 239).

ARTICLE 2.2.3.2.24.3. ***Penalty Regime.*** The sanctioning regime provided for in Law 1333 of 2009 will be applicable without prejudice to civil and criminal actions and the declaration of expiration, when applicable.

(Decree 1541 of 1978, art. 240).

ARTICLE 2.2.3.2.24.4. ***Expiration.*** The grounds for expiration of the concessions will be those indicated in article 62 of Decree-Law 2811 of 1974.

For purposes of the application of literal d) it will be understood that there is repeated non-compliance:

a. When the concessionaire has been sanctioned with fines, on two occasions for the presentation of the approved plans, within the term that is set;

b. When the concessionaire has been required twice to present the plans.

Serious non-compliance shall be understood as:

a. The non-execution of the works for the use of the concession in accordance with the approved plans, within the term that is set;

b. In breach of the obligations related to the preservation of the quality of the waters and related resources.

(Decree 1541 of 1978, art. 248).

ARTICLE 2.2.3.2.24.5. ***Causes for permit revocation.*** The grounds for revocation of the permit are the same ones indicated for the expiration of the concessions in article 62 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 252).

SECTION 25

CONTROL AND SURVEILLANCE

ARTICLE 2.2.3.2.25.1. ***Police powers of the environmental authorities.*** In accordance with article 305 of Decree - Law 2811 of 1974, the competent Environmental Authority, by virtue of its police powers, must ensure compliance with the provisions of the National Code of Renewable Natural Resources and Environmental Protection, and of the other legal regulations on the matter. Likewise, it will make use of the other Police means necessary for the surveillance and defense of renewable natural resources and the environment and will determine which of its officials have police powers.

(Decree 1541 of 1978, art. 253).

ARTICLE 2.2.3.2.25.2. ***Control and surveillance system.*** In development of the foregoing and in order to ensure compliance with the regulations related to the use and conservation of non-maritime waters, the competent Environmental Authority will organize the control and surveillance system in the area of its jurisdiction, in order to:

1. Inspect the use of the waters and their channels, which is carried out by concession or permit or by ministry of law;

2. Take the measures that are necessary to comply with the provisions of the provisions through which flow or discharge regulations are established and, in general, in the resolutions granting concessions or permits;

3. Prevent illegal use of water or riverbeds;

4. Suspend the water service in the intake or sub-derivation when the user or users delay the payment of the rates that correspond to them, do not build the ordered works or due to non-compliance with the other obligations consigned in the respective resolution of concession or permit, and

5. Take the other necessary measures to comply with the regulations on the protection and use of the waters and their channels.

(Decree 1541 of 1978, art. 254).

ARTICLE 2.2.3.2.25.3. ***Faculties in visual visit or Inspection or control and in imminent danger of flooding or avenue.*** The official of the competent Environmental Authority who must carry out the visits referred to in this Decree, may in the exercise of police powers, by means of a written order signed by the official of the Environmental Authority who, according to the law, can order the practice of the visit inspection or control, enter the fenced premises or the establishments or facilities trying to have the authorization of the owner, holder of the property or the administrator or representative of the industry or establishment.

In case of imminent danger of flooding or avenue whose occurrence or damage can be averted with the immediate execution of work or works, the officials of the region may assume its execution. The owners of properties must allow and facilitate the passage and construction and contribute with them; If the owner, administrator or holder of the property is not found, if necessary, it may be penetrated for the sole purpose of averting the danger or counteracting it.

(Decree 1541 of 1978, art. 255).

ARTICLE 2.2.3.2.25.4. ***Inapplicability to the practice of diligence.*** The owner, possessor or holder of the property or the owner or administrator of the industry may not oppose the practice of this diligence, in accordance with the provisions of articles 135 and 144 of Decree-Law 2811 of 1974.

(Decree 1541 of 1978, art. 256).

SECTION 26

REPRESENTATION CARTOGRAPHIC

ARTICLE 2.2.3.2.26.1. ***Cartographic representation of water resources.*** The "Agustín Codazzi" Geographical Institute, IGAC, with the collaboration of the Colombian Geological Service - SGC and the Institute of Hydrology, Meteorology and Environmental Studies, IDEAM will carry out the cartographic representation of the water resource.

(Decree 1541 of 1978, art. 264).

ARTICLE 2.2.3.2.26.2. ***General hydrogeological map of the country.*** The Colombian Geological Service - SGC - will build the general hydrogeological map of the country with the data provided by the entities mentioned in the previous article. You can also use the reports that this Decree deals with and those that must be provided by other entities related to the execution of works to illuminate groundwater.

(Decree 1541 of 1978, art. 265).

SECTION 27

COMMUNITY ASSOCIATIONS AND COMPANIES FOR THE USE OF WATERS AND COURSES

SUBSECTION 1

WATER USERS ASSOCIATIONS

ARTICLE 2.2.3.2.27.1. ***Associations of water users and canalists.*** The associations of water users and channel users will be auxiliary to the competent environmental authority.

(Decree 1541 of 1978, art. 266).

ARTICLE 2.2.3.2.27.2. ***Conformation.*** The associations of water users will be made up of those who take advantage of water from one or several streams included in the same distribution system. The channel associations will be made up of all the users who have the right to take advantage of the waters of the same artificial channel.

(Decree 1541 of 1978, art. 267).

ARTICLE 2.2.3.2.27.3. When a users' association has been constituted in accordance with this section, the community referred to in article 162 of Decree-Law 2811 of 1974, will be replaced by the Association of Canalist Water Users.

(Decree 1541 of 1978, art. 268).

ARTICLE 2.2.3.2.27.4. ***Admission to the association of the holder of a new concession.*** The granting of a new concession or permit to use the channel or channel whose users have been constituted in association, will grant the owner the right to be admitted in it, with the fulfillment of the statutory requirements.

(Decree 1541 of 1978, art. 269).

ARTICLE 2.2.3.2.27.5. ***Community companies for the use of water channels.*** In development of the provisions of article 338 of Decree - Law 2811 of 1974, the competent Environmental Authorities will promote the constitution of community companies integrated by users of waters or channels, which will have as main objectives:

1. Organize low-income users who take advantage of one or more streams or bodies of water or who exploit a channel or sectors of it;

2. Ensure, through community organization, the effectiveness of concessions and permits for the use of water or riverbeds, in relation to the priorities recognized by article 49 of Decree-Law 2811 of 1974 and by this Decree, to address consumption human and the collective needs of the inhabitants of the region;

3. Ensure that the distribution of water is done in such a way that it proportionally satisfies the needs of the users;

4. Represent the interests of the community of users of the waters and riverbeds in the administrative procedures for the management of hydrographic basins and the regulation of currents;

5. Ensure the proper maintenance of the works of the collection, conduction, distribution and drainage works, as well as the defense works;

6. Construct and maintain the necessary works to ensure the efficient use of water.

(Decree 1541 of 1978, art. 270).

ARTICLE 2.2.3.2.27.6. ***Low-income person.*** For the purposes of the previous article, a low-income person is understood as one whose assets do not exceed 250 times the current legal monthly minimum wage - SMMLV.

(Decree 1541 of 1978, art. 271).

ARTICLE 2.2.3.2.27.7. ***Number of partners and radius of action of community businesses.*** Community companies will have a number of partners not less than five (5), variable capital, indefinite duration. Its radius of action will be circumscribed to the regulated current or channel or to the area determined by the competent environmental authority.

(Decree 1541 of 1978, art. 272).

ARTICLE 2.2.3.2.27.8. ***Community company statutes and legal status*** **.** The statutes of the community company will determine the administrative and fiscal regime in accordance with the needs and capacities of each community and with the legal provisions on the matter. Each partner will have the right to a single vote for decision making. The Ministry of Agriculture and Rural Development will grant legal status to said companies.

(Decree 1541 of 1978, art. 273).

CHAPTER 3

ORGANIZATION OF WATER RESOURCES AND DISCHARGES

SECTION 1

GENERAL DISPOSITION

SUBSECTION 1

NOTIONS

ARTICLE 2.2.3.3.1.1. ***Object.*** This chapter establishes the provisions related to the uses of water resources, the Water Resource Management and discharges to water resources. to the ground and to sewers.

Paragraph. Repealed by no. 4 of art. 12, National Decree 050 of 2018

The repealed text was as follows:

Paragraph: *Whenever reference is made to soil in this decree, it will be understood that it must be associated with an aquifer.*

(Decree 3930 of 2010, art. 1).

ARTICLE 2.2.3.3.1.2. ***Area of application.*** This decree applies to the competent environmental authorities defined in this decree, to the generators of discharges and to the providers of the domiciliary public sewage service.

(Decree 3930 of 2010, art. 2).

ARTICLE 2.2.3.3.1.3. ***Definitions.*** Modified by art. 2, National Decree 050 of 2018. <*The new text is as follows*> "Inland waters. Bodies of water found on land up to the line of highest

mean tide. They are located in emerged lands, either in the form of surface water or groundwater.

“Sea waters. Those contained in the exclusive economic zone, territorial sea, internal waters, including those contained up to the line of highest average tide.

“Assimilative capacity. Capacity of a body of water to accept and degrade substances or forms of energy, through physical, chemical and biological processes”.

“Pollutant load. It is the product of the mass concentration of a substance by the volumetric flow rate of the liquid that contains it determined in the same place. It is expressed in units of mass over time.

“Environmental flow. Volume of water per unit of time, in terms of regime and quality, required to maintain the functioning and resilience of aquatic ecosystems and their provision of ecosystem services”.

“Quality goal. Set of quality criteria defined to achieve the uses of water assigned in a given time horizon, in a specific sector or stretch of a body of water”.

Other modifications: Modified by no. 5, art. 12, National Decree 050 of 2018, Modified by no. 6, art. 12, National Decree 050 of 2018.

The original text was as follows:
Article 2.2.3.3.1.3. *For all purposes of application and interpretation of this decree, the following definitions will be taken into account:*

1. ***Aquifer.*** *Unit of rock or sediment, capable of storing and transmitting water.*

2. ***Continental waters.*** *Bodies of water found on land, without marine influence. They are located in emerged lands, either in the form of surface water or groundwater.*

3. ***Coastal or inland waters.*** *They are the surface waters located between the straight base lines in accordance with the Single Decree of the Defense sector that is issued that serves to measure the width of the territorial sea and the line of the lowest average tide. Includes those contained in coastal lagoons, coastal wetlands, estuaries, swamps and humid areas near the coast that, verifying the criteria of size and depth, present a marine influence that determines the characteristics of the biological communities present in it, due to its saline or hypersaline character. This influence will depend on the degree of connection with the sea, which may vary from a tidal influence to occasional communication.*

4. ***Marine waters.*** *Those contained in the exclusive economic zone, territorial sea and inland waters with their bed and subsoil in accordance with current regulations on the matter. For the purposes of this decree, marine waters are subdivided into coastal and oceanic waters.*

5. ***Meteoric waters.*** *Waters that are in the atmosphere.*

6. ***Oceanic waters.*** *Those included between the straight baselines and the limits of the exclusive economic zone, in accordance with international law.*

7. ***Sewage.*** *Liquid waste from domestic, commercial and industrial use.*

8. ***Competent Environmental Authorities.*** *It is understood by competent environmental authority, according to their respective competences, the following:*

a) National Authority for Environmental Licensing - ANLA, for the purposes of the provisions regarding environmental licensing.

b) The Regional Autonomous Corporations and those of Sustainable Development.

c) Municipalities, districts and metropolitan areas whose population within their urban perimeter is equal to or greater than one million inhabitants.

d) The environmental authorities referred to in article 13 of Law 768 of 2002.

e) National Natural Parks of Colombia.

f) District of Buenaventura (article 124 of Law 1617 of 2013)

g) Metropolitan areas within the framework of Law 1625 of 2013.

*9. **Aquatic bioassay.** Procedure by which the responses of aquatic organisms are used to detect or measure the presence or effects of one or more substances, elements, compounds, wastes, or environmental factors alone or in combination.*

*10. **Assimilation and dilution capacity.** Capacity of a body of water to accept and degrade substances, elements or forms of energy, through natural, physical, chemical or biological processes without affecting the quality criteria and preventing the assigned uses.*

*11. **Pollutant load.** It is the product of the average mass concentration of a substance by the average volumetric flow rate of the liquid that contains it determined in the same place; in a discharge it is expressed in kilograms per day (kg/d).*

*12. **Natural channel.** Strip of land occupied by the waters of a stream when they reach their maximum levels due to the effect of ordinary floods.*

*13. **Artificial channels.** Uncovered conduits, built by humans for various purposes, in which water flows permanently or intermittently.*

*14. **Environmental flow.** Volume of water necessary in terms of quality, quantity, duration and seasonality for the maintenance of aquatic ecosystems and for the development of socioeconomic activities of users downstream of the source on which such ecosystems depend.*

*15. **Concentration of a substance, element or compound in a liquid.** The relationship between its mass and the volume of the liquid that contains it.*

*16. **Body of water.** System of natural or artificial origin located on the earth's surface, made up of physical-biotic elements and masses or volumes of water, contained or in movement.*

*17. **96 50 CL** is the concentration of a substance, element or compound, which alone or in combination, produces the death of fifty percent (50%) of the organisms subjected to bioassays in a period of ninety-six (96) hours. .*

*18. **Mud.** Suspension of a solid in a liquid from water treatment, liquid waste or other similar.*

*19. **Punctual sample.** It is the representative individual sample at a given time.*

*20. **Composite sample.** It is the mixture of several specific samples from the same source, taken at scheduled intervals and for certain periods, which may have equal volumes or be proportional to the flow during the sampling period.*

*21. **Integrated sample.** The integrated sample is one that is formed by mixing punctual samples taken from different points simultaneously, or as close as possible. An example of this type of sample occurs in a river or stream that varies in composition according to width and depth.*

*22. **Norm of dumping.** Set of parameters and values that the discharge must meet at the time of discharge.*

*23. **Quality objective.** Set of parameters used to define the suitability of the water resource for a given use.*

*24. **Parameter.** Variable that, in a family of elements, serves to identify each one of them by means of its numerical value.*

*25. **Spill control point.** Technically defined and conditioned place for taking samples of the wastewater from the users of the environmental authority or from the subscribers and/or users of the residential public sewerage service provider, located between the treatment system and the discharge point.*

*26. **Unloading point.** Site or place where a discharge is made into the body of water, the sewage system or the ground.*

*27. **Water resource.** Surface, underground, meteoric and marine waters.*

*28. **Reuse of water.** Use of liquid effluents subject to compliance with quality criteria.*

*29. **Individual sanitation solutions.** Wastewater collection and treatment systems implemented at the source site.*

*30. **Toxicity.** The property that a substance, element or compound has of causing damage to human health or the death of a living organism.*

*31. **Acute toxicity.** The property of a substance, element, compound, waste, or environmental factor, of causing lethal effect or other harmful effect in four (4) days or less to the organisms used for the aquatic bioassay.*

*32. **Chronic toxicity.** The property of a substance, element, compound, waste or environmental factor, of causing changes in appetite, growth, metabolism, reproduction, mobility or death or producing mutations after four (A) days to the organisms used by the aquatic bioassay .*

*33. **User of the competent environmental authority.** Any natural or legal person of public or private law, who has a discharge permit, a compliance plan or a sanitation and discharge management plan for the disposal of their discharges to surface waters, seawater or the ground.*

*34. **User and/or subscriber of a Public Sewer Service Provider Company.** Any natural or legal person of public or private law, who discharges into the public sewage system.*

*35. **Shedding.** Final discharge to a body of water, to a sewer or to the ground, of elements, substances or compounds contained in a liquid medium.*

*36. **Punctual dumping.** The one that is carried out from a means of conduction, from which the exact point of discharge to the body of water, the sewage system or the ground can be specified.*

*37. **Non-point dumping.** That in which the exact point of discharge to the body of water or to the ground cannot be specified, such is the case of discharges from runoff, application of agrochemicals or other similar.*

*38. **Mixing zone.** Technically determined area from the dumping site, essential for the homogeneous mixture of this to occur with the receiving body; in the mixing zone it is allowed to exceed the water quality criteria for the assigned use, as long as the discharge standards are met.*

(Decree 3930 of 2010, art. 3).

SUBSECTION 2

MANAGEMENT OF WATER RESOURCES

ARTICLE 2.2.3.3.1.4. *Management of the Water Resource.* Modified by art. 3, National Decree 050 of 2018. *<The new text is as follows>* The ordering of water resources is a planning process through which the destination and uses of surface and marine continental water bodies are established, standards, conditions and a monitoring program are established to achieve and maintain current and potential uses. and preserve the biological cycles and the normal development of the species. For ordering, the competent environmental authority must:

1. Establish the classification of the waters.

two. Set its destination and its possibilities of use, based on the prioritization defined by article 2.2.3.2.7.6.

3. Define the quality objectives to be achieved in the short, medium and long term.

Four. Establish the standards for the preservation of the quality of the resource to ensure the conservation of biological cycles and the normal development of the species.

5. Determine the cases in which the development of activities such as fishing, sports and other similar activities should be prohibited, in the entire source or in sectors of it, temporarily or definitively.

6. Establish the areas in which the discharge of residual waters or liquid or gaseous residues, coming from industrial or domestic, urban or rural sources, into surface and marine waters will be prohibited or conditioned.

7. Establish the monitoring program for water resources, in order to verify the efficiency and effectiveness of resource management.

Paragraph 1st. For planning purposes, the body of water is an ecosystem. When two (2) or more competent environmental authorities referred to in literals b) to g) of numeral 8 of article 2.2.3.3.1.3. have jurisdiction over the body of water, they will form a joint commission that will exercise those functions of article 2.2.3.1.8.4. , that are applicable to it, taking into account the specificities of the common ecosystem.

Paragraph 2nd. For the ordering of marine waters, the objectives derived from international treaties and conventions ratified by Colombia will be taken into account, especially those whose purpose is to prevent, control and mitigate pollution of the marine environment.

Paragraph 3rd. For all purposes of this chapter, the management of water resources excludes groundwater.

The original text was as follows:

Article 2.2.3.3.1.4. *The Competent Environmental Authority must carry out the Water Resource Management in order to carry out the classification of the subterranean and marine surface waters, set in a generic way its destination to the different uses that this decree deals with and its possibilities of use.*

Understood as Water Resource Planning, the planning process thereof, through which the competent environmental authority:

1. Establishes the classification of the waters.

2. Sets its destination and its possibilities of use, based on the prioritization defined for such purposes in the so-called Order of Priorities that this Decree deals with.

3. Defines the quality objectives to be achieved in the short, medium and long term.

4. Establishes the norms for the preservation of the quality of the resource to ensure the conservation of the biological cycles and the normal development of the species.

5. Determines the cases in which the development of activities such as fishing, sports and other similar activities should be prohibited, in the entire source or in sectors of it, temporarily or definitively.

6. Sets the areas in which the discharge of residual waters or liquid or gaseous residues, coming from industrial or domestic, urban or rural sources, in surface, underground, or marine waters, will be prohibited or conditioned.

7. Establishes the monitoring program for water resources in order to verify the efficiency and effectiveness of resource management.

Paragraph 1. *For purposes of the ordering that this chapter deals with, the body of water and/or aquifer is an ecosystem. When two (2) or more environmental authorities have jurisdiction over the same body of water and/or aquifer, they will establish the joint commission referred to in paragraph 3 of article 33 of Law 99 of 1993, which will exercise the same functions for the common ecosystem provided for in Title III, Chapter I of this Decree, or that which adds, modifies or replaces it, for the common hydrographic basins.*

Paragraph 2. *For the management of marine waters, the objectives derived from international commitments from international treaties or conventions ratified by Colombia will be taken into account, including those whose purpose is to prevent, control and mitigate pollution of the marine environment.*

(Decree 3930 of 2010, art. 4).

ARTICLE 2.2.3.3.1.5. ***Prioritization Criteria for the Management of Water Resources.*** The competent environmental authority will prioritize the Management of Water Resources in its jurisdiction, taking into account at least the following;

1. Bodies of water and/or aquifers subject to ordering defined in the formulation of Plans for the Ordering and Management of Hydrographic Basins.

2. Bodies of water where the environmental authority is advancing the process for establishing the reduction goals dealt with in Chapter 7 "Pay rates for punctual discharges into the water" or the norm that modifies or replaces it.

3. Bodies of water and/or aquifers where regulatory processes for the use of water are being carried out or where these are established,

4. Bodies of water where discharge regulation processes are being carried out or where these are established,

5. Bodies of water and/or aquifers that are declared as reserve or depleted, according to the provisions of chapter 2 of this title or the rule that modifies, adds, or replaces it.

6. Bodies of water and/or aquifers in which there is conflict over the use of the resource.

7. Bodies of water and/or aquifers that supply populations greater than 2,500 inhabitants.

8. Bodies of water and/or aquifers that present indices of scarcity, from medium to high, and/or that present evidence of deterioration in the quality of the resource that prevents its use.

9. Bodies of water whose quality allows the presence and development of important hydrobiological species for conservation and/or socioeconomic development.

Once the bodies of water subject to ordering have been prioritized, a gradual process must be established to advance this process.

Paragraph. This prioritization and the gradualness with which it will be developed must be included in the Regional Environmental Management Plan (PGAR) of the respective Regional Autonomous Corporation or Sustainable Development regulated by this Decree or in the long-term planning instrument of the Authority. Respective Urban Environmental, in accordance with current regulations on the matter. Likewise, in the action plans of these authorities, the ordering of bodies of water and/or aquifers must be included as a project.

(Decree 3930 of 2010, art. 5).

NOTE: Underlined text " and/or aquifer ", " and/or aquifers " was repealed by Modified by number 7 of art. 12, National Decree 050 of 2018

ARTICLE 2.2.3.3.1.6. ***Minimum aspects of Water Resource Planning.*** To advance the Water Resource Management process, the competent environmental authority must take into account at least:

1. Identification of the body of water in accordance with the coding established in the hydrographic zoning map of the country.

2. Identification of the aquifer

3. Identification of existing and potential uses of the resource.

4. The quality objectives where they have been established.

5. The total and available water supply, considering the environmental flow.

6. Risks associated with the reduction of supply and availability of water resources.

7. The water demand by existing users and the projections by new users.

8. The application and calibration of water quality simulation models, which allow determining the assimilative capacity of biodegradable or cumulative substances and the dilution capacity of non-biodegradable substances and/or use of water quality indices, in accordance with the information available.

9. Repealed by num. 8 of art. 12, National Decree 050 of 2018.

The repealed text was as follows:

9. Application of flow models for groundwater.

10. The quality criteria and the dumping standards in force at the time of ordering.

11. Corrected by art. 7, National Decree 1956 of 2015. <*Corrected text is as follows*> The provisions of chapter 2 use and exploitation of water in relation to concessions and/or regulation of the use of existing waters.

The original text was as follows:

11. The provisions of Chapter 2 of this Decree or the rule that modifies or replaces it, in relation to the concessions and/or the regulation of the use of existing waters.

12. The natural characteristics of the body of water and/or aquifer to guarantee its preservation and/or conservation.

13. The dumping permits and/or the regulation of dumping, compliance plans and/or sanitation plans and management of dumping to the body of water.

14. The declaration of reserves and/or exhaustion.

15. The classification of water, in accordance with the provisions of this Decree or the rule that modifies or replaces it, or the rule that modifies, adds or replaces it.

16. The environmental zoning resulting from the Hydrographic Basin Planning and Management Plan.

17. The other pertinent factors indicated in Decrees 2811 of 1974, chapter 1 and 2 of this Title, Decree-Law 1875 of 1979, or the regulations that modify, add or replace them.

Paragraph 1. The identification of existing or potential uses must be done taking into account the physical, chemical, and biological characteristics, its geographical environment, scenic and landscape qualities, economic activities, and quality standards necessary for the protection of aquatic flora and fauna.

Paragraph 2nd. Modified by no. 9 of art. 12, National Decree 050 of 2018. <*The new text is as follows*> The organization of water bodies must include tributaries and identify aquifer recharge zones.

The original text was as follows:

Paragraph 2. *The ordering of water bodies and/or aquifers must include their tributaries or recharge zones.*

(Decree 3930 of 2010, art. 6).

NOTE: Underlined text " and/or aquifer ", " and/or aquifers " was repealed by Modified by number 7 of art. 12, National Decree 050 of 2018

ARTICLE 2.2.3.3.1.7. *Simulation models of the quality of water resources.* For the purposes of the Water Resource Management, provided for in the previous article and for the application of simulation models of the quality of the resource, the Ministry of Environment and Sustainable Development will issue the National Guide for Water Resource Modeling, based on the inputs that contributed by the Institute of Hydrology, Meteorology and Environmental Studies (IDEAM).

Paragraph. While the Ministry of Environment and Sustainable Development issues the National Water Resource Modeling Guide, the competent environmental authorities may continue to apply the existing simulation models that allow determining the assimilative capacity of biodegradable or cumulative substances and the dilution capacity of non-biodegradable substances. biodegradable, using at least the following parameters:

1. BOD_5 Biochemical oxygen demand at five (5) days.

2. COD: Chemical oxygen demand.

3. SS: Suspended solids.

4. pH: Hydronium ion potential (H^+).

5. T: Temperature.

6. DO: dissolved oxygen.

7. Q: Flow.

8. Hydrobiological Data

9. Total Conforming and Fecal Coliforms.

(Decree 3930 of 2010, art. 7).

ARTICLE 2.2.3.3.1.8 . *Water Resource Planning Process.* Modified by no. 7 of art. 12, National Decree 050 of 2018. The Water Resource Management by the competent environmental authority will be carried out through the development of the following phases:

1. Declaration of order. Once the priority and graduality of ordering the body of water in question has been established, the competent environmental authority, by means of a resolution, will declare the body of water and/or aquifer in order and will define the work schedule, in accordance with the other planned phases. in this article.

2. Diagnosis. Phase in which the current environmental situation of the body of water and/or aquifer is characterized, involving physical, chemical and biotic variables and anthropogenic aspects that influence the quality and quantity of the resource.

It involves at least the review, organization, classification and use of existing information, the results of water quality and quantity monitoring programs, if they exist, user censuses, the inventory of hydraulic works, supply and water demand, the establishment of the current quality profile of the body of water and/or aquifer , the determination of the social problems derived from the use of the resource and other aspects that the competent environmental authority considers pertinent,

3. Identification of the potential uses of the resource. Based on the results of the diagnosis, the potential uses of the resource must be identified based on its natural conditions and existing or potential conflicts.

For this purpose, water quality simulation models must be applied for various probable scenarios, which must have as their purpose the best feasible natural condition for the resource. The scenarios used in the simulation must include environmental, social, cultural and economic

aspects, as well as the gradual nature of the activities to be carried out, in order to guarantee the sustainability of the Water Resource Management Plan.

4. Elaboration of the Water Resources Management Plan. The competent environmental authority, based on the information obtained from the diagnosis and the identification of the potential uses of the body of water and/or aquifer , will prepare a document that contains at least;

a) The classification of the body of water in order.

b) The user inventory

c) The use or uses to be assigned.

d) The quality criteria for each use.

e) The quality objectives to be achieved in the short, medium and long term.

f) The five-year goals for the reduction of pollutant loads referred to in chapter 5 of title 9, part 2, book 2 of this Decree or the regulation that modifies, adds or replaces it.

g) Coordination with the Hydrographic Basin Management Plan if it exists and,

h) The follow-up and monitoring program of the Water Resources Management Plan.

The Water Resource Management Plan will be adopted by resolution.

Paragraph 1. In any case, the Water Resource Management Plan must define the convenience of advancing the regulation of the use of water, in accordance with the provisions of article 2.2.3.2.13.2 of this Decree or the rule that modifies it or replace, and the regulation of discharges according to the provisions of this decree or to administer the body of water through water concessions and discharge permits. Likewise, it will give rise to the adjustment of the regulation of the use of water, of the regulation of discharges, of the concessions, of the discharge permits, of the compliance plans and of the plans for sanitation and management of discharges and of the reduction goals, as the case may be.

Paragraph 2. The Ministry of Environment and Sustainable Development will issue the Guide for the Management of Water Resources.

Paragraph 3. The Water Resource Management Plan will have a minimum horizon of ten (10) years and its execution will be carried out for the short, medium and long term stages. The review and/or adjustment of the plan must be carried out at the expiration of the period foreseen for the fulfillment of the quality objectives and based on the results of the follow-up and monitoring program of the Water Resources Management Plan.

(Decree 3930 of 2010, art. 8).

NOTE: Underlined text " and/or aquifer ", " and/or aquifers " was repealed by Modified by number 7 of art. 12, National Decree 050 of 2018

SECTION two

Titling of the Section corrected by art. 14, National Decree 703 of 2018.

<The new text is as follows>

OF THE GENERIC DESTINATION OF SURFACE, UNDERGROUND AND MARINE WATERS

The original text was as follows:

DESTINATION OF SURFACE AND UNDERGROUND WATER

ARTICLE 2.2.3.3.2.1. ***Uses of water.*** For the purposes of this decree, the following uses of water will be taken into account:

1. Human and domestic consumption.

2. Preservation of flora and fauna.

3. Agricultural.

4. Livestock.

5. Recreational.

6. Industry.

7. Aesthetic.

8. Fishing, Mariculture and Aquaculture.

9. Navigation and Water Transport.

Paragraph. The Ministry of Environment and Sustainable Development may define new uses, establish the denomination and define the content and scope of the same.

(Decree 3930 of 2010, art. 9).

ARTICLE 2.2.3.3.2.2. *Use for human and domestic consumption.* The use of water for human and domestic consumption is understood as its use in activities such as;

1. Direct drink and food preparation for immediate consumption.

2. Satisfaction of domestic, individual or collective needs, such as personal hygiene and cleaning of elements, materials or utensils.

3. Preparation of food in general and especially those intended for marketing or distribution, which do not require preparation.

(Decree 3930 of 2010, art. 10).

ARTICLE 2.2.3.3.2.3. *Use for the preservation of flora and fauna.* The use of water for the preservation of flora and fauna is understood as its use in activities aimed at maintaining the natural life of aquatic and terrestrial ecosystems and their associated ecosystems, without causing significant alterations to them.

(Decree 3930 of 2010, art. 11).

ARTICLE 2.2.3.3.2.4 *Use for fishing, mariculture and aquaculture.* Use for fishing, mariculture and aquaculture is understood as its use in activities of reproduction, survival, growth, extraction and use of hydrobiological species in any of its forms, without causing alterations in the ecosystems in which these activities are carried out.

(Decree 3930 of 2010, art. 12).

ARTICLE 2.2.3.3.2.5. *Agricultural use.* Agricultural use of water is understood as its use for crop irrigation and other related or complementary activities.

(Decree 3930 of 2010, art. 13).

ARTICLE 2.2.3.3.2.6. *Livestock use.* Livestock use of water is understood as its use for the consumption of livestock in its different species and other animals, as well as for other related and complementary activities.

(Decree 3930 of 2010, art. 14).

ARTICLE 2.2.3.3.2.7 . *Recreational use.* It is understood by use of water for recreational purposes, its use, when it occurs;

1. Primary contact, as in swimming, diving, and medicinal baths.

2. Secondary contact, as in water sports and fishing.

(Decree 3930 of 2010, art. 15).

ARTICLE 2.2.3.3.2.8. ***Industrial use.*** Industrial use of water is understood as its use in activities such as;

1. Manufacturing processes of transformation or exploitation, as well as those related and complementary.

2. Power generation.

3. Mining.

4. Hydrocarbons.

5. Manufacture or processing of drugs, medicines, cosmetics, additives and similar products.

6. Preparation of food in general and especially those intended for marketing or distribution.

(Decree 3930 of 2010, art. 16).

ARTICLE 2.2.3.3.2.9. ***Navigation and water transport.*** The use of water for transportation is understood as its use for the navigation of any type of vessel or for the mobilization of materials by direct contact.

(Decree 3930 of 2010, art. 17).

ARTICLE 2.2.3.3.2.10. ***aesthetic use.*** Aesthetic use shall be understood as the use of water for the harmonization and embellishment of the landscape.

(Decree 3930 of 2010, art. 18).

SECTION 3

QUALITY CRITERIA FOR ALLOCATION OF THE RESOURCE

ARTICLE 2.2.3.3.3.1. Modified by art. 4, National Decree 050 of 2018 <*The new text is as follows*> Set of parameters and their values by which it is determined whether a body of water is suitable for a specific use.

The original text was as follows:

Article 2.2.3.3.3.1. Quality criteria. *Set of parameters and their values used for assigning uses to the resource and as a basis for decisions for the Water Resource Management.*

(Decree 3930 of 2010, art. 19).

ARTICLE 2.2.3.3.3.2. ***Competence to define the quality criteria of the water resource.*** The Ministry of Environment and Sustainable Development will define the quality criteria for the use of surface, underground and marine waters.

(Decree 3930 of 2010, art. 20).

ARTICLE 2.2.3.3.3.3. ***Subsidiary rigor to define the quality criteria of the water resource.*** The competent environmental authority, based on article 63 of Law 99 of 1993, may tighten the water quality criteria for the different uses after carrying out the technical study that justifies it.

The quality criterion adopted by virtue of the principle of subsidiary rigor by the competent environmental authority may be temporary or permanent.

(Decree 3930 of 2010, art. 21).

ARTICLE 2.2.3.3.3.4. ***Quality Criteria for multiple uses.*** In those sections of the body of water or aquifer where multiple uses are assigned, the

quality criteria for the destination of the resource will correspond to the most restrictive values of each reference.

(Decree 3930 of 2010, art. 22).

ARTICLE 2.2.3.3.3.5. *Control of the quality criteria of the water resource.* The competent environmental authority will control the quality criteria outside the mixing zone, which will be determined for each specific situation by said authority—for which it must take into account the provisions of the National Water Resource Modeling Guide .

(Decree 3930 of 2010, art. 23).

SECTION 4

SPILLS

ARTICLE 2.2.3.3.4.1. Substances of sanitary interest. Corrected by no. 19 article 25, National Decree 703 of 2018. *<The new text is as follows>* Consider the following substances of sanitary interest:

Arsenic	Lead
Barium	Selenium
Cadmium	acenaphthene
Cyanide	acrolein
Copper	Acrylonitrile
Chrome	Benzene
Mercury	benzidine
Nickel	Carbon Tetrachloride (Tetrachloromethane)
Silver	

Corrected by no. 19 article 25, National Decree 703 of 2018. *<The new text is as follows>* **Chlorinated Benzenes other than dichlorobenzenes**

The original text was as follows:

Golden benzenes other than Dichlorobenzenes

Chlorobenzene

1,2,4 - Trichlorobenzene
hexachlorobenzene

Chlorinated Ethanes

1, 2 -Dichloroethane
1, 1, 1 -Trichloroethane
hexachloroethane
1, 1 –Dichloroethane
1, 1, 2 –Trichoroethane
1. 1. 2. 2 –Tetrachloroethane

Chlorethane
Chloroalkyl ethers
Bis(chloromethyl) ether
Bis (2 – chloroethyl) ether
2 – chloroethyl vinyl ether (mixed)
Modified by no. 19, art. 25, National Decree 703 of 2018 <*The new text is as follows*> **Chlorinated Naphthalenes** ***The previous text was as follows:*** ***golden naphthalenes***
2 – Chloronaphthalene
Modified by no. 19, art. 25, National Decree 703 of 2018 <*New text is as follows*> **Chlorinated Phenols other than others listed, includes chlorinated cresols** ***The previous text was as follows:*** ***Gold phenols different from others on the list, includes chlorinated cresols***
2, 4, 6 –Trichlorophenol
Modified by no. 19, art. 25, National Decree 703 of 2018 <*The new text is as follows*> Parachlorometacresol ***The previous text was as follows:*** *parachlorometacresol*
Chloroform (Trichloromethane)
2 – Chlorofenol
Diclorobencenos
1, 2 – Diclorobenceno
1, 3 – Diclorobenceno
1, 4 – Diclorobenceno
Diclorobencidina
3, 3' -Dichlorobencidina
Dicloroetilenos
1, 1 –Dichloroetileno
1, 2 –Trans-dicloroetileno
2, 4 –Dichlorofenol
Dicloropropano y Dicloropropeno
1, 2 –Dichloropropano

1, 3 -Dichloropropileno (1, 3 -Dichloropropeno)
2, 4 –Dimetilfenol
Dinitrotolueno
2, 4 Dinitrotolueno
2, 6 Dinitrotolueno
1, 2 –Difenílhidracin
Etilbenceno
Modified by no. 19, art. 25, National Decree 703 of 2018 <*The new text is as follows*> Fluoranthene ***The previous text was as follows:*** Fluorante
Haloethers (other than others listed)
4 –Chlorophenyl phenyl ether
4 –Bromophenyl phenyl ether
Bis (2 –Chloroisopropyl) ether
Bis(2 –Chloroethoxy)methane
Halomethanes (other than others listed)
Methylene chloride (Dichloromethane)
Methyl chloride (Chloromethane)
Methyl Bromide (Bromomethane)
Bromoform (Tribromomethane)
Dichlorobromethane
trichlorofluoromethane
dichlorodifluoromethane
Chlorodibromemethane
hexachlorobutadiene
Hexachlorocyclopentadiene
isophoron
Naphthalene
Nitrobenzene
Nitrophenols
2 –Nitrophenol
4 –Nitrophenol

2, 4-Dinitrophenol
4, 6 –Dinitro – o- Cresol
Nitrosamines
N –Nitrosodiphenylamine
N –Nitrosodi – n – Propylamine
Pentachlorophenol
Phenol
N –Nitrosodimethylamine
Phthalate Esters
Bis(2-ethylhexyl) phthalate
Butyl benzyl phthalate
Di–n–butyl phthalate
Di–n–octyl phthalate
Diethyl phthalate
Dimethyl phthalate
Hidrocarburos aromáticos polinucleares
Benzo (a) anthracene (1, 2 - benzanthracene)
Benzo (a) pyrene (3, 4 - benzopyrene)
3, 4 - benzofluoranthen
Benzo (k) fluoranthen (11, 12 - benzofluoranthen)
Criseno
Acenaphthylene
Anthracene
Benzo (ghee) perylene (1, 12 - benzoperylene)
Fluorene
Fenantreno
Dibenzo (a, h) Anthracene (1, 2, 5, 6 - dibenzoantraceno)
Indeno (1,2, 3 - cd) pyrene (2, 3 - o - feníl enepireno)
Pyrene
Tetrachlorethylene
Tolueno
Trichloroethylene
Vinti Chloride (Chloroethylene)
Pesticides and Metabolites

Aldrin
Dieldrin
Chlordane
DDT and Metabolites
4, 4'-DDT
4, 4' – DDE (p.p' – DDX)
4, 4' DDD (pp – TDE)
Endosulfan and Metabolites
Endrin
Endrin Aldehyde
Heptachlor and Metabolites
Heptachloroepoxide
Modified by no. 19, art. 25, National Decree 703 of 2018 <*The new text is as follows*> **Hexachlorocyclohexane (all isomers)** ***The previous text was as follows:*** ***Hexaeloroeiclohexane (all Isomers)***
a–BHC–Alpha
b-BHC-Beta
r – BHC (lindane) - Gamma
g-BHC Delta
Polychlorinated Biphenyl
PCB-1242 (Arochlor 1242)
PCB-1254 (Arochlor 1254)
PCB-1221 (Arochlor 1221)
PCB-1232 (Arochlor 1232)
Modified by no. 19, art. 25, National Decree 703 of 2018 <*The new text is as follows*> PCB - 1260 (Arochlor 1260) ***The previous text was as follows:*** PCB-1269 (Arochlor 1260)
PCB-1016 (Arochlor 1016)
toxaphene
Antimony (total
Asbestos (fibers)
Beryllium
Zinc

2, 3, 7, 8 – Tetrachlorodibenzo-p-dioxin (TCDD)
Additional compounds
abietic acid
Dehydroabietic Acid
Isopimaric Acid
Pimaric Acid
Oleic acid
Linoleic acid
Linolenic Acid
9, 10 – Epoxystearic Acid
Modified by no. 19, art. 25, National Decree 703 of 2018 *<The new text is as follows>* 9, 10 - Dichlorostearic Acid ***The previous text was as follows:*** 9, 10 – Dichlorocestaric Acid
Monochlorodehydroabietic Acid
Dichlorodehydroabietic Acid
3, 4, 5 – Triclouajrane4
Modified by no. 19, art. 25, National Decree 703 of 2018 *<The new text is as follows>* Trichloroguaiacol ***The previous text was as follows:*** Tetrachloroguaiacol
carbamates
Phenolic compounds
polychlorinated diphenyl
Explosive, radioactive, pathogenic substances.

Paragraph. The Ministry of Environment and Sustainable Development may consider substances other than those listed in this article to be of sanitary interest.

(Decree 1594 of 1984, art. 20).

ARTICLE 2.2.3.3.4.2. *User of health interest.* Users of sanitary interest are understood as those whose discharges contain the substances indicated in the previous article.

(Decree 1594 of 1984, art. 21).

ARTICLE 2.2.3.3.4.3. *Prohibitions.* Spills are not allowed:

1. At the headwaters of water sources.

2. In aquifers.

3. Modified by no. 10 of art. 12, National Decree 050 of 2018. *<The new text is as follows>* In bodies of water intended for recreation and related uses that imply primary contact, which does not allow compliance with the quality criteria for this use.

The original text was as follows:

3. In bodies of water or coastal waters, destined for recreation and related uses that imply primary contact, which does not allow compliance with the quality criteria for this use.

4. In a sector upstream of the drinking water intakes, to an extent that will be determined, in each case, by the competent environmental authority.

5. In bodies of water that the competent environmental authority declares totally or partially protected, in accordance with Articles 70 and 137 of Decree-Law 2811 of 1974.

6. In streets, driveways and canals or sewage systems for rainwater, whenever they exist separately or have this sole destination.

7. Untreated from boats, ships, ships or other means of maritime, fluvial or lacustrine transport, in fresh and marine surface waters.

8. Untreated, from the washing of air and land vehicles, from the washing of manual and aerial applicators, from containers, packages and packages that contain or have contained agrochemicals or other toxic substances.

9. That alter the existing characteristics of a body of water that make it suitable for all the uses determined in article 2.2.3.3.2.1 of this decree.

10. That cause high risks to health or hydrobiological resources.

eleven. Numeral added by art. 5, National Decree 050 of 2018 <*The added text is as follows*> To soil containing persistent organic pollutants covered by the Stockholm Convention on Persistent Organic Pollutants.

12. Numeral added by art. 5, National Decree 050 of 2018 <*The added text is the following*> To the soil, in areas of extreme to high vulnerability to aquifer contamination, determined from the available information and with the use of referenced methodologies.

13. Numeral added by art. 5, National Decree 050 of 2018 <*The added text is the following*> To the ground, in areas of high aquifer recharge that have been identified by the competent environmental authority based on the methodology issued for this purpose by the Ministry of Environment and Sustainable Development.

(Decree 3930 of 2010, art. 24).

ARTICLE 2.2.3.3.4.4. *Activities not allowed.* The development of the following activities is not allowed.

1. The washing of air and land transport vehicles on the banks and in bodies of water, as well as that of manual and aerial applicators of agrochemicals and other toxic substances and their containers, containers or packaging.

2. The use of water resources, rainwater, those from public or private aqueducts, cooling, the air conditioning system, condensation and/or chemical synthesis, with the purpose of diluting discharges, previously to the dumping control point.

3. Dispose of sediments, sludge, and solid substances from water treatment systems or environmental control equipment and others such as ashes, filter cake, and bagasse in bodies of surface water, groundwater, seawater, and sewage systems. For its disposal, the legal regulations on solid waste must be complied with.

(Decree 3930 of 2010, art. 25).

ARTICLE 2.2.3.3.4.5. *Requirements to ports or maritime, river or lake terminals.* Ports must have a collection and management system for liquid waste from boats, ships, ships and other means of transport, as well as their washing. These systems must comply with the dumping standards.

(Decree 3930 of 2010, art. 26).

ARTICLE 2.2.3.3.4.6. ***From the reinjection of liquid waste.*** Modified by no. 11 of art. 12, National Decree 050 of 2018 <*The new text is as follows*> Only the reinjection of water from oil exploration and exploitation, natural gas and geothermal resources is allowed, as long as the current or potential use of the groundwater contained in the aquifer is not impeded.

The Environmental Impact Study required for the granting of the environmental license for the activities of exploration and exploitation of oil, gas and geothermal resources, when applicable, must evaluate the reinjection of the waters coming from these activities, foreseeing the possible affectation to the current and potential use of groundwater contained in the aquifer.

(Decree 3930 of 2010, art. 27).

The original text was as follows:

Article 2.2.3.3.4.6. 2.2.3.3.4.6. From the reinjection of liquid waste. *Only the reinjection of water from oil exploration and exploitation, natural gas and geothermal resources is allowed, as long as the current or potential use of the aquifer is not impeded.*

The Environmental Impact Study required for the granting of the environmental license for the activities of exploration and exploitation of oil, gas and geothermal resources, when applicable, must evaluate the reinjection of the waters coming from these activities, foreseeing the possible affectation to the current and potential use of the aquifer.

(Decree 3930 of 2010, art. 27).

ARTICLE 2.2.3.3.4.7. ***Fixation of the discharge standard.*** The Ministry of the Environment and Sustainable Development will set the parameters and maximum permissible limits for discharges to surface and marine waters, to public sewage systems and to the ground.

The Ministry of Environment and Sustainable Development and Territorial Development, will issue the standards for punctual discharges to surface waters and public sewage systems.

Similarly, the Ministry of Environment and Sustainable Development must establish the standards for discharges to the ground and seawater.

(Decree 3930 of 2010, art. 28 , modified by Decree 4728 of 2010, art. 1).

ARTICLE 2.2.3.3.4.8. ***Subsidiary rigor of the dumping standard.*** Modified by no. 12 of art. 12, National Decree 050 of 2018 <*The new text is as follows*> *The* competent environmental authority may set more restrictive values for the discharge standard that discharges into the body of water or onto the ground must comply with.

Likewise, the competent environmental authority may require more restrictive values in the dumping, to those generators that even complying with the dumping standard, cause concentrations in the receiving body, which exceed the quality criteria for the use or uses assigned to the resource. For this purpose, you must carry out the technical study that justifies it.

Paragraph. In the body of water and/or section thereof or in aquifers where multiple uses are assigned, the limits referred to in this Article will be established taking into account the most restrictive values of each of the parameters set for each use . .

(Decree 3930 of 2010, art. 29).

The original text was as follows:

Article 2.2.3.3.4.8. Subsidiary rigor of the dumping standard. *The competent environmental authority, based on the Water Resource Management Plan, may set more restrictive values for the discharge standard that discharges to the body of water or to the ground must comply with.*

Likewise, the competent environmental authority may require more restrictive values in the dumping, to those generators that even complying with the dumping standard, cause concentrations in the receiving body, which

exceed the quality criteria for the use or uses assigned to the resource. For this purpose, you must carry out the technical study that justifies it.

Paragraph. *In the body of water and/or section thereof or in aquifers where multiple uses are assigned, the limits referred to in this Article will be established taking into account the most restrictive values of each of the parameters set for each use . .*

(Decree 3930 of 2010, art. 29).

ARTICLE 2.2.3.3.4.9. Modified by art. 6, National Decree 050 of 2018 <*The new text is as follows*> ***From spillage to the ground.*** The person interested in obtaining a discharge permit to the ground must submit a written request to the competent environmental authority containing, in addition to the information provided for in article 2.2.3.3.5.2. , the next information:

For treated Domestic Wastewater:

1. Infiltration. Results and field data of infiltration tests calculating the infiltration rate.

2. Disposal system for discharges. Design and operation and maintenance manual for the disposal system of treated wastewater to the ground, including the discharge mechanism and its structuring elements that allow discharge to the ground.

3. Landfill disposal area. Identification of the area where the disposal will be carried out on a topographical map with magna towage coordinates, indicating as a minimum: required dimension, land uses in the adjoining areas and the current and potential use of the land where the treated domestic wastewater will be discharged , in accordance with the Hydrographic Basin Planning and Management Plan and the current territorial planning instruments.

4. Closure and abandonment plan for the dumping disposal area. Plan that defines the use that will be given to the area that was used as disposal of the discharge. To this end, the activities contemplated in the closure plan must guarantee that the physical, chemical and biological conditions of the soil allow the potential use defined in the current land use planning instruments and without prejudice to the impact on public health.

For treated Non-Domestic Wastewater:

1. Base line of the soil , physicochemical and biological characterization of the soil, related to the disposal area of the dumping. The competent environmental authority, depending on the origin of the discharge, will define additional characteristics to the following:

a) Physical: Structure, Color, moisture, Permeability, Consistency, Plasticity, Macro and Micro Porosity, Compaction, Hydraulic Conductivity, Real Density, Texture, Moisture Retention, Effective Depth, Infiltration, Temperature and Bulk Density;

b) Chemical: Nitrogen, phosphorous and available potassium, pH, organic matter content, electrical conductivity, cation exchange capacity, oxide reduction potential, exchangeable sodium and exchangeable aluminum, aluminum saturation, base saturation, organic carbon, fats and oils, Iron, Arsenic, Selenium, Barium, Cadmium,

Mercury, Lead, Chromium and according to the type of soil, the relevance of carrying out the Sodium Absorption Ratio (RAS) is determined by the analysis laboratory;

c) Biological: Quantification of Nitrogen-fixing microorganisms, phosphate solubilizers, bacteria and actinomycetes, fungi and aerobic cellulolytics; Quantification of microorganisms of the Nitrogen cycle: nitrifiers, ammonifiers (ammonium oxidants and nitrite oxidants), Nitrogen fixers and denitrifiers, Evaluation of soil biota populations, includes: taxonomic determination to order, diversity indices; detection and quantification of total, fecal, salmonella coliforms; bacial respiration, potentially mineralizable nitrogen, light fraction of organic matter.

Soil characterization must be carried out by laboratories accredited by Ideam for sampling. Analysis results from foreign laboratories accredited by another accreditation body will be accepted, until analytical capacity is available in the country.

2. Groundwater Baseline: Determination of the flow direction by monitoring the groundwater level in existing wells or cisterns or in piezometers built for that purpose, prior topographic leveling of the same.

Physicochemical and microbiological characterization of groundwater with sampling points upstream and downstream of the disposal site, in the direction of flow and at a minimum of three points. Said characterization must be carried out in accordance with the criteria established by the Ideam Water Protocol. The competent environmental authority, depending on the origin of the discharge, will define additional monitoring parameters to the following:

a) Water table or potentiometric level;

b) Physicochemical: Temperature, pH, Electrical Conductivity, Total Dissolved Solids;

c) Chemical: Alkalinity, Acidity, Calcium, Sodium, Potassium, Magnesium, Nitrate (N-NO3), Nitrites, Chlorides, Sulfates, Bicarbonate, Phosphates, Arsenic, Selenium, Barium, Cadmium, Mercury, Lead, Chromium, Total Iron, Aluminum, Total Hardness, BOD, COD, Fats and Oils;

d) Microbiological Total coliforms and fecal coliforms.

3. Discharge disposal system. Design and operation and maintenance manual for the disposal system of treated wastewater to the ground, including the discharge mechanism and its structuring elements that allow discharge to the ground. The design of the discharge disposal system must include the following supporting documentation for the analysis:

a) Numerical modeling of the flow and transport of solutes in the soil, taking into account the geomorphological, hydrogeological, meteorological and climatic conditions, identifying the advance of dumping in the soil profile;

b) Hydrological analysis that includes the characterization of the dry and wet periods in the hydrographic basin in which the dumping request is located. Based on said analysis and the results of the modeling, the area in which the dumping will be carried

out must be determined, the application rate according to the infiltration and storage capacity of the soil and the discharge frequencies in the different times of the year, verifying that the Non-Domestic Residual Water does not present surface runoff on areas that have not been projected for the disposal of the dumping;

c) Description of the system and equipment for managing the disposal of treated wastewater to the ground;

d) Determination of the variation of the phreatic or potentiometric level based on the information collected in the field, considering hydroclimatic and hydrogeological conditions;

e) Determination and mapping at a scale of 1:10,000 or greater detail of the intrinsic vulnerability of aquifers to contamination, supporting the selection of the method used.

4. Landfill disposal area. Identification of the area where the disposal will be carried out on a topographic map with magna towage coordinates, indicating as a minimum: required dimension, land uses in the adjoining areas and the current and potential use of the land where the treated wastewater will be discharged. The above information must be presented in accordance with the following considerations:

a) Soil study at a detailed scale of 1:5,000, in any case the competent environmental authority may require a more detailed scale according to the characteristics of the project;

b) Description of land uses based on land planning instruments and primary and secondary information, identifying current uses and land and land use conflicts. In any case, the activity must not be incompatible with the regulation of the uses established in the territorial ordering instruments.

5. Monitoring plan. Structure the Monitoring Plan for the characterization of the effluent, soil and groundwater, according to the physicochemical characterization of the discharge to be carried out, including fats and oils, unless it is shown that fats and oils are not present in its wastewater treated. If during the follow-up the competent environmental authority identifies the presence of additional substances to those monitored during the establishment of the base line, due to the reaction generated by the composition of the soil, it may request their monitoring.

The monitoring of the variation of the phreatic or potentiometric level must be included in the Plan, for which the competent environmental authority will establish the periodicity guaranteeing the representativeness for dry and humid climatic conditions. When changes are evidenced based on the infiltration capacity of the soil, as well as parameters related to the quality of the soil, the dumping permit must be suspended.

6. Closure and abandonment plan for the dumping disposal area. Plan that must define the use that will be given to the area that was used as disposal of the dumping. To this end, the activities contemplated in the closure plan must guarantee that the physical, chemical and biological conditions of the soil allow the potential use defined in the current land use planning instruments and without prejudice to the impact on public health.

The abandonment plan for projects subject to environmental license must incorporate the provisions of this article for the closure and abandonment plan for the dumping disposal area.

Paragraph 1. The disposal area is not part of the domestic and non-domestic wastewater treatment process.

Paragraph 2. Users of activities subject to environmental licensing must submit the information referred to in this article within the Environmental Impact Study.

For exploratory drilling projects outside existing hydrocarbon production fields or for drilling projects in the hydrocarbon exploitation stage, based on the environmental zoning contained in the project's Environmental Impact Study, they will identify the unit(s) of land where it is projected to discharge to the ground. The information requested in this article regarding the discharge disposal area must be included in the specific Management Plan of the project.

For other projects, works or activities in the hydrocarbon sector associated with the exploitation, construction and operation of refineries, transportation and conduction, delivery terminals and transfer stations, the information referred to in this article must be included in the Environmental Impact Study. .

Paragraph 3. For the exploration and production activity of Non-Conventional Hydrocarbon Reservoirs (YNCH), the discharge of production water and return fluid to the ground is not allowed.

Paragraph 4. The competent environmental authority, within eighteen (18) months, counted from the entry into force of this decree, must request via follow-up from the holders of discharge permits to the ground, the information that this article deals with.

The projects, works or activities that initiated the procedures for obtaining the land discharge permit referred to in this article, will continue to be subject to the terms and conditions established in the regulations in force at the time of their request, notwithstanding the environmental authority must in the administrative act, in which the same is granted, request the information referred to in this article in the time estimated by the environmental authority.

The original text was as follows:

Article 2.2.3.3.4.9. Infiltration of liquid waste. *With prior dumping permit, the infiltration of liquid waste into the soil associated with an aquifer is allowed. For the granting of this permit, the following must be taken into account:*

1. *The provisions of the Environmental Management Plan for the Aquifer or in the Planning and Management Plan for the respective Basin, or*

2. *The vulnerability conditions of the aquifer associated with the infiltration zone, defined by the competent environmental authority.*

These discharges must comply with the land discharge standard established by the Ministry of Environment and Sustainable Development.

(Decree 3930 of 2010, art. 30).

ARTICLE 2.2.3.3.4.10. ***Individual sanitation solutions.*** Every building, concentration of buildings or urban, tourist or industrial development, located outside the coverage area of the public sewage system, must be equipped with liquid waste collection and treatment systems and must have the respective dumping permit.

(Decree 3930 of 2010, art. 31).

ARTICLE 2.2.3.3.4.11. ***Spill control for extensions and modifications.*** Users who expand their production will be considered as new users with respect to the control of discharges that correspond to the degree of expansion.

Any expansion or modification of the process or of the physical infrastructure must have adequate sites that allow the taking of samples for the characterization and gauging of its effluents. The control of the discharges must be carried out simultaneously with the initiation of the expansion or modification operations.

(Decree 3930 of 2010, art. 32).

ARTICLE 2.2.3.3.4.12. ***Relocation of facilities.*** Users who do not have an appropriate area for the construction of pollution control systems and/or who do not comply with dumping standards, must relocate their facilities, whenever they cannot otherwise guarantee the adequate disposal of their dumping.

(Decree 3930 of 2010, art. 33).

ARTICLE 2.2.3.3.4.13. ***Protocol for the Monitoring of Discharges in Superficial and Underground Waters.*** Modified by no. 13 of art. 12, National Decree 050 of 2018 <*The new text is as follows*> The Ministry of Environment and Sustainable Development will issue the Spill Monitoring Protocol, which will establish, among other aspects: the control point, the minimum technical infrastructure required, the methodology for taking samples.

Paragraph. While the Ministry of Environment and Sustainable Development adopts the Spill Monitoring Protocol, the procedures established in the Guide for the Monitoring of Spills, Superficial and Subterranean Waters of the Institute of Hydrology, Meteorology and Environmental Studies - Ideam will be followed.

(Decree 3930 of 2010, art. 34 , modified by Decree 4728 of 2010, art. 2).

Other modifications: Modified by no. 14 of art. 12, National Decree 050 of 2018.

The original text was as follows:

Article 2.2.3.3.4.13. Protocol for the Monitoring of Discharges in Superficial and Underground Waters. *The Ministry of Environment and Sustainable Development will issue the Protocol for the Monitoring of Discharges in Surface and Groundwater, which will establish, among other aspects: the control point, the minimum technical infrastructure required, the methodology for taking samples and the analysis methods for the parameters to be determined in discharges and in the bodies of water or receiving systems.*

Paragraph. *While the Ministry of Environment and Sustainable Development adopts the Protocol for the Monitoring of Discharges in Surface and Groundwater, the procedures established in the Guide for the Monitoring of Discharges, Surface and Groundwater of the Institute of Hydrology, Meteorology and Environmental Studies will be followed. - Idea.*

(Decree 3930 of 2010, art. 34 , modified by Decree 4728 of 2010, art. 2).

ARTICLE 2.2.3.3.4.14. Modified by art. 7, National Decree 050 of 2018 <*The new text is as follows*> ***Contingency Plan for the Management of Hydrocarbon Spills or Harmful Substances.*** Users who explore, exploit, manufacture, refine, transform, process, transport or store hydrocarbons or substances that are harmful to health and to hydrobiological resources, must be provided with a contingency plan for handling spills.

Paragraph 1st. Users of activities subject to environmental licensing or Environmental Management Plan must submit the Contingency Plan for the management of spills within the Environmental Impact Study, in accordance with the terms of reference issued for the licensing process by the Ministry of Environment and Sustainable development.

Paragraph 2nd. Users who transport hydrocarbons and derivatives, as well as harmful substances, not subject to environmental licensing, must be provided with a Contingency Plan for the management of spills, which must be formulated in accordance with the specific terms of reference adopted by the Ministry of Environment and Sustainable Development.

The Contingency Plan of this article must be delivered to the environmental authorities where the activities not subject to environmental licensing are carried out, at least 30 calendar days in advance of the start of activities, so that they are aware of it and carry out the follow-up regarding the attention, execution and implementation of the measures determined by the users in said plans. The companies that are operating must submit the Contingency Plan to the corresponding environmental authorities, within 30 calendar days counted from the issuance of this.

The environmental authorities where said Contingency Plan is presented may request additional adjustments, taking into account the terms of reference issued by the Ministry of Environment and Sustainable Development for the attention of the contingency in the areas of their jurisdiction, through a duly reasoned administrative act. .

Likewise, the environmental authorities where a contingency materializes may, within the framework of the follow-up of said situations, impose additional measures for management or attention in their jurisdiction, through a duly reasoned administrative act.

Paragraph 3rd. The Contingency Plans for the Management of Hydrocarbon Spills or Harmful Substances that have been approved before the entry into force of this decree will continue in force until its completion.

The administrative procedures in progress in which the approval of the Contingency Plan for the Management of Hydrocarbon Spills or Harmful Substances has been requested, prior to the entry into force of this decree, will continue their process until their completion. Notwithstanding the foregoing, the interested parties may withdraw at any time under the rules established in the Code of Administrative Procedure and Administrative Litigation.

The original text was as follows:

Article 2.2.3.3.4.14 Contingency Plan for the Management of Hydrocarbon Spills or Harmful Substances. *Users who explore, exploit, manufacture, refine, transform, process, transport or store hydrocarbons or substances that are harmful to health and to hydrobiological resources, must be provided with a spill contingency and control plan, which must have the approval of the competent environmental authority.*

When transportation includes the jurisdiction of more than one environmental authority, the Ministry of Environment and Sustainable Development is responsible for defining the authority that must approve the Contingency Plan.

(Decree 3930 of 2010, art. 35 , modified by Decree 4728 of 2010, art. 3).

ARTICLE 2.2.3.3.4.15. ***Suspension of activities.*** In the event of failures in the treatment systems, preventive or corrective maintenance tasks or emergencies or accidents that limit or prevent compliance with the dumping standard, immediately the person responsible for the industrial, commercial or service activity that generates dumping to a body of water or to the ground must suspend the activities that generate the discharge, except those directly associated with the generation of domestic wastewater.

If its repair and restart requires a period of time greater than three (3) hours per day, the competent environmental authority must be informed about the suspension of activities and/or the implementation of the Risk Management Plan for Discharge Management. provided for in this decree.

(Decree 3930 of 2010, art. 36).

ARTICLE 2.2.3.3.4.16. ***Record of maintenance activities.*** Preventive or corrective maintenance activities will be recorded in the minute or resume of the pretreatment or wastewater treatment system of the generator that develops industrial, commercial or service activities that generate discharges to a body of water or to the ground, a document that may be subject to monitoring, surveillance and control by the competent environmental authority.

(Decree 3930 of 2010, art. 37).

ARTICLE 2.2.3.3.4.17. ***Obligation of the subscribers and/or users of the residential public sewer service provider.*** Modified by no. 13 of art. 12, National Decree 050 of 2018. <*The new text is as follows*> Subscribers and/or users whose properties or properties require the provision of commercial, industrial, official and special services by the provider of the residential public sewerage service, which is dealt with in the Single regulation of the housing sector or the standard that modifies, adds or replaces it, are obliged to comply with the current dumping standard.

Subscribers and/or users provided for in the preceding paragraph, must submit to the service provider, the characterization of their discharges, in accordance with the frequency determined in the discharge monitoring Protocol, which will be issued by the Ministry of Environment and Development. Sustainable.

Users and/or subscribers of the residential public sewer service provider must give notice to the entity in charge of the operation of the liquid waste treatment plant, when an occasional or accidental discharge may harm its operation.

(Decree 3930 of 2010, art. 38).

The original text was as follows:

Article 2.2.3.3.4.17. Obligation of the subscribers and/or users of the residential public sewer service provider. *Subscribers and/or users whose properties or properties require the provision of commercial, industrial, official and special services by the provider of the residential public sewerage service, which is dealt with in the Single regulation of the housing sector or the standard that modifies, adds or replaces it, are obliged to comply with the current dumping standard.*

Subscribers and/or users provided for in the preceding paragraph, must submit to the service provider, the characterization of their discharges, in accordance with the frequency determined in the Protocol for the Monitoring of Discharges in Surface and Underground Waters, which issued by the Ministry of Environment and Sustainable Development.

Users and/or subscribers of the residential public sewer service provider must give notice to the entity in charge of the operation of the liquid waste treatment plant, when an occasional or accidental discharge may harm its operation.

(Decree 3930 of 2010, art. 38).

ARTICLE 2.2.3.3.4.18. ***Responsibility of the residential public sewer service provider.*** The sewer service provider as a user of the water resource must comply with the current dumping standard and have the respective dumping permit or the Drainage and Waste Management Plan - PSMV regulated by Resolution 1433 of 2004 of the Ministry Environment and Sustainable Development or the standard that modifies, adds or replaces it.

Likewise, the provider will be responsible for demanding, with respect to discharges made to the sewerage network, compliance with the regulation of discharge to the public sewerage system.

When the service provider determines that the user and/or subscriber is not complying with the standard of dumping into the public sewer, it must inform the competent environmental authority, providing the pertinent information, so that it initiates the sanctioning process for non-compliance with the standard of discharge to the public sewer.

Paragraph. The provider of the residential public sewerage service will submit annually to the competent environmental authority, a discriminated report, indicating the status of compliance with the sewerage discharge standard, of its subscribers and/or users on whose properties or properties the service is provided. commercial, industrial, official and special in accordance with the provisions of the single regulation of the housing sector or the rule that modifies, adds or replaces it. This report will be presented annually with a cut-off date of December 31 of each year, within two (2) months following this date.

The Ministry of Environment and Sustainable Development will issue the format for the presentation of the information required in this paragraph.

(Decree 3930 of 2010, art. 39).

ARTICLE 2.2.3.3.4.19. ***Control of contamination by agrochemicals.*** In addition to the measures required by the competent environmental authority, for the purposes of controlling water pollution due to the application of agrochemicals, the following is prohibited:

1. The manual application of agrochemicals within a strip of three (3) meters, measured from the shores of any body of water.

2. Aerial application of agrochemicals within a strip of thirty (30) meters, measured from the shores of any body of water.

For the application of pesticides, what is established in the sole regulation for the Health and Social Protection sector or the norm that modifies, adds or replaces it will be taken into account.

(Decree 3930 of 2010, art. 40).

SECTION 5

ON OBTAINING DUMPING PERMITS AND COMPLIANCE PLANS

ARTICLE 2.2.3.3.5.1. ***Requirement of dumping permit.*** Any natural or legal person whose activity or service generates discharges to surface waters, seawater, or the ground, must request and process the respective discharge permit before the competent environmental authority.

(Decree 3930 of 2010, art. 41).

ARTICLE 2.2.3.3.5.2. ***Spill permit requirements.*** The person interested in obtaining a dumping permit must submit a written request to the competent environmental authority containing the following information:

1. Name, address and identification of the applicant and business name if it is a legal person.

2. Power of attorney duly granted, when acting through a proxy.

3. Certificate of existence and legal representation in the case of a legal person.

4. Authorization of the owner or holder when the applicant is a mere holder.

5. Updated certificate from the Registrar of Public and Private Instruments on the ownership of the property, or the appropriate proof of possession or possession.

6. Name and location of the property, project, work or activity.

7. Cost of the project, work or activity.

8. Modified by art. 8, National Decree 050 of 2018 <*The new text is as follows*> Source of supply indicating the hydrographic basin or coastal or oceanic environmental unit to which it belongs.

The original text was as follows:

8. Source of water supply indicating the hydrographic basin to which it belongs.

9. Characteristics of the activities that generate the dumping.

10. Plan where the origin, quantity and georeferenced location of the discharges to the body of water or to the ground are identified.

11. Modified by art. 8, National Decree 050 of 2018 <*The new text is as follows*> Name of the receiving source of the discharge, indicating the hydrographic basin or coastal or oceanic environmental unit to which it belongs.

The original text was as follows:

11. Name of the receiving source of the discharge, indicating the hydrographic basin to which it belongs.

12. Discharge flow expressed in liters per second.

13. Download frequency expressed in days per month.

14. Discharge time expressed in hours per day.

15. Type of discharge flow indicating whether it is continuous or intermittent.

16. Current characterization of the existing dumping or final state foreseen for the projected dumping in accordance with the current dumping standard.

17. Location, description of the system's operation, technical reports and conceptual and basic engineering designs, detailed plans of the treatment system and efficiency conditions of the treatment system to be adopted.

18. Concept on land use issued by the competent municipal authority.

19. Modified by art. 8, National Decree 050 of 2018 <*The new text is as follows*> Environmental evaluation of vertimiento, except for vertimientos generated to public sewage systems.

The original text was as follows:

19. Environmental evaluation of the dumping.

20. Risk management plan for dumping management.

21. Proof of payment for the provision of the dumping permit evaluation service.

22. The other aspects that the competent environmental authority considered necessary for the granting of the permit.

Paragraph 1. In any case when there is no compatibility between the land uses and the environmental determinants established by the competent environmental authority for Territorial Planning, the latter in accordance with article 10 of Law 388 of 1997 or the regulation that modifies it. , add or substitute, will prevail over the former.

Paragraph 2. Modified by art. 8, National Decree 050 of 2018 <*The new text is the following*> The analysis of the samples must be carried out by laboratories accredited by the Ideam, in accordance with the provisions of Chapter 9 of Title 8, Part 2, Book 2 of this decree or

the regulation that modifies it , add or substitute. The representative sampling must be carried out in accordance with the Spill Monitoring Protocol. Test results from foreign laboratories accredited by another accreditation body will be accepted, until analytical capacity is available in the country.

Other modifications: Modified by num. 13, art. 12, National Decree 050 of 2018.

The original text was as follows:

Paragraph 2. *The analyzes of the samples must be carried out by laboratories accredited by IDEAM, in accordance with the provisions of chapter 9 of title 8, part 2, book 2 of this Decree or the rule that modifies, adds or replaces it. The representative sampling must be carried out in accordance with the Protocol for the Monitoring of Discharges in Superficial and Underground Waters.*

Paragraph 3. The studies, designs, reports, plans and other specifications of the wastewater collection and treatment systems must be prepared by specialized firms or by professionals qualified to do so and who have their respective professional registration in accordance with the regulations. in force on the matter.

Paragraph 4. The plans referred to in this article must be presented in an analog format, size 100 cm x 70 cm, and a digital copy thereof.

(Decree 3930 of 2010, art. 42).

ARTICLE 2.2.3.3.5.3. Modified by art. 9, National Decree 050 of 2018 <*The new text is as follows*> ***Environmental Assessment of the Spill.*** The environmental assessment of the discharge must be presented by the generators of discharges to bodies of water or to the ground that develop industrial, commercial and/or service activities, as well as those from residential complexes, and must contain at least:

1. Georeferenced location of project, work or activity.

two. Detailed report of the project, work or activity that is intended to be carried out, with specifications of processes and technologies that will be used in the management of the discharge.

3. Detailed information on the nature of the inputs, chemical products, forms of energy used and the chemical and physical processes used in the development of the project, work or activity that generates discharges.

Four. Prediction and assessment of the impacts that may arise from specific discharges generated by the project, work or activity to the body of water. For this purpose, the Water Resource Management Plan, the regional model of water quality, the administration instruments and the current and potential uses of the water resource must be taken into account. The prediction and assessment will be carried out through simulation models of the impacts caused by the discharge in the body of water, based on its assimilation capacity and the uses and quality criteria established by the competent Environmental Authority.

When there is an adopted Water Resource Management Plan or the competent Environmental Authority has a regional model of water quality, the prediction of the impact of the discharge will be carried out by said authority.

5. Prediction and assessment of the impacts that may arise from the discharges generated by the project, work or activity to the ground, considering its vocation in accordance with the provisions of the land-use planning instruments and the Aquifer Environmental Management Plans. When the latter do not exist, the competent

environmental authority will define the terms and conditions under which the identification of the impacts and their environmental management must be carried out.

6. Waste management associated with dumping management.

7. Description and assessment of the impacts generated by the discharge and the measures to prevent, mitigate, correct and compensate said impacts to the body of water or the soil.

8. Possible incidence of the project, work or activity on the quality of life or on the economic, social and cultural conditions of the inhabitants of the sector or region where it intends to be developed and measures that will be adopted to avoid or minimize negative socio-cultural effects that may derive from it.

9. Technical studies and designs of the discharge discharge structure, which support its location and characteristics, in such a way as to minimize the extension of the mixing zone.

Paragraph 1st. The modeling that this article deals with must be carried out in accordance with the National Guide for Modeling Water Resources. While the guide is issued, the competent environmental authority and the users will continue to apply the existing simulation models.

Paragraph 2nd. For purposes of applying the provisions of this article in relation to residential complexes, the environmental authority will define the cases in which they will not be obliged to present the environmental evaluation of the discharge based on the load capacity of the receiving body, density of land occupation and population density.

Paragraph 3rd. In the environmental studies of the projects, works or activities subject to an environmental license, the environmental evaluation of the dumping provided for in this article will be included.

The original text was as follows:

Article 2.2.3.3.5.3. Environmental evaluation of the dumping. *For the purposes of the provisions of this decree, the environmental evaluation of the discharge must only be presented by the generators of discharges to bodies of water or to the ground that develop industrial, commercial and service activities, as well as those from residential complexes and must contain at least:*

1. Georeferenced location of the project, work or activity.

2. Detailed report of the project, work or activity that is intended to be carried out, with specifications of processes and technologies that will be used in the management of the discharge.

3. Detailed information on the nature of the inputs, chemical products, forms of energy used and the chemical and physical processes used in the development of the project, work or activity that generates discharges.

4. Prediction and assessment of the impacts that may arise from the discharges generated by the project, work or activity on the body of water and its uses or on the ground. For this purpose, the Water Resource Management Plans and/or the environmental management plan of the associated aquifer must be taken into account. When these do not exist, the competent environmental authority will define the terms and conditions under which the prediction and assessment of impacts must be carried out.

5. Prediction through simulation models of the impacts caused by the discharge in the body of water and/or on the ground, based on the assimilation and dilution capacity of the receiving water body and the uses and established quality criteria. in the Water Resource Management Plan.

6. Waste management associated with dumping management.

7. Description and assessment of the projects, works and activities to prevent, mitigate, correct or compensate the impacts on the body of water and its uses or on the soil.

8. Possible incidence of the project, opening or activity in the quality of life or in the economic, social and cultural conditions of the inhabitants of the sector or the region where it intends to be developed, and measures that will be adopted to avoid or minimize negative effects of a sociocultural nature that may derive from it.

Paragraph 1. *The modeling referred to in this Article must be carried out in accordance with the National Guide for Modeling Water Resources. While the guide is issued, users will continue to apply existing simulation models.*

Paragraph 2. *For purposes of applying the provisions of this article in relation to residential complexes, the environmental authority will define the cases in which they will not be obliged to present the environmental evaluation of the discharge based on the load capacity of the receiving body, density of land occupation and population density.*

Paragraph 3. *In the environmental studies of the projects, works or activities subject to an environmental license, the environmental evaluation of the dumping provided for in this Article shall be included.*

(Decree 3930 of 2010, art. 43).

ARTICLE 2.2.3.3.5.4. ***Risk management plan for discharge management.*** Natural or legal persons of public or private law that develop industrial, commercial and service activities that generate discharges to a body of water or to the ground must prepare a Risk Management Plan for the Management of Discharges in situations that limit or prevent the discharge treatment. Said plan must include a risk analysis, prevention and mitigation measures, emergency and contingency protocols, and a rehabilitation and recovery program.

Paragraph. The Ministry of Environment and Sustainable Development, through an administrative act, will adopt the terms of reference for the preparation of this plan.

(Decree 3930 of 2010, art. 44).

ARTICLE 2.2.3.3.5.5. ***Procedure for obtaining the discharge permit.*** The procedure is the next:

1. Once the dumping permit application has been filed, the competent environmental authority will have ten (10) business days to verify that the documentation is complete, which includes payment for the evaluation service. In the event that the documentation is incomplete, the interested party will be required to submit it within ten (10) business days, counted from the sending of the communication.

2. When the information is complete, the process initiation order will be issued.

3. Within thirty (30) business days following the publication of the order to initiate the process, the study of the dumping request will be carried out and the necessary technical visits will be carried out.

4. Within eight (8) business days following the completion of the technical visits, the corresponding technical report must be issued,

5. Once said report has been issued, the process order will be issued declaring that all the information has been gathered to decide.

6. The competent environmental authority will decide by resolution whether to grant or deny the dumping permit, within a term not exceeding twenty (20) business days, counted from the issuance of the processing order.

7. Against the resolution through which the discharge permit is granted or denied, the reversal appeal shall proceed within the five (5) business days following the date of notification thereof.

Paragraph 1. For the purposes of advertising the actions that start or end the action, the provisions of Articles 70 and 71 of Law 99 of 1993 shall be observed.

Paragraph 2. When charging for the evaluation service, the competent environmental authority will apply the calculation system and method established in article 96 of Law 633 of 2000 and its regulation that adds, modifies or replaces it.

Paragraph 3. The public hearings that are requested in the processing of a dumping permit will be carried out in accordance with the provisions of chapter 4 of title 2, part 2, book 2 of this Decree or the rule that adds, modifies or replaces it.

(Decree 3930 of 2010, art. 45).

ARTICLE 2.2.3.3.5.6. Modified by art. 10, National Decree 050 of 2018 <*The new text is as follows*> ***Study of the request.*** In the study of the request for the dumping permit, the competent environmental authority will carry out the necessary technical visits to the area in order to verify, analyze and evaluate at least the following aspects:

1. The information provided in the application for the dumping permit.

two. The location of the ecosystems considered key for the regulation of the water supply.

3. Classification of water in accordance with the provisions of article 2.2.3.2.20.1 of this decree, or the standard that modifies or replaces it.

4. The provisions of articles 2.2.3.3.4.3 and 2.2.3.3.4.4 of this decree, where applicable.

5. The provisions of the water resource planning instruments.

6. The impacts of the discharge to the body of water or to the ground.

From the study of the request and the practice of the visits, a technical report must be prepared.

Paragraph 1st. In the case of discharges to the ground, the following aspects must also be verified, analyzed and evaluated:

1. The non-existence of any other possible dumping alternative other than land, according to the information presented by the user.

2. The non-existence of a sewage system to which the user can connect, as well as the projections of the layout of the sewerage network, if it exists.

3. The vulnerability conditions of the aquifer.

4. The official hydrogeological studies of the area of interest.

5. The location of the ecosystems considered key for the regulation of the water supply.

6. Areas where the existence of any type of threatening event has been identified, according to existing or available information.

7. Identification and location of discharges to the ground and their treatment systems, in properties adjoining the property where the disposal is made.

8. Information related to the uses of the land foreseen in the territorial ordering instruments in the area where the discharge to the ground is intended to be carried out.

Paragraph 2nd. In the case of discharges into bodies of surface water, the following aspects must also be verified, analyzed and evaluated:

1. If it is a body of water regulated in terms of the use of water or discharges.

2. If the body of water is subject to a Water Resource Management Plan or if quality objectives have been set.

3. Risk management plan for the management of spillage and Contingency Plan for the management of hydrocarbon spills or dangerous substances, in the cases in which it applies.

The original text was as follows:

Article 2.2.3.3.5.6. From the technical visit. *In the study of the application for the dumping permit, the competent environmental authority will carry out the necessary technical visits to the area and, through professionals with experience in the matter, will verify, analyze and evaluate at least the following aspects:*

1. The information provided in the application for the dumping permit.

2. Classification of water in accordance with the provisions of article 2.2.3.2.20.1 of this Decree, or the rule that modifies or replaces it.

3. The provisions of Articles 2.2.3.3.4.3 and 2.2.3.3.4.4 of this decree.

4. If the body of water is subject to a Water Resource Management Plan or if quality objectives have been set.

5. If it is a body of water regulated in terms of its uses or discharges.

6. Management Plan or vulnerability conditions of the aquifer associated with the area where the infiltration will take place.

7. The impacts of the discharge to the body of water or to the ground,

8. The risk management plan for the management of spillage and the contingency plan for the management of hydrocarbon spills or harmful substances.

A technical report must be prepared from the study of the request and the practice of the technical visits.

(Decree 3930 of 2010, art. 46).

ARTICLE 2.2.3.3.5.7. *Granting of the dumping permit.* The competent environmental authority, based on the classification of waters, on the evaluation of the information provided by the applicant, on the facts and circumstances deduced from the technical visits carried out and on the technical report, will grant or deny the dumping permit by resolution .

The dumping permit will be granted for a term not exceeding ten (10) years.

(Decree 3930 of 2010, art. 47).

ARTICLE 2.2.3.3.5.8. ***Content of the dumping permit.*** The resolution through which the dumping permit is granted must contain at least the following aspects:

1. Name and identification of the natural or legal person to whom it is granted.

2. Name and location of the property, project, work or activity, which will benefit from the discharge permit.

3. Description, name and georeferenced location of the places where the dumping will be done.

Four. Modified by art. 11, National Decree 050 of 2018 <*The new text is as follows*> Source of water supply indicating the hydrographic basin, or coastal or oceanic environmental unit, to which it belongs.

The original text was as follows:

4. Source of water supply indicating the hydrographic basin to which it belongs.

5. Characteristics of the activities that generate the dumping.

6. A summary of the environmental considerations that have been taken into account for the granting of the environmental permit.

7. Regulation of discharge that must be met and technical conditions of discharge.

8. Term for which the dumping permit is granted and conditions for its renewal.

9. List of the works that must be built by the permit holder for the treatment of the discharge, approval of the treatment system and the term for the construction and entry into operation of the treatment system.

10. Obligations of the permit holder related to the use of water and environmental preservation, to prevent the deterioration of the water resource and other related resources.

11. Approval of the Risk Management Plan for Discharge Management.

12. Approval of the Contingency Plan for the Prevention and Control of Spills, when applicable.

13. Obligation to pay for environmental monitoring services and the remuneration rate.

14. Authorization for the occupation of the riverbed for the construction of the delivery infrastructure for the discharge to the body of water.

15. Added by art. 11, National Decree 050 of 2018 <*The text added is the following* > Area in m2 or per ha, delimited with Magna Sirgas coordinates defining the dumping polygon.

Paragraph 1. Prior to the entry into operation of the treatment system, the permit holder must report this fact to the competent environmental authority in order to obtain the approval of the works in accordance with the information presented.

Paragraph 2. In the event that adjustments, modifications or changes to the designs of the treatment system presented are required, the competent environmental authority must indicate the term for their presentation.

Paragraph 3. When the dumping permit has been granted based on a presumptive characterization, the term within which said characterization must be validated must be indicated.

(Decree 3930 of 2010, art. 48).

ARTICLE 2.2.3.3.5.9. ***Modification of the dumping permit.*** Whenever there are modifications or changes in the conditions under which the permit was granted, the user must give immediate written notice to the competent environmental authority and request the modification of the permit, indicating what the modification or change consists of and attaching the relevant information.

The competent environmental authority will evaluate the information provided by the interested party and will decide on the need to modify the respective dumping permit within fifteen (15)

business days, counted from the request for modification. To do this, it must indicate what additional information to that provided for in this decree, must be updated and presented.

The process of modifying the dumping permit will be governed by the procedure provided for the granting of the dumping permit, reducing the terms indicated in article 2.2.3.3.5.5 by half.

(Decree 3930 of 2010, art. 49)

ARTICLE 2.2.3.3.5.10. ***Renewal of the discharge permit.*** Applications for renewal of the dumping permit must be submitted to the competent environmental authority, within the first quarter of the last year of validity of the permit. The corresponding procedure will be carried out before the expiration of the respective permit.

For the renewal of the dumping permit, the procedure provided for the granting of said permit in this decree must be observed. If there are no changes in the activity generating the dumping, the renewal is subject only to the verification of compliance with the dumping standard by characterizing the dumping.

(Decree 3930 of 2010, art. 50).

ARTICLE 2.2.3.3.5.11. ***Revision.*** The dumping permits must be reviewed and, if applicable, adjusted, in accordance with the provisions of the Water Resources Management Plan and/or the dumping regulations.

(Decree 3930 of 2010, art. 51).

ARTICLE 2.2.3.3.5.12. ***Requirement of the Compliance Plan.*** If from the evaluation of the information coming from the characterization of the discharge, as well as from the documentation provided by the applicant, from the facts and circumstances deduced from the technical visits carried out by the competent environmental authority and from the technical report, it is concluded that it is not feasible to grant the dumping permit to the body of water or to the ground, the competent environmental authority will require the user to present a Compliance Plan, as long as the dumping is not carried out in Class I water bodies referred to in article 2.2. 3.2.20.1 of this Decree.

The Compliance Plan must include the projects, works, activities and good practices that guarantee compliance with the discharge standard. Likewise, it must include its goals, its evaluation periods and its monitoring, management and results indicators with which the corresponding progress will be determined.

In the resolution by which the Compliance Plan is required, the terms of reference for the preparation of the first stage must be delivered, establish the dumping standards that must be met and the deadline for the presentation of the first stage of the plan.

Paragraph 1. The Compliance Plan will be presented only one (1) time and may not be extended by the competent environmental authority, however, in cases of force majeure or fortuitous event defined in the terms of Law 95 of 1890 and in accordance with Article 8 of Law 1333 of 2009, its compliance may be suspended until normal conditions are restored. For this purpose, the interested party must present the justification before the competent environmental authority.

Paragraph 2. Providers of residential public sewage service will be governed by the provisions of the Sanitation and Discharge Management Plans approved by the competent environmental authority, taking into account the provisions of Resolution 1433 of 2004 of the Ministry of Environment, Housing and Territorial Development. , or the rule that modifies, adds or replaces it.

(Decree 3930 of 2010, art. 52 , modified by Decree 4728 of 2010, art. 4).

ARTICLE 2.2.3.3.5.13. ***Stages of the Compliance Plans*** **.** The compliance plans will require the development of the following stages:

First stage: Elaboration of the engineering program, schedule and investments and the Risk Management Plan for the Management of Spills and the Contingency Plan for the Prevention and Control of Spills when necessary.

Second stage: Execution of the proposed projects, works, activities and good practices, in accordance with the submitted and approved schedule.

Third stage: Verification of compliance with dumping regulations

(Decree 3930 of 2010, art. 53).

ARTICLE 2.2.3.3.5.14. Corrected by art. 15, National Decree 703 of 2018. *<The new numbering is as follows>* 2.2.3.3.5.15.

Deadlines for submitting Compliance Plans. The generators of vertimientos that do not have a vertimiento permit and that are complying with the regulations in force in the matter before October 25, 2010, will have a term of up to eight (8) months, counted from said date to carry out the legalization of the same, without prejudice to the sanctions that may apply.

The generators of vertimientos that do not have a vertimiento permit and that are not complying with the regulations in force in the matter before October 25, 2010, will have a term of up to eight (8) months, counted from said date, to present before the competent environmental authority, the Compliance Plan, without prejudice to the sanctions that may apply.

ARTICLE 2.2.3.3.5.14. ***Deadlines for the development of Compliance Plans.*** Corrected by art. 15, National Decree 703 of 2018. The terms that may be granted for the development of compliance plans, for each of the stages, are the following;

1. First stage: Up to three (3) months.

2. Second stage: Up to twelve (12) months

3. Third stage: Up to three (3) months

(Decree 3930 of 2010, art. 55).

ARTICLE 2.2.3.3.5.15. Corrected by art. 15, National Decree 703 of 2018. *<The new numbering is as follows >* 2.2.3.3.5.16.

Approval of the Compliance Plan. The competent environmental authority will have a period of three (3) months, counted from the filing of the Compliance Plan to rule on its approval.

The resolution by which the Compliance Plan is approved must relate the engineering program, schedule and investments, Risk Management Plan for Spill Management, Contingency Plan for the Prevention and Control of Spills, the projects, works, activities and good practices approved.

When the competent environmental authority does not approve the Compliance Plan, the reasons for it will be indicated and the interested party will be given a period of one (1) month to present the required adjustments. In case of not appearing within the term indicated for it, the interested party must immediately comply with the current dumping standard.

(Decree 3930 of 2010, art. 56).

ARTICLE 2.2.3.3.5.16. Corrected by art. 15, National Decree 703 of 2018. *< The new numbering is as follows >* 2.2.3.3.5.17.

Revision. Compliance plans must be reviewed and, if applicable, adjusted in accordance with the provisions of the Water Resource Management Plan and/or the discharge regulations.

(Decree 3930 of 2010, art. 57).

ARTICLE 2.2.3.3.5.17. Corrected by art. 15, National Decree 703 of 2018. *< The new numbering is as follows >* 2.2.3.3.5.18.

Monitoring of dumping permits, Compliance Plans and Sanitation Plans and Management of Spills-PSMV. In order to monitor, control and verify compliance with the provisions of the discharge permits, the Compliance Plans and Sanitation and Discharge Management Plans, the competent environmental authority will carry out periodic inspections of all users.

Without prejudice to what is established in the dumping permits, in the Compliance Plans and in the Sanitation and Spill Management Plans, the competent environmental authority may require at any time and from any user the characterization of their liquid waste, indicating the references to measure, the frequency and other aspects that it considers necessary.

Opposition by users to such inspections and the presentation of the required characterizations will give rise to the corresponding sanctions.

Paragraph. When making the monitoring charge, the competent environmental authority will apply the system and calculation method established in article 96 of Law 633 of 2000 or the rule that adds, modifies or replaces it.

(Decree 3930 of 2010, art. 58).

ARTICLE 2.2.3.3.5.18. Corrected by art. 15, National Decree 703 of 2018. < *The new numbering is as follows* > 2.2.3.3.5.19.

Sanctions. Failure to comply with the terms, conditions and obligations set forth in the dumping permit, Compliance Plan or Drainage Sanitation and Management Plan, will lead to the imposition of preventive and sanctioning measures, following the procedure provided for in Law 1333 of 2009. or the rule that adds, modifies or replaces it.

(Decree 3930 of 2010, art. 59).

ARTICLE 2.2.3.3.5.19. Corrected by art. 15, National Decree 703 of 2018. < *The new numbering is as follows* > 2.2.3.3.5.20.

Disposal of liquid waste from third parties. The discharge generator that disposes of its wastewater through natural or legal persons that collect, transport and/or dispose of discharges from third parties, must verify that the latter have the corresponding environmental permits.

ARTICLE 2.2.3.3.5.20. Corrected by art. 15, National Decree 703 of 2018.

SECTION 6

REVENTION PLANS FOR CLEAN TECHNOLOGIES IN SEWAGE MANAGEMENT

ARTICLE 2.2.3.3.6.1. Corrected by art. 8, National Decree 1956 of 2015. <*Corrected text is as follows*> ***From the origin of the Reconversion Plan to Clean Technologies in Discharge Management.*** The dumping generators that at the entry into force of the dumping regulations referred to in article 2.2.3.3.4.7 of this decree, are holders of a dumping permit issued based on the current regulation before October 25, 2010, may opt for the execution of a conversion plan to clean technologies in discharge management.

In this event, the conversion plan to clean technologies in discharge management must be submitted to the competent environmental authority within the first year of the term provided for in article 2.2.3.3.11.1 of this decree.

The original text was as follows:

Article 2.2.3.3.6.1 *. The dumping generators that at the entry into force of the dumping regulations issued by the Ministry of Environment and Sustainable Development are holders of a dumping permit issued before October 25, 2010 may opt for the execution of a Reconversion Plan to Clean Technologies in Spill Management. In this event, the Plan for Reconversion to Clean Technologies in Discharge Management must be submitted to the competent environmental authority within the first year of the term provided for in article 2.2.3.3.10.6 of this decree.*

(Decree 3930 of 2010, art. 61 , modified by Decree 4728 of 2010, art. 6).

ARTICLE 2.2.3.3.6.2. ***From the Reconversion Plan to Clean Technologies in Discharge Management.*** Mechanism that promotes the technological reconversion of the productive processes of the dumping generators that develop industrial, commercial or service activities, and

that in addition to complying with the dumping regulation, must comply with the following objectives:

1. Reduce and minimize the contaminant load per production unit, before the treatment system or before being mixed with domestic wastewater.

2. Reuse or recycle by-products or raw materials, per unit of production, or incorporate recycled materials into the production processes, related to the generation of discharges.

Paragraph. The Plan for Reconversion to Clean Technologies in Discharge Management is an integral part of the discharge permit and, consequently, it must be modified, including the Plan.

(Decree 3930 of 2010, art. 62).

ARTICLE 2.2.3.3.6.3. ***Content of the Reconversion Plan to Clean Technologies in Discharge Management.*** The Plan for Reconversion to Clean Technology must include at least the following information:

1. Description of the industrial, commercial and service activity.

2. General objective and specific objectives and scope of the plan.

3. Characterization of wastewater before the treatment system.

4. Pollutant load of wastewater before the treatment system per unit of product.

5. Precise definition of partial or total changes in production processes.

6. Corrected by art. 16, National Decree 703 of 2018. <*The new text is as follows*> Definition of the indicators based on which the fulfillment of the objectives of the Plan will be monitored.

The original text was as follows:

6. Definition of the indicators based on which the

7. Estimate of the reduction or minimization of contaminant loads per unit of product, before being treated by control equipment and before being mixed with domestic wastewater.

8. Technical description of the water optimization, recirculation and reuse processes, as well as the amounts of recycled or reused by-products or raw materials, per production unit.

9. Deadline and schedule of activities to comply with the discharge standard.

10. Budget of the total cost of the reconversion,

Paragraph. The generators of discharges must present the characterization referred to in numeral 3 of this article, taking into account the parameters foreseen for their activity in the resolution through which the Ministry of Environment and Sustainable Development establishes the norms of discharge.

(Decree 3930 of 2010, art. 63).

ARTICLE 2.2.3.3.6.4. ***Establishment of deadlines for the presentation and approval of the Reconversion Plans to Clean Technologies in Discharge Management.*** The generators of vertimientos that develop industrial, commercial activities or of services anticipated in the article 2.2.3.3.6.1 of the present decree, will have a term of one (1) year to present before the competent environmental authority the Plan of Reconversion to Clean Technologies in Spill Management. This period will be counted from the date of publication of the administrative act through which the respective dumping standards are set by the Ministry of Environment and Sustainable Development.

The competent environmental authority will have a period of three (3) months, counted from the filing of the Reconversion Plan to Clean Technologies in Discharge Management, to rule on its approval.

The resolution through which the Reconversion Plan to Clean Technologies in Waste Management is approved must relate the precise definition of the partial or total changes in the production processes; definition of the indicators with which the fulfillment of the objectives of the plan will be determined; estimation of the reduction or minimization of contaminant loads per unit of product, before being treated by the control equipment and before being mixed with domestic wastewater: technical description of the processes of optimization, recirculation and reuse of water, as well as of the amounts of by-products or raw materials recycled or reused, by unit of production and term and schedule of activities.

When the competent environmental authority does not approve the Conversion Plan to Clean Technologies in Discharge Management, the reasons for it will be indicated and the interested party will be given a period of one (1) month to present the required adjustments. In case of not appearing within the term indicated for it, it will be understood that the interested party desists from the implementation of said plan and must comply with the applicable dumping standard in the corresponding terms.

Paragraph. The Plan for Reconversion to Clean Technologies in Discharge Management will be presented for one (1) time only and may not be extended by the competent environmental authority. However, in case of force majeure or fortuitous event defined in the terms of Law 95 of 1890 in accordance with article 8 of Law 1333 of 2009, compliance may be suspended until normal conditions are restored. For this purpose, the interested party must present the justification before the competent environmental authority.

(Decree 3930 of 2010, art. 64).

SECTION 7

REGULATION OF DISCHARGES

ARTICLE 2.2.3.3.7.1. ***Origin of the vertimientos regulation.*** The competent environmental authority in order to obtain a better control of the quality of the water bodies, may regulate, ex officio or at the request of a party, the discharges that are carried out in these, in accordance with the results obtained in the Management Plan. of the water resource.

The objective of this regulation is that all the discharges made to the body of water allow to guarantee the current and potential uses of the same and the fulfillment of the quality objectives.

If the result of the Water Resource Management Plan determines the convenience and need to advance the regulation, the competent environmental authority will order it by resolution.

Said resolution will specify the date, place and time of the technical visits corresponding to the discharge regulation process.

(Decree 3930 of 2010, art. 65).

ARTICLE 2.2.3.3.7.2. ***Publicity of the act that orders the regulation.*** In order to inform the interested parties of the resolution through which the regulation of vertimientos is ordered, the competent environmental authority, within five (5) business days following the publication of the resolution, will proceed to;

1. Post a copy of the resolution for a term of ten (10) business days, in a public place at the headquarters of the competent environmental authority and on its website and in the corresponding Mayor's Office or Police Inspection.

2. Publish one (1) notice in one (1) newspaper with wide circulation in the region indicating the date, place and time of the technical visits. If there are facilities in the area, this notice will also be broadcast through the local radio station.

(Decree 3930 of 2010, art. 66).

ARTICLE 2.2.3.3.7.3. ***Effects of the order to regulate discharges.*** The dumping permits that are granted during the regulatory process provided for in this chapter must be reviewed by the competent environmental authority as a result of said process.

(Decree 3930 of 2010, art. 67).

ARTICLE 2.2.3.3.7.4. ***Of the technical visit and study of regulation of vertimientos.*** The technical visit and the studies for the regulation of discharges will include at least the following aspects:

1. Review and update of the information contained in the Water Resource Management Plan.

2. Review and update of the georeferencing of discharges in official cartography.

3. Inventory and description of hydraulic works.

4. Characterization of discharges.

5. Incidence of discharges on the quality of the water body based on its current and potential uses.

6. Analysis of the assimilative capacity of the section or body of water to be regulated, taking into account the corresponding Water Resources Regulation.

(Decree 3930 of 2010, art. 68).

ARTICLE 2.2.3.3.7.5. ***Project regulation of vertimientos.*** The competent environmental authority will prepare the dumping regulation project, within the following six (6) months, counted from the completion of the technical visits and the study referred to in the previous article.

Within five (5) business days following the preparation of the project, the competent environmental authority must publish one (1) notice in one (1) newspaper with wide circulation in the region informing about the existence of the project. regulations and the place where it can be consulted. If there are facilities in the area, this notice will also be broadcast through the local radio station. Additionally, the draft regulation must be published on the website of the competent environmental authority.

Once the previous period has expired, the interested parties will have a period of twenty (20) calendar days to present the objections to the project.

(Decree 3930 of 2010, art. 69).

ARTICLE 2.2.3.3.7.6. ***Objections to the discharge regulation project.*** Once the term of objections has expired, the competent environmental authority will proceed to study them within a term not exceeding sixty (60) business days, if they are conducive, it will order the pertinent proceedings.

(Decree 3930 of 2010, art. 70).

ARTICLE 2.2.3.3.7.7. ***Decision on the regulation of discharges.*** Once these procedures have been carried out and, if applicable, the dumping regulation project has been reformed, the competent environmental authority will proceed to issue the regulation resolution and its publication will be carried out in accordance with the provisions of Articles 70 and 71 of the Law. 99 of 1993.

The regulation of vertimientos affects the existing permits, is of immediate application and implies the granting of vertimientos permits for the beneficiaries or the requirement of the compliance plan. Against the decision of the competent environmental authority, the reversal appeal proceeds within five (5) business days following the notification thereof.

(Decree 3930 of 2010, art. 71).

ARTICLE 2.2.3.3.7.8. ***Of the approval of the treatment systems in the processes of regulation of vertimientos.*** The competent environmental authority will require in the discharge regulation resolution to the beneficiaries of the same, the presentation of the information related to the description of the operation of the system, technical reports and conceptual and basic engineering designs, detailed plans of the system of treatment and efficiency conditions of the treatment system and will indicate the term for its presentation.

(Decree 3930 of 2010, art. 72).

ARTICLE 2.2.3.3.7.9. ***Review of discharge regulations.*** Any discharge regulation may be reviewed by the competent environmental authority, at the request of an interested party or ex officio, when the conditions or circumstances that were taken into account to carry it out have changed.

Whenever the revision of the regulation implies its modification, the procedure provided for in this chapter must be applied.

(Decree 3930 of 2010, art. 73).

SECTION 8

RECORD OF DUMPING PERMITS

ARTICLE 2.2.3.3.8.1. ***Registration of dumping permits*** . In accordance with the provisions of article 64 of Decree 2811 of 1974, the competent environmental authority must keep a detailed and detailed record of the dumping permits granted. Compliance Plans and Sanitation and Discharge Management Plans.

(Decree 3930 of 2010, art. 74).

SECTION 9

TRANSITORY DISPOSITIONS

ARTICLE 2.2.3.3.9.1. ***Transitional regime.*** Modified by no. 13 of art. 12, National Decree 050 of 2018 *<The new text is as follows>* The Ministry of the Environment, Sustainable Development, will establish through a resolution, the uses of water, quality criteria for each use, the norms for dumping into bodies of water, marine waters, public sewers and the ground, and the Spill monitoring protocol.

While the Ministry of Environment and Sustainable Development issues the regulations referred to in the preceding paragraph, in exercise of the powers available to it under Law 99 of 1993, Articles 2.2.3.3.9.2 will remain in force temporarily. to 2.2.3.3.9.12, articles 2.2.3.3.9.14 to 2.2.3.3.9.21 and articles 2.2.3.3.10.1, 2.2.3.3.10.2, 2.2.3.3.10.3, 2.2.3.3.10.4, 2.2.3.3.10.5 of this Decree.

(Decree 3930 of 2010, art. 76).

The original text was as follows:

Article 2.2.3.3.9.1. Transitional regime. *The Ministry of the Environment, Sustainable Development will establish through a resolution, the uses of water, quality criteria for each use, the norms for dumping into bodies of water, marine waters, public sewers and the ground, and the Protocol for the Monitoring of Discharges in Superficial, underground waters.*

While the Ministry of Environment and Sustainable Development issues the regulations referred to in the preceding paragraph, in exercise of the powers available to it under Law 99 of 1993, Articles 2.2.3.3.9.2 will remain in force temporarily. to 2.2.3.3.9.12, articles 2.2.3.3.9.14 to 2.2.3.3.9.21 and articles 2.2.3.3.10.1, 2.2.3.3.10.2, 2.2.3.3.10.3, 2.2.3.3.10.4, 2.2.3.3.10.5 of this Decree.

(Decree 3930 of 2010, art. 76).

ARTICLE 2.2.3.3.9.2. TRANSIENT. ***Units.*** Corrected by no. 20 article 25, National Decree 703 of 2018. *<The new text is as follows>* The values assigned to the references indicated in this section shall be understood as expressed in milligrams per liter, mg/l, except when other units are indicated.

(Decree 1594 of 1984, art. 37).

The original text was as follows:

ARTICLE 2.2.3.3.9.2. TRANSIENT. Units. *The values assigned to the references indicated in this section shall be understood as expressed in milligrams per liter, mg/1, except when other units are indicated.*

(Decree 1594 of 1984, art. 37).

ARTICLE 2.2.3.3.9.3. TRANSIENT. ***Conventional treatment and quality criteria for human and domestic consumption.*** The Admissible quality criteria for the destination of the resource for human and domestic consumption are those listed below, and indicate that only conventional treatment is required for its purification:

Reference	Expressed as	Worth
Ammonia	N	1.0
Arsenic	Ace	0.05
Barium	Ba	1.0
Cadmium	CD	0.01
Cyanide	CN-	0.2
Zinc	zinc	15.0
Chlorides	Cl-	250.0
Copper	Cu	1.0
Color	actual color	75 units, Platinum – cobalt scale
Phenolic compounds	Phenol	0.002
Chrome	$Cr+^{6}$	0.05
Polychlorinated Diphenyl	Active agent concentration	Not detectable
Mercury	Hg	0.002
nitrates	N	10.0
nitrites	N	1.0
pH	Units	5.0 – 9.0 units
Silver	Ag	0.05
Lead	Pb	0.05
Selenium	I know	0.01
sulfates	$S0=_{4}$	400.0
Surfactants	Active substances to methylene blue	0.5
Total coliforms	MPN	20,000 microorganisms/100 ml.
fecal coliforms	MPN	2,000 microorganisms/100 ml.

(Decree 1594 of 1984, art. 38).

Paragraph 1st. Corrected by art. 17, National Decree 703 of 2018. < *The new text is as follows* > The value condition “not detectable” will be understood to be that established by the method validated by Ideam.

The original text was as follows:

Paragraph 1. *The "non-detectable" value condition shall be understood to be that established by the method approved by the Ministry of Health.*

Paragraph 2. Visible film of floating fats and oils, floating materials, radioisotopes and others not removable by conventional treatment that may affect human health will not be accepted.

ARTICLE 2.2.3.3.9.4. TRANSIENT. ***Disinfection and quality criteria for human and domestic consumption.*** Corrected by no. 21 article 25, National Decree 703 of 2018. *<The new text is as follows>* The admissible quality criteria for the destination of the resource for human and domestic consumption are those listed below, and indicate that only disinfection is required for its purification:

Reference	Expressed as	Worth
Ammonia	N	1.0
Arsenic	Ace	0.05
Barium	Ba	1.0
Cadmium	CD	0.01
Cyanide	CN-	0.2
Zinc	zinc	15.0
Chlorides	Cl-	250.0
Copper	Cu	1.0
Color	actual color	20 units, Platinum scale – cobalt
Phenolic compounds	Phenol	0.002
Chrome	$Cr+^{6}$	0.05
Polychlorinated Diphenyl	Active agent concentration	Not detectable
Mercury	Hg	0.002
nitrates	N	10.0
nitrites	N	1.0
pH	Units	6.5 – 8.5 units
Silver	Ag	0.05
Lead	Pb	0.05
Selenium	I know	0.01
sulfates	SO2-4	400.0
Surfactants	Active substances to methylene blue	0.5
Turbidity	UJT	10 Jackson Turbidity Units, UJT
Total coliforms	MPN	1,000 microorganisms/100 ml.

The original text was as follows:

ARTICLE 2.2.3.3.9.4. TRANSIENT. Disinfection and quality criteria for human and domestic consumption. *The admissible quality criteria for the destination of the resource for human and domestic consumption are those listed below, and indicate that only disinfection is required for its purification:*

Reference	***Expressed as***	***Worth***
Ammonia	*N*	*1.0*
Arsenic	*Ace*	*0.05*
Barium	*Ba*	*1.0*
Cadmium	*CD*	*0.01*
Cyanide	*CN-*	*0.2*
Zinc	*zinc*	*15.0*
Chlorides	*Cl-*	*250.0*
Copper	*Cu*	*1.0*
Color	*actual color*	*20 units, Platinum scale – cobalt*
Phenolic compounds	*Phenol*	*0.002*
Chrome	*Cr+ 6*	*0.05*
Polychlorinated Diphenyl	*Active agent concentration*	*Not detectable*
Mercury	*Hg*	*0.002*
nitrates	*N*	*10.0*
nitrites	*N*	*1.0*
pH	*Units*	*6.5 – 8.5 units*
Silver	*Ag*	*0.05*
Lead	*Pb*	*0.05*
Selenium	*I know*	*0.01*
sulfates	*SO= 4*	*400.0*
Surfactants	*Active substances to methylene blue*	*0.5*
Turbidity	*UJT*	*10 Jackson Turbidity Units, UJT*
Total compliant	*nMP*	*1,000 microorganisms/100 ml.*

ARTICLE 2.2.3.3.9.5. TRANSIENT. ***Quality criteria for agricultural use.*** The admissible quality criteria for the destination of the resource for agricultural use are the following;

Paragraph. Visible film of floating fats and oils, floating materials from human activity, radioisotopes and others not removable by disinfection, which may affect human health, will not be accepted.

(Decree 1594 of 1984, art. 39).

Reference	**Expressed as**	**Worth**
Aluminum	To the	5.0
Arsenic	Ace	0.1

Beryllium	Be	0.1
Cadmium	CD	0.01
Zinc	zinc	2.0
Cobalt	Co	0.05
Copper	Cu	0.2
Chrome	Cr+“	0.1
Fluorine	F	1.0
Iron	Faith	5.0
Lithium	Li	2.5
Manganese	min	0.2
Molybdenum	Mo	0.01
Nickel	Neither	0.2
pH	Units	4.5 - 9.0 units
Lead	Pb	5.0
Selenium	I know	0.02
Vanadium	v	0.1

Paragraph 1. In addition to the criteria established in this article, the following are adopted:

a) Corrected by num. 22 article 25, National Decree 703 of 2018. *<The new text is as follows> Boron, expressed as* B , should be between 0.3 and 4.0 mg/l depending on the type of soil and the crop.

The original text was as follows:

a) Boron, expressed as B , should be between 0.3 and 4.0 mg/1 depending on the type of soil and the crop.

b) The NMP of total compliance must not exceed 5,000 when the resource is used to irrigate fruits that are consumed without removing the skin and for short-stemmed vegetables.

c) The NMP of fecal coliforms should not exceed 1,000 when the resource is used for the same purpose as the previous paragraph.

Paragraph 2. Measurements should be made on the following characteristics.

a) Conductivity.

b) Sodium absorption ratio (RAS).

c) Percentage of possible sodium (PSP).

d) Effective and potential salinity.

e) Residual sodium carbonate.

f) Radionuclides.

(Decree 1594 of 1984, art. 40).

ARTICLE 2.2.3.3.9.6. TRANSIENT. ***Quality criteria for livestock use*** . The admissible quality criteria for the destination of the resource for livestock use are the following:

Reference	Expressed as	Worth

Aluminum	To the	5.0
Arsenic	Ace	0.2
Boron	B.	5.0
Cadmium	CD	0.05
Zinc	zinc	25.0
Copper	Cu	0.5
Chrome	Cr^{+6}	1.0
Mercury	Hg	0.01
Nitrates + Nitrites	N	100.0
Nitrite	N	10.0
Lead	Pb	0.1
salt content	total weight	3,000

(Decree 1594 of 1984, art. 41).

ARTICLE 2.2.3.3.9.7. TRANSIENT. ***Quality criteria for recreational purposes through primary contact.*** The admissible quality criteria for the allocation of the resource for recreational purposes through primary contact are the following:

Paragraph 1. Visible film of floating fats and oils, presence of floating material from human activity will not be accepted in the resource; toxic or irritant substances whose action by contact, ingestion or inhalation, produce adverse reactions on human health.

Paragraph 2. Corrected by num. 23 art. 25, National Decree 703 of 2018. <*The new text is as follows*> Nitrogen and phosphorus must be in a proportion that does not cause eutrophication.

The original text was as follows:

Paragraph two. *Nitrogen and phosphorus must be in a proportion that does not cause eutrophication.*

(Decree 1594 of 1984, art. 42).

ARTICLE 2.2.3.3.9.8. TRANSIENT. ***Quality criteria for recreational purposes through secondary contact.*** The admissible quality criteria for the destination of the resource for recreational purposes through secondary contact, will be the following:

Reference	Expressed as	Worth
Total coliforms	MPN	5,000 microorganisms/100 ml.
Dissolved oxygen		70% saturation concentration
pH	Units	5.0 – 9.0 units
Surfactants	Active substances to methylene blue	0.5

(Decree 1594 of 1984, art. 43).

Paragraph. In addition to the criteria of this article, those established in paragraphs 1 and 2 of the previous article will be taken into account.

ARTICLE 2.2.3.3.9.9. TRANSIENT. ***Quality criteria for aesthetic use.*** The admissible quality criteria for the destination of the resource for aesthetic use are the following:

1) Absence of floating material and foams, originating from human activity.

2) Absence of fats and oils that form a visible film.

3) Absence of odour-producing substances.

(Decree 1594 of 1984, art. 44).

ARTICLE 2.2.3.3.9.10. TRANSITORY . ***Quality criteria for the preservation of flora and fauna.*** Corrected by art. 18, National Decree 703 of 2018. *<The new text is as follows>* The admissible quality criteria for the destination of the resource for the preservation of flora and fauna, in fresh, cold or warm waters and in marine or estuarine waters are the following:

REFERENCIA	EXPRESADO COMO	VALOR		
		Agua fría dulce	Agua cálida dulce	Agua marina y estuarina
Clorofenoles	Clorofenol	0.5	0.5	0.5
Difenil	Concentración de agente activo	0.0001	0.0001	0.0001
Oxígeno disuelto	-	5.0	4.0	4.0
pH	Unidades de pH	6.5-9.0	4.5-9.0	6.5-8.5
Sulfuro de hidrogeno ionizado	H_2S	0.0002	0.0002	0.0002
Amoniaco	NH_3	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$
Arsénico	As	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$
Bario	Ba	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$
Berilio	Be	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$
Cadmio	Cd	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$
Cianuro libre	CN^-	$0,05CL_{50}^{96}$	$0,05CL_{50}^{96}$	$0,05CL_{50}^{96}$
Cinc	Zn	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$
Cloro total residual	Cl_2	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$
Cobre	Cu	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$
Cromo hexavalente	Cr^{+6}	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$
Fenoles monohídricos	Fenoles	$1,0CL_{50}^{96}$	$1,0CL_{50}^{96}$	$1,0CL_{50}^{96}$
Grasas y aceites	Grasas como porcentaje de sólidos secos	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$
Hierro	Fe	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$
Manganeso	Mn	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$	$0,1CL_{50}^{96}$
Mercurio	Hg	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$
Níquel	Ni	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$
Plaguicidas Organoclorados (cada variedad)	Concentración de agente activo	$0,001CL_{50}^{96}$	$0,001CL_{50}^{96}$	$0,001CL_{50}^{96}$
Plaguicidas organofosforados (cada variedad)	Concentración de agente activo	$0,05CL_{50}^{96}$	$0,05CL_{50}^{96}$	$0,05CL_{50}^{96}$
Plata	Ag	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$
Plomo	Pb	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$
Selenio	Se	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$	$0,01CL_{50}^{96}$
Tensoactivos	Sustancias activas al azul de metileno	$0,143CL_{50}^{49}$	$0,143CL_{50}^{49}$	$0,143CL_{50}^{49}$

paragraph . As additional quality criteria for the uses covered by this article, there must be no substances that impart odor or flavor to the tissues of aquatic organisms, nor turbidity or color that interfere with photosynthetic activity.

(Decree 1594 of 1984, article 45).
The original text was as follows:

ARTICLE 2.2.3.3.9.10. TRANSIENT. Quality criteria for the preservation of flora and fauna. *The admissible quality criteria for the destination of the resource for the preservation of flora and fauna, in fresh, cold or warm waters and in marine or estuarine waters are the following:*

REFERENCE	***VOICED WHAT***	***sweet cold water***	***VALUE Warm fresh water***	***marine and estuarine water***
Chlorophenols	*Chlorophenol*	*0.5*	*0.5*	*0.5*
diphenyl	*Active agent concentration*	*0.0001*	*0.0001*	*0.0001*
Dissolved oxygen	-	*5.0*	*4.0*	*4.0*
pH	*Units of pH*	*5.5-9.0*	*4.5-9.0*	*6.5-8.5*
ionized hydrogen sulfide	*H2S _ _*	*0.0002*	*0.0002*	*0.0002*
Ammonia	*NH3 _*	*0.1 CL*	*0.1 CL*	*0.1 CL*
Arsenic	*Ace*	*0.1 CL*	*0.1 CL*	*0.1 CL*
Barium	*Ba*	*0.1 CL*	*0.1 CL*	*0.1 CL*
Berilio	*Be*	*0.1 CL*	*0.1 CL*	*0.1 CL*
Cadmio	*Cd*	*0.1 CL*	*0.1 CL*	*0.1 CL*
Cianuro libre	*CN-*	*0.05 CL*	*0.05 CL*	*0.05 CL*
Cinc	*Zn*	*0.01 CL*	*0.01 CL*	*0.01 CL*
Cloro total residual	*Cl_2*	*0.1 CL*	*0.1 CL*	*0.1 CL*
Cobre	*Cu*	*0.1 CL*	*0.1 CL*	*0.1 CL*
Hexavalent chromium	*Chr^{+6}*	*0.01 CL*	*0.01 CL*	*0.01 CL*
Monohydric phenols	*Phenols*	*1.0 CL*	*1.0 CL*	*1.0 CL*
Fats and oils	*Fat as a percentage of dry solids*	*0.01 CL*	*0.01 CL*	*0.01 CL*
Iron	*Faith*	*0.1 CL*	*0.1 CL*	*0.1 CL*
Manganese	*min*	*0.1 CL*	*0.1 CL*	*0.1 CL*

Mercury	*Hg*	*0.01 CL*	*0.01 CL*	*0.01 CL*
Nickel	*Neither*	*0.01 CL*	*0.01 CL*	*0.01 CL*
Organochlorine pesticides (each variety)	*Active agent concentration*	*0.001LC*	*0.001 CL*	*0.001 CL*
Organophosphate pesticides (each variety)	*Active agent concentration*	*0.05 CL*	*0.05 CL*	*0.05 CL*
Silver	*Ag*	*0.01 CL*	*0.01 CL*	*0.01 CL*
Lead	*Pb*	*0.01 CL*	*0.01 CL*	*0.01 CL*
Selenium	*I know*	*0.01 CL*	*0.01 CL*	*0.01 CL*
Surfactants	*Active substances to methylene blue*	*0.143LC*	*0.143 CL*	*0.143 CL*

Paragraph. *As additional quality criteria for the uses covered by this article, there should be no substances that impart odor or flavor to the tissues of aquatic organisms, nor turbidity or color that interfere with photosynthetic activity.*

(Decree 1594 of 1984, art. 45).

ARTICLE 2.2.3.3.9.11. TRANSIENT. ***Bioassays and NMP of total coliforms.*** Corrected by no. art. 25, National Decree 703 of 2018. <*The new text is as follows*> The competent environmental authority is responsible for carrying out bioassays that allow establishing the values of the LC_{50}^{96} of the parameters contemplated in the previous article, as well as the establishment of the NMP of total coliforms for aquaculture and the values for temperatures according to the different situations.

(Decree 1594 of 1984, art. 46).

The original text was as follows:

ARTICLE 2.2.3.3.9.11. TRANSIENT. *Bioassays and NMP of total coliforms. The competent environmental authority is responsible for carrying out bioassays that allow establishing the CL9650 values of the parameters contemplated in the previous article, as well as the establishment of the NMP of total coliforms for aquaculture and the values for temperatures according to the different situations.*

(Decree 1594 of 1984, art. 46).

ARTICLE 2.2.3.3.9.12. TRANSIENT. ***Uses related to transport, dilution and assimilation.*** For uses related to transport, dilution and assimilation, no quality criteria are established, without prejudice to the corresponding discharge control.

(Decree 1594 of 1984, art. 47).

ARTICLE 2.2.3.3.9.13. TRANSIENT. ***Industrial use.*** Corrected by art. 19, National Decree 703 of 2018. < *The new text is as follows* > For industrial use, quality criteria are not established, with the exception of activities related to the exploitation of riverbeds, beaches and beds, for which they must be taken into account account the criteria contemplated in paragraph 1 of article 2.2.3.3.9.7 and in article 2.2.3.3.9.8 in relation to toxic or irritating substances, pH, floating fats and oils, floating materials from human activity and total coliforms .

Paragraph. The quality criteria referred to in this article will be applied only when there is direct contact.

The original text was as follows:
Article 2.2.3.3.9.13. transitory *. For industrial use, no quality criteria are established, with the exception of activities related to the exploitation of riverbeds, beaches and beds, for which the criteria contemplated in paragraph 1 of article 2.2.3.3.9.7 and in article ~~43~~ 2.2.3.3.9.8 regarding toxic or irritant substances, pH, floating fats and oils, floating materials from human activity and total coliforms.*

(Decree 1594 of 1984, art. 48).

ARTICLE 2.2.3.3.9.14. TRANSIENT. ***Water discharge and minimum requirements.*** Any discharge into a body of water must comply, at least, with the following standards:

Reference	**Existing user**	**new user**
pH	5 to 9 units	5 to 9 units
Temperature	≤40°C	≤40°C
floating material	Absent	Absent
Fats and oils	Removal ≥ 80% under load	Removal ≥ 80% under load
Suspended solids, domestic or industrial	Removal ≥ 50% under load	Removal ≥ *80%* under load
Biochemical Oxygen Demand:		
for household waste	Removal ≥ 30% under load	Removal ≥ 80% under load
for industrial waste	Removal ≥ 20% under load	Removal ≥ 80% under load

Maximum permissible load (CMP), in accordance with the provisions of articles 2.2.3.3.9.16 and 2.2.3.3.9.17 of this Decree.

(Decree 1594 of 1984, art. 72).

ARTICLE 2.2.3.3.9.15. TRANSIENT. Corrected by art. 20, National Decree 703 of 2018. <*The new text is as follows*> ***Dumping into the public sewage system and minimum requirements.*** Any discharge to a public sewer must comply, at least, with the following standards:

Reference	**Worth**	
pH	5 to 9 units	
Temperature	<40°C	

Acids, bases or acid or basic solutions that can cause contamination; explosive or flammable substances	Missing	
Settleable solids	<10mL/L	
Substances soluble in hexane	<100mg/L	
	Existing user	new user
Suspended solids for domestic and industrial waste	Removal > 50% under load	Removal > 80% under load
Biochemical Oxygen Demand:		
for household waste	Removal > 30% under load	Removal > 80% under load
for industrial waste	Removal > 20% at load	Removal > 80% under load
maximum flow	1.5 times the average hourly flow	

Maximum Permissible Load (CMP) in accordance with the provisions of articles 2.2.3.3.9.16 and 2.2.3.3.9.17 of this decree".

(Decree number 1594 of 1984, article 73)".

The original text was as follows:

ARTICLE 2.2.3.3.9.15. TRANSIENT. Discharge into the public sewer and minimum requirements. *Any discharge to a public sewer must comply, at least, with the following standards:*

Reference	***Worth***	
pH	*5 to 9 units*	
Temperature	*≤40°C*	
Acids, bases or acid or basic solutions that can cause contamination; explosive or flammable substances	*Missing*	
Settleable solids	*≤10ml/1*	
Substances soluble in hexane	*≤100mg/1*	
	Existing user	***new user***
Suspended solids for domestic and industrial waste	*Removal ≥ 50% under load*	*Removal ≥ 80% under load*
Biochemical Oxygen Demand:		
for household waste	*Removal ≥ 30% under load*	*Removal ≥ 80% under load*

for industrial waste	*Removal ≥ 30% under load*	*Removal ≥ 80% under load*
maximum flow	*1.5 times the average hourly flow*	

Maximum permissible load (CMP) in accordance with the provisions of articles 2.2.3.3.9.16 and 2.2.3.3.9.17 of this Decree.

(Decree 1594 of 1984, art. 73).

ARTICLE 2.2.3.3.9.16. TRANSIENT. *Concentrations.* The concentrations for load control of the following substances of sanitary interest are:

Substance	**Expressed as**	**Concentration (mg/1)**
Arsenic	Ace	0.5
Barium	Ba	5.0
Cadmium	CD	0.1
Copper	Cu	3.0
Chrome	Chr $^{+6}$	0.5
Phenolic compounds	Phenol	0.2
Mercury	Hg	0.02
Nickel	Neither	2.0
Silver	Ag	0.5
Lead	Pb	0.5
Selenium	I know	0.5
Cyanide	CN-	1.0
polychlorinated diphenyl	Active agent concentration	Not detectable
organic mercury	Hg	Not detectable
Trichlorethylene	Trichlorethylene	1.0
Chloroform	Carbon Extract	1.0
Carbon tetrachloride	Chloroform (ECC) Carbon Tetrachloride	1.0
Dichloroethylene	ethylene diethylene	1.0
Carbon Sulfide	Carbon Sulfide	1.0
Other organochlorine compounds, each variety	Active agent concentration	0.05
Organophosphate compounds, each variety	Active agent concentration	0.1
carbamates		0.1

Paragraph. When the users, even complying with the dumping norms, produce concentrations in the receiving body that exceed the quality criteria for the use or uses assigned to the resource, the competent Environmental Authorities may demand more restrictive values in the dumping.

(Decree 1594 of 1984, art. 74).

ARTICLE 2.2.3.3.9.17. TRANSITORY . *Calculation of the control load.* The control load of a discharge that contains the substances referred to in the previous article, will be calculated by applying the following equations:

A = (Q) (CDC) (0.0864)

B = (Q) (CV) (0.0864)

Paragraph 1. Corrected by no. 25 art. 25, National Decree 703 of 2018. <*The new text is as follows*> For the purposes of the equations referred to in this article, adopt the following conventions;

A: Control load, kg/day.

Q: Average discharge flow, l/sec.

B: Load in the discharge Kg./day.

CDC: Control concentration, mg/l.

CV: Concentration in the discharge, mg/l.

0.0864: Conversion factor.

The original text was as follows:

Paragraph 1. *For the purposes of the equations referred to in this article, adopt the following conventions;*

A: Control load, kg/day.

Q: Average discharge flow rate, 1/sec.

B: Load in the discharge Kg./day.

CDC: Control concentration, mg/1.

CV: Concentration in the discharge, mg/l.

o.o864: Conversion factor.

Paragraph 2. The maximum permissible load (CMP) will be the lower of the values between A and B.

(Decree 1594 of 1984, art. 75).

ARTICLE 2.2.3.3.9.18. TRANSIENT. *Load difference.* When the real load in the spill is greater than the maximum permissible load (CMP), it must be reduced in conditions that do not exceed the maximum permissible load.

(Decree 1594 of 1984, art. 76).

ARTICLE 2.2.3.3.9.19. TRANSIENT. *Reduction of the average discharge flow.* When the average discharge flow is reduced and therefore the concentration of any of the substances provided for in article 2.2.3.3.9.16 is increased, the maximum permissible load (CMP) will continue to be the one set according to paragraph 2 of article 2.2.3.3. .9.17 of this Decree.

(Decree 1594 of 1984, art. 77).

ARTICLE 2.2.3.3.9.20. TRANSIENT. *Control.* The control of pH, temperature (T), floating material, settleable solids, flow and hexane-soluble substances, in the discharge, will be done based on units and concentration. Suspended solids and biochemical oxygen demand based on the maximum permissible load (CMP), in accordance with the regulations issued for this purpose.

(Decree 1594 of 1984, art. 78).

ARTICLE 2.2.3.3.9.21. TRANSIENT. ***calculations.*** The discharge regulations corresponding to the extensions made by the users of the resource will be calculated in accordance with the provisions of articles 2.2.3.3.9.17, 2.2.3.3.9.18, 2.2.3.3.9.19 and 2.2.3.3.9.20 of this Decree .

(Decree 1594 of 1984, art. 79).

SECTION 10

TRANSITIONAL RULES REGARDING METHODS OF ANALYSIS AND SAMPLING

ARTICLE 2.2.3.3.10.1. TRANSIENT. Corrected by art. 21, National Decree 703 of 2018. <*The new text is as follows*> ***Analysis methods.*** The following methods of analysis are considered officially accepted:

	Reference	**Methods**
1.	**Color**	visual comparison
		Spectrophotometric
		Of the tristimulus filter
	Settleable solids	Imhoff cone
	Turbidity	Nephelometric
	Salinity	of conductivity
		argentometric
		Hydrometric
	suspended solids	Gooch Crucible Filtration
two.	**Non-metallic inorganic constituents**	
	Boron	of curcurmin
		of carminic acid
	Chloride	argentometric
		of mercuric nitrate
		Potentiometric
	Cyanide	degree
		colorimetric
		Potentiometric
	Ammonia	by Nessler
		of the phenate
		degree
		Of the specific electrode
	Nitrate	From ultraviolet spectrophotometry
		Of the specific electrode
		From the reduction with cadmium
		of chromotropic acid
	Oxygen	Lodometric
		modified azide
		Modified Permanganate
		Of the specific electrode

	pH	Potentiometric
	Match	From vanadiummolybdophosphoric acid
		of stannous chloride
		of ascorbic acid
	Fluorine	Of the specific electrode
		Spadn's
		of alizarin
	Total Residual Chlorine	Lodometric
		amperometric
	Sulfate	Gravimetric
		Turbidimetric
	Sulfide	of methylene blue
		Lodometric
3.	**Organic constituents:**	
	Fats and oils	From the Soxhlet extraction
	Phenols	From extraction with chloroform
		direct photometric
		Chromatographic
	Total organic carbon	Oxidation
	Surfactants	of methylene blue
		from gas chromatography
	chemical oxygen demand	Dichromate reflux
	Biochemical Oxygen Demand	Incubation
Four.	**metals**	
	Aluminum	of atomic absorption
		From cyanine – eriochrome
	Arsenic	of atomic absorption
		From silver diethyldithiocarmabate
		From mercuric bromide - tin
	Barium	of atomic absorption
	Beryllium	of atomic absorption
		of aluminum
	Cadmium	of atomic absorption
		of the dithizone
		polarographic
	Chrome	of atomic absorption
		Colorimetric
	Iron	of atomic absorption
		of phenanthroline
	Lead	of atomic absorption
		of the dithizone
	Lithium	of atomic absorption
		From flame photometry

	Mercury	of atomic absorption
		of the dithizone
	Nickel	of atomic absorption
		From dimethyl glyoxime
	Selenium	of atomic absorption
		of diaminobenzidine
	Silver	of atomic absorption
		of the dithizone
	Vanadium	of atomic absorption
		gallic acid
	Zinc	of atomic absorption
		of the dithizone
	Reference	Methods
		of the zinc
	Manganese	of atomic absorption.
		of persulfate
	Molybdenum	of atomic absorption
	Cobalt	of atomic absorption
5.	**Biological constituents:**	
	Total and fecal coliform groups	From multi-tube fermentation
		membrane filter

Paragraph. Ideam, for reasons of innovations in technology or as a result of scientific research, may validate analysis methods other than those contemplated in this article.

(Decree number 1594 of 1984, article 155 ; Decree number 1600 of 1994, article 5)".

The original text was as follows:

ARTICLE 2.2.3.3.10.1. TRANSIENT. Analysis methods. *The following methods of analysis are considered officially accepted. The Ministry of Health and Social Protection will establish the detailed procedures for its application;*

Reference	***Methods***
1.color	• *Visual comparison*
	• *Spectrophotometric*
	• *From the tristimulus filter*
Sedimentable solids	• *Imhoff cone*
Turbidity	• *Nephelometric*
Salinity	• *Visual*
	• *From conductivity*

	• *Argentometric*
	• *Hydrometric*
suspended solids	• *Gooch Crucible Filtration*
2. Non-metallic inorganic constituents Boron:	• *From curcurmin*
	• *From carminic acid*
Chloride	• *Argentometric*
	• *Mercury nitrate*
	• *Potentiometric*
Cyanide	• *Degree*
	• *Colorimetric*
	• *Potentiometric*
Ammonia	• *Nessler*
	• *Of the phenate*
	• *Degree*
	• *Of the specific electrode*
Nitrate	• *From ultraviolet spectrophotometry*
	• *Of the specific electrode*
	• *From the reduction with cadmium*
	• *From chromotropic acid*
Oxygen	• *Iodometric*
	• *Azide modified*

	• *Modified permanganate*
	• *Of the specific electrode*
Ph	• *Rotencionmetric*
Phosphor	• *Vanadiomolybdophosphoric acid*
	• *Of stannous chlorine*
	• *Del ascorbic acid*
Fluorine	• *From the specific electrode*
	• *Spadns*
	• *From alizarin*
Total Residual Chlorine	• *lodometric*
	• *Amperometric*
Reference	***Methods***
Sulfate	• *Gravimetric*
	• *Turbidimetric*
Sulfide	• *From methylene blue*
	• *lodometric*
3. Organic constituents; Fats and oils	
	• *From the Soxhiet extraction*
Phenols	• *From extraction with chloroform*
	• *Direct photometric*
	• *Chromatographic*
Total organic carbon	• *Oxidation*
Surfactants	• *From methylene blue*

	• *From gas chromatography*
chemical oxygen demand	• *Reflux with dieromate*
Biochemical Oxygen Demand.	• *Incubation*
4. Metals:	
Aluminum	• *Atomic absorption*
	• *From cyanine-eriochrome*
Arsenic	• *Atomic absorption*
	• *From silver diethyldithiocarmabate*
	• *From mercuric-stannous bromide*
Barium	• *Atomic absorption*
Beryllium	• *Atomic absorption*
	• *From aluminum*
Cadmium	• *Atomic absorption*
	• *From dithizone*
	• *Polarographic*
Chrome	• *Atomic absorption*
	• *Colorimetric*
Iron	• *Atomic absorption*
	• *From phenanthroline*
Lead	• *Atomic absorption*
	• *From dithizone*
Lithium	• *Atomic absorption*
	• *From flame photometry*

Mercury	• *Atomic absorption*
	• *From dithizone*
Nickel	• *Atomic absorption*
	• *From dimethyl glyoxime*
Selenium	• *Atomic absorption*
	• *From diaminobenzidine*
Reference	***Methods***
Silver	• *Atomic absorption*
	• *From dithizone*
Vanadium	• *Atomic absorption*
	• *From gallic acid*
Zinc	• *Atomic absorption*
	• *From dithizone*
	• *Zinc*
Manganese	• *From atomic absorption.*
	• *Persulfate*
Molybdenum	• *Atomic absorption*
Cobalt	• *Atomic absorption*
5. Biological constituents:	
Total and fecal coliform groups.	• *From fermentation in multiple tubes*
	• *Membrane filter*

Paragraph. *The Ministry of Health and Social Protection for reasons of innovations in technology, as a result of scientific research or its action of surveillance and sanitary control, may add or modify the analysis methods contemplated in this article.*

(Decree 1594 of 1984, art. 155)

ARTICLE 2.2.3.3.10.2. TRANSIENT. ***Systems for aquatic bioassays.*** The competent environmental authority will establish the procedures for conducting aquatic bioassays in relation

to sampling techniques and analysis methods. The systems used for aquatic bioassays can be. among others, the following:

a) Static, with or without renewal.

b) Continuous flow.

(Decree 1594 of 1984, art. 156).

ARTICLE 2.2.3.3.10.3. TRANSIENT. ***Sample preservation.*** The Ministry of Health and Social Protection will establish for each reference the minimum requirements for the preservation of the samples.

(Decree 1594 of 1984, art. 158).

ARTICLE 2.2.3.3.10.4. TRANSIENT. ***Sampling.*** Sampling will be done in such a way as to obtain a representative characterization of the discharges and the receiving body, for which the Ministry of Health or the competent environmental authority or the entity acting in its place will determine the site or sites and other conditions. techniques.

(Decree 1594 of 1984, art. 160).

ARTICLE 2.2.3.3.10.5. TRANSIENT. ***Sampling and resource quality.*** Sampling to determine the quality of the resource must be done outside the mixing zone.

(Decree 1594 of 1984, art. 161).

SECTION 11

TEMPORARY RULES ON DUMPING

ARTICLE 2.2.3.3.11.1 ***Transition regime for the application of the dumping standards.*** The dumping regulations issued by the Ministry of Environment and Sustainable Development will apply to existing dumping generators throughout the national territory, in accordance with the following rules:

1. The dumping generators that at the entry into force of the dumping regulations referred to in article 2.2.3.3.4.7 of this decree, have a current dumping permit issued based on the regulations in force before October 25, 2010 and are complying with the terms, conditions and obligations established therein, they must comply with the new dumping standards, within two (2) years from the date of publication of the respective resolution.

In the event of opting for a Clean Technology Reconversion Plan in Spill Management, the term referred to in this number will be extended by three (3) years.

2. The dumping generators that at the entry into force of the dumping regulations referred to in article 2.2.3.3.4.7 of this decree have a current dumping permit issued based on the regulations in force before October 25, 2010 and are not complying with the terms, conditions and obligations established therein, they must comply with the new dumping standards, within eighteen (18) months, counted from the date of publication of the respective resolution.

In case of opting for a Conversion Plan to Clean Technology in Spill Management, the term referred to in this numeral will be extended by two (2) years.

(Decree 3930 of 2010, art. 77 , modified by Decree 4728 of 2010, art. 7).

ARTICLE 2.2.3.3.11.2. ***Adjustment of Compliance Plans.*** The Compliance Plans that have been approved before the entry into force of the new dumping standard issued by the Ministry of Environment and Sustainable Development, must be adjusted and approved, within a period that may not exceed six (6) months, counted from the date of publication of the respective resolution.

In any case, the term foreseen for the execution of the Compliance Plan may not exceed that foreseen in this decree.

(Decree 3930 of 2010, art. 78 , modified by Decree 4728 of 2010, art. 8).

CHAPTER 4

REGISTRY OF USERS OF WATER RESOURCES

SECTION 1

REGISTRATION AND CENSUS

ARTICLE 2.2.3.4.1.1. Registry components. Modified by art. 1, Decree 1210 of 2020 . *<The new text is as follows>* The competent environmental authority will organize and keep up to date a registry in which it will be entered:

a) Concessions for the use of public waters;

b) The permits for the occupation and exploitation of channels, beds, beaches, and the riverside strip referred to in article 83, letter d) of Decree-law 2811 of 1974;

c) Permits for exploration and exploitation of groundwater;

d) The discharge permits;

e) Transfers of concessions and permits;

f) The administrative orders that approve the plans of public and private hydraulic works and authorize their operation;

g) Information on private waters obtained from the census referred to in article 65 of Decree-Law 2811 of 1974, and

h) Information related to the use of water for human and domestic consumption in dispersed rural dwellings and with domestic wastewater from individual solutions for basic sanitation in dispersed rural dwellings.

Paragraph. For the purposes of the provisions of literal h) of this article, the use of water for human and domestic consumption in dispersed rural dwellings is understood as the use that occurs in the following activities:

1. Direct drink and food preparation for immediate consumption.

2. Satisfaction of domestic, individual or collective needs, such as personal hygiene and cleaning of elements, materials or utensils.

3. Agricultural, livestock and aquaculture for the subsistence of those who live in scattered rural housing.

The use of water for human and domestic consumption in dispersed rural dwellings must be done with criteria of saving and efficient use of water resources, taking into account the consumption modules established by the competent environmental authority.

In any case, the water supply will be subject to the availability of the resource, therefore, in cases of scarcity, the provisions of article 2.2.3.2.13.16 of Decree 1076 of 2015 will apply.

The original text was as follows:

ARTICLE 2.2.3.4.1.1. *Registry components. The competent environmental authority will organize and keep up to date a registry in which the following will be entered:*
a. Concessions for the use of public waters;
b. Permits for the occupation and exploitation of riverbeds, beds, beaches, and the riverside strip referred to in article 83, letter d) of Decree-Law 2811 of 1974;
c. Permits for exploration and groundwater;
d. Permits for discharges;
and. Transfers of concessions and permits;
F. The administrative orders that approve the plans of public and private hydraulic works and authorize their operation;
g. Information on private waters obtained from the census referred to in article 65 of Decree-Law 2811 of 1974, and
h. The others that the Ministry of Environment and Sustainable Development deems appropriate.
(Decree 1541 of 1978, art. 257).
ARTICLE 2.2.3.4.1.2. ***Provision of information.*** Entities of the national, departmental, regional or municipal order that use public waters or their channels, must provide the information requested on destinations or use, distribution and other data that is necessary for the registration and census, as well as for the survey of inventories and cartographic representation.
(Decree 1541 of 1978, art. 258).

ARTICLE 2.2.3.4.1.3. ***Organization of the registry.*** The registry will be organized by hydrographic basins, sub-basins or basin sectors.

(Decree 1541 of 1978, art. 259).

ARTICLE 2.2.3.4.1.4. ***Archive of plans.*** Attached to the registry will be a file of the plans referred to in article 2.2.3.4.1.1, letter f) of this Decree.

(Decree 1541 of 1978, art. 260).

ARTICLE 2.2.3.4.1.5. ***Statement.*** Within the term established by the competent environmental authority and for the purposes of the census referred to in article 65 of Decree-Law 2811 of 1974, the holders of privately owned waters must make a declaration with the following requirements:

a. Name, surname and address;

b. Authentic copy of the property title of the property where the waters are located;

c. Plan of the property in which the uses of the water, place of derivation or catchment and return to the original channel are indicated;

d. Approximate calculation of the volume consumed, in liters per second and irrigated area, if applicable, and

and. Map of the catchment, diversion and use works, which must be approved by the competent environmental authority in the case of uses other than domestic.

(Decree 1541 of 1978, art. 261).

ARTICLE 2.2.3.4.1.6. ***Deadlines.*** , The competent environmental authority will set the terms within which users must provide the necessary data for the registration and census established in this Chapter.

ARTICLE 2.2.3.4.1.7. ***Inscription.*** Natural or legal persons, public or private, that are dedicated to exploring groundwater, including geophysical exploration and electrical profiling, and those who are dedicated to drilling wells or constructing any other type of work leading to the discharge of groundwater and its use, are required to register with the competent environmental authority as a requirement to develop such activities.

Engineers, geologists, hydrologists and other professionals linked to groundwater exploration must also register with the competent environmental authority, both to act individually and to direct or advise companies mentioned in the previous paragraph.

(Decree 1541 of 1978, art. 262).

ARTICLE 2.2.3.4.1.8. Modified by art. 2, Decree 1210 of 2020 < *The new text is as follows* > **Water concession component, discharge authorization component and component for the use of water for human and domestic consumption in scattered rural homes and domestic wastewater from individual sanitation solutions basic of scattered rural dwellings.** The Registry of Water Resource Users for the aforementioned components will be governed by the provisions of articles 2.2.3.4.1.9. to 2.2.3.4.1.14. of that section.

The original text was the following.
ARTICLE 2.2.3.4.1.8. Water concession component and discharge authorization component. *The Registry of Water Resource Users for the water concession component and the discharge authorization component will be governed by the provisions of the respective articles of this section.*

(Decree 303 of 2012, art. 1).

ARTICLE 2.2.3.4.1.9. ***Format diligence.*** Modified by art. 3, Decree 1210 of 2020 . < *The new text is as follows* > It is up to the competent environmental authority to fill out, under its responsibility, the format referred to in article 2.2.3.4.1.10, which includes the registration of water concessions and discharge authorizations, the latter to In turn, it includes dumping permits, compliance plans, and sanitation and dumping management plans; as well as information on the use of water for human and domestic consumption in dispersed rural dwellings and domestic wastewater from individual basic sanitation solutions for dispersed rural dwellings.

Paragraph 1st transitory . For purposes of registering information, the Ministry of Environment and Sustainable Development, within a maximum period of one year, counted from the entry into force of this article, must adjust the format with its respective instructions for the Register of Users of the Hidric resource.

Paragraph 2nd transitory . The Institute of Hydrology, Meteorology and Environmental Studies (IDEAM) must adjust the Water Resources Information System (SIRH) within a period not exceeding one year, counted from the publication of the administrative act through which the formats with its instructions for the Registry of Water Resource Users.

Paragraph 3rd transitory . Once the Institute of Hydrology, Meteorology and Environmental Studies (IDEAM) adjusts the Water Resources Information System (SIRH), the competent environmental authorities within a period not exceeding six months, must upload to the System the information referred to in this Article.

Paragraph 4th. Once the activity referred to in the preceding paragraph has been completed, the competent environmental authorities must update the Water Resource Information System (SIRH) with a minimum monthly frequency.

Paragraph 5th. Without prejudice to the provisions of this article, users of the water resource of scattered rural dwellings may use the water for human and domestic consumption.

Likewise, users of water resources may discharge their domestic wastewater to the ground, provided they have individual basic sanitation solutions used for the treatment of said water, designed under the parameters defined in the Technical Regulation of the Potable Water Sector. and Basic Sanitation.
The original text was the following.

ARTICLE 2.2.3.4.1.9. Format diligence. *It is up to the competent environmental authority to fill out, under its responsibility, the format referred to in the following article, which includes the registration of water concessions and dumping authorizations, the latter which in turn includes dumping permits, compliance and sanitation and discharge management plans.*

(Decree 303 of 2012, art. 2).

ARTICLE 2.2.3.4.1.10 *. Of the Registration Format.* For the Registry of Water Resource Users referred to in this decree, the competent environmental authority will use the format with its respective instructions, which the Ministry of Environment and Sustainable Development adopts for this purpose.

(Decree 303 of 2012, art. 3).

ARTICLE 2.2.3.4.1.11. *Term.* The competent environmental authority will register in the Register of Users of Water Resources, the information dealt with in this decree, in accordance with the following transition regime;

1. For water concessions and dumping authorizations granted after July 2, 2012, from the entry into force of the Registry of Water Resource Users, the registration will be made from the execution of the respective administrative act.

2. For water concessions and discharge authorizations valid for up to five years, when the renewal is granted.

3. For water concessions and discharge authorizations valid for more than five years, within a period not exceeding five (5) years from the entry into force of the Registry.

(Decree 303 of 2012, art. 4).

ARTICLE 2.2.3.4.1.12. *Information Report.* The competent environmental authority must report to the Institute of Hydrology, Meteorology and Environmental Studies -Ideam, within the first five (5) business days of each month, the updated information of the Registry of Water Resource Users,

(Decree 303 of 2012, art. 5).

ARTICLE 2.2.3.4.1.13. *Information Consolidation.* The information reported by the competent environmental authorities will feed the corresponding thematic areas of the Water Resources Information System - SIRH, in accordance with the provisions of this decree and must be consolidated at the national level by the Institute of Hydrology, Meteorology and Environmental Studies. -Ideam.

(Decree 303 of 2012, art. 6).

ARTICLE 2.2.3.4.1.14. *Operation of the Registry of Water Resource Users* . The Registry of Water Resource Users will begin its operation as of July 2, 2012.

(Decree 303 of 2012. art. 7).

CHAPTER 5

WATER RESOURCE INFORMATION SYSTEM

SECTION 1

ARTICLE 2.2.3.5.1.1. *Water Resource Information System, SIRH.* Create the Water Resources Information System, SIRH, as part of the Environmental Information System for Colombia, SIAC.

The SIRH will promote the integration of other systems that manage information on water resources in the institutional, sectoral, academic and private spheres.

(Decree 1323 of 2007, art. 1).

ARTICLE 2.2.3.5.1.2. *Definition.* The Water Resource Information System, SIRH, is the set that integrates and standardizes the collection, registration, management and consultation of data, databases, statistics, systems, models, documentary and bibliographic information, regulations and protocols that facilitate management integral of the hydric resource.

(Decree 1323 of 2007, art. 2).

ARTICLE 2.2.3.5.1.3. *Scope.* The Water Resources Information System, SIRH, will manage environmental information related to:

a) The amount of water in the country's water bodies that comprise continental surface water and groundwater;

b) The quality of the country's water bodies, which include surface water, groundwater, marine water, and estuarine water.

(Decree 1323 of 2007, art 3).

ARTICLE 2.2.3.5.1.4. *Objectives.* The structuring and implementation of the Water Resources Information System, SIRH, must meet the following objectives at least:

a) Provide hydrological information to guide decision-making in terms of policies, regulation, management, planning and research;

b) Consolidate an inventory and characterization of the state and behavior of the water resource in terms of quality and quantity;

c) Constitute the basis for monitoring the results of pollution control actions and allocation of concessions, based on reports from environmental authorities;

d) Have information to evaluate the availability of water resources;

e) Promote hydrological, hydrogeological studies in hydrographic basins, aquifers and coastal, insular and marine areas;

f) Facilitate the processes of planning and management of water resources;

g) Constitute the basis for monitoring and follow-up of the comprehensive management of water resources:

h) Provide information that allows the analysis and management of risks associated with water resources.

(Decree 1323 of 2007, art. 4).

ARTICLE 2.2.3.5.1.5. *Thematic areas.* The thematic areas of the Water Resources Information System, SIRH, are water availability, water quality, current state of water resources and comprehensive management of water resources. These areas will be made up as follows:

a) ***Water availability:*** It will be made up at least of the information generated by the hydrometeorological networks and/or flow and capacity measurement stations, the estimation of the surface and underground water supply, the systematized and georeferenced information of water concessions granted in force, the registry of water users, the characterization of users according to the sector and the activity, the current demand for water by users and consumption modules;

b) ***Water quality:*** It will consist of at least the information regarding the quality of the water resource, systematized and georeferenced information on current discharges, their characterization and the corresponding discharge management and control instruments,

specifying the type of activity; and also, by the quality objectives defined for the different hydrological units or sections:

c) ***Current state of the water resource:*** It will contain the calculation of the indicators that allow determining the current state of the resource, such as scarcity indices, quality profiles, conflicts of use or quality;

d) ***Comprehensive water resource management:*** It will contain management indicators that include information on the degree of implementation of the different resource management instruments.

(Decree 1323 of 2007, art. 5).

ARTICLE 2.2.3.5.1.6. ***Functions of the Ministry of Sustainable Environment and Sustainable Development*** - The Ministry of Environment and Sustainable Development, within the framework of its powers and as the governing body of the SINA, is responsible for:

a) Define the information priorities of the SIRH;

b) Approve the procedures for the development and operation of the SIRH that will include, at least, the variables, methodologies, protocols, indicators and those responsible, which will be developed and proposed by Ideam or Invernar, as the case may be;

c) Define the other orientations and instruments that are necessary for the adequate implementation of the SIRH.

(Decree 1323 of 2007, art. 6).

ARTICLE 2.2.3.5.1.7. ***Functions of the Ideam in the SIRH*** **.** Within the framework of its powers, Ideam is responsible for:

a) Coordinate the Water Information System, SIRH, define the implementation strategy of the SIRH and set the information transfer mechanisms, under the directives, orientations and guidelines of the MADS.

b) Design, elaborate and propose to the Ministry of Environment and Sustainable Development the procedures for the development and operation of the SIRH that will include, at least, the variables, methodologies, protocols, indicators and those responsible, within the year following the publication of this decree ;

c) Compile information at the national level, the operation of the basic national monitoring network, identify and develop data sources, data management and processing, and disseminate knowledge about water resources.

(Decree 1323 of 2007, art. 7).

ARTICLE 2.2.3.5.1.8. ***Invernar functions in the SIRH.*** When wintering within the framework of its powers, it is up to:

a) Design, elaborate and propose to the Ministry of Environment and Sustainable Development the procedures for the development and operation of the SIRH in relation to the coastal and marine environment, which will include, at least, the variables, methodologies, protocols, indicators and those responsible;

b) Coordinate and carry out the monitoring and follow-up of the marine and coastal water resources that will feed the SIRH;

c) Support regional environmental authorities with competence in coastal and marine waters.

(Decree 1323 of 2007, art. 8).

ARTICLE 2.2.3.5.1.9. ***Functions of the Regional and Urban Environmental Authorities in the SIRH.*** The Regional Autonomous Corporations, the Corporations for Sustainable Development, the Environmental Authorities of the Large Urban Centers, those created by article 13 of Law 768 of 2002 National Natural Parks of Colombia must carry out the monitoring and follow-up of the

water resource in the area of their jurisdiction, for which they must apply the protocols and standards established in the SIRH.

(Decree 1323 of 2007, art. 9).

ARTICLE 2.2.3.5.1.10. ***Duties of the holders of licenses, permits and concessions in the SIRH.*** Under the terms of article 23 of Decree-Law 2811 of 1974, the holders of licenses, permits or concessions that authorize the use of water resources are obliged to collect and provide information on the use of the same to the Environmental Authorities at no cost. Competent.

(Decree 1323 of 2007, art. 10).

ARTICLE 2.2.3.5.1.11. ***Implementation.*** The implementation of the SIRH will be carried out gradually, starting with the basins prioritized for management, those declared in order or those that have adopted Management and Management Plans.

(Decree 1323 of 2007, art. 11).

TITLE 4

MARITIME WATERS

CHAPTER 1

GENERAL DISPOSITION

SECTION 1

ARTICLE 2.2.4.1.1.1. ***Purpose and scope of application.*** The purpose of this decree is to regulate the Coastal Environmental Units (UAC) as well as the joint commissions, establish the rules of procedure and the criteria for the restriction of certain activities in seagrasses.

(Decree 1120 of 2013, art. 1).

ARTICLE 2.2.4.1.1.2. ***Definitions.*** For the application of the provisions contained in this decree, the following definitions are adopted;

Environmental Authority. They are the Regional Autonomous Corporations, the environmental authorities referred to in article 13 of Law 768 of 2002, the environmental authority of Buenaventura referred to in article 124 of Law 1617 of 2013, National Natural Parks of Colombia and the Ministry of Environment and Sustainable Development.

Ecosystem. Dynamic complex of plant, animal and microorganism communities and their non-living environment that interact as a functional unit.

Lagoon. It is a depression of the coastal zone, located below the highest average of the highest tides, which has a permanent or ephemeral communication but protected from the forces of the sea by some type of barrier, which can be sandy or formed by islands of marine origin that, in general, are parallel to the coastline. They are bodies of shallow water and variable salinity.

Integrated Management of Coastal Zones (MIZC). Dynamic and participatory process through which strategies are designed and decisions are made for the sustainable use and conservation of the coastal zone and its resources.

Coastal soil. It is the land comprised by the coastal zone.

Coastal Environmental Unit (UAC). Area of the coastal zone geographically defined for its planning and management, which contains ecosystems with their own distinctive characteristics, with similar conditions and connectivity in terms of their structural and functional aspects.

Coastal zone. They are spaces of the national territory formed by a strip of variable width of land and marine space where processes of interaction between the sea and the land are presented.

Zoning. Process by which the sectorization of homogeneous zones within the coastal environmental units is established and their uses and management schemes are defined.

(Decree 1120 of 2013, art. 2).

EPISODE 2

ON INTEGRATED COASTAL MANAGEMENT

SECTION 1

OF THE COASTAL AREAS

ARTICLE 2.2.4.2.1.1. ***Types of coastal zones.*** The coastal zone is classified into:

1. ***Continental Coastal Zone*** **.** It is made up of the following subzones or strips:

a) **Marine-coastal subzone or offshore strip.** It is the strip of variable width between the Average Low Tide Line (LMBP) and the outer margin of the continental shelf, this margin corresponding to the continental edge where the slope is accentuated towards the slope and the abyssal ocean floor For purposes of its delimitation this edge has been conventionally determined for the 200 meter isobath.

In cases where the platform becomes extremely narrow, this is in front of Bocas de Ceniza, the Santa Marta sector and the one between Cabo Corrientes and the border with the Republic of Panama, this strip will be set between the Low Tide Line Average (LMBP) and up to a parallel line located 12 nautical miles offshore. The island areas located on the continental shelf (archipelagos of Nuestra Señora del Rosario and San Bernardo, Gorgona and Gorgonilla) are included in this subzone.

b) **Low tide subzone or transition strip.** It is the strip between the Average Low Tide Line (LMBP) and the Average High Tide Line (LMAP). The width of this subzone is basically conditioned by the range of tidal amplitude and the slope of the coast or the topography of the land adjacent to the coastline.

c) **Terrestrial-coastal subzone or inland strip.** It is the strip from the Average High Tide Line (LMAP) to a parallel line located 2 kilometers away inland, which will be established from the outer edge of:

• The mangrove and transition forest ecosystems in the Pacific.

• Of the maximum level of flooding of the coastal lagoons that do not have associated mangrove forests.

• The areas declared as protected (marine-coastal) of an environmental nature, national, regional and local.

• The urban perimeter of the coastal population centers.

• The other criteria set forth in the Technical Guide for the Integrated Planning and Management of the Coastal Zone to be adopted by the Ministry of Environment and Sustainable Development.

2. ***Insular Coastal Zone.*** It is the spatial unit that corresponds to the Archipelago department of San Andrés, Providencia and Santa Catalina, including its emerged and submerged territory.

(Decree 1120 of 2013, art. 3).

SECTION 2

OF THE COASTAL ENVIRONMENTAL UNITS (UAC)

ARTICLE 2.2.4.2.2.1. ***Coastal Environmental Units*** **(UAC).** For the planning and integrated management of coastal zones, the following coastal environmental units are delimited.

1. ***Coastal Environmental Unit (UAC) Insular Caribbean.*** It includes the territory of the archipelago of San Andrés, Providencia and Santa Catalina, including its emerged and submerged territory.

2. *Coastal Environmental Unit (UAC) of Alta Guajira.* From Castilletes (border with Venezuela) to the northeast bank of the Ranchería River in the department of La Guajira.

3. *Coastal Environmental Unit (UAC) of the North Slope of the Sierra Nevada de Santa Marta* . From the mouth of the Ranchería River (including it) to the mouth of the Córdoba River (including it) in the department of Magdalena.

4. *Coastal Environmental Unit (UAC) of the Magdalena River, Canal del Dique complex - Lagoon System of the Ciénaga Grande de Santa Marta.* From the mouth of the Córdoba River to Punta Comisario. It includes Tierra Bomba Island, Barú Island, and the Nuestra Señora del Rosario Archipelago.

5. *Coastal Environmental Unit (UAC) Estuarine of the Sinú River and the Gulf of Morrosquillo.* From Punta Comisario to Punta del Rey, limits of the departments of Antioquia and Córdoba. It includes the San Bernardo archipelago, Palma Island, Fuerte Island and Tortuguilla Island.

6. *Coastal Environmental Unit (UAC) of Darlén.* From Punta del Rey, limits of the departments of Antioquia and Córdoba to Cabo Tiburón (border with Panama) in the Department of Chocó.

7. *Coastal Environmental Unit (UAC) Chocoano North Pacific.* From the border with Panama (Pacific Landmark) to Cape Corrientes in the department of Chocó.

8. *Baudó Coastal Environmental Unit (UAC) - San Juan.* From Cabo Corrientes to the delta of the San Juan River (including it), in the department of Chocó.

9. *Coastal Environmental Unit (UAC) of the Malaga - Buenaventura Complex.* From the delta of the San Juan River to the mouth of the Naya River in the department of Valle del Cauca.

10. *Coastal Environmental Unit (UAC) of the Southern Alluvial Plain.* From the mouth of the Naya River on the border of the department of Cauca, to the mouth of the Mataje River (Hito Casas Viejas - Border with Ecuador) in the department of Nariño. Includes the islands of Gorgona and Gorgonilla.

(Decree 1120 of 2013, art. 4).

CHAPTER 3

Chapter added by art. 1, National Decree 415 of 2017

<The added text is as follows>

maritime waters

SECTION 1

Island Integrated Management

Article *2.2.4.2.3.1. Area of application.* This chapter will apply exclusively to the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

Article 2.2.4.2.3.2. Unification of instruments. For all purposes of environmental planning, the Insular Pomiuac will be the only instrument for the management, planning and environmental planning of the Insular Caribbean Coastal Environmental Unit (UAC), which will not incorporate the areas of the System of National Natural Parks of Colombia, which will continue their management through the management instruments established for said areas.

The Insular Pomiuac will incorporate and subsume the following instruments currently in force or required for the Archipelago department of San Andrés, Providencia and Santa Catalina in its emerged and submerged territory:

1. Seaflower Biosphere Reserve Management Plan.

two. Hydrographic Basin Planning and Management Plan or Plans (POMCA).

3. Mangrove Zoning Plan or Plans.

Four. Aquifer and Groundwater Management Plan.

5. Protected Area Management Plans: (Seaflower Biosphere Reserve Marine Protected Area, Old Point Regional Mangrove Park, Johnny Cay Regional Park, The Peak Regional Park).

Paragraph 1st. The Pomiuac Insular constitutes a norm of superior hierarchy and environmental determinant for the elaboration and adoption of the plans or schemes of territorial ordering or departmental ordering plan, in the Archipelago department of San Andrés, Providencia and Santa Catalina.

Paragraph 2nd. The Insular Pomiuac will take into consideration, as a complementary strategy for the conservation of biological diversity, the Seaflower Biosphere Reserve.

Paragraph 3rd. The new declarations of protected areas of a regional nature made by the Corporation for the Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina (Coralina), subsequent to the issuance of this administrative act, must be incorporated by said environmental authority in the Pomiuac Insular.

Article 2.2.4.2.3.3. ***Formulation and adoption of the Insular Pomiuac.*** The formulation of the Insular Pomiuac will be in charge of the General Directorate of the Corporation for the Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina (Coralina) and its adoption will be headed by the Board of Directors of said entity.

The Director General and the Board of Directors will have a maximum time of four (4) years for the formulation and adoption, which will be counted from the issuance of the Technical Guide for Environmental Management, Planning and Management.

Article 2.2.4.2.3.4. ***Phases for the formulation, adoption and implementation of the Insular Pomiuac.*** The process of formulation, adoption and implementation of the Pomiuac Insular, includes the following phases:

1. Preparation or readiness: Corresponds to the initial phase of the process through its prior planning, identification of needs, formation of the work team, organization of financial aspects, identification of the target area, structuring of the socialization strategy and participation of actors, and other matters necessary to guarantee an adequate development of the process.

At this stage, Coralina will publish a notice in the mass media, informing about the beginning of the formulation process of the Insular Pomiuac.

two. *Characterization and diagnosis:* It consists of the description of the area, the evaluation of its current situation and future conditions, under an ecosystem approach. The characterization and diagnosis must include, among others, the following elements:

a. The renewable natural resources present;

b. Existing physical infrastructure works;

c. Population centers and human settlements;

d. Economic activities or services.

and. Threats and vulnerability according to the available information supplied by the competent scientific entities;

F. Conflicts of use of ecosystems and renewable natural resources and potentialities;

g. Instruments of environmental, territorial, sectorial and cultural planning, that concur in the area.

3. Prospective and environmental zoning: Phase in which the future scenarios of the sustainable use of the territory and of the present renewable natural resources are designed, defining the management model in a horizon of not less than twenty (20) years.

As a result of the prospective, the environmental zoning will be elaborated.

The categories of use and management, as well as the technical criteria for the elaboration of the environmental zoning, will be developed based on the parameters defined in the Technical Guide for Environmental Management, Management and Planning of the Insular Caribbean Coastal Environmental Unit.

Four. *Formulation and adoption:* Based on the results of the previous phases, the objectives, goals, programs, projects, strategies and measures for the administration and sustainable management of renewable natural resources will be established and their adoption will proceed.

5. *Implementation or execution:* Coralina is responsible for coordinating the execution of the Pomiuac Insular; without prejudice to the concurrent powers of the other authorities with jurisdiction and competence in the Archipelago Department.

6. *Follow-up and evaluation:* Coralina will carry out the follow-up and evaluation of the Insular Pomiuac, based on what is defined in said plan in accordance with the

Technical Guide for Environmental Management, Management and Planning of the Insular Caribbean Coastal Environmental Unit.

Paragraph. Each one of the phases that this article deals with will be developed in accordance with what is established in the Technical Guide for Environmental Management, Management and Planning of the Insular Caribbean Coastal Environmental Unit in its emerged and submerged territory; to be adopted by the Ministry of Environment and Sustainable Development.

Paragraph 2nd . Corrected by art. 22, National Decree 703 of 2018 <*The new text is as follows*> The modification of the Pomiuac will be subject to the procedure established for the phases of characterization and diagnosis, prospective and zoning, and formulation and adoption of the Plan.

(Decree number 1120 of 2013, article 8)".

Article 2.2.4.2.3.5. ***Technical guide for the management, ordering and environmental planning of the Insular Caribbean Coastal Environmental Unit*** . The Technical Guide for the Environmental Management, Management and Planning of the Insular Caribbean Coastal Environmental Unit in its emerged and submerged territory, will be issued by the Ministry of Environment and Sustainable Development, within three (3) months following the issuance of this decree, which will determine the technical and methodological aspects necessary for the adequate formulation of the Insular Pomiuac, guaranteeing that this new and unique instrument fully collects and responds to the philosophy, principles, bases, foundations, policies and purpose of the instruments that it incorporates or subsume.

Article 2.2.4.2.3.6. ***of the prior consultation.*** Coralina must verify if the adoption of the Insular Pomiuac directly affects ethnic communities.

In the event that the administrative measure has a direct and specific impact on said population, Coralina will impose the prior consultation mechanism required by the constitutionality block, in accordance with the guidelines established for this purpose by jurisprudence.

Article 2.2.4.2.3.7. ***Technical and scientific support.*** The Research Institutes of Hydrology, Meteorology and Environmental Studies (Ideam), Marine and Coastal "José Benito Vives de Andreis" - Invemar and Biological Resources "Alexander von Humboldt", referred to in article 16 of Law 99 of 1993 and article 3 of Decree number 3570 of 2011 will provide the technical and scientific support required by the General Directorate of the Corporation for the Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina (Coralina) for the formulation of the instrument that in the This decree establishes

Article 2.2.4.2.3.8. ***Transitional regime.*** The corresponding regulations and the environmental planning and management instruments listed in article 2.2.4.2.7.1 will continue to be in force until the Pomiuac Insular, which is dealt with in this decree, is adopted.

Other modifications: Corrected by art. 22, National Decree 703 of 2018.

The original text was as follows:

SECTION 3

PLANNING AND MANAGEMENT OF COASTAL ENVIRONMENTAL UNITS (UAC)

ARTICLE 2.2.4.2.3.1. Integrated planning and management plan for coastal environmental units (POMIUAC). *It is the planning instrument through which the Joint Commission or the competent environmental authority, as the case may be, define and guide the environmental planning and management of the coastal environmental units.*

The Pomiuac constitutes a norm of superior hierarchy and environmental determinant for the elaboration and adoption of land use plans, in accordance with the provisions of article 10 of Law 388 of 1997 and guides the planning of the other sectors in the area. coastal.

(Decree 1120 of 2013, art. 5).

ARTICLE 2.2.4.2.3.2. Articulation of the Pomiuac with the Hydrographic Basin Planning and Management Plan (POMCA). *The Pomiuac will supply technical inputs for the elaboration of the Pomca. The organization and management of the basin in the coastal zone will be carried out up to and including the low tide subzone or transition strip.*

(Decree 1120 of 2013, art. 6).

ARTICLE 2.2.4.2.3.3. Phases of the POMIUAC. *The Pomiuac comprises the following:*

1. Preparation or readiness: *Corresponds to the initial phase of the process through its prior planning, identification of needs, formation of the work team, organization of financial aspects, identification of the target area, structuring of the socialization strategy and participation of actors, and other matters necessary to guarantee an adequate development of the process.*

At this stage, the environmental authority or the joint commission, as the case may be, will publish a notice in the mass media, the beginning of the ordering and management process of the respective Coastal Environmental Unit.

2. Characterization and Diagnosis: *It consists of the description of the coastal environmental unit and the evaluation of its current situation and future conditions, under an ecosystem approach. The characterization and diagnosis must include, among others, the following elements:*

a) The renewable natural resources present.

b) Existing physical infrastructure works.

c) Populated centers and human settlements.

d) Economic activities or services.

e) Threats and vulnerability according to the available information supplied by the competent scientific entities.

f) Conflicts of use of ecosystems and renewable natural resources and potentialities of the UAC.

g) Instruments of environmental, territorial, sectorial and cultural planning, which concur in the area of the UAC.

3. Prospective and environmental zoning. *Phase in which the future scenarios of the sustainable use of the territory and of the renewable natural resources present in the UAC are designed, defining in a horizon of not less than twenty (20) years the management model of the coastal zone.*

As a result of the prospective, the environmental zoning will be elaborated.

The categories of use and management, as well as the technical criteria for the elaboration of environmental zoning, will be developed based on the parameters defined in the Technical Guide for the Integrated Management of the Coastal Zone.

Four. Formulation and Adoption. *Based on the results of the previous phases, the objectives, goals, programs, projects, strategies and measures for the administration and sustainable management of renewable natural resources will be established and their adoption will proceed, in accordance with the provisions of the article 8 2.2.4.2.3.4 this decree.*

5. Implementation or Execution. *It corresponds to the competent Environmental Authorities to coordinate the execution of the Pomiuac, without prejudice to the competences established for the other authorities.*

6. Monitoring and Evaluation. *The Environmental Authorities will monitor and evaluate the Pomiuac, based on what is defined in the respective Plan in accordance with the Technical Guide for the Integrated Planning and Management of the Coastal Environmental Unit.*

Paragraph. *Each of the phases that this article deals with will be developed in accordance with the provisions of the Technical Guide for the Planning and Integrated Management of the Coastal Zone, adopted by the Ministry of Environment and Sustainable Development based on the technical inputs of the Ideam and winter.*

(Decree 1120 of 2013, art. 7).

ARTICLE 2.2.4.2.3.4. Adoption. *The Pomiuac and their respective modifications will be adopted by the joint commission or the competent environmental authorities, as the case may be, prior concept of the Ministry of Environment and Sustainable Development.*

PARAGRAPH 1. *When the Ministry of Environment and Sustainable Development participates in the process of formulating and adopting the Pomiuac, through the joint commission, the issuance of the aforementioned concept is considered complete.*

In the cases of Coastal Environmental Units that are not subject to the Joint Commission, the Ministry of Environment and Sustainable Development will participate as a permanent guest in the process of formulating and adopting the Pomiuac and within the participation in said process, the Ministry of Environment and Sustainable Development will issue the concept.

PARAGRAPH two. *The modification of the Pomiuac will be subject to the procedure established for the phases of characterization and diagnosis, prospective and zoning and*

(Decree 1120 of 2013, art. 8).

ARTICLE 2.2.4.2.3.5. Stake. *In accordance with the socialization and participation strategy defined by the joint commission or the competent environmental authorities, depending on the case, the natural and legal persons settled or who carry out activities in the coastal zone, may participate in the different phases of the management process and UAC management.*

Paragraph. *In the event that the measures within the process of formulating the Pomiuac have a direct and specific impact on ethnic communities, the specific prior consultation required by the constitutionality block must be carried out in an Integral and complete manner, in accordance with the guidelines outlined for this by constitutional doctrine.*

(Decree 1120 of 2013, art. 9).

SECTION 4

OF THE JOINT COMMISSIONS

ARTICLE 2.2.4.2.4.1. ***Object.*** Concert and harmonize the ordering and management process of the common Coastal Environmental Units.

(Decree 1120 of 2013, art. 10).

ARTICLE 2.2.4.2.4.2. ***Conformation.*** They will be integrated by;

1. The Minister of Environment and Sustainable Development or his delegate.

2. The Directors of the Environmental Authorities or their delegates.

Paragraph 1. The delegation will fall to an official of the managerial or advisory level.

Paragraph 2. Any of the members of the Coastal Environmental Unit may call for the formation of the Joint Commission that may arise. Once formed, the administrative act of constitution will be published in the Official Gazette.

(Decree 1120 of 2013, art. 11).

ARTICLE 2.2.4.2.4.3. *Meetings.* The Joint Commission must meet with the periodicity established in its internal regulations. The Minister or the President of the Commission may call it.

Individuals and/or legal entities may attend its meetings as guests, when the Commission deems it pertinent. The guests will have a voice but no vote.

(Decree 1120 of 2013, art. 12).

ARTICLE 2.2.4.2.4.4. *Functions.* The Joint Commission shall comply with the following:

1. Coordinate the formulation of the Pomiuac.

2. Adopt the Pomiuac as well as its modifications when necessary.

3. Provide guidelines for the planning and administration of renewable natural resources of the UAC.

4. Agree on financial and economic sustainability strategies for Pomiuac.

5. Carry out periodic monitoring and evaluation of the Pomiuac.

6. Create Technical Committees.

7. Define the internal regulations.

(Decree 1120 of 2013, art. 13).

ARTICLE 2.2.4.2.4.5. *Technical Committees.* The Joint Commission will establish technical committees, which will provide technical support for decision-making by the Joint Commission. Individuals and legal entities may attend the meetings of the technical committee as guests, when appropriate.

(Decree 1120 of 2013, art. 14).

SECTION 5

OF THE RULES OF PROCEDURE AND CRITERIA TO REGULATE THE RESTRICTION OF CERTAIN ACTIVITIES IN SEAGRASS ECOSYSTEMS

ARTICLE 2.2.4.2.5.1. *Restrictions of activities in seagrasses.* For the purposes of partially or totally restricting the development of mining activities, exploration and exploitation of hydrocarbons, aquaculture and industrial fishing, the following must be taken into account:

1. *Rules of procedure.*

a) The Ministry of Environment and Sustainable Development will issue the terms of reference for the Autonomous Regional or Sustainable Development Corporations to carry out the technical, economic, social and environmental studies, based on which they will make the proposal for the zoning of seagrasses, that includes the partial or total restriction of the aforementioned activities.

b) Corrected by art. 23, National Decree 703 of 2018. *< The new text is as follows >* The Ministry of Environment and Sustainable Development, after evaluation, will adopt the zoning of seagrasses. (...).

The original text was as follows:

b) The Ministry of Environment and Sustainable Development, after evaluating the zoning of seagrasses.

c) The Autonomous Regional or Sustainable Development Corporations are responsible for the control, follow-up and monitoring of the provisions of the administrative act of adoption of the zoning of the seagrasses located in their jurisdiction, as well as the publication of the same in the Newspaper Official.

2. *Criteria:* In carrying out the technical, economic, social and environmental studies, the following criteria will be considered as a minimum;

a) Presence of habitats for threatened, endemic and migratory species.

b) Ecosystem services provided by the seagrass ecosystem.

c) The fragility of the ecosystem, in terms of resilience and vulnerability to anthropogenic intervention.

d) Possibility of recovery, rehabilitation and restoration of the ecosystem.

e) Others that are defined by the Ministry of Environment and Sustainable Development.

Paragraph 1. The Ministry of Environment and Sustainable Development may, through an administrative act, develop the provisions of this Article.

Paragraph 2. For the purposes of the evaluation referred to in literal b) of numeral 1 of this Article, the Ministry of Environment and Sustainable Development may rely on the attached and linked scientific entities referred to in article 16 of Law 99 from 1993.

(Decree 1120 of 2013, art. 15).

SECTION 6

FINAL PROVISIONS

ARTICLE 2.2.4.2.6.1. *Technical and scientific support.* The research institutes referred to in article 16 of Law 99 of 1993 will provide the technical and scientific support required by the environmental authorities to develop the Pomiuac phases.

(Decree 1120 of 2013, art. 16).

ARTICLE 2.2.4.2.6.2. *Faculty of intervention.* The Pomiuac elaboration process does not prevent the competent environmental authority from adopting the necessary protection and conservation measures to prevent or stop the impacts caused to the ecosystems and renewable natural resources of the UAC.

(Decree 1120 of 2013, art. 17).

ARTICLE 2.2.4.2.6.3. *Transition.* The Pomiuac, which are in the implementation phase before May 31, 2013, will remain in force.

(Decree 1120 of 2013, art. 16).

CHAPTER 3

maritime waters

SECTION 1

Island Integrated Management

Added by art. 1, National Decree 415 of 2017.

Article *2.2.4.2.3.1. Area of application.* This chapter will apply exclusively to the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

Article 2.2.4.2.3.2. Unification of instruments. For all purposes of environmental planning, the Insular Pomiuac will be the only instrument for the management, planning and environmental planning of the Insular Caribbean Coastal Environmental Unit (UAC), which will not incorporate the areas of the System of National Natural Parks of Colombia, which will continue their management through the management instruments established for said areas.

The Insular Pomiuac will incorporate and subsume the following instruments currently in force or required for the Archipelago department of San Andrés, Providencia and Santa Catalina in its emerged and submerged territory:

1. Seaflower Biosphere Reserve Management Plan.

2. Hydrographic Basin Planning and Management Plan or Plans (POMCA).

3. Mangrove Zoning Plan or Plans.

4. Aquifer and Groundwater Management Plan.

5. Protected Area Management Plans: (Seaflower Biosphere Reserve Marine Protected Area, Old Point Regional Mangrove Park, Johnny Cay Regional Park, The Peak Regional Park).

Paragraph 1. The Pomiuac Insular constitutes a norm of superior hierarchy and environmental determinant for the elaboration and adoption of the plans or schemes of territorial ordering or departmental ordering plan, in the Archipelago department of San Andrés, Providencia and Santa Catalina.

Paragraph 2. The Insular Pomiuac will take into consideration, as a complementary strategy for the conservation of biological diversity, the Seaflower Biosphere Reserve.

Paragraph 3. The new declarations of protected areas of a regional nature made by the Corporation for the Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina (Coralina), subsequent to the issuance of this administrative act, must be incorporated by said environmental authority in the Pomiuac Insular.

Article 2.2.4.2.3.3. *Formulation and adoption of the Insular Pomiuac.* The formulation of the Insular Pomiuac will be in charge of the General Directorate of the Corporation for the Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina (Coralina) and its adoption will be headed by the Board of Directors of said entity.

The Director General and the Board of Directors will have a maximum time of four (4) years for the formulation and adoption, which will be counted from the issuance of the Technical Guide for Environmental Management, Planning and Management.

Article 2.2.4.2.3.4. ***Phases for the formulation, adoption and implementation of the Insular Pomiuac.*** The process of formulation, adoption and implementation of the Pomiuac Insular, includes the following phases:

1. Preparation or readiness: Corresponds to the initial phase of the process through its prior planning, identification of needs, formation of the work team, organization of financial aspects, identification of the target area, structuring of the socialization strategy and participation of actors, and other matters necessary to guarantee an adequate development of the process.

At this stage, Coralina will publish a notice in the mass media, informing about the beginning of the formulation process of the Insular Pomiuac.

2. Characterization and diagnosis: It consists of the description of the area, the evaluation of its current situation and future conditions, under an ecosystem approach. The characterization and diagnosis must include, among others, the following elements:

a. The renewable natural resources present;

b. Existing physical infrastructure works;

c. Population centers and human settlements;

d. Economic activities or services.

and. Threats and vulnerability according to the available information supplied by the competent scientific entities;

F. Conflicts of use of ecosystems and renewable natural resources and potentialities;

g. Instruments of environmental, territorial, sectorial and cultural planning, that concur in the area.

3. Prospective and environmental zoning: Phase in which the future scenarios of the sustainable use of the territory and of the present renewable natural resources are designed, defining the management model in a horizon of not less than twenty (20) years.

As a result of the prospective, the environmental zoning will be elaborated.

The categories of use and management, as well as the technical criteria for the elaboration of the environmental zoning, will be developed based on the parameters defined in the Technical Guide for Environmental Management, Management and Planning of the Insular Caribbean Coastal Environmental Unit.

4. Formulation and adoption: Based on the results of the previous phases, the objectives, goals, programs, projects, strategies and measures for the administration

and sustainable management of renewable natural resources will be established and their adoption will proceed.

5. Implementation or execution: Coralina is responsible for coordinating the execution of the Pomiuac Insular; without prejudice to the concurrent powers of the other authorities with jurisdiction and competence in the Archipelago Department.

6. Follow-up and evaluation: Coralina will carry out the follow-up and evaluation of the Insular Pomiuac, based on what is defined in said plan in accordance with the Technical Guide for Environmental Management, Management and Planning of the Insular Caribbean Coastal Environmental Unit.

Paragraph. Each one of the phases that this article deals with will be developed in accordance with what is established in the Technical Guide for Environmental Management, Management and Planning of the Insular Caribbean Coastal Environmental Unit in its emerged and submerged territory; to be adopted by the Ministry of Environment and Sustainable Development.

Article 2.2.4.2.3.5. ***Technical guide for the management, ordering and environmental planning of the Insular Caribbean Coastal Environmental Unit*** . The Technical Guide for the Environmental Management, Management and Planning of the Insular Caribbean Coastal Environmental Unit in its emerged and submerged territory, will be issued by the Ministry of Environment and Sustainable Development, within three (3) months following the issuance of this decree, which will determine the technical and methodological aspects necessary for the adequate formulation of the Insular Pomiuac, guaranteeing that this new and unique instrument fully collects and responds to the philosophy, principles, bases, foundations, policies and purpose of the instruments that it incorporates or subsume.

Article 2.2.4.2.3.6. ***of the prior consultation.*** Coralina must verify if the adoption of the Insular Pomiuac directly affects ethnic communities.

In the event that the administrative measure has a direct and specific impact on said population, Coralina will impose the prior consultation mechanism required by the constitutionality block, in accordance with the guidelines established for this purpose by jurisprudence.

Article 2.2.4.2.3.7. ***Technical and scientific support.*** The Research Institutes of Hydrology, Meteorology and Environmental Studies (Ideam), Marine and Coastal "José Benito Vives de Andreis" - Invemar and Biological Resources "Alexander von Humboldt", referred to in article 16 of Law 99 of 1993 and article 3 of Decree number 3570 of 2011 will provide the technical and scientific support required by the General Directorate of the Corporation for the Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina (Coralina) for the formulation of the instrument that in the This decree establishes

Article 2.2.4.2.3.8. ***Transitional regime.*** The corresponding regulations and the environmental planning and management instruments listed in article 2.2.4.2.7.1 will

continue to be in force until the Pomiuac Insular, which is dealt with in this decree, is adopted.

TITLE 5
AIR

CHAPTER 1

REGULATION OF PROTECTION AND CONTROL OF AIR QUALITY

SECTION 1

PROTECTION AND CONTROL

ARTICLE 2.2.5.1.1.1. ***Content and object.*** This chapter contains the Regulations for the Protection and Control of Air Quality; of general scope and applicable throughout the national territory, through which the general rules and principles for atmospheric protection are established, the mechanisms for prevention, control and attention to episodes of air pollution generated by stationary and mobile polluting sources, the guidelines and competencies for setting air quality standards or immission levels, the basic standards for setting standards for emission and discharge of pollutants into the atmosphere, those for emission of noise and offensive odors, the granting of emission permits, instruments and means of control and surveillance, and citizen participation in the control of atmospheric pollution.

The purpose of this chapter is to define the framework of actions and administrative mechanisms available to environmental authorities to improve and preserve air quality; and prevent and reduce the deterioration of the environment, renewable natural resources and human health caused by the emission of chemical and physical pollutants into the air; in order to improve the quality of life of the population and ensure their well-being under the principle of Sustainable Development.

(Decree 948 of 1995, art. 1).

ARTICLE 2.2.5.1.1.2. ***Definitions.*** For the interpretation of the norms contained herein and in the regulations and standards that are issued in their development, the following definitions are adopted.

Atmosphere: Gaseous layer that surrounds the Earth.

Air: It is the fluid that forms the Earth's atmosphere, consisting of a gaseous mixture whose composition is at least twenty percent (20%) oxygen, seventy-seven percent (77%) nitrogen and variable proportions. of inert gases and water vapour, in volumetric relation.

Source area: It is a certain area or region, urban, suburban or rural, which, because it contains multiple fixed sources of emissions, is considered an area that especially generates air pollutants.

Concentration of a substance in the air: It is the relationship between the weight or volume of a substance and the unit volume of the air in which it is contained.

Reference conditions: These are the temperature and pressure values based on which the air quality and emission standards are set, which are respectively equivalent to 25 C and 760 mm of mercury.

Atmospheric pollution: It is the phenomenon of accumulation or concentration of pollutants in the air.

Pollutants: They are physical phenomena, or substances, or elements in a solid, liquid or gaseous state, causing adverse effects on the environment, renewable natural resources and human health that alone, or in combination, or as reaction products, are released into the air as a result of human activities, natural causes, or a combination of these.

Controls at the end of the process: These are the technologies, methods or techniques that are used to treat, before being transmitted to the air, the polluting emissions or discharges generated

by a production, combustion or extraction process, by any other activity capable of emitting pollutants . into the air, in order to mitigate, counteract or annul its effects on the environment, renewable natural resources and human health.

Emission: It is the discharge of a substance or element into the air, in a solid, liquid or gaseous state, or in some combination of these, coming from a fixed or mobile source.

Fugitive emission: It is the occasional emission of polluting material.

Noise emission: It is the sound pressure generated in any conditions, transcends the environment or public space.

Episode or event: It is the occurrence or occurrence of such a state of concentration of contaminants in the air that, given its values and duration or exposure time, imposes the declaration by the competent environmental authority, of any of the levels of contamination, different from the normal.

Emission source: It is any activity, process or operation, carried out by human beings, or with their intervention, capable of emitting pollutants into the air. '

Fixed source: It is the emission source located in a certain and immovable place, even when the discharge of pollutants occurs in a dispersed manner.

Point fixed source: It is the fixed source that emits pollutants into the air through ducts or chimneys.

Dispersed or diffuse fixed source: Is one in which the emission sources of a fixed source are dispersed in an area, due to the displacement of the action causing the emission, as in the case of controlled open burning in rural areas.

Mobile source: It is the emission source that, due to its use or purpose, is likely to move, such as automobiles or motorized transport vehicles of any nature.

Incineration: It is the combustion process of substances, residues or waste, in solid, liquid or gaseous state.

Immission: Transfer of contaminants from the atmosphere to a receptor. Immission is understood as the action opposite to the emission. Immissible air is breathable air at the level of the troposphere.

Immission dose: It is the total value (the integral) of the immission flow is a receiver, during a given period of exposure

Immission flux: It is the rate of immission with reference to the unit surface area of a receiver.

Immission rate: It is the mass, or any other physical property, of contaminants transferred to a receptor per unit of time.

Normal Level (Level I): Is one in which the concentration of pollutants in the air and their exposure time or duration are such that there are no direct or indirect harmful effects on the environment or human health.

Prevention level (Level II): It is the one that occurs when the concentrations of pollutants in the air and their exposure time or duration, cause adverse and manifest effects, although slight, on human health or the environment, such as irritation. of mucous membranes, allergies, minor respiratory diseases, or harmful effects on plants, decreased visibility or other obvious harmful effects.

Alert level (Level III): It is the one that occurs when the concentration of pollutants in the air and their duration or exposure time, can cause manifest alterations in the environment or human health and especially alterations of some vital physiological functions. , chronic diseases in living organisms and reduced life expectancy of the exposed population.

Emergency level (Level IV): It is the one that occurs when the concentration of pollutants in the air and their exposure time or duration, can cause acute or serious illnesses or cause the death of living organisms, and especially of human beings. .

Air quality standard or immission level: It is the legally permissible concentration level of polluting substances or phenomena present in the air, established by the Ministry of Environment and Sustainable Development, in order to preserve the good quality of the environment, the renewable natural resources and human health.

Emission standard: It is the permissible discharge value of polluting substances, established by the competent environmental authority, in order to comply with the air quality standard.

Noise emission standard: It is the maximum permissible value of sound pressure, defined for a source, by the competent environmental authority, in order to comply with the environmental noise standard.

Environmental noise standard: It is the value established by the competent environmental authority, to maintain a permissible level of sound pressure, according to the conditions and characteristics of use of the sector, in such a way as to protect the health and well-being of the exposed population, within of a safety margin.

Offensive odor: It is the odor, generated by substances or industrial, commercial or service activities, that produces annoyance, although it does not cause damage to human health.

Discharge point: It is the duct, chimney, device or site through which pollutants are emitted into the atmosphere.

Substance with an offensive odor: It is one that, due to its organoleptic properties, composition and exposure time, can cause unpleasant odors.

Dangerous substances : Are those that isolated or in combination with others, due to their infectious, toxic, explosive, corrosive, flammable, volatile, combustible, radioactive or reactive characteristics, can cause damage to human health, renewable natural resources or the environment. ambient.

Exposure time: It is the duration of an episode or event.

Paragraph. The definitions adopted are not exhaustive, so that technical words and concepts that have not been expressly defined must be understood in their natural sense, according to their commonly accepted meaning in the branch of science or technique, related to their main or relevant use. For the use of concepts and words not expressly defined, or whose meaning and application offer difficulty, and for their subsequent and appropriate interpretation, the approved concepts and definitions adopted by the International Standard Organization (ISO) will be accepted.

For the issuance of standard norms, and taking into account the global nature of the problems that affect the environment and renewable natural resources, the Ministry of Environment and Sustainable Development and other competent environmental authorities, may base their decisions on experience or technical studies. , national and international, of recognized scientific suitability, or in which for similar or equal cases, have served as a technical basis for the issuance of standards or the adoption of environmental policies, of recognized effectiveness in other countries

(Decree 948 of 1995, art. 2).

SECTION 2

GENERAL PROVISIONS ON AIR QUALITY STANDARDS, POLLUTION LEVELS, POLLUTING AND NOISE EMISSIONS

ARTICLE 2.2.5.1.2.1. ***Types of air pollutants.*** First degree pollutants are those that affect air quality or the level of immission, such as tropospheric ozone or photochemical smog and its precursors, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide and The Lead.

First-degree toxic pollutants are those that are emitted, either routinely or accidentally, that can cause cancer, acute diseases or birth defects and genetic mutations.

Second-grade pollutants are those that, without affecting the level of immission, generate damage to the atmosphere, such as chemical compounds capable of contributing to the reduction or destruction of the stratospheric ozone layer that surrounds the Earth, or the emissions of pollutants that Even affecting the level of immission, they contribute especially to the aggravation of the "greenhouse effect", or global climate change.

Primary pollution is understood as that generated by first-degree pollutants; and by secondary contamination, that produced by contaminants of the second degree.

The environmental authority will give priority to the control and growing reduction of the emissions of these substances and of the types of atmospheric contamination that this article deals with.

(Decree 948 of 1995, art. 3).

ARTICLE 2.2.5.1.2.2. Specially controlled activities. Without prejudice to their powers to exercise control over any polluting activity, the following will be considered as activities, subject to priority attention and control by the environmental authorities:

a) The burning of natural forest and protective vegetation and other prohibited open burning;

b) The burning of fossil fuels used by the vehicle fleet;

c) The industrial or commercial burning of fossil fuels;

d) Controlled open burning in rural areas;

e) The incineration or burning of hazardous toxic substances, residues and waste;

f) Industrial activities that generate, use or emit substances subject to the controls of; Montreal Protocol, approved by Law 29 of 1992;

g) Quarries and crushing plants for construction materials,

(Decree 948 of 1995, art. 4).

ARTICLE 2.2.5.1.2.3. *Of the different kinds of norms and standards.* The standards for the protection of air quality are;

a) Air quality standard or immission level;

b) Standard for the emission or discharge of contaminants into the air;

c) Noise emission standard;

d) Environmental noise standard, and

e) Standard for evaluation and emission of offensive odors.

Each norm will establish the permissible emission standards or limits for each pollutant, except for the norm for the evaluation of offensive odors, which will establish the tolerance thresholds by statistical determination.

(Decree 948 of 1995, art. 5).

ARTICLE 2.2.5.1.2.4. *Of the air quality standard or immission level.* The national air quality standard, or immission level, will be established for the entire territory, in reference conditions, by the Ministry of Environment and Sustainable Development.

The local air quality standard, or local immission level, may be more restrictive than the national standard and will be set by the competent environmental authorities, taking into account the local variation of pressure and temperature, with respect to the reference conditions of the national standard.

Background conditions that affect air quality at a given location, such as meteorological and topographical conditions, will be taken into account when setting local air quality standards.

(Decree 948 of 1995, art. 6).

ARTICLE 2.2.5.1.2.5. ***Of the classes of air quality standards or of the different periodic levels of immission.*** The air quality standard, or immission level, will be set for annual, daily, eight-hour, three-hour, and one-hour exposure periods.

The annual quality standard, or annual immission level, will be expressed based on the daily arithmetic average in a year of concentration of gases and PM10 particulate matter, and the daily geometric average in a year of the concentration of total particles in suspension.

The daily quality standard, or daily immission level, will be expressed based on the concentration value of gases and particulate matter in 24 hours.

The quality standard for eight hours, or immission level for eight hours, will be expressed based on the gas concentration value in eight hours.

The quality standard for three hours, or immission level for three hours, will be expressed based on the gas concentration value in three hours.

The hourly quality standard, or immission level per hour, will be expressed based on the gas concentration value in one hour.

(Decree 948 of 1995, art. 7 modified by Decree 979 of 2006 art. 1).

ARTICLE 2.2.5.1.2.6. ***Of the emission standards*** **.** The emission standards issued by the competent environmental authority will contain the legally admissible emission standards and rates of air pollutants. Said standards will determine, as the case may be, the quantity, weight, volume and time factors necessary to determine the permissible values.

(Decree 948 of 1995, art. 8).

ARTICLE 2.2.5.1.2.7. ***From the normal level of pollutant concentrations.*** The Normal Level of contaminant concentration in a given place will be considered the degree of contaminant concentration that does not exceed the maximum established for the Immission Level or Air Quality Standard. The Normal Level will be variable according to the reference conditions of the place.

The Normal Level will be the desirable degree of atmospheric quality and will be taken as a reference level for the adoption of measures to reduce, correct or mitigate the environmental impacts caused by atmospheric pollution phenomena.

(Decree 948 of 1995, art. 9).

ARTICLE 2.2.5.1.2.8. ***Of the levels of prevention, alert and emergency due to air pollution.*** The levels of prevention, alert and emergency are exceptional states of alarm that must be declared by the competent environmental authorities in the event of episodes that increase the concentration and duration of atmospheric pollution.

The declaration of each level will be made in the cases and within the conditions provided by this decree, through a resolution that must be published in the manner provided by the Code of Administrative Procedure and Administrative Litigation for administrative acts of a general nature, and widely disseminated for the knowledge of public opinion and especially of the exposed population.

These levels will be declared by the competent environmental authority, when the concentrations and exposure time of any of the pollutants provided for in the air quality standard are equal to or greater than the concentration and exposure time established in said standard for each one of the levels of prevention, alert or emergency. Likewise, it will suffice for the declaration that the degree of concentration and the exposure time of a single pollutant have reached the limits established in the air quality standard.

The declaration referred to in this article will be made in consultation with the corresponding health authorities, based on sampling and technical measurements of the degree of concentration of pollutants, carried out by the competent environmental authority in the place affected by the declaration, which allow the detection of the degrees of concentration of pollutants foreseen for each case by current air quality standards, unless the nature of the episode makes a situation of serious danger ostensible and imminent.

The declaration of the levels that this article deals with will have the purpose of stopping, mitigating or reducing the state of concentration of contaminants that has given rise to the declaration of the respective level and achieve the reestablishment of the most favorable pre-existing conditions for the exposed population.

Paragraph 1. The Ministry of Environment and Sustainable Development will establish, through a resolution, the concentration and exposure time of pollutants for each of the levels covered by this article.

2nd paragraph. In the event that the competent environmental authority in the respective jurisdiction affected by a contamination event does not declare the corresponding level or adopt the appropriate measures, the higher authority within the National Environmental System, SINA, may do so, prior communication of this last to the former, on the reasons that warrant the respective declaration.

(Decree 948 of 1995, art. 10 , modified by Decree 979 of 2006 art. 2).

ARTICLE 2.2.5.1.2.9. ***Of the restrictive emission standards.*** The competent environmental authority in the place where one of the contaminant concentration levels dealt with in the preceding articles has been declared may, in addition to taking the measures authorized by this Decree, dictate emission standards for the affected area, for sources fixed or mobile, more restrictive than those established by current national, regional, departmental or local regulations. In such a case, the most restrictive regulations will be issued in accordance with the rules of the Subsidiary Rigor Principle referred to in article 63 of Law 99 of 1993.

Except in the event of a supervening circumstance of serious danger, no environmental authority may dictate emission standards for the area of its jurisdiction that are more restrictive than those established for the national level, without the prior declaration of the levels indicated in this section.

(Decree 948 of 1995, art. 11).

ARTICLE 2.2.5.1.2.10. ***From the setting of values and times for each level of contamination.*** *The* Ministry of Environment and Sustainable Development, by means of a resolution, will establish the maximum admissible limits of the levels of air pollution, which are dealt with in the previous articles, and will establish the degrees of concentration of pollutants that will allow the competent environmental authorities to adopt regulations of emission more restrictive than those in force for the rest of the national territory.

(Decree 948 of 1995, art. 12).

ARTICLE 2.2.5.1.2.11. ***Of the allowable emissions.*** Any discharge or emission of pollutants into the atmosphere may only be carried out within the permissible limits and under the conditions indicated by law and regulations.

The emission permits will be issued for the normal level, and will cover the authorized emission provided that in the area where the emission occurs, the concentration of pollutants does not exceed the values set for the prevention level, or that the polluting discharge is not direct . causing, due to its displacement, concentrations higher than those set for the level of prevention in other areas.

(Decree 948 of 1995, art. 13).

ARTICLE 2.2.5.1.2.12. ***Noise emission standard and environmental noise standard.*** The Ministry of Environment and Sustainable Development will set by resolution the maximum permissible standards of noise emission and environmental noise, for the entire national territory.

Said standards will determine the permissible levels of sound pressure, for each one of the sectors classified in this section, and will establish the permitted hours, taking into account the health requirements of the exposed population.

The noise norms or standards that this article deals with will be set to avoid harmful effects that alter the health of the population, affect the balance of ecosystems, disturb the public peace or harm the right of people to quietly enjoy the assets. public and the environment.

Noise regulations may affect any sound pressure generated by mobile or fixed sources, even from private areas or property, that reaches public areas or the environment.

(Decree 948 of 1995, art. 14).

ARTICLE 2.2.5.1.2.13. ***Classification of environmental noise restriction sectors.*** For the setting of environmental noise standards, the Ministry of Environment and Sustainable Development will attend to the following sectorization:

1. Sectors A. (Tranquility and Silence), urban areas where hospitals, nurseries, libraries, sanatoriums and nursing homes are located.

2. Sectors B. (Tranquility and Moderate Noise), residential areas or exclusively destined for housing development, parks in urban areas, schools, universities and colleges.

3. Sectors C. (Restricted Intermediate Noise), zones with permitted industrial and commercial uses, offices, institutional use and other related uses.

4. Sectors D. (Suburban or Rural Zone of Tranquility and Moderate Noise), inhabited rural areas destined for agricultural exploitation, or suburban residential zones and recreation and rest zones.

(Decree 948 of 1995, art. 15).

ARTICLE 2.2.5.1.2.14. ***Standards for the evaluation and emission of offensive odours.*** The Ministry of Environment and Sustainable Development will set the standards to statistically establish the tolerance thresholds for offensive odors that affect the community and the procedures to determine their permissible level, as well as those related to the registration and reception of complaints and the carrying out of objective statistical tests of perception and evaluation of said odours.

Likewise, the Ministry of Environment and Sustainable Development will regulate the emission of substances or the development of activities that cause offensive odors. Likewise, the standard will establish the emission limits of substances associated with annoying odors, the activities that will be specially controlled as the main sources of offensive odors, the appropriate corrective or mitigation measures, the procedures for determining the tolerance thresholds and the rules that must be observed to protect unpleasant to the exposed.

(Decree 948 of 1995, art. 16).

SECTION 3

OF POLLUTING EMISSIONS

ARTICLE 2.2.5.1.3.1. ***Emissions Banned and Controlled Substances*** **.** The Ministry of Environment and Sustainable Development will define the lists of prohibited emission substances and those of controlled emission, as well as the emission standards of the latter.

(Decree 948 of 1995, art. 17).

ARTICLE 2.2.5.1.3.2. ***Classification of polluting sources.*** Sources of air pollution can be:

a. Fixed Sources and

b. Mobile Sources;

c. Fixed sources can be: point, scattered, or area-source.

d. Mobile sources can be: air, land, river and sea.

(Decree 948 of 1995, art. 18).

ARTICLE 2.2.5.1.3.3. *Restriction of use of polluting fuels.* Fuels with contents of polluting substances higher than those established by the respective standards may not be used in boilers and furnaces for commercial and industrial use or for power generation in thermoelectric plants or in internal combustion engines of motor vehicles.

The Ministry of Environment and Sustainable Development will establish the environmental quality standards and criteria that must be observed in the use of fuels, in accordance with the provisions of this article.

(Decree 948 of 1995, art. 19).

ARTICLE 2.2.5.1.3.4. *Establishments that generate offensive odours.* The operation of establishments that generate offensive odors in residential areas is prohibited. .

The competent Environmental Authorities and especially the municipalities and districts, will determine the rules and conditions of application of the prohibitions and restrictions to the operation, in inhabited areas and urban areas, of installations and industrial and commercial establishments that generate offensive odors, as well as those that are the case with respect to the development of other activities that cause foul odors.

(Decree 948 of 1995, art. 20).

ARTICLE 2.2.5.1.3.5. *Restriction to new establishments in areas of high contamination.* The operation of new industrial facilities, likely to cause emissions into the atmosphere, may not be authorized in source-areas in which the discharges of pollutants into the air, emitted by existing fixed sources, produce, as a whole, concentrations higher than those established by the regulations. quality standards defined for the respective source-area.

The competent environmental authorities will determine, through technical studies, based on suitable measurements, the areas or zones that, within the territory of their jurisdiction, have the pollutant concentrations referred to in this article and will refrain from issuing environmental licenses and permits required for the operation of new facilities, likely to be fixed sources of polluting emissions, until the area subject to the restriction reduces its global polluting discharge and allows a new admissible emission quota.

In the act of classifying an area as a source area, and without prejudice to the power of the administrative authority to introduce the changes or additions that the circumstances require, the pollutants whose emissions are subject to restriction will be determined, both to establish the program of reduction to determine the quotas for new emissions.

Emission quotas may not be granted in violation of the reduction programs to which a source area is subject, under the terms provided in this section For the determination of the reduction programs and for the application of the restrictions referred to in this article , the chemical reactions between polluting gases that are emitted in the source area will be taken into account.

The new emission quota resulting from a reduction in global discharges will be assigned to the applicants for the environmental license, or the emission permit, in the chronological order of presentation of the respective applications.

(Decree 948 of 1995, art. 21).

ARTICLE 2.2.5.1.3.6. *Waste materials in public areas.* Private individuals are prohibited from depositing or storing construction, demolition or waste materials on public roads or in areas for public use, which may cause emissions of particles into the air.

Public entities, or their contractors, that carry out repair, maintenance or construction work in areas of public use in urban areas, must remove every twenty-four hours the waste materials that remain as residue from the execution of the work, likely to generate pollution. of particles in the air.

In the event that it is necessary to store solid materials for the development of public works and these are likely to emit dust and polluting particles into the air, they must be fully covered in an adequate manner or stored in closed areas to prevent any fugitive emission.

(Decree 948 of 1995, art. 22).

ARTICLE 2.2.5.1.3.7. *Control of nuisance emissions from commercial establishments* . Commercial establishments that produce emissions into the air, such as restaurants, laundries, or small businesses, must have ducts or devices that ensure adequate dispersion of gases, vapors, particles, or odors, and that prevent them from causing annoyance to neighbors or passersby.

(Decree 948 of 1995, art. 23).

ARTICLE 2.2.5.1.3.8. *Combustion of waste lubricating oils.* The Ministry of Environment and Sustainable Development will establish the cases in which the use of waste lubricating oils in commercial or industrial furnaces or boilers as fuel will be allowed, and the technical conditions under which the activity will be carried out.

(Decree 948 of 1995, art. 24 ; modified by Decree 1697 of 1997 art.

ARTICLE 2.2.5.1.3.9. *Ban on the use of heavy crude oil.* The use of heavy crude oil with sulfur content greater than 1.7% by weight, as fuel in boilers and furnaces of commercial, industrial or service establishments, is prohibited from January 1, 2001.

Paragraph. However, as of January 1, 2001, its use as fuel in furnaces and boilers will be allowed, as long as it is carried out within the respective production field, in which case the user will be obliged to comply with the regulations of issuance issued by the Ministry of Environment and Sustainable Development.

(Decree 948 of 1995, art. 25 ; modified by Decree 2107 of 1995, art. 1).

ARTICLE 2.2.5.1.3.10. *Prohibition of incineration of tires, batteries and other elements that produce toxic substances in the air.* The open burning, or the use as fuel in boilers or ovens in industrial processes, of tires, batteries, plastics and other elements and waste that emit toxic pollutants into the air is prohibited.

(Decree 948 of 1995, art. 26).

ARTICLE 2.2.5.1.3.11. *Incineration of pathological and industrial waste.* Pathological and industrial waste incinerators must necessarily have the gas burning and post-burning systems or the emission control systems required by the regulations issued for this purpose by the Ministry of Environment and Sustainable Development, without prejudice to the regulations issued health authorities within the sphere of their competence.

(Decree 948 of 1995, art. 27).

ARTICLE 2.2.5.1.3.12. *Burning of forest and protective vegetation.* The burning of natural forest and protective natural vegetation throughout the national territory is prohibited.

(Decree 948 of 1995, art. 28).

ARTICLE 2.2.5.1.3.13. *open burning.* It is prohibited within the urban perimeter of cities, towns and human settlements, and in the surrounding areas established by the competent authority, the practice of open burning.

No one responsible for commercial, industrial and hospital establishments may carry out open burning to treat their solid waste. Those responsible for the management and final disposal of solid waste may not carry out open burning for its treatment.

Domestic or recreational bonfires will be allowed as long as they do not cause inconvenience to the neighbors.

(Decree 948 of 1995, art. 29).

ARTICLE 2.2.5.1.3.14. ***Open burning in rural areas.*** The practice of rural open burning is prohibited, except for controlled burning in agricultural and mining activities referred to in the following paragraph:

Open burning in rural areas for soil preparation in agricultural activities, land stripping for mining activities, crop harvesting or stubble disposal, and open burning as a result of agricultural activities carried out to control the effects of frost will be controlled and subject to the rules established for this purpose by the Ministry of Agriculture and Rural Development, the Ministry of Health and Social Protection and the Ministry of Environment and Sustainable Development with a view to reducing said burning, controlling air pollution, fire prevention, health protection, ecosystems, protective zones of bodies of water and infrastructure.

Paragraph 1. Within a period not exceeding two months, counted from the effective date of this decree, the aforementioned Ministries must issue the regulations required in this article, which will contain the requirements, terms, conditions and obligations that must be met so that they can be carry out the controlled agricultural burning referred to in this article as of January 1, 2005,

(Decree 948 of 1995, art. 30 ; modified by Decree 4296 of 2004 art. 1).

2nd paragraph. Open burning in rural areas of narcotic, psychotropic or synthetic drugs that are included in tables one, two, three and four of the United Nations Convention on Psychotropic Substances, carried out by the competent authorities and in accordance with to legal provisions.

For these events, no prior atmospheric emission permit will be required, which is dealt with in this decree.

The Ministries of Defense and Environment and Sustainable Development, in accordance with the legal system, will adopt the protocol for the destruction of the aforementioned elements.

Said protocol will be the Environmental Management Plan that will contain the measures that must be adopted to guarantee that the least impact is produced with respect to renewable natural resources and the environment.

(Decree 1470 of 2014, art.

ARTICLE 2.2.5.1.3.15. ***Controlled open burning techniques.*** Those responsible for open controlled burning in rural areas must have the techniques, equipment and personnel duly trained to control them. The characteristics and technical specifications related to these burnings will be indicated in the resolution that grants the respective permit,

(Decree 948 of 1995, art. 31).

ARTICLE 2.2.5.1.3.16. ***Volatile toxic storage conditions.*** The storage, in tanks or containers, of volatile toxic products that vent directly into the atmosphere is restricted.

The Ministry of Environment and Sustainable Development will determine the emission control systems that must be adopted for the storage of the substances referred to in this article.

(Decree 948 of 1995, art. 32).

ARTICLE 2.2.5.1.3.17. ***Prohibition of hazardous emissions for human health.*** The Ministry of Environment and Sustainable Development, in coordination with the Ministry of Health and Social Protection, will regulate, control or prohibit, as the case may be, the emission of pollutants that cause high risks to human health, and will demand the immediate execution of the contingency and emission control plans that are required.

(Decree 948 of 1995, art. 33).

ARTICLE 2.2.5.1.3.18. ***Protective meshes in building construction.*** The construction of buildings with more than three floors must have protection meshes on their fronts and sides, made of resistant material that prevents the emission of particulate matter into the air.

(Decree 948 of 1995, art. 34).

ARTICLE 2.2.5.1.3.19. *Emissions in port operations.* Those responsible for the storage, loading and unloading of liquid or solid materials, in maritime, river and air port operations that may cause the emission of dust, particles, gases and volatile substances of any nature into the air, must have the systems, instruments or techniques necessary to control these emissions.

In the operations of storage, loading, unloading and transport of coal and other particulate materials in bulk, it is mandatory to use humidification systems or techniques or adequate means of stacking, absorption or coverage of the load, which avoid as much as possible the fugitive dust emissions into the air.

Paragraph. For the purposes of this article, the person responsible for the port operation will be understood as whoever is responsible for handling the cargo according to the provisions in force.

SECTION 4

OF POLLUTING EMISSIONS FROM MOBILE SOURCES

ARTICLE 2.2.5.1.4.1. *Prohibited emissions.* The discharge of polluting emissions, visible or not, by motor vehicles activated by any fuel, which violate the respective current emission standards, is prohibited.

(Decree 948 of 1995, art. 36).

ARTICLE 2.2.5.1.4.2. *Controlled emission substances in land mobile sources.* The discharge into the air, by any mobile source, in concentrations higher than those provided for in the emission standards, of pollutants such as carbon monoxide (CO), hydrocarbons (HC), nitrogen oxides (NOX), particulate matter is prohibited. , and others that the Ministry of Environment and Sustainable Development determines, when the circumstances so warrant.

(Decree 948 of 1995, art. 37).

ARTICLE 2.2.5.1.4.3. *Diesel vehicle emissions.* Visible emissions of pollutants in vehicles activated by diesel (ACPM), which present an opacity higher than that established in the emission standards, are prohibited. The opacity will be verified by means of technical measurements that allow its comparison with current standards.

As of the 1997 model year, vehicles with a load capacity greater than three (3) tons or designed to transport more than nineteen (19) passengers, activated by diesel (ACPM) whose engine is not turbocharged or that operate with any other technology approved by the Ministry of the Environment. To comply with this prohibition, the competent authorities will deny the respective licenses or authorizations.

The use of horizontal discharge exhaust pipes in diesel vehicles with load capacity greater than three (3) tons or designed to transport more than nineteen (19) passengers traveling on public roads is prohibited. The exhaust pipes of said vehicles must be directed upwards and discharge at a height not less than three (3) meters from the ground or fifteen (15) centimeters above the roof of the vehicle cabin.

The owners, manufacturers, assemblers and importers of all vehicles of these characteristics that do not meet the requirements of the third paragraph of this article, must make the corresponding adjustments so that they comply with the provisions of this standard, in order to what which term is granted until lo. of March 1996. Once said term has expired, if they do not comply with what is established here, they will not be able to circulate until the authorities verify that the adjustments comply with the norm.

Exempt from compliance with the measures contained in subsections 2o. and 3rd. of this article, to all diesel vehicles model year 2001 onwards.

(Decree 948 of 1995, art. 38 ; modified by Decree 1552 of 2000, art 1).

ARTICLE 2.2.5.1.4.4. *Obsolescence of the automotive fleet.* The Ministry of Environment and Sustainable Development, after consultation with the Ministry of Transportation, or the

municipalities and districts, may establish restrictions on the circulation of motor vehicles due to their age or obsolescence, when necessary to reduce pollution levels in urban areas. .

(Decree 948 of 1995, art. 39).

ARTICLE 2.2.5.1.4.5. ***Content of lead and other contaminants in fuels.*** It may not be imported, produced or distributed in the country, gasoline containing tetraethyl lead in amounts greater than those specified internationally for unleaded gasoline, except as fuel for piston aircraft.

In accordance with the foregoing, the Ministry of Environment and Sustainable Development and the Ministry of Mines and Energy will establish the quality specifications, in environmental and technical matters respectively, of the fuels that must be imported, produced, distributed and consumed throughout the country. National territory.

PARAGRAPH 1st. Fuels produced in refineries that were in operation in the country as of June 5, 1995, as well as those that must be imported, produced or distributed in special supply circumstances, may be exempted from compliance with the provisions for quality of fuels, except in terms of the prohibition of lead content, when expressly authorized by the Ministry of Environment and Sustainable Development and for the term indicated by it, prior favorable concept of the Ministry of Mines and Energy.

2nd PARAGRAPH. In order to exempt the area currently served by the Orito - Putumayo refinery from complying with the prohibition of producing, importing, marketing, distributing, selling and consuming leaded automotive gasoline in the national territory, express authorization must be obtained from the Ministry of Environment and Sustainable Development and for the term that it indicates, prior favorable concept of the Ministry of Mines and Energy.

(Decree 948 of 1995, art. 40 ; modified by Decree 1530 of 2002, art. 1).

ARTICLE 2.2.5.1.4.6. ***Obligation to cover the polluting load.*** Transport vehicles whose cargo or its waste may emit dust, gases, particles or volatile substances of any nature into the air, on roads or public places, must have protective devices, tents or covers, made of resistant material, duly secured to the container. or bodywork, in such a way as to prevent the escape of said substances into the air as much as possible.

(Decree 948 of 1995, art. 41).

SECTION 5

OF THE GENERATION AND EMISSION OF NOISE

ARTICLE 2.2.5.1.5.1. ***Control of noise emissions.*** All emissions, whether continuous, fluctuating, transitory or impact, are subject to restrictions and control.

Environmental regulations will aim to prevent and control the emission of urban, rural, domestic and work noise that transcends the environment or public space. The Ministry of Environment and Sustainable Development will establish the standards applicable to the different classes and categories of environmental noise emissions and to the places where their effects are generated or produced, as well as the control and measurement mechanisms of their levels, provided that they transcend the environment and public space.

(Decree 946 of 1995, art. 42).

ARTICLE 2.2.5.1.5.2. ***Noise in sectors of silence and tranquility.*** Prohibit the generation of noise of any nature above the established standards, in the sectors defined as A by this Decree, except in the case of disaster prevention or emergency care.

(Decree 948 of 1995, art. 43).

ARTICLE 2.2.5.1.5.3. ***Speakers and amplifiers.*** The use of these instruments in areas for public use and those that, installed in private areas, generate noise that transcends the environment is prohibited, except for disaster prevention, emergency care and the dissemination of health

campaigns. The use of the aforementioned instruments or equipment in the performance of cultural, sports, religious or political events requires prior permission from the competent authority.

(Decree 948 of 1995, art. 44).

ARTICLE 2.2.5.1.5.4. *Prohibition of noise generation.* Prohibit the generation of noise that crosses the limits of a property, in contravention of the permissible standards of sound pressure or within the hours established by the respective regulations.

(Decree 948 of 1995, art. 45).

ARTICLE 2.2.5.1.5.5. *Permissible noise hours.* The competent environmental authorities will set schedules and conditions for the emission of permissible noise in the different sectors defined in this Decree.

(Decree 948 of 1995, art. 46).

ARTICLE 2.2.5.1.5.6. *Industrial machinery noise.* Prohibit the emission of noise by industrial machines in sectors classified as A and B.

(Decree 948 of 1995, art. 47).

ARTICLE 2.2.5.1.5.7. *Noisy industrial and commercial establishments.* In sectors A and B, the construction or operation of commercial and industrial establishments likely to generate and emit noise that may disturb public tranquility, such as warehouses, shops, taverns, bars, nightclubs and the like, will not be allowed.

(Decree 948 of 1995, art. 48).

ARTICLE 2.2.5.1.5.8. *Power plant noise.* Emergency electrical generators, or power plants, must have silencers and systems that allow control of noise levels, within the values established by the corresponding standards.

(Decree 948 of 1995, art. 49).

ARTICLE 2.2.5.1.5.9. *Sales promotion with loudspeakers or amplifiers.* The promotion of the sale of products or services, or the dissemination of any promotional message, through the announcement with amplifiers or loudspeakers in public areas or thoroughfares, at any time, will not be allowed.

(Decree 948 of 1995, art. 50).

ARTICLE 2.2.5.1.5.10. *Obligation to prevent noise disturbance.* Those responsible for noise emission sources that may affect the environment or human health must use the necessary control systems to ensure that noise levels do not disturb the surrounding inhabited areas in accordance with the levels set by the regulations that for this purpose establish the Ministry of Environment and Sustainable Development.

(Decree 948 of 1995, art. 51).

ARTICLE 2.2.5.1.5.11. *Noise dampening perimeter area.* The planning regulations for new industrial development areas, in all municipalities and districts, must establish a perimeter buffer area against noise or with elements to mitigate environmental noise.

(Decree 948 of 1995, art. 52).

ARTICLE 2.2.5.1.5.12. *Noise buffer zones for high-traffic roads.* *The* design and construction of new roads with high vehicular circulation, in urban areas or close to towns or human settlements, must have noise buffer zones that minimize their impact on the surrounding populated areas, or with environmental noise mitigation elements.

(Decree 948 of 1995, art. 53).

ARTICLE 2.2.5.1.5.13. *Noise specifications for specially protected buildings.* As of the validity of this Decree, the design for the construction of hospitals, clinics, sanatoriums, libraries and

educational centers must comply with the technical specifications established for this purpose in the national standards set by the Ministry of Environment and Sustainable Development. , to protect these buildings from the noise caused by heavy or semi-heavy vehicular traffic or by their proximity to commercial or industrial establishments.

(Decree 948 of 1995, art. 54).

ARTICLE 2.2.5.1.5.14. ***Noise restriction in residential areas.*** In residential or quiet areas, no person will be allowed to operate speakers, amplifiers, musical instruments or any similar device that disturbs public tranquility, or that generates noise levels higher than those established for the neighborhood or the environment. in the respective standards.

(Decree 948 of 1995, art. 55).

ARTICLE 2.2.5.1.5.15. ***Operation of road construction, demolition and repair equipment.*** The operation of equipment and tools for construction, demolition or repair of roads, generators of environmental noise in residential areas, between 7:00 pm and 7:00 am from Monday to Saturday, or at any time On Sundays and holidays, it will be restricted and will require special permission from the mayor or the competent police authority.

Even if there is permission from the mayor to emit noise during restricted hours, he must suspend it when there is a complaint from at least two (2) people.

Paragraph. The use of equipment for the execution of emergency works, disaster relief or the performance of community works and urgent public works is excepted from the restriction on the hours dealt with in subsection 10 of this article.

(Decree 948 of 1995, art 56).

ARTICLE 2.2.5.1.5.16. ***Airport noise.*** In the environmental licenses granted for the establishment, construction and operation of new airports, the competent environmental authority will determine standards for the prevention of noise pollution related to the following aspects:

a) Distance from inhabited areas to landing and taxi runways and parking and maintenance areas;

b) Development policies on land use in the surroundings of the airport or heliport;

c) Map on noise abatement curves;

d) Estimated number of air operations;

e) Influence of aircraft approach and takeoff operations in inhabited areas;

f) Type of aircraft whose operation is admissible due to their noise generation levels;

Paragraph 1. The competent environmental authority may establish noise mitigation measures for existing airports and eventual noise damping standards, when enlargement of its air operation facilities or traffic increases are foreseen.

Paragraph 2. The Ministry of Environment and Sustainable Development, in coordination with the aeronautical authorities, may establish prohibitions or restrictions on the night operation of flights in international airports, which, due to their location, disturb the tranquility and rest in inhabited areas. The other competent environmental authorities will have the same power for national airports.

(Decree 948 of 1995, art. 57).

ARTICLE 2.2.5.1.5.17. ***Control and monitoring of airport noise.*** The competent environmental authorities, when they deem it necessary, may require those responsible for air traffic, the installation and operation of monitoring stations for environmental noise levels in the risk area subject to high levels of sound pressure: this information must be sent at the request of the authority that exercises control, with the periodicity that it indicates.

Paragraph. The competent environmental authority may at any time verify the noise levels and the proper functioning of the installed equipment.

(Decree 946 of 1995, art. 58).

ARTICLE 2.2.5.1.5.18. ***Horn or horn and noise in public service vehicles.*** The use of the horn or horn by all kinds of vehicles will be restricted, in accordance with the regulations issued for that purpose by the competent authorities.

Public service vehicles for passenger transport, such as buses and taxis, may not keep radio or television transmission equipment on, which transcends the passenger area, at volumes that exceed the level of speech intelligibility. The environmental authorities will establish regulations on the location of loudspeakers in this class of vehicles and maximum decibels allowed.

(Decree 948 of 1995, art. 59).

ARTICLE 2.2.5.1.5.19. ***Heavy traffic restriction.*** The transit of heavy transport, by vehicles such as trucks, dump trucks or tractor trailers, will be restricted on the public roads of sectors A, in accordance with the municipal or district regulations that are issued for this purpose.

(Decree 948 of 1995, art. 60).

ARTICLE 2.2.5.1.5.20. ***Noise generating devices or accessories.*** The installation and use, in any vehicle intended for circulation on public roads, of all kinds of devices or accessories designed to produce noise, such as valves, resonators and horns adapted to the bass and air brake systems, are prohibited.

Prohibit the use of resonators in the exhaust of gases from any mobile source.

(Decree 948 of 1995, art. 61).

ARTICLE 2.2.5.1.5.21. ***Sirens and alarms.*** The use of sirens will only be authorized in police or military vehicles, ambulances and fire trucks. Prohibit the use of sirens in private vehicles.

The owners of fixed and mobile sources whose security alarms continue to emit noise after thirty (30) minutes of being activated will be sanctioned with fines imposed by the municipal or district police authorities.

(Decree 948 of 1995, art. 62).

ARTICLE 2.2.5.1.5.22. ***Use of silencer.*** Prohibit the circulation of vehicles that do not have a muffler system in proper working order.

(Decree 948 of 1995, art. 63).

ARTICLE 2.2.5.1.5.23. ***Indicators.*** The Ministry of the Environment and Sustainable Development will establish the methods for evaluating environmental noise and noise emission, as the case may be, taking into account internationally accepted technical procedures.

(Decree 948 of 1995, art. 64).

SECTION 6

FUNCTIONS OF ENVIRONMENTAL AUTHORITIES IN RELATION TO AIR QUALITY AND POLLUTION CONTROL

ARTICLE 2.2.5.1.6.1. ***Functions of the Ministry of Environment and Sustainable Development.*** It corresponds to the Ministry of Environment and Sustainable Development, within the scope of its powers, in relation to the quality and control of air pollution:

a) Define the national policy for the prevention and control of air pollution;

b) Set the national air quality standard;

c) Establish the minimum environmental standards and the maximum permissible emission standards, coming from all kinds of air polluting sources;

d) Dictate measures to restrict the emission of polluting substances into the atmosphere and to restore the environment damaged by said emissions:

e) Define, modify or expand the list of restricted or prohibited use of air pollutants;

f) Declare, in the absence of the competent environmental authority in the affected area, the levels of prevention, alert and emergency and adopt the corresponding measures in such case;

g) Set standards for both noise emission and environmental noise;

h) Set standards for the prevention and control of air pollution by aerial or manual spraying of agrochemicals, by controlled open burning in agricultural areas or that caused by any agricultural activity:

i) Establish the densities and minimum characteristics of the green areas, wooded areas and areas of protective and ornamental vegetation that, in relation to population density, must be observed in the developments and constructions that are carried out in urban areas;

j) Establish the rules for the prevention and control of atmospheric pollution from mining, industrial and transportation activities, and, in general, from that caused by any activity or service, public or private;

k) Define and regulate the methods of constant observation and monitoring, measurement, evaluation and control of air pollution phenomena as well as the necessary national programs for the prevention and control of air quality deterioration;

l) Standardize the measurement instruments and define the periodicity and the technical procedures for evaluating air pollution, used by the environmental authorities;

m) Set the calculation factors and the minimum rate amount of the retributive and compensatory rates for air pollution;

n) Grant the requested emission permits, when it corresponds to grant environmental licenses in the terms provided by law and regulations;

o) Impose preventive measures and sanctions for the commission of infractions, in matters of its exclusive competence or in which it assumes, to prevent other environmental authorities, subject to the law and regulations;

Paragraph 1. In accordance with the provisions of paragraph 2 of article 5 and by article 117 of Law 99 of 1993, the Ministry of Environment and Sustainable Development will henceforth exercise, in relation to atmospheric emissions, the powers attributed to the Ministry of Health and Social Protection by articles 41 to 49, and others that are concordant, of Law 9 of 1979.

Paragraph 2. The Ministry of Environment and Sustainable Development will establish the requirements that the Ministry of Commerce, Industry and Tourism must demand for the importation of goods, equipment or artifacts that involve the use of substances subject to the controls of the Montreal Protocol and other regulations on the protection of the stratospheric ozone layer.

(Decree 948 of 1995, art. 65).

ARTICLE 2.2.5.1.6.2. ***Functions of the Environmental Authorities.*** The competent Environmental Authorities within the orbit of their competence, in the territory of their jurisdiction, and in relation to the quality and control of air pollution, the following;

a) Grant permits for the emission of pollutants into the air;

b) Declare the levels of prevention, alert and emergency in the area where contaminant concentration events occur that warrant it, in accordance with the standards established for each level by the Ministry of the Environment and Sustainable Development and take all necessary measures. for the mitigation of its effects and for the restoration of the conditions of the normal level;

c) Restrict in the area affected by the declaration of prevention, alert or emergency levels, the permissible limits of pollutant emissions into the atmosphere, in order to restore the local environmental balance;

d) Perform constant observation and monitoring, measurement, evaluation and control of air pollution phenomena and define regional prevention and control programs;

e) Carry out programs for the prevention, control and mitigation of air polluting impacts in association with the municipalities and districts, and answer the requests for technical concepts that they formulate for the best fulfillment of their functions of control and surveillance of the pollution phenomena of the air. air;

f) Exercise, with the support of the departmental, municipal or district authorities, the necessary controls on open burning;

g) Set the maximum amounts of the retributive and compensatory rates that are caused by atmospheric contamination, and carry out their collection;

Advise the municipalities and districts in their functions of prevention, control and monitoring of atmospheric pollution phenomena;

Advance air pollution prevention and control programs in partnership with health authorities and with the participation of affected or especially exposed communities;

j) Impose the corresponding preventive measures and sanctions for the commission of infractions to the norms on emission and atmospheric contamination;

(Decree 948 of 1995, art. 66).

ARTICLE 2.2.5.1.6.3. ***Functions of the Departments.*** In development of the provisions of article 64 and concordant of Law 99 of 1993, it corresponds to the departments, in relation to atmospheric pollution;

a) Provide budgetary, technical, financial and administrative support to the Environmental Authorities and the municipalities, for the execution of air pollution prevention and control programs;

b) Cooperate with the Environmental Authorities and the municipalities and districts, in the exercise of functions of control and vigilance of the phenomena of atmospheric pollution from fixed sources;

c) Provide administrative support to the Ministry of Environment and Sustainable Development, the Environmental Authorities and the municipalities and districts, in the management of crises caused by the declaration of levels of prevention, alert or emergency:

d) Exercise control functions and departmental surveillance of air pollution caused by mobile sources.

(Decree 948 of 1995, art. 67).

ARTICLE 2.2.5.1.6.4. ***Functions of the Municipalities and Districts.*** In development of the provisions of article 65 and concordant of Law 99 of 1993, it corresponds to the municipalities and districts in relation to the prevention and control of air pollution, through their mayors or municipal or to those who delegate them, subject to the law, regulations and higher environmental standards:

a) Dictate norms for the protection of the air within its jurisdiction;

b) Dictate restrictive measures for the emission of pollutants into the atmosphere, when the circumstances so require and in the event of episodes that require the declaration, in the municipality or district, of levels of prevention, alert or emergency;

c) Establish the rules and criteria on air protection and dispersion of pollutants that must be taken into account in the environmental planning of the territory of the municipality or district, in the zoning of urban and rural land use and in development plans;

d) Advance tree planting and reforestation programs in urban and rural areas;

e) Grant, in accordance with the provisions of this decree, police permits to carry out activities or the execution of works and jobs that involve the emission of noise that exceptionally exceeds current standards or that are carried out at times other than those established;

f) Exercise control functions and municipal or district surveillance of atmospheric pollution phenomena and impose corrective measures that correspond in each case;

g) Impose, at the prevention of the other competent authorities, the preventive measures and sanctions that are appropriate for the infraction of the emission standards by mobile sources in the respective municipality or district, or for those incurred within their jurisdiction, fixed sources with respect to which the function of granting the corresponding emission permit has been delegated;

Paragraph. The municipal and district councils are responsible for exercising the functions established in paragraphs a. and c. of this article. The rest will be exercised by the mayors or by the organisms to which the municipal or district regulations, or the acts of delegation, attribute their exercise.

(Decree 948 of 1995, art. 68).

ARTICLE 2.2.5.1.6.5. ***Ideam functions.*** The Institute of Hydrology, Meteorology and Environmental Studies (IDEAM) will provide technical and scientific support to environmental authorities, and especially to the Ministry of Environment and Sustainable Development, in the exercise of its powers related to atmospheric protection and will carry out studies technicians necessary for decision-making and for the issuance of the regulations that the Ministry issues on the matter in development of its attributions.

IDEAM is responsible for maintaining up-to-date information and carrying out constant monitoring of the phenomena of contamination and degradation of air quality in the national territory and, in particular, to carry out permanent monitoring, through appropriate technical procedures and instruments for measurement and surveillance, of the phenomena of secondary contamination.

The IDEAM will be in charge of carrying out the technical studies aimed at standardizing the methods, procedures and instruments used by the environmental authorities, by the environmental diagnostic laboratories and by the issuing agents, for the control, surveillance and measurement of the air pollution phenomena, and the others that correspond to exercise in relation to the control of atmospheric pollution and the protection of air quality, in accordance with the law and regulations.

(Decree 948 of 1995, art 69).

ARTICLE 2.2.5.1.6.6. ***Application of the principle of subsidiary rigor.*** The competent Environmental Authorities, departments, municipalities and districts, in their order, in their capacity as environmental authorities, may adopt specific standards for air quality and environmental noise, emission of pollutants and noise emission, more restrictive than those established by the Ministry of Environment and Sustainable Development, based on the following considerations:

1. ***For air quality standards.*** When, through studies of meteorology and air quality in its area of jurisdiction, it is verified that it is necessary to make said regulations more restrictive.

2. ***For ambient noise standards.*** When through technical studies, in the environmental planning plans of the territory or in the zoning statutes of land uses, and in attention to the characteristics of the generating source, it is required to restrict said norms, subject to the laws, the regulations and standards and criteria established by the Ministry of Environment and Sustainable Development.

3. ***For emission standards:***

a) When by measuring air quality, it is verified that the emissions discharged into the air produce concentrations of pollutants such that they can reach one of the following pollution levels:

75% of the daily concentrations in a year are equal to or greater than the values of the annual air quality standard or annual immission level;

30% of the daily concentrations in a year are equal to or greater than the values of the daily air quality standard or the daily immission level;

15% of concentrations per hour in a year. are equal to or greater than the values of the hourly norm or the hourly immission level.

b) When, despite the application of control measures in the emission sources, the individual concentrations of pollutants in the air present a pronounced increase until they reach the degrees and frequencies established in literal a).

c) When, due to scientific and technical studies, it is verified that the meteorological conditions are adverse for the dispersion of contaminants in a determined region, to the point that the degrees and frequencies of the levels of contamination indicated in the literal are reached. a).

(Decree 948 of 1995, art. 70).

ARTICLE 2.2.5.1.6.7. ***Support from the public force and other authorities.*** In all cases in which the competent environmental authority adopts measures to restrict, monitor or control pollution episodes, it may request the support of the public force and other civil and police authorities of the affected place, which will have the obligation to lend it to guarantee the full execution of the measures adopted. The civil, military or police authority that unjustifiably refuses due collaboration or support will incur the sanctions provided for by the respective disciplinary regime.

(Decree 948 of 1995, art. 71).

SECTION 7

EMISSION PERMITS FOR FIXED SOURCES

ARTICLE 2.2.5.1.7.1. ***Of the atmospheric emission permit.*** The atmospheric emission permit is the one granted by the competent environmental authority, through an administrative act, so that a natural or legal person, public or private, within the permissible limits established in the respective environmental regulations, can make emissions into the air. The permit will only be granted to the owner of the work, company, activity, industry or establishment that originates the emissions.

Emission permits, since they are related to the exercise of restricted activities for reasons of public order, do not create acquired rights in the head of their respective owner, so that their modification or suspension may be ordered by the competent environmental authorities when circumstances arise that substantially alter those that were taken into account to grant it, or that merit the declaration of the levels of prevention, alert or emergency.

Paragraph 1. The permit can be obtained as part of the single environmental license, or the global license, or separately, in the other cases provided by law and regulations.

Paragraph 2. No atmospheric emission permit will be required for emissions that are not subject to prohibition or legal or regulatory restriction, or control by environmental regulations.

(Decree 948 of 1995, art. 72).

ARTICLE 2.2.5.1.7.2. ***Cases that require an atmospheric emission permit.*** The performance of any of the following activities, works or services, public or private, will require a prior atmospheric emission permit:

a) Controlled open burning in rural areas;

b) Discharges of smoke, gases, vapors, dust or particles through ducts or chimneys of industrial, commercial or service establishments:

c) Fugitive or dispersed emissions of pollutants from open pit mining activities;

d) Incineration of solid, liquid and gaseous waste;

e) Storage, transportation, loading and unloading operations in ports likely to generate air emissions;

f) Operation of boilers or incinerators by an industrial or commercial establishment;

g) Burning of fuels, in ordinary operation, from oil and gas exploitation fields;

h) Processes or activities likely to produce emissions of toxic substances;

i) Production of lubricants and fuels;

j) Refining and storage of oil and its derivatives; and petrochemical manufacturing processes;

k) Operation of thermoelectric plants;

l) Operation of Nuclear Reactors;

m) Activities that generate offensive odors;

n) The others that the Ministry of Environment and Sustainable Development establishes, based on technical studies that indicate the need to control other emissions.

Paragraph 1. In the cases provided for in subparagraphs a), b), d), f) and m) of this article, the Ministry of Environment and Sustainable Development will establish the factors based on which a prior atmospheric emission permit will be required, taking into account criteria such as minimum fuel consumption values, production volumes, type and volume of raw materials consumed, size and installed capacity, risk to human health and inherent environmental risk, location, vulnerability of the affected area, the value of the project, work or activity, the consumption of natural resources and energy, and the type and dangerousness of the waste generated, as the case may be.

Paragraph 2. In the cases of controlled open burning in rural areas that are carried out, either permanently, as an integral and cyclical part of the agricultural production process, or for the stripping of land destined for small open-pit mining operations, the emission permits may be granted, for the development of the burning activity as a whole, to associations or groups of applicants when they carry out their activities in the same geographical area, provided that they jointly establish surveillance and monitoring systems for the effects of the pollution they generate. and without prejudice to the responsibility of each one to carry out the adequate and corresponding control of the burning and the dispersion of its emissions.

Paragraph 3. Incidental burning in gas or hydrocarbon exploitation fields, carried out for the attention of events or emergencies, will not require an atmospheric emission permit.

Paragraph 4. Expansions or modifications of facilities that have an atmospheric emission permit, whose specifications or technical, architectural or urban characteristics introduce substantial variations to the emission or dispersion conditions of the polluting substances emitted, or that have the effect of adding new Contaminants to existing emissions or increase the amount of these, will require the prior modification of the current permit.

(Decree 948 of 1995, art. 73).

Paragraph 5. Boilers or furnaces that use natural gas or liquefied petroleum gas as fuel, in an industrial or commercial establishment or for the operation of thermoelectric plants with boilers, turbines and engines, will not require an atmospheric emission permit.

The Ministry of Environment and Sustainable Development may establish the specific technical conditions to develop the activities referred to in the preceding paragraph.

(Added by Decree 1697 of 1997, art. 3).

ARTICLE 2.2.5.1.7.3. *Collective permits for industrial emissions.* Collective emission permits may be granted to associations, guilds or groups of small and medium-sized entrepreneurs, who jointly request it and who meet the following common characteristics:

a) That they operate in the same and determined geographic area, defined as a pollution source area, and jointly produce a cumulative environmental impact;

b) That they carry out the same extractive or productive activity or the same industrial process and;

c) That they use the same fuels and generate similar emissions into the air.

Notwithstanding the collective nature of the permit, compliance with the obligations, terms and conditions established therein will be the individual and separate responsibility of each of the issuing agents, beneficiaries or holders of the permit, and the sanctions derived from non-compliance, or the commission of infractions, will only affect the respective offender, unless they are obligations that must be fulfilled by the community of beneficiaries as a whole.

(Decree 948 of 1995, art. 74).

ARTICLE 2.2.5.1.7.4. ***Permit application.*** The emission permit application must include the following information;

a) Name or business name of the applicant and of the legal representative or proxy, if any, indicating their address;

b) Location of the facilities, area or work;

c) Projected date of initiation of activities, or projected dates of initiation and completion of works, jobs or activities, in the case of transitory emissions:

d) Concept on land use of the establishment, work or activity, issued by the competent municipal or district authority, or failing that, public or official documents containing standards and plans, or official publications, which support and prove compatibility between the projected activity or work and the permitted use of the land;

e) Basic meteorological information of the area affected by the emissions;

f) Description of the works, processes and production, maintenance, treatment, storage or disposal activities that generate the emissions and the plans that said descriptions require, a flowchart indicating and characterizing the points of emission into the air, location and amount of the points of discharge into the air, description and plans of the ducts, chimneys, or scattered sources, and indication of their materials, measurements and technical characteristics:

g) Technical information on planned or current production, expansion projects and production projections for five (5) years;

h) Technical study for the evaluation of emissions from its combustion or production processes, information on the consumption of fuel raw materials or other materials used must also be attached. (Modified by Decree 2107 of 1995, art 4)

i) Design of existing or projected atmospheric emission control systems, their location and engineering report;

j) If it uses controls at the end of the process to control atmospheric emissions, or clean technologies, or both;

Paragraph 1. The applicant must also attach the following documents to the application;

a) Certificate of existence and legal representation, if it is a legal entity;

b) Power of attorney duly granted, if done through a proxy;

c) Proof of payment of the processing fees and granting of the permit, in the terms and conditions established in this Decree.

Paragraph 2. They will also require the presentation of technical dispersion studies, as mandatory information, due to the nature or impact of the projected work or activity, the applications for atmospheric emission permits for oil refineries, cement factories, chemical and petrochemical steel plants, controlled open burning in agro-industrial activities and thermoelectric plants. The Ministry of Environment and Sustainable Development will establish the criteria and factors from which the incinerators, mines and quarries will require technical dispersion studies and will regulate the other cases in which the presentation of said studies are required.

Paragraph 3. The competent environmental authority, without prejudice to its power to request complete information on industrial processes, must keep the confidentiality of the information that is reserved by law, to which it has access or that is provided by applicants for atmospheric emission permits.

Paragraph 4. The applicant may not be required to provide information other than that which is pertinent, taking into account the nature of the activity or work for which the permit is requested, the place where it is carried out or the community it affects. When the competent environmental authority has the information required for the application for the granting or renewal of the emission permit, as the case may be, it will not demand it as a requirement from the applicant.

(Decree 948 of 1995, art. 75).

ARTICLE 2.2.5.1.7.5. ***Processing of the atmospheric emission permit.*** Once submitted, personally and in writing, the permit application will be processed in accordance with the following rules:

1. Upon receipt of the request, the competent environmental authority, within the following ten (10) business days, will dictate an order to initiate the process that will be notified and published under the terms of article 70 of Law 99 of 1993. In the event of If the application does not meet the required requirements, in the same order to initiate the process, the interested party will be informed of the necessary corrections or additions, so that they can correct or satisfy them within a term of ten (10) business days, after which, if the provisions of the environmental authority have not been complied with, it will be rejected.

2. If the authority before which the procedure is carried out considers a technical inspection visit to the respective place to be necessary, it will order it to be carried out within the following fifteen (15) business days and will indicate so in the order to initiate the procedure. or once the requested information has been provided, specifying the date, time and place where it will take place.

3. Once the order to initiate the procedure has been executed or the petitioner submits the additional information required by the environmental authority, the latter will have five (5) additional business days to request other authorities or entities to render within the (15) days following the date of the communication that so requests, the technical concepts or information that are necessary for the granting of the permit. The term provided herein shall be dispensed with in the event that said concepts or information are not necessary.

4. Once all the documentation has been submitted to satisfaction by the interested party, or the additional information requested has been received, or the term for responding to the request for concepts and additional information to other authorities or entities has expired, the competent environmental authority will decide whether to grant or deny the permit. , within a term not exceeding sixty (60) business days.

5. The resolution by which the permit is granted or denied must be reasoned and the legal resources proceed against it. *(Modified by Decree 2107 of 1995, art. 5).*

6. For the purposes of advertising the decisions that put an end to the action, the provisions of article 71 of Law 99 of 1993 shall be observed.

Paragraph 1. When an emission permit is requested as part of a single environmental license, the terms and procedures for processing and issuing it will be followed.

Paragraph 2. The information presented by the applicant must be truthful and reliable and it is his duty to affirm that he does so, under the seriousness of the oath that will be understood as given by the sole presentation of the application,

(Decree 948 of 1995, art. 76).

ARTICLE 2.2.5.1.7.6. ***Processing rights and granting of permits.*** The fees for the processing and granting of the permit will be set by the competent environmental authority, in accordance with the fee scale established by the Ministry of Environment and Sustainable Development.

(Decree 948 of 1995, art. 77).

ARTICLE 2.2.5.1.7.7. ***Content of the resolution granting the permit.*** The administrative act by which the emission permit is granted shall contain, at least, the following:

1. Indication and identification of the person or persons to whom the permit is granted;

2. Determination, description and location of the work, activity, establishment or installation, expansion or modification project for which the permit is granted;

3. Considerations that have been taken into account for the granting of the permit;

4. The permitted or authorized emission, its characteristics and technical conditions and the processes or activities that it comprises, with the characterization of the emission points;

5. The term of validity of the permit, which may not exceed five (5) years;

6. Pointing out the requirements, conditions and obligations that the permit holder must satisfy and comply with;

7. The obligation of the permit holder to have certain equipment, infrastructure or facilities or to introduce modifications to their processes, to guarantee compliance with the required environmental conditions:

8. The guarantees that must be granted by the holder of the permit, in order to ensure compliance with the obligations established therein;

9. The attribution of the environmental authority to unilaterally modify, totally or partially, the terms and conditions of the permit, when for any reason the circumstances taken into account at the time of granting it have been modified in accordance with the provisions of articles 2.2. .5.1.2.11. and 2.2.5.1.7.13 of this Decree:

10. The rights and conditions of opportunity of the holder of the permit to request the total or partial modification of the same when the conditions of environmental effect that were considered at the time of granting it have changed.

(Decree 948 of 1995, art. 78).

ARTICLE 2.2.5.1.7.8. ***Compliance guarantee policies.*** Whenever an atmospheric emission permit is granted, the competent environmental authority may require the holder of the same, the granting of a guarantee policy for compliance with the obligations derived from it, up to a value equivalent to 30% of the costs of works and activities to control air emissions, when these are required to adjust the applicant's polluting discharges to current standards. The applicant will estimate the value of said works at the time of the request, for the purposes of granting the corresponding guarantee policy.

The policy presented as a guarantee does not exonerate the holder of the permit from the responsibility of complying with the obligations that the permit imposes.

When the compliance guarantee policy becomes effective in favor of the competent environmental authority, the moneys from it will be used for programs to mitigate and repair the damage caused by non-compliance with the obligations imposed by the permit. The payment of the policy does not exonerate the user from his obligation to carry out the works or to introduce the modifications that the permit has imposed, or from the civil and criminal responsibilities that he has incurred, nor does it exempt him from the administrative sanctions that may be appropriate, but your product will be paid for the total value of the repairs or compensation that were your responsibility.

When the work, industry or activity requires an environmental license, it will not be necessary to establish the guarantee policy referred to in this article.

(Decree 948 of 1995, art. 79).

ARTICLE 2.2.5.1.7.9. ***Of the atmospheric emission permit for works, industries or activities.*** All natural or legal, public or private persons who, in accordance with the provisions of this Decree, require an atmospheric emission permit for the development of their works, industries

or activities, whether they are existing or new fixed emission sources, must obtain it, in accordance with the provisions of this Decree. in accordance with the rules established in this Decree.

(Decree 948 of 1995, art. 80).

ARTICLE 2.2.5.1.7.10. *Assignment.* Both during the granting stage and during the validity of the emission permit, the applicant or the holder of the permit may transfer their rights and obligations to other persons, but this act will only take effect once the transfer has been expressly communicated to the environmental authority. competent. The assignor must add to the writing in which he communicates the assignment, an authentic copy of the act or contract in which the assignment originates.

The assignee replaces all the rights and obligations of the applicant or the assignor of the permit, without prejudice to the responsibility of the Assignor, for violation of environmental regulations.

(Decree 948 of 1995, art. 82).

ARTICLE 2.2.5.1.7.11. *Marketing of quotas.* The Ministry of Environment and Sustainable Development may regulate the mechanisms of commercial assignment of emission quotas.

(Decree 948 of 1995, art. 83).

ARTICLE 2.2.5.1.7.12. *Suspension and revocation.* The emission permit may be suspended or revoked, by reasoned resolution, based on a technical concept, depending on the seriousness of the circumstances that are appreciated, by the same environmental authority that granted it.

A) ***The suspension of the emission permit may be adopted in the following cases:***

1. When the holder of the permit has failed to comply with any of the terms, conditions, obligations and requirements established in the single environmental permit or license, enshrined in the law, the regulations or in the granting resolution.

2. In the events of declaration of the levels of prevention, alert or emergency.

3. In the act that orders the suspension, the term of its duration will be indicated, or the condition to which the term of its duration is subject.

B) ***The revocation will proceed:***

1. When the holder has failed to comply with the obligations, terms and conditions of the permit or when he has committed the crimes of falsehood or fraud, previously declared by the competent judge, or serious inaccuracy in the documentation or environmental information provided to the environmental authorities.

2. When the holder of a suspended permit violates the obligations and restrictions imposed by the act that orders the suspension.

3. When due to particularly serious environmental reasons or due to a serious and permanent threat to human health or the environment, it is definitively impossible to allow the activity for which the permit has been granted to continue.

Paragraph 1. In cases in which the suspension or revocation are imposed as sanctions for the commission of infractions, the procedure indicated in Law 1333 of 2009 will be followed.

Paragraph 2. The modification or suspension of the emission permits, for precautionary reasons, will proceed as a transitory measure while the permissible levels of contaminant concentration are reestablished on the basis of which and in consideration of which said permits were issued.

The suspension of the permit, ordered as a precautionary measure, due to its nature, will not require any transfer to the holder of the permit.

(Decree 948 of 1995, art. 84).

ARTICLE 2.2.5.1.7.13. ***Permit modification.*** The emission permit may be totally or partially modified, prior technical concept, by the same environmental authority that granted it, in the following cases:

1. Unilaterally, when for any reason the circumstances and reasons of fact and law taken into account at the time of granting it have changed substantially.

2. At the request of its owner, during the time of its validity, in consideration of the variation in the conditions of environmental effect of the work, industry or authorized activity, which would have been considered at the time of granting the permit.

When in an industrial process changes are introduced in the fuels used that the permit covers or authorizes, it is mandatory for the holder of the permit to request its modification, under penalty of being suspended or revoked by the competent environmental authority.

(Decree 948 of 1995, art. 85).

ARTICLE 2.2.5.1.7.14. ***Validity, scope and renewal of the atmospheric emission permit.*** The atmospheric emission permit will have a maximum validity of five (5) years, being renewable indefinitely for equal periods.

The modifications of the emission standards or the issuance of new norms or standards of atmospheric emission, will modify the conditions and requirements of exercise of the current permits.

Emission permits for industrial and commercial activities, if they are permanent activities, will be granted for a term of five (5) years; those of transitory emissions, caused by works, works or temporary activities, whose duration is less than five (5) years, will be granted for the term of duration of said works, works or activities, based on the programming presented to the authority by the permit applicant. For the renewal of an atmospheric emission permit, the permit holder will require the presentation, by the permit holder, of a new "Emission Status Report" (IE-1) referred to in this Decree, before the competent environmental authority, with not less than sixty (60) days in advance of the expiration date of the term of its validity or one third of the term of the permit, if its validity is less than sixty (60) days. The presentation of the form (IE-1) will act as a renewal request.

The authority, based on the reports contained in the form, within ten (10) business days following its presentation, may require additional information from the petitioner and verify, through a technical visit, that it will be carried out within fifteen (15) following days, if the initial conditions of the granted permit have been met or if its addition is required with new requirements, taking into account significant variations in the conditions of the emissions, or their dispersion, and the regulations and standards in force.

If the request is submitted, or the additional information requested is submitted, or the visit is made, there are no observations, the competent environmental authority must issue the administrative act through which it renews the respective permit for the same term and conditions as the initial one. If the environmental authority has observations to formulate, they will be communicated to the applicant so that he/she responds within ten (10) business days, after which, he/she will definitively decide on the renewal or not of the permit.

If ninety (90) days have elapsed after the visit or additional information has been submitted, a permit whose renewal has been requested in a timely manner and the competent environmental authority has not notified the applicant of any decision on its application, the permit will be understood to be renewed for the same term. and conditions equal to the initial one, without prejudice to the powers of the authority to revoke, suspend or modify it, in the cases provided for by law and regulations.

The extemporaneous presentation of the renewal application together with the form (IE-1) will give rise to the imposition of fines, prior to the procedure established for this purpose and without prejudice to the other sanctions that proceed due to the lack of a valid permit or for other reasons. related offenses.

Paragraph. The renewal referred to in this article is understood only for atmospheric emission permits issued by the competent environmental authorities based on this Decree. *(Modified by Decree 2107 of 1995, art 6)*

(Decree 948 of 1995, art. 86).

ARTICLE 2.2.5.1.7.15. ***Denial of permit renewal.*** The renewal of the atmospheric emission permit will be denied if any of the events foreseen in numerals 1, 2 and 3 of literal B) of article 2.2.5.1.7.12 occur. of this Decree.

(Decree 948 of 1995, art. 87).

ARTICLE 2.2.5.1.7.16. ***Notification and advertising.*** All definitive acts related to permits, such as those that grant, suspend, revoke, modify or renew them, are subject to the same notification and publicity procedure established in article 71 of Law 99 of 1993.

(Decree 948 of 1995, art. 88).

ARTICLE 2.2.5.1.7.17. Corrected by art. 24, National Decree 703 of 2018. *<The new text is as follows>* ***Noise emission permits.*** Permits to carry out activities or the execution of works and works that generate noise that exceeds the sound pressure standards in force, or that must be carried out at times other than those established by the regulations, will be granted by the municipal or district mayors, or by the local police authority, in accordance with the rules and procedures established by the National Police Code.

The permit referred to in this article will be valid for the duration of the corresponding activity or work, its term will be indicated in the act of its granting, and it will proceed for the celebration of cultural, political or religious acts; the realization of public shows or the execution of works or works carried out by public entities or individuals. The granting of the permit referred to in this article will be done in the same act that authorizes the noise-generating activity and it will establish the conditions and terms in which the permit is granted.

Permission may not be granted to carry out activities that emit noise into the environment in Sectors A, or of tranquility and silence, which article 2.2.5.1.2.13 deals with , except for the construction of works.

(Decree number 948 of 1995, article 89)".

The original text was as follows:

ARTICLE 2.2.5.1.7.17. Noise emission permits. *Permits to carry out activities or the execution of works and works that generate noise that exceeds the sound pressure standards in force, or that must be carried out at times other than those established by the regulations, will be granted by the municipal or district mayors, or by the local police authority, in accordance with the rules and procedures established by the National Police Code.*

The permit referred to in this article will be valid for the duration of the corresponding activity or work, its term will be indicated in the act of its granting, and it will proceed for the celebration of particular acts. The granting of the permit referred to in this article will be done in the same act that authorizes the noise-generating activity and it will establish the conditions and terms in which the permit is granted. Permission may not be granted to carry out activities that emit noise into the environment in Sectors A, or of tranquility and silence, which this Decree deals with, except for the construction of works.

(Decree 948 of 1995, art 89).

SECTION 8

EVALUATION AND CERTIFICATION MECHANISMS FOR MOBILE SOURCES

ARTICLE 2.2.5.1.8.1. ***Classification of mobile sources.*** The Ministry of Environment and Sustainable Development will determine the terrestrial, aerial, fluvial or maritime mobile sources to which the respective emission standards will be applied.

(Decree 948 of 1995, art. 90).

ARTICLE 2.2.5.1.8.2. ***Certification of compliance with emission standards for motor vehicles.*** For the importation of CBU (Completed Built Up) motor vehicles and CKD (Completed KnockDown) material for the assembly of vehicles, the Ministry of Commerce, Industry and Tourism will require importers to present the import registration form, accompanied by the Certificate of Emissions by Dynamic Test which must have the approval of the Ministry of Environment and Sustainable Development. In order to obtain the respective approval, the importers will present said certificate to the Ministry of Environment and Sustainable Development, which must prove, among other aspects, that the motor vehicles that are imported or assembled, comply with the emission standards by vehicle weight established by this Ministry. . The requirements and conditions of the same, will be determined by the Ministry of Environment and Sustainable Development. *(Modified by Decree 1228 of 1997, art. 1)*

For the importation of diesel vehicles, certification will be required that they comply with the regulations on emissions, opacity and turbo charging, established in this Decree. The importation of diesel vehicles with bodywork will require certification that the orientation and specifications of the exhaust pipe comply with the standards.

For the circulation of motor vehicles, a certification of compliance with emission standards in minimum or idling and opacity conditions will also be required, according to the procedures and standards established by the Ministry of Environment and Sustainable Development.

The competent environmental authority and the police authorities may require such certifications for the purposes of pollution control.

Paragraph. The Ministry of Environment and Sustainable Development will establish the requirements and certifications to which vehicles and other mobile sources, whether imported or domestically manufactured, will be subject, in relation to compliance with regulations on emissions of substances subject to the controls of the Montreal Protocol.

(Decree 948 of 1995, art. 91).

ARTICLE 2.2.5.1.8.3. ***Evaluation of motor vehicle emissions.*** The Ministry of Environment and Sustainable Development, through a resolution, will establish the mechanisms for the evaluation of the levels of contaminants emitted by motor vehicles in circulation, a procedure that will be made known to the public in a timely manner.

The Ministry of Environment and Sustainable Development will establish the technical requirements and conditions that official or private diagnostic centers must meet to carry out the verification of emissions from mobile sources. Said centers must have the full equipment of the required environmental measurement and diagnostic devices, in proper working order, and with trained personnel for their operation, on the date established by resolution by the Ministry of Environment and Sustainable Development *(Modified by Decree 2107 of 1995, article.*

The evaluation of pollutants emitted by mobile sources will begin on the date set by the Ministry of Environment and Sustainable Development. The evaluation of contaminants will be carried out annually and will be an essential requirement for the granting of the mobilization certificate. *(Modified by Decree 2107 of 1995, article.*

(Decree 948 of 1995, art. 92).

SECTION 9

MEASURES TO ADDRESS POLLUTION EPISODES AND CONTINGENCY PLAN FOR ATMOSPHERIC EMISSIONS

ARTICLE 2.2.5.1.9.1. ***Measures for the attention of episodes.*** When any of the levels of prevention, alert or emergency is declared, in addition to other measures that may be necessary

to restore the altered balance, the competent environmental authority will proceed to adopt the following measures:

1. ***General Measures for any of the levels:***

1.1. The public must be informed through the media about the occurrence of the episode and its declaration.

1.2. In none of the episodes may the operation of ambulances or vehicles intended for the transport of patients, firefighting vehicles and public order care vehicles be limited.

2. Specific Measures

2.1. At the prevention level:

2.1.1. When the declaration is due to carbon monoxide and/or ozone, the circulation of private and public gasoline vehicles of models older than ten (10) years will be suspended.

2.1.2. When the declaration is due to particulate matter and/or sulfur dioxide:

• The operation of incinerators is restricted to the hours determined by the competent environmental authority.

• All types of controlled burning are restricted to the hours established by the competent environmental authority.

• The operation of industries that operate coal-fired boilers and equipment will be restricted.

• The circulation of diesel vehicles, public and private, of models older than ten (10) years, will be restricted.

2.2. At alert level:

2.2.1. When the declaration is due to carbon monoxide and/or ozone, the circulation of private and public gasoline vehicles of models older than five (5) years will be suspended, and if applicable, the circulation of all gasoline vehicles will be prohibited. .

2.2.2. When the declaration is due to particulate matter and/or sulfur dioxide:

• The operation of incinerators is prohibited.

• All types of controlled burning are suspended.

• The operation of industries that operate boilers and equipment based on coal, fuel oil, heavy crude or used oil will be restricted.

• The circulation of diesel vehicles, public and private, of models older than five (5) years, will be restricted.

• Order the suspension of classes in centers of all educational levels.

At the emergency level:

2.3.1. When the declaration is due to carbon monoxide and/or ozone, the circulation of all gasoline and gas vehicles will be suspended, except those intended for the evacuation of the population or for emergency care.

2.3.2. When the declaration is due to particulate matter and/or sulfur dioxide:

• Restrict or prohibit, depending on the development of the episode, the operation of any fixed source of emission, including controlled burning.

• Restrict or prohibit, depending on the development of the episode, the circulation of all mobile sources or vehicles, except those intended for the evacuation of the population or for emergency care.

• Order the suspension of activities of all educational institutions.

• Order, if applicable, the evacuation of the exposed population.

Paragraph. The Ministries of Environment and Sustainable Development, Health and Social Protection, Transport and the Interior will jointly establish, through a resolution, the rules, actions and coordination mechanisms for dealing with pollution episodes, with the support of the National Prevention and Attention System. of Disasters.

(Decree 948 of 1995, art. 93 ; modified by Decree 979 of 2006, art. 3).

ARTICLE 2.2.5.1.9.2. ***Of contingency plans for air pollution.*** Air pollution contingency plans are the set of strategies, actions and pre-established procedures to control and attend to episodes of air emissions that may eventually occur in the area of influence of activities that generate air pollution, for whose design all have been considered. the events and sources likely to contribute to the occurrence of such contingent events.

The Competent Environmental Authorities will be in charge of preparing and implementing contingency plans within the areas of their jurisdiction, and especially in areas of critical contamination, to deal with possible episodes of contamination, which must have the participation, collaboration and consultation of the territorial authorities, transit and transport authorities, health authorities and the business sector.

Likewise, the environmental authorities may impose on the emitting agents responsible for fixed sources, the obligation to have contingency plans appropriate to the nature of the respective activity and require them to verify the effectiveness of their attention and response systems, through verifications. periodic.

The contingency plan must contain at least the following measures;

• Alert the population of the possibilities of exposure through mass media, delimiting the affected area, the high-risk groups and the pertinent protection measures.

• Establish an education program and an action plan for educational centers and other entities that carry out sports, civic or other outdoor activities, so that they are prepared to react to an alarm situation.

• Prepare an inventory to identify and classify the types of fixed and mobile sources with important contributions of emissions to the atmosphere, and that at a given moment can generate emergency episodes, in such a way that the restrictions are applied effectively in time to put the contingency plan into action.

• For the areas-sources of contamination classified as high, medium moderate, the competent environmental authorities will use the inventories to establish their emission limits, the reduction indices, the restrictions on new emission establishments, in such a way that they have the necessary information to prepare pollution reduction plans, in order to prevent future emergency episodes as much as possible.

• Arrange with the Traffic and Transport Authorities the possible actions that can be carried out in the control of vehicles and traffic on some roads, when a level of prevention, alert or emergency is issued.

• Strengthen street cleaning and/or wetting programs in areas where alarm situations have been registered.

• Coordinate with the Ministry of Health and Social Protection and with the Secretaries of Health the epidemiological surveillance plans, according to the alarm levels established for it.

• Alert the first, second and third level medical units in the affected areas so that priority attention is given to high-risk groups.

(Decree 948 of 1995, art. 94 ; modified by Decree 979 of 2006, art. 4).

ARTICLE 2.2.5.1.9.3. ***Obligation of contingency plans.*** Without prejudice to the power of the environmental authority to establish other cases, those who explore, exploit, manufacture, refine,

transform, process, transport, or store hydrocarbons or toxic substances that may be harmful to health, renewable natural resources or the environment , must be provided with a contingency plan that includes the entire security system, prevention, response organization, equipment, trained personnel and a budget for the prevention and control of polluting emissions and damage repair, which must be presented to the Environmental Authority Competent for approval.

(Decree 948 of 1995, art. 95).

SECTION 10

SURVEILLANCE AND CONTROL OF COMPLIANCE WITH STANDARDS FOR STATIONARY SOURCES

ARTICLE 2.2.5.1.10.1. ***Surveillance and control.*** It corresponds to the competent environmental authority to exercise surveillance, verification and control of compliance with the provisions of this Decree and take, when appropriate, the necessary prevention and correction measures.

(Decree 948 of 1995, art. 96).

ARTICLE 2.2.5.1.10.2. ***Rendering of the state of emissions report-opportunity and requirements.*** All stationary sources existing in the national territory that carry out polluting emissions into the air or activities capable of generating them, subject to control by regulations, must submit to the competent environmental authority, within the terms set by the Ministry of Environment and Sustainable Development, a statement to be called "Emissions Status Report" (IE-1), which must contain at least the following

a) The basic information, related to the location, type of activity, legal representation and other aspects that allow the identification of the polluting source;

b) The fuels and raw materials used, their origin, quantity, form of storage and caloric consumption per hour;

c) Information on the quantity of goods or services produced, technology used, characteristics of boilers, ovens, incinerators, ducts and chimneys and controls on the emission of pollutants into the air, if applicable due to the nature of the activity; o The detailed characteristics of the operation generating the contamination, whether it is ports, open pit mines, quarries, public or private works or works;

d) If you have, or not, a current permit for the emission of pollutants into the air, issued by the competent authority, prior to the validity of this Decree and, if so, the term of validity and the basic conditions of authorized emission:

e) Report on the levels of their emissions;

f) Additional information established by the Ministry of Environment and Sustainable Development;

Paragraph 1. The Ministry of Environment and Sustainable Development will produce and edit a single national form called "Emissions Status Report" (IE-1), which must be filled out and submitted promptly, before the competent environmental authority to grant the corresponding licenses or permits . , by the person responsible for the issue or by their legal representative.

The report referred to in this article will be submitted under oath that the information provided is true and reliable. The oath will be considered taken with the sole presentation of the declaration. Any fraud or falsehood, declared by a competent judge in the information provided to the authorities, or the serious inaccuracy of the same, will give rise to the imposition of the sanctions provided for by law and regulations, without prejudice to the criminal actions that proceed by false testimony, forgery in a public document, or for the commission of any other related crime or misdemeanor.

Paragraph 2. Those who timely submit their declaration containing the "Emissions Status Report" (IE-1) and as long as they provide reliable and verifiable information, will be entitled, one time only, to a reduction equivalent to 50% in the fines to be applied. place due to the lack of a current permit

or authorization for the emission of pollutants into the air, or due to non-compliance with applicable emission regulations and standards.

Paragraph 3. The omission in the timely presentation of the declaration containing the "Emissions Status Report" (IE-1) will lead to the imposition of preventive or sanctioning measures that may be appropriate in accordance with the procedure provided for in Law 1333 of 2009.

Paragraph 4. Based on the information contained in the "States of Emissions Reports", the environmental authorities will create and organize, within the year following the expiration of the term for receipt of the forms (IE-1), a database that will be used as a source information officer for all the activities and actions that are undertaken and the administrative measures that are taken, in relation to the phenomena of air pollution.

Paragraph 5. It will be mandatory for holders of atmospheric emission permits to update at least every five (5) years the "Emissions Status Report" by submitting the corresponding form (IE-1). Each renewal of an atmospheric emission permit will require the presentation of a new emission status report that contains the information that corresponds to the time of its presentation. The competent environmental authorities will have the obligation to keep the database updated with the pertinent information.

(Decree 948 of 1995, article 97 ; modified by Decree 2107 of 1995, article 8).

ARTICLE 2.2.5.1.10.3. ***Location of industries and fixed emission sources.*** As of the validity of this Decree, no municipality or district may, within the urban perimeter, authorize the establishment or installation of a fixed source of emission of pollutants into the air in areas other than those authorized for industrial uses in the territory of its jurisdiction.

Industries and other fixed sources of emission of pollutants into the air that at the date of issuance of this Decree, are established or operate in areas not authorized for industrial use, or in areas whose main use is not compatible with the development of industrial activities, will have a term of 10 years, counted from its validity, to transfer their facilities to an industrial zone, under penalty of cancellation of the license or operating permit and the definitive revocation of the environmental license and of the permits and authorizations that have been conferred by the environmental authorities, without prejudice to the imposition of fines and other sanctions provided for by law and regulations.

The municipalities and districts, within the established term, will dictate the zoning and land use regulations and will grant the necessary facilities to carry out in the best possible way the relocation of fixed sources that this article deals with.

(Decree 948 of 1995, art. 107).

ARTICLE 2.2.5.1.10.4. ***Classification of 'source-areas' of contamination.*** The competent environmental authorities must classify urban or rural areas of the national territory as pollution source areas, according to the quantity and characteristics of the emissions and the degree of concentration of pollutants in the air, based on historical measurements available to the environmental authority. , in order to advance localized programs to reduce atmospheric pollution.

This classification will establish the different types of areas, the emission limits for pollutants established for fixed and mobile sources that operate or contribute to pollution in each of them, the range or rate of reduction of emissions or discharges established for said sources and the term or term available to them to carry out the respective reduction.

For the purposes of this article, the pollution source areas will be classified into four (4) classes, namely;

1. ***Class I-Areas of high contamination:*** Those in which the concentration of contaminants, given the natural or background conditions and those of ventilation or dispersion, exceeds with a frequency equal to or greater than seventy-five percent (75%) of cases of the annual quality standard. Contingency measures must be taken in these areas, the establishment of new emission sources will be suspended and pollution reduction programs will be adopted that may extend for up to ten (10) years.

2. ***Class II-Areas of medium contamination:*** Those in which the concentration of contaminants, given the natural or background conditions and those of ventilation and dispersion, exceeds more than fifty percent (50%) and less than seventy percent. five percent (75%) of the cases the annual quality standard. In these areas, contingency measures must be taken, the establishment of new emission sources will be restricted, and pollution reduction programs will be adopted that may last up to five (5) years.

3. ***Class III-Areas of moderate contamination:*** Those in which the concentration of contaminants, given the natural or background conditions and those of ventilation and dispersion, exceeds with a frequency greater than twenty-five percent (25%) and less than fifty percent. percent (50%) of the cases the annual quality standard. In these areas, measures will be taken to control pollution levels and adopt pollution reduction programs, which may last up to three (3) years.

4. ***Class IV-Areas of marginal contamination:*** Those in which the concentration of contaminants, given the natural or background conditions and those of ventilation and dispersion, exceeds with a frequency greater than ten percent (10%) and less than twenty-five percent. percent (25%) of the cases the annual quality standard. In these areas, measures will be taken to control the levels of contamination that allow the reduction of the concentration of contaminants or that at least keep them stable.

Paragraph 1. To estimate the frequency of exceedances, moving averages will be used, which are calculated based on daily measurements.

Paragraph 2. For the classification dealt with in this article, it will suffice that the frequency of exceedances of a single contaminant has reached the percentages established for each of the contamination areas.

The classification of a contamination area does not necessarily imply the declaration of any of the prevention, alert or emergency levels that this decree deals with.

Paragraph 3. The classification of a source area does not exempt the emitting agents located within it, from the fulfillment of their obligations regarding emission control, nor from the sanctions that proceed for the violation of the emission standards that are applicable to them.

Paragraph 4. In source areas where the establishment of new emission sources is restricted, their installation will be allowed only if it is demonstrated that the most advanced technologies will be used in their clean fuel production processes and atmospheric emission control systems, so that the minimum possible emission is guaranteed.

Paragraph 5. The competent environmental authority must structure the contingency measures and pollution reduction programs for each source-area within a period not exceeding six (6) months, counted from the effective date of this decree, taking into account the different emission sources and pollutants.

(Decree 948 of 1995, art. 108 ; modified by Decree 979 of 2006, art. 5).

ARTICLE 2.2.5.1.10.5. ***Measurement equipment and monitoring monitors for air pollution.*** The Ministry of Environment and Sustainable Development will establish, by general means, the industries and activities that, due to their high impact on air pollution, must have their own control stations and measuring equipment to carry out, through monitors, the constant monitoring of pollution. air pollution caused by its emissions or discharges. The results of such measurements must be available to the competent environmental authority for control.

The environmental authorities may require the emitting agents required to obtain permits and emission status reports to periodically present the results of the follow-up and monitoring samples of their emissions.

In the Reconversion Plans to Clean Technology that are held with emitting agents, the competent environmental authority may impose on them, based on their impact on the contamination of the area, the obligation to have equipment for measuring and monitoring contaminating phenomena. that the corresponding activity or industry causes.

(Decree 948 of 1995, art. 109).

ARTICLE 2.2.5.1.10.6. ***Verification of compliance with emission standards in industrial processes.*** For the verification of compliance with the emission standards by an industrial stationary source, the measurements of the discharges that it carries out in its normal operation will be made through one of the following procedures:

a) ***Direct measurement, by isokinetic sampling in the chimney or outlet duct:*** It is the procedure consisting of the direct taking of the sample of the pollutants emitted, through a duct, chimney, or other discharge device, in which the sampling equipment, simulates or maintains the same exhaust gas outlet flow conditions;

b) ***Mass balance:*** It is the method of estimating the emission of pollutants into the air, in a combustion or production process, through the stoichiometric balance of the elements, substances or raw materials that react, combine or are chemically transformed within of the process, and which results in reaction products. With the use of this procedure, the source of contamination does not necessarily have to have a discharge duct or chimney; Y

c) ***Emission factors:*** It is the calculation method to estimate the emission of pollutants into the air in a specific process, based on an accumulated historical record, direct measurements, mass balances and engineering studies, internationally recognized by environmental authorities. .

(Decree 948 of 1995, art. 110).

ARTICLE 2.2.5.1.10.7. ***Bubble effect.*** When in an industrial facility there are several pollutant emission points from boilers or furnaces for heat or energy generation that consume the same fuel and discharge the same pollutant, the sum of their point emissions will be compared with the standard.

If the emission points come from production processes where the same product or service is obtained and the same pollutant is discharged, through technical processes that are not necessarily the same, the sum of the point emissions will be the one that is compared with the standard.

Paragraph. In cases where the emission points come from boilers or furnaces that consume the same fuel, for purposes of comparing their emissions with the standard, the total calorific consumption of their combustion processes must be considered.

When the emission points come from production processes where the same finished product is produced, for purposes of comparing their emissions with the standard, the total production of their processes will be added.

(Decree 948 of 1995, art 111).

ARTICLE 2.2.5.1.10.8. ***Emissions verification visits.*** Fixed sources of air pollution emission or noise generation may be visited at any time by officials of the competent environmental authority or by auditors to whom the technical function of verification has been entrusted, who at the time of The visit will be identified with their respective credentials, in order to take samples of their emissions and inspect the works or atmospheric emission control systems.

Paragraph 1. The reluctance on the part of the responsible users, inspections, to such inspections, will give rise to the application of the pertinent sanctions.

Paragraph 2. The competent environmental authority may request any user, when deemed necessary, a sample of the fuel used to perform a laboratory analysis.

Paragraph 3. The environmental authorities may contract with individuals the verification of the pollution phenomena when they do not have the personnel or the technical instruments to carry out the required technical inspections or laboratory analyses. The costs of the verifications and technical analyzes will be borne by the issuing agents to whom the inspection or verification is made.

(Decree 948 of 1995, art. 112).

ARTICLE 2.2.5.1.10.9. *Verification result information.* Whenever the competent environmental authority evaluates or samples emissions to verify compliance with emission standards, they must report the results obtained to those responsible for the emission sources, or to any person who requests it.

(Decree 948 of 1995, art. 113).

ARTICLE 2.2.5.1.10.10. *Records of the emission control system.* Those responsible for fixed sources that have an atmospheric emission control system must keep a record of its operation and maintenance. The competent authority may review it at any time and request modifications or additions.

(Decree 948 of 1995, art. 114).

ARTICLE 2.2.5.1.10.11. *Technical assistance and information.* The competent Environmental Authorities will offer Technical Assistance and Information to advise and inform small and medium emitting agents on aspects related to reconversion to clean technologies and controls at the end of the process, current regulations and other aspects that improve the level of information on the mechanisms technical and legal control of air pollution.

(Decree 948 of 1995, art. 115).

SECTION 11

CITIZEN PARTICIPATION IN ATMOSPHERIC POLLUTION CONTROL

ARTICLE 2.2.5.1.11.1. *Of the right to the intervention of the citizens* . In the procedures for the granting of atmospheric emission permits, any citizen may make use of any of the instruments of citizen participation, provided for in Title X of Law 99 of 1993. Any person who is aware of any fact that may constitute a Violation of this Decree may request the Ombudsman or his agent in the respective locality, or the competent environmental authorities to initiate the pertinent actions and investigations.

(Decree 948 of 1995, art. 136).

SECTION 12

SANCTION REGIME

ARTICLE 2.2.5.1.12.1. *Penalty Regime.* The environmental authority within the scope of its powers will impose the preventive and sanctioning measures that may be appropriate following the procedure provided for in Law 1333 of 2009.

EPISODE 2

MEASURES TO CONTROL EXPORTS OF SUBSTANCES THAT DEPLETE THE OZONE LAYER

SECTION 1

ARTICLE 2.2.5.2.1.1. *Object.* The purpose of this chapter is to adopt measures to control exports of substances that deplete the ozone layer, SAO.

(Decree 423 of 2005, art. 1).

ARTICLE 2.2.5.2.1.2. *Scope.* The substances referred to in this Decree are:

Substance	Tariff Item [2]	Description According to National Tariff
Annex A Group I	29.03.41.00.00	trichlorofluoromethane
(CFG)	29.03.42.00.00	dichlorodifluoromethane

	29.03.43.00.00 29.03.44.00.00	Trichlorotrifluoroethane Dichlorotetrafluoroethane and Chloropentafluoroethane
Annex A Group II (Halons)	2,903,460,000	bromochlorodifluoromethane, bromotrifluoromethane and Dibromotetrafluoroethane
Annex B Group I (Other CFCs)	Corresponding to 03.29.45 29.03.45.10.00 29.03.45.20.00 29.03.45.30.00 29.03.45.41.00 29.03.45.42.00 29.03.45.43.00 29.03.45.44.00 29.03.45.45.00 29.03.45.46.00 29.03.45.47.00 29.03.45.90.00	Other derivatives perhalogenated only with fluorine and chlorine: Chlorotrifluoromethane Pentachlorofluoroethane Tetrachlorodifluoroethane Heptachlorofluoropropane Hexachlorodifluoropropane Pentachlorotrifluoropropane Tetrachlorotetrafluoropropane Trichloropentafluoropropane Dichlorohexafluoropropane Chloroheptafluoropropane Others
Annex B Group II	2,903,140,000	Carbon tetrachloride
Annex B - Group III	2,903,191,000	Trichloroethane (methyl chloroform)
Annex G (HCFC-HBFC)	Corresponding to 03.29.49 29.03.49.11.00 29.03.49.12.10 29.03.49.12.20 29.03.49.12.30 29.03.49.12.40 29.03.49.13.00 29.03.49.19.00 29.03.49.20.00	Derivatives of methane, ethane or propane, halogenated only with fluorine and chlorine: Chlorodifluoromethane Dichlorotrifluoroethane Chlorotetrafluoroethane Dichlorofluoroethane Chlorodifluoroethane Dichloropentafluoropropane Others Derivatives of methane, ethane or propane, halogenated only with fluorine and bromine Others

	29.03.49.90.00	
Annex E Group I	2,903,301,000	Bromomethane (Methyl Bromide)

(Decree 423 of 2005, art. 2).

ARTICLE 2.2.5.2.1.3. ***Quota for exports.*** The authorized quota for exports of substances that deplete the ozone layer corresponding to the set of chemical compounds referred to in the previous article, will be granted by the National Environmental Licensing Authority - ANLA or the entity that acts as such, for each type of substance, taking into account the country's consumption baseline data and the reduction and elimination schedule of the Montreal Protocol.

(Decree 423 of 2005, art. 3).

ARTICLE 2.2.5.2.1.4. ***Distribution of the export quota.*** The quota mentioned in the previous article will be assigned annually by the National Environmental Licensing Authority - ANLA, taking into account the authorized export quotas for each type of substance and for each year.

(Decree 423 of 2005, art. 4).

ARTICLE 2.2.5.2.1.5. ***Export authorizations.*** Individuals or legal entities interested in exporting one or more of the substances covered by this decree must submit a request to obtain authorization before the National Authority for Environmental Licenses - ANLA through the single window for foreign trade, VUCE.

(Decree 423 of 2005, art. 5).

ARTICLE 2.2.5.2.1.6. ***Surveillance.*** The monitoring of compliance with the provisions of this decree will be exercised by the National Authority for Environmental Licenses - ANLA and the environmental authorities. To this end, they may visit the storage and/or commercialization sites of the substances whose export is subject to control by this decree.

Paragraph. The exporters of the substances that deplete the ozone layer referred to in this decree must have the records and files corresponding to the export activities and those responsible. This information must be useful to carry out surveillance, monitoring and control of the trade of these substances and must be kept for a minimum period of five (5) years.

(Decree 423 of 2005, art. 6).

ARTICLE 2.2.5.2.1.7. ***Sanctions.*** Exporters of substances that deplete the ozone layer that violate the provisions contained in this decree, will be subject to sanctions and other measures provided for in Law 1333 of 2009.

(Decree 423 of 2005, art. 7).

SECTION 2.

Section added by art. 1, National Decree 1421 of 2016

<The added text is as follows>

MEASURES RELATED TO THE PROCESSING AND COMMERCIALIZATION OF MINERALS

Article 2.2.5.6.2.1. ***Registration of Processing Plants in the Single Registry of Mineral Traders*** - ***RUCOM.*** The owner of the processing plants must register in the Single Registry of Mineral Traders - RUCOM within a term of six (6) months from the publication of this Decree, after this term, he must have the certification of the Agency Ministry of Mining where said registration is recorded.

When the Beneficiation Plant is part of a project covered by a mining title, it must not be registered, but rather included in the lists that must be published by the National Mining Agency on the RUCOM platform.

The Processing Plants may only process minerals from Authorized Mining Operators, under penalty of incurring in the conduct typified in article 160 of Law 685 of 2001, and that the registration in the Single Registry of Mineral Marketers - RUCOM be canceled. , prior to the advancement of the respective action in the terms of the Code of Administrative Procedure and Administrative Litigation

Article 2.2.5.6.2.2. ***Requirements for the registration of Processing Plants in the RUCOM.*** Natural or legal persons who own processing plants must comply with and provide the following requirements and documents for their registration in the RUCOM:

a. Indicate your name or company name depending on whether it is a natural or legal person

b. Identification document of the registered if he is a natural person

c. Single Tax Registry (RUT)

d. Certificate of existence and legal representation, maximum thirty (30) days of issue, in the case of legal persons.

and. Indicate your main address and address for notifications

F. Balance Sheet and Income Statement duly certified and audited, if applicable, together with their notes, dated December 31 of the immediately preceding year.

g. Proof of economic capacity in accordance with the provisions of article 2.2.5.6.1.5.3 of Decree 1073 of 2015, which must be supported in accordance with the criteria established by the National Mining Authority for this purpose.

h. Certification of Registration in the Mercantile Registry.

Yo. Provide the following information: Location of the processing plant, ore to be processed, quantity of ore processed in the immediately preceding year, plant capacity, list of inputs used in processing, processing method and equipment used.

Article 2.2.5.6.2.3. ***Obligations of Processing Plants registered in the RUCOM.*** Natural or legal persons who own processing plants must comply with the following obligations:

a. Keep the registration updated in the Single Registry of Mineral Traders -RUCOM.

b. Comply with all current legal regulations on environmental, mining, tax, customs, foreign exchange and national and international trade matters.

c. Have the Single Tax Registry (RUT), Mercantile Registry and Billing Resolution in force and updated, in the case of commercial establishments.

d. Keep up to date all the acts, books and documents in respect of which the Law requires this formality.

and. Keep regular accounting of their businesses in accordance with legal requirements.

F. Have the commercial invoice of the mineral or minerals that they transform, distribute, intermediate and market.

g. Have the certification that accredits the quality of registration in the Single Registry of Mineral Traders -RUCOM.

h. Have the corresponding Certificate of Origin of the minerals that it transforms, distributes, intermediates, commercializes, benefits and consumes.

Yo. Send to the Information and Financial Analysis Unit -UIAF- the information reports established by said entity within the framework of the functions established in Laws 526 of 1999 and 1621 of 2013, and in Part 14 of Decree 1068 of 2015.

Paragraph. The National Mining Agency will verify compliance with the obligations established in this article. In case of non-compliance with any of these obligations, the registration in the Single Registry of Mineral Traders -RUCOM- will be canceled, prior to the advancement of the respective action in the terms of the Code of Administrative Procedure and Administrative Litigation. .

TITLE 6

DANGEROUS RESIDUES

CHAPTER 1

SECTION 1

PURPOSE, SCOPE AND DEFINITIONS

ARTICLE 2.2.6.1.1.1. *Object.* Within the framework of comprehensive management, this decree aims to prevent the generation of hazardous waste or waste, as well as regulate the management of waste or waste generated, in order to protect human health and the environment.

(Decree 4741 of 2005, art. 1).

ARTICLE 2.2.6.1.1.2. *Scope.* The provisions of this decree are applied in the national territory to people who generate, manage or handle hazardous waste.

(Decree 4741 of 2005, art: 2).

ARTICLE 2.2.6.1.1.3. *Definitions.* For the purposes of compliance with this decree, the following definitions are adopted:

Gathering. Action aimed at gathering products discarded or discarded by the consumer at the end of their useful life and that are subject to management plans for the return of post-consumer products, in a place prepared for this purpose, in a safe and environmentally appropriate manner, in order to facilitate its collection and subsequent comprehensive management. The place where this activity takes place will be called a collection center.

Storage. It is the temporary deposit of waste or hazardous waste in a defined physical space and for a certain time prior to its use and/or recovery, treatment and/or final disposal.

Use and/or valorization. It is the process of recovering the remaining value or the calorific power of the materials that make up the waste or hazardous waste, through recovery, recycling or regeneration.

Final disposition. It is the process of isolating and confining hazardous residues or waste, especially non-usable ones, in specially selected, designed and duly authorized places, to avoid contamination and damage or risks to human health and the environment.

Generator. Any person whose activity produces waste or hazardous waste. If the person is unknown, it will be the person who is in possession of this waste. The manufacturer or importer of a product or chemical substance with dangerous property, for the purposes of this decree, is equated to a generator, in terms of the responsibility for handling the packaging and residues of the product or substance.

Integral management. Articulated and interrelated set of policy, regulatory, operational, financial, planning, administrative, social, educational, evaluation, follow-up and monitoring actions from the

prevention of generation to the final disposal of waste or hazardous waste, in order to achieve environmental benefits, the economic optimization of its management and its social acceptance, responding to the needs and circumstances of each locality or region.

Comprehensive management. It is the adoption of all necessary measures in the activities of prevention, reduction and separation at the source, collection, storage, transport, use and/or recovery, treatment and/or final disposal, import and export of residues or hazardous waste, individually carried out or combined in an appropriate manner, to protect human health and the environment against temporary and/or permanent harmful effects that may arise from such residues or waste.

Post-consumer product return management plan. Management instrument that contains the set of rules, actions, procedures and means arranged to facilitate the return and collection of post-consumer products that, when discarded, become hazardous waste, so that they are sent to facilities where they will be subject to processes that will allow its use and/or recovery, treatment and/or controlled final disposal.

Possession of waste or hazardous waste . It is the possession of this kind of waste with the spirit of lord and owner, whether the owner or the one who claims to be such, has the thing for himself, or for another person who has it in his place and name.

Manager or Receiver. Natural or legal person that provides the services of collection, transportation, treatment, use or final disposal of hazardous waste within the framework of comprehensive management and complying with the requirements of current regulations.

Remediation. Set of measures to which contaminated sites are subjected to reduce or eliminate contaminants to a safe level for health and the environment or prevent their dispersion in the environment without modifying them.

Residue or waste. It is any object, material, substance, element or product that is in a solid or semi-solid state, or is a liquid or gas contained in containers or tanks, whose generator discards, rejects or delivers because its properties do not allow it to be used again in the activity. that generated it or because the current legislation or regulations so stipulate.

Hazardous Waste. It is that residue or waste that, due to its corrosive, reactive, explosive, toxic, flammable, infectious or radioactive characteristics, can cause direct and indirect risks, damages or unwanted effects to human health and the environment. Likewise, the packages, containers and packaging that were in contact with them will be considered hazardous waste.

Risk. Probability or possibility that the handling, release into the environment and exposure to a material or residue, cause adverse effects on human health and/or the environment.

Tenure, It is the one that a person exercises over a thing, not as owner, but instead or on behalf of the owner.

Treatment. It is the set of operations, processes or techniques through which the characteristics of hazardous residues or wastes are modified, taking into account their risk and degree of danger, to increase their possibilities of use and/or recovery or to minimize the risks to human health and the environment.

(Decree 4741 of 2005, art. 3).

ARTICLE 2.2.6.1.1.4. *Beginning.* This decree is governed by the following principles: Comprehensive management, product life cycle, comprehensive responsibility of the generator, sustainable production and consumption, precaution, public participation, internalization of environmental costs, planning, gradualness and risk communication.

(Decree 4741 of 2005, art. 4).

SECTION 2

CLASSIFICATION, CHARACTERIZATION, IDENTIFICATION AND PRESENTATION OF HAZARDOUS WASTE OR WASTE

ARTICLE 2.2.6.1.2.1. ***Classification of waste or hazardous waste.*** The residues or waste included in Annex I and Annex II of this decree will be considered dangerous unless they do not present any of the dangerous characteristics described in Annex III.

The generator may demonstrate to the environmental authority that its waste does not present any hazardous characteristics, for which it must carry out the physical-chemical characterization of its waste or waste. For this purpose, the generator may propose to the environmental authority the hazard characterization analyzes to be carried out, based on knowledge of its waste and the processes that generate it, notwithstanding which, the environmental authority may require additional analyzes or different from those proposed by the generator.

The mixture of a residue or hazardous waste with one that is not, gives the latter dangerous characteristics and must be managed as hazardous waste or waste.

Paragraph. The Ministry of Environment and Sustainable Development may, through an administrative act, incorporate new residues or hazardous waste to the lists established in Annex I and I Annex II of this decree.

(Decree 4741 of 2005, art. 5).

ARTICLE 2.2.6.1.2.2. ***Characteristics that give a residue or waste the quality of hazardous.*** The quality of dangerous is conferred to a residue or waste that exhibits corrosive, reactive, explosive, toxic, flammable, infectious and radioactive characteristics; defined in Annex III of this decree.

(Decree 4741 of 2005, art. 6).

ARTICLE 2.2.6.1.2.3. ***Procedure by which it can be identified if a residue or waste is dangerous.*** To identify if a residue or waste is dangerous, the following procedure can be used;

a) Based on the technical knowledge about the characteristics of the inputs and processes associated with the waste generated, it can be identified if the waste has one or more of the characteristics that would give it the quality of hazardous;

b) Through the lists of residues or hazardous waste contained in Annex I and II of this decree;

c) Through the physical-chemical characterization of the residues or waste generated.

(Decree 4741 of 2005, art. 7).

ARTICLE 2.2.6.1.2.4. ***Reference for sampling procedure and laboratory analysis to determine the danger of a residue or hazardous waste.*** Perform the physical-chemical characterization of the same, in accordance with the provisions of IDEAM Resolution 0062 of 2007 or the one that modifies or replaces it.

Paragraph 1. From laboratories for the characterization of residues or hazardous waste. The physical-chemical characterization of residues or hazardous waste must be carried out in accredited laboratories. As long as the services of accredited laboratories are implemented for this purpose, the analyzes may be carried out in laboratories accepted by the regional or local environmental authorities. The environmental authorities will define the acceptance criteria for said laboratories and will publish the list of accepted laboratories.

Paragraph 2. Update of the characterization. The generator of a waste or hazardous waste must update the characterization of its waste or hazardous waste, particularly if there are changes in the process that generates the waste in question; These changes may include, among others, variations in inputs and variations in operating conditions.

(Decree 4741 of 2005, art. 8).

ARTICLE 2.2.6.1.2.5. ***Of the presentation of residues or hazardous waste.*** Hazardous waste or waste must be packaged, packed, labeled, labeled and transported in harmony with the provisions of Decree No. 1609 of 2002 or by that regulation that modifies or replaces it.

(Decree 4741 of 2005, art. 9).

SECTION 3

OBLIGATIONS AND RESPONSIBILITIES

ARTICLE 2.2.6.1.3.1. ***Obligations of the Generator.*** In accordance with the provisions of the law, within the framework of the comprehensive management of waste or hazardous waste, the generator must:

a) Guarantee the management and comprehensive management of the residues or hazardous waste that it generates;

b) Prepare a comprehensive management plan for hazardous waste or waste that it generates, tending to prevent generation and reduction at the source, as well as minimize their quantity and dangerousness. This plan must also document the origin, quantity, characteristics of danger and management given to the residues or hazardous waste. This plan does not need to be presented to the environmental authority, notwithstanding the foregoing, it must be available when it carries out its own environmental control and monitoring activities;

c) Identify the hazardous characteristics of each of the residues or hazardous waste generated, for which the procedure established in this Title may be taken as a reference, without prejudice to which the environmental authority may require in certain cases the physical characterization - chemistry of the residues or waste if it deems it appropriate or necessary;

d) Guarantee that the packaging or packaging, packaging and labeling of its residues or hazardous waste is carried out in accordance with current regulations;

e) Comply with the provisions of Decree 1609 of 2002 or that regulation that modifies or replaces it, when sending hazardous residues or waste to be transported. Likewise, provide the transporter of the waste or hazardous waste with the respective Safety Sheets;

f) Register with the competent environmental authority only once and keep your registration information updated annually, in accordance with the provisions of this Title.

g) Train the personnel in charge of the management and handling of residues or hazardous waste in their facilities, in order to disclose the risk that these residues represent for health and the environment, in addition, provide the equipment for the management of these and the necessary personal protection for it;

h) Have an updated contingency plan to deal with any accident or eventuality that may arise and have personnel prepared for its implementation.

In the event of a spill of this waste, the contingency plan must follow the guidelines issued in the sole regulation for the Interior sector by which the National Contingency Plan against Spills of Hydrocarbons, Derivatives and Harmful Substances in Marine waters, Fluvial Lacustrine waters or the one that modifies or replaces it and for other types of contingencies, the plan must be articulated with the local emergency plan of the municipality;

i) Keep the storage, use, treatment or final disposal certificates issued by the respective recipients, for up to five (5) years;

k) Take all preventive or control measures prior to the cessation, closure, decommissioning or dismantling of its activity in order to avoid any episode of contamination that may represent a risk to health and the environment, related to its waste or hazardous waste;

k) Hire the services of storage, use, recovery, treatment and/or final disposal, with facilities that have the licenses, permits, authorizations or other environmental management and control instruments that may apply, in accordance with current environmental regulations. .

Paragraph 1. The storage of waste or hazardous waste in the generator facilities may not exceed a period of twelve (12) months. In duly substantiated and justified cases, the generator may request an extension of said period before the environmental authority. During the time that the generator is storing residues or hazardous waste within its facilities, it must guarantee that all measures are

taken to prevent any affectation to human health and the environment, taking into account its responsibility for all the effects caused to health and the environment.

During this period, the generator must seek and determine the most appropriate national and/or international management option to manage its waste from an environmental, economic and social point of view.

Paragraph 2. For the elaboration of the comprehensive management plan for waste or hazardous waste mentioned in this decree, the generator will have a term of up to twelve (12) months from the start of the activity. This plan must be updated or adjusted by the generator, particularly if there are changes in the process that generates the waste or hazardous waste.

(Decree 4741 of 2005, art. 10).

ARTICLE 2.2.6.1.3.2. *Responsibility of the generator.* The generator will be responsible for the hazardous waste that he generates. The responsibility extends to its effluents, emissions, products and by-products, and for all the effects caused to health and the environment.

Paragraph. The generator will continue to be fully responsible, for the effects caused to health or the environment, of a chemical or biological content not declared to the manager or receiver and to the environmental authority.

ARTICLE 2.2.6.1.3.3. *Subsistence of Responsibility.* The full responsibility of the generator, manufacturer, importer and/or transporter subsists until the hazardous waste is used as an input or finally disposed of in deposits or technically designed systems that do not represent risks to human health and the environment.

(Decree 4741 of 2005, art. 12).

ARTICLE 2.2.6.1.3.4. *Obligations of the manufacturer or importer of a chemical product or substance with a dangerous characteristic.* In accordance with the provisions of the law, within the framework of the integral management of residues or hazardous waste, the manufacturer or importer of a chemical product or substance with a dangerous property or characteristic must;

a) Guarantee the safe and responsible handling of containers, packaging, packaging and residues of the product or chemical substance with dangerous property;

b) Comply with the obligations established for generators contained in this Title, for hazardous residues or waste generated in manufacturing or import activities;

c) Declare to consumers and managers or recipients the chemical or biological content of the residues or hazardous waste that their product or substance may generate;

d) Communicate the risk of its substances or products with dangerous property to the different users or consumers.

(Decree 4741 of 2005, art. 14).

ARTICLE 2.2.6.1.3.5. *Responsibility of the manufacturer or importer.* The manufacturer or importer of a product or chemical substance with dangerous property, for the purposes of this decree, is equated to a generator, in terms of the responsibility for handling the packaging and residues of the product or substance. Comprehensive responsibility subsists until the residue or hazardous waste is used as an input or disposed of on a regular basis.

(Decree 4741 of 2005, art. 15).

ARTICLE 2.2.6.1.3.6. *Obligations of the waste or hazardous waste transporter.* In accordance with what is established in the law and within the framework of the integral management of residues or hazardous waste, the transporter must;

a) Guarantee the management and integral management of the residues or hazardous waste that it receives to transport;

b) Comply with the provisions of Decree 1609 of 2002, which regulates the handling and automotive land transport of dangerous goods by road or that regulation that modifies or replaces it;

c) Deliver all the residues or hazardous waste received from a generator to the duly authorized manager or receiver, designated by said generator.

d) In cases in which the transporter provides the service of packaging and labeling hazardous waste or residues to a generator, it must carry out these activities in accordance with the requirements established in current regulations;

e) Have an updated contingency plan to deal with any accident or eventuality that may arise and have personnel prepared for its implementation. In the case of a spill of these residues, the contingency plan must follow the guidelines of Decree 321 of 1999 by which the National Contingency Plan against Spills of Hydrocarbons, Derivatives and Harmful Substances in Marine, River and Lake waters or the one that modifies or replaces it and. in case of another type of contingency, the plan must be articulated with the local emergency plan of the municipality;

f) At no time move in the same vehicle those residues or hazardous waste that are incompatible:

g) Carry out the activities of washing vehicles that have transported residues or hazardous waste or substances or products that can lead to their generation, only in sites that have the environmental permits that may apply;

h) Be jointly and severally liable with the sender of the waste in case of contingency, for the spill or spread of waste or hazardous waste in the activities of loading, transporting and unloading them.

Paragraph. Of the System of Declaration and Traceability of residues or hazardous waste. The Ministry of Environment and Sustainable Development will regulate the Declaration and Traceability System for the movement of hazardous waste.

(Decree 4741 of 2005, art. 16).

ARTICLE 2.2.6.1.3.7. ***Obligations of the Manager or receiver.*** Facilities whose purpose is to provide storage, use and/or recovery services (including recovery, recycling or regeneration), treatment and/or final disposal of residues or hazardous waste must:

a) Process and obtain the licenses, permits and authorizations of an environmental nature that may apply;

b) Comply with the transportation, occupational health and industrial safety regulations that may apply;

c) Provide a safe and environmentally adequate management of the residues or waste received to carry out one or several of the management stages, in accordance with current regulations;

d) Issue a certification to the generator, indicating that it has completed the hazardous waste or waste management activity for which it has been contracted, in accordance with the agreement between the parties;

e) Have personnel who have the appropriate education and training for the management of hazardous residues or waste;

f) Indicate in the advertising of their services or in the company's letters of introduction, the type of activity and type of waste or hazardous waste that they are authorized to handle; as well as the environmental authorizations issued.

g) Have an updated contingency plan to deal with any accident or eventuality that may arise and have personnel prepared for its implementation. In the case of a spill of these residues, the contingency plan must follow the guidelines of Decree 321 of 1999 by which the National Contingency Plan against Spills of Hydrocarbons, Derivatives and Harmful Substances in Marine, River and Lake waters or one that modifies or replaces it and is articulated with the local emergency plan of the municipality, to attend to another type of contingency;

h) Take all preventive or control measures prior to the cessation, closure, decommissioning or dismantling of its activity in order to avoid any episode of contamination that may represent a risk to health and the environment, related to waste or hazardous waste.

(Decree 4741 of 2005, art. 17).

ARTICLE 2.2.6.1.3.8. *Responsibility of the Manager or receiver.* The manager or receiver of the hazardous waste will assume the full responsibility of the generator, once it receives it from the transporter and has carried out or verified its use or final disposal.

Paragraph 1. As long as the use or final disposal of hazardous waste has not been carried out and verified by the competent environmental authority or whoever takes its place, the receiver is jointly and severally liable with the generator.

Paragraph 2. The responsibility covered by this article includes the monitoring, diagnosis and remediation of soil, surface and groundwater and its interactions with human health and the environment in the event of contamination by these residues.

(Decree 4741 of 2005, art. 18).

ARTICLE 2.2.6.1.3.9. *Of the responsibility about the contamination and remediation of sites.* Those persons who are responsible for the contamination of a site as a result of improper handling or management of residues or hazardous waste, will be obliged, among others, to diagnose, remedy and repair the damage caused to health and the environment, in accordance with the current legal provisions

(Decree 4741 of 2005, art. 19)

SECTION 4

OF THE MANAGEMENT AND HANDLING OF PACKAGING, PACKAGING, PACKAGING AND WASTE OF CHEMICAL PRODUCTS OR SUBSTANCES WITH DANGEROUS PROPERTIES OR CHARACTERISTICS

ARTICLE 2.2.6.1.4.1. *Hazardous waste or waste from the consumption of hazardous products or substances.* They will be subject to a Management Plan for the Return of Post-consumer Products for their return to the production-import-distribution-marketing chain, residues or hazardous waste or used, expired or withdrawn products, which are listed in Table 1 of this article.

Table 1

List of residues or waste subject to Post-consumer Product Return Management Plan

Code	Residue	Maximum term for the presentation of the Refund Plan based on the provisions of article 2.2.6.1.4.3
Y4	Disused pesticides, their containers or packages and packages that have been contaminated with pesticides.	6 months
Y3	Drugs or expired medications	12 months
Y31	Used lead-acid batteries	18 months

(Decree 4741 of 2005, art. 20).

ARTICLE 2.2.6.1.4.2 . *Of the formulation, presentation and implementation of the Management Plans for the Return of Post-consumer Products.* Manufacturers or importers of products that, when disposed of, become hazardous residues or waste referred to in the previous

article, must submit to the Ministry of Environment and Sustainable Development, the respective Management Plan for the Return of Post-consumer Products for their knowledge, on the dates stipulated for this purpose in Table 1, and immediately begin its implementation. These take-back plans can be formulated and developed by groups of importers or manufacturers gathered around the same or similar nature of their waste. However, their presentation before the environmental authority is individual.

Paragraph 1. The distributors and marketers of the products that, when discarded, become waste or hazardous waste described in Table 1 must be part of the Post-consumer Product Return Management Plans and actively participate in the implementation of said plans.

Paragraph 2. The Ministry of Environment and Sustainable Development will subsequently establish, through an administrative act, other consumer products that, when discarded, become hazardous waste, which must be submitted to management plans for the return of post-consumer products to be presented to the Ministry.

(Decree 4741 of 2005, art. 21).

ARTICLE 2.2.6.1.4.3. ***Elements that must be considered in Post-consumer Product Return Management Plans.*** The elements to be considered in the Plans referred to in this article shall be governed by the provisions of Resolutions 371 and 372 of 2009 and Resolution 1675 of 2013 issued by the Ministry of Environment and Sustainable Development or the regulations that modify or replace them. .

(Decree 4741 of 2005, art. 22).

ARTICLE 2.2.6.1.4.4. ***From the consumer or end user of products or chemical substances with dangerous property.*** The obligations of the consumer or end user of chemical products or substances with dangerous properties are:

a) Follow the safe handling instructions provided by the manufacturer or importer of the chemical product or substance until the end of its useful life and;

b) Deliver hazardous post-consumer residues or waste from chemical products or substances with hazardous property, to the return or return mechanism established by the manufacturer or importer.

(Decree 4741 of 2005, art. 23).

SECTION 5

OF THE AUTHORITIES

ARTICLE 2.2.6.1.5.1. ***Of the environmental authorities in the comprehensive management of waste or hazardous waste.*** In accordance with the provisions of Law 99 of 1993 and its regulatory provisions and in the exercise of the functions of evaluation, control and environmental monitoring, the different competent environmental authorities in the area of their jurisdiction must;

a) Implement the Registry of Waste or Hazardous Waste Generators in its jurisdiction, in accordance with the administrative act issued by the Ministry of Environment and Sustainable Development on the registry of generators;

b) Report annually during the month of January of the following year to IDEAM, the information collected through the registry of generators;

c) Generate or disclose information in the area of its jurisdiction on the quantity, quality, type and handling of residues or hazardous waste, based on the information compiled in the registry of generators;

d) Formulate and implement in the area of its jurisdiction a plan to promote the comprehensive management of residues or hazardous waste, with emphasis on those, strategies or actions that the Policy has defined as priorities. The foregoing, regardless of the management plans that generators, manufacturers or importers must formulate;

e) Make known to the general public the list of authorized receivers or facilities for the storage, treatment, use and/or recovery and final disposal of residues or hazardous waste in their jurisdiction;

f) Encourage programs aimed at research to promote the change of polluting production processes for clean processes; Likewise, promote in the productive sector the identification of opportunities and alternatives for cleaner production that prevent and reduce the generation of residues or hazardous waste:

g) Carry out informative, awareness-raising and educational activities in such a way as to promote the integral management of residues or hazardous waste in the area of their jurisdiction;

h) Promote in the productive sector the development of self-management activities and procedures that contribute to an integral management of residues or hazardous waste.

(Decree 4741 of 2005, art. 24).

ARTICLE 2.2.6.1.5.2. ***Obligations of the municipalities.*** Without prejudice to the other obligations established in the law and regulations, the municipalities must:

a) Identify and locate potential areas for the location of infrastructure for the management of residues or hazardous waste in the Land Use Plans, Basic Land Use Plans and Land Use Plans, as the case may be;

b) Support comprehensive management programs for waste or hazardous waste established by generators of waste or hazardous waste, as well as environmental authorities;

c) Support the realization of awareness, dissemination, education and research campaigns in order to promote the comprehensive management of residues or hazardous waste.

(Decree 4741 of 2005, art. 25).

ARTICLE 2.2.6.1.5.3. ***From the Institute of Hydrology, Meteorology and Environmental Studies - IDEAM-.*** *In* accordance with its functions, IDEAM will collect, store, process, analyze and disseminate data and statistical information on the generation and management of hazardous waste or waste at the national level, through the Environmental Information System, which will serve to facilitate the taking decisions regarding environmental policy, among others

(Decree 4741 of 2005, art. 26).

SECTION 6

OF THE REGISTRY OF HAZARDOUS WASTE OR WASTE GENERATORS

ARTICLE 2.2.6.1.6.1. ***From the Registry of Generators.*** The registry of waste or hazardous waste generators will be governed by the provisions of Resolution 1362 of 2007 issued by the Ministry of Environment and Sustainable Development or the rule that modifies or replaces it.

(Decree 4741 of 2005, art. 27).

ARTICLE 2.2.6.1.6.2. ***Of the Registration in the Registry of Generators.*** Hazardous waste or waste generators are required to register in the Registry of Generators of the competent environmental authority of their jurisdiction, taking into account the following categories

- Categories:

a) ***Great Generator.*** Person who generates waste or hazardous waste in an amount equal to or greater than 1,000.0 kg/calendar month considering the periods of time of generation of the waste and taking weighted averages and moving average of the last six (6) months of the heavy amounts;

b) ***Medium Generator.*** Person who generates waste or hazardous waste in an amount equal to or greater than 100.0 kg/month and less than 1,000.0 kg/calendar month considering the time periods of waste generation and taking weighted averages and moving average of the last six (6) months of heavy quantities;

c) ***Small Generator.*** Person who generates waste or hazardous waste in an amount equal to or greater than 10.0 kg/month and less than 100.0 kg/calendar month considering the time periods of waste generation and taking weighted averages and moving average of the last six (6) months of heavy quantities.

Paragraph. Hazardous waste or waste generators that generate less than 10.0 kg/month are exempt from registration. Notwithstanding the foregoing, the environmental authority, based on a diagnosed problem and according to its needs, may demand the registration of these generators, for which it must issue the corresponding administrative act.

(Decree 4741 of 2005, art. 28).

EPISODE 2

OF THE IMPORT, EXPORT AND TRANSIT OF RESIDUES OR HAZARDOUS WASTE

SECTION 1

TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE OR RESIDUES

ARTICLE 2.2.6.2.1.1. ***Of the Cross-Border Movement of Hazardous Waste.*** All transboundary movement of residues or hazardous waste is subject to the provisions of Law 253 of 1996, through which the Basel Convention for the Control of Transboundary Movements of Hazardous Waste and its Elimination is approved.

The exporter of residues or hazardous waste must take all applicable measures from the regulations in force, to ensure that the residues or hazardous waste are transported and disposed of in such a way as to protect human health and the environment from the possible adverse effects that could result. in the development of these activities.

Paragraph 1. Prohibition. The introduction, importation or trafficking of residues or hazardous waste into the national territory, by any natural or legal person, public or private, is prohibited. Similarly, the disposal or final reception of hazardous waste in sanitary landfills that do not meet the capacity or adequate physical and technical conditions for such purpose will be prohibited.

Paragraph 2. Illicit traffic. Whoever intends to introduce cargo in which the presence of hazardous waste is detected into the national territory or illegally introduces this cargo, must return it immediately, in accordance with customs legislation and with strict supervision by the competent environmental authorities or whoever takes their place. , without prejudice to the criminal sanctions that may apply. In the event of an emergency related to the transport of hazardous waste illegally introduced within the national territory, which puts human health or the environment at imminent risk, the fine or sanction must be adjusted in accordance with the evaluations of the impact generated.

Paragraph 3. Export. Only hazardous waste that, due to its complexity, cannot be treated environmentally and sanitary within Colombian territory may be exported from the national territory. In this case, the generator, transporter and receiver of hazardous waste must comply with the provisions of the Basel Convention and other regulations in force that regulate the matter.

(Decree 4741 of 2005, art. 29).

ARTICLE 2.2.6.2.1.2. ***The transport of residues or hazardous waste subject to transboundary movement.*** In accordance with the provisions of Law 253 of 1996, hazardous residues or waste that are subject to transboundary movement must be packed, labeled and transported in accordance with generally accepted and recognized international regulations and standards on packaging, labeling and transportation, taking into account due account of the accepted international uses in this regard; especially the Recommendations Relating to the Transport of Dangerous Goods, Seventeenth revised edition. United Nations, New York and Geneva 2003 or the one that modifies or replaces it.

The foregoing, without prejudice to complying with the other requirements established in the national regulations for the transport of dangerous goods.

(Decree 4741 of 2005, art. 30).

ARTICLE 2.2.6.2.1.3. ***Of the authorization for the cross-border movement of waste or hazardous waste.*** The export, transit and import of hazardous waste or waste are subject to the prior consent of the respective countries, in accordance with the provisions of the Basel Convention. The National Environmental Licensing Authority (ANLA) or whoever takes its place, will be competent for the processing of notifications and authorizations.

Paragraph. Once the authorization for transboundary movement has been obtained, the exporter or importer, as the case may be, must inform in writing three (3) days in advance the different environmental authorities with jurisdiction in the ports of loading or unloading of such waste and those with jurisdiction in the approved transport route, the site and the start and end date of the national transport, the type of waste, the amount transported and the name of the transport company; the above with a copy to the Ministry of Environment and Sustainable Development

(Decree 4741 of 2005, art. 31).

SECTION 2

PROHIBITIONS

ARTICLE 2.2.6.2.2.1. ***Prohibitions.*** It's prohibited:

a) Introduce or import hazardous residues or waste into the national territory;

b) Import residues or waste that contain or consist of Persistent Organic Pollutants (Aldrin, Giordano, Dieldrin, Endrin, Heptachlor, Hexachloro-benzene, Mirex, Toxaphene, Polychlorinated Biphenyls, DDT) in accordance with the provisions of the Stockholm Convention.

c) Import equipment or substances containing Polychlorinated Biphenyls (PCB), in a concentration equal to or greater than 50 mg/kg.

d) Burn waste or hazardous waste in the open;

e) Enter waste or hazardous waste in landfills, if there are no security cells within it, authorized for the final disposal of this type of waste;

f) Transfer disused electrical equipment, which contains or has contained dielectric fluids, through auctions, waste bags, auctions or public or private donations, to persons or companies that do not have the corresponding environmental licenses and without previously informing the environmental authority. the results of the physical-chemical characterizations carried out to determine the content of PCB polychlorinated biphenyls.

f) (sic) The disposal or burial of residues or hazardous waste in sites not authorized for this purpose by the competent environmental authority;

The abandonment of waste or hazardous waste on roads, soils, wetlands, parks, bodies of water or anywhere else

(Decree 4741 of 2005, art. 32).

SECTION 3

FINAL PROVISIONS

ARTICLE 2.2.6.2.3.1. ***From waste or waste generated in health care and other activities.*** The residues or waste generated in health care and other activities are governed by the special regulations in force on the matter or those that modify or replace them.

(Decree 4741 of 2005, art. 33).

PARAGRAPH TRANSITORY . Added by art. 9, National Decree 465 of 2020 <*The added text is the following*> As long as the declaration of the health emergency due to the COVID-19 coronavirus is maintained, by the Ministry of Health and Social

Protection, in the event that the amount of hazardous waste with biological or infectious risk generated on the occasion of COVID19, approaches the maximum installed capacity of the managers of said waste, the competent environmental authorities may authorize, prior temporary modification of the corresponding environmental license, other managers of hazardous waste, so that they also manage waste with biological risk or infectious,

For the purposes of the exceptional and transitory modification of the environmental license referred to in this transitory paragraph, the competent environmental authority must evaluate that the conditions and requirements are met to guarantee the adequate storage, treatment and/or final disposal of these residues.

ARTICLE 2.2.6.2.3.2. ***From pesticide residues or waste.*** Hazardous pesticide residues or wastes are governed by the current specific regulations on the matter or those that modify or replace them, except for provisions that are contrary to those established in this decree.
(Decree 4741 of 2005, art. 34).

ARTICLE 2.2.6.2.3.3. ***Of radioactive residues or waste.*** Radioactive residues or waste are governed by current environmental regulations regarding environmental licences, without prejudice to compliance with the regulations established by the Ministry of Mines and Energy or the entity acting as such, and the other competent authorities in the matter.

(Decree 4741 of 2005, art. 35).

ARTICLE 2.2.6.2.3.4. ***Of the environmental authorities or territorial entities.*** Any regulation issued by the environmental authorities or the territorial entities in the matter of residues or hazardous waste, must be motivated and be subject to the principles of regional harmony, normative gradation and subsidiary rigor, in accordance with the provisions of article 63 of the Law 99 of 1993.

(Decree 4741 of 2005, art. 36).

ARTICLE 2.2.6.2.3.5. ***Surveillance and Control.*** The competent environmental authorities will control and monitor compliance with the measures established in this decree within the scope of their competence. The foregoing, regardless of the functions of prevention, inspection, control and surveillance that are the responsibility of the health, police, foreign trade, customs and transportation authorities, among others, as the case may be.

(Decree 4741 of 2005, art. 38).

ARTICLE 2.2.6.2.3.6. ***of the annexes.*** Annex I on the list of hazardous waste or waste by processes or activities, Annex II on the list of hazardous waste or waste by waste stream, and Annex III on the hazardous characteristics of hazardous waste or waste, are an integral part of the this decree.

(Decree 4741 of 2005, art. 39).

ANNEX I [3]

LIST OF RESIDUES OR HAZARDOUS WASTE BY PROCESSES OR ACTIVITIES

Y1 Clinical waste resulting from medical care provided in hospitals, medical centers and clinics.

Y2 Waste resulting from the production and preparation of pharmaceutical products.

Y3 Waste of medicines and pharmaceutical products.

Y4 Waste resulting from the production, preparation and use of biocides and phytopharmaceutical products.

Y5 Waste resulting from the manufacture, preparation and use of chemical products for the preservation of wood.

Y6 Waste resulting from the production, preparation and use of organic solvents.

Y7 Waste containing cyanide, resulting from heat treatment and quenching operations.

Y8 Mineral oil waste not suitable for its intended use.

Y9 Mixtures and emulsions of waste oil and water or of hydrocarbons and water.

Y10 Substances and waste articles that contain, or are contaminated by, polychlorinated biphenyls (PCB), polychlorinated terphenyls (PCT) or polybrominated biphenyls (PBB).

Y11 Tarry residues resulting from refining, distillation or any other pyrolytic treatment.

Y12 Waste resulting from the production, preparation and use of inks, dyes, pigments, paints, lacquers or varnishes.

Y13 Waste resulting from the production, preparation and use of resins, latex, plasticizers or glues and adhesives.

Y14 Unidentified or new waste chemicals resulting from research and development or teaching activities and whose effects on humans or the environment are not known.

Y15 Explosive waste that is not subject to different legislation.

Y16 Waste resulting from production; preparation and use of chemicals and materials for photographic purposes.

Y17 Waste resulting from the surface treatment of metals and plastics,

Y18 Waste resulting from industrial waste disposal operations.

Wastes that have as constituents:

Y19 Carbonyl metals.

Y20 Beryllium, beryllium compounds

Y21 Hexavalent chromium compounds.

Y22 Copper compounds.

Y23 Zinc compounds.

Y24 Arsenic, arsenic compounds.

Y25 Selenium, selenium compounds.

Y26 Cadmium, cadmium compounds.

Y27 Antimony, antimony compounds.

Y28 Tellurium, tellurium compounds.

Y29 Mercury, mercury compounds.

Y30 Thallium, thallium compounds.

Y31 Lead, lead compounds.

Y32 Inorganic fluorine compounds, excluding calcium fluoride

Y33 Inorganic cyanides.

Y34 Acid solutions or acids in solid form.

Y35 Basic solutions or foundations in solid form,

Y36 Asbestos (dust and fibers).

Y37 Organic phosphorus compounds.

Y38 Organic cyanides.

Y39 Phenols, phenolic compounds, including chlorophenols.

Y40 Ethers.

Y41 Halogenated organic solvents.

Y42 Organic solvents, excluding halogenated solvents.

Y43 Any substance from the group of polychlorinated dibenzofurans.

Y44 Any substance from the group of polychlorinated dibenzo-p-dioxins.

Y45 Organohalogenated compounds, other than the substances mentioned in this Annex (eg Y39, Y41, Y42, Y43, Y44).

ANNEX II

LIST A [4] RESIDUES OR HAZARDOUS WASTE BY WASTE STREAM

The residues or wastes listed in this annex are characterized as hazardous and their inclusion in this annex does not prevent Annex III from being used to demonstrate that a residue or waste is not hazardous.

When the following list refers to List B, users should refer to Annex IX or List B of Law 253 of 1996.

A1 Metallic or metal-containing waste

A1010 Metal scrap and scrap containing alloys of any of the following substances:

Antimony.

Arsenic.

Beryllium.

Cadmium.

Lead.

Mercury.

Selenium.

Tellurium.

Thallium.

But excluding waste specifically listed on list B.

A1020 Wastes having as constituents or contaminants, excluding metal waste in massive form, any of the following substances:

Antimony; antimony compounds.

Beryllium; beryllium compounds.

Cadmium: cadmium compounds.

Lead; lead compounds.

Selenium; selenium compounds.

Tellurium; tellurium compounds

A1030 Wastes that have as constituents or contaminants any of the following substances;

Arsenic; arsenic compounds.

Mercury; mercury compounds.

Thallium; thallium compounds.

A1040 Wastes that have as constituents;

Metal carbonyls Hexavalent chromium compounds.

A1050 Galvanic sludge.

A1060 Waste liquids from metal pickling.

A1070 Leaching residues from zinc treatment, powders and sludges such as jarosite, hematite, etc.

A1080 Zinc waste residues not included in list B, containing lead and cadmium in concentrations such that they present Annex III characteristics.

A1090 Ashes from the incineration of coated copper cables. </o:p>

A1100 Dust and waste from gas purification systems in copper smelters.

A1110 Used electrolytic solutions from copper electrolytic extraction and refining operations.

A1120 Residual sludge, excluding anode sludge, from electrolytic purification systems for electrolytic copper refining and extraction operations.

A1130 Used etching acid solutions containing dissolved copper.

A1140 Waste cupric chloride and copper cyanide catalysts,

A1150 Precious metal ash from incineration of printed circuit boards not included in list B [5].

A1160 Accumulators of waste leads, whole or crushed.

A1170 Unsorted waste accumulators excluding mixtures of batteries only from list B. Waste accumulators not included in list B that contain Annex I constituents to such an extent as to render them hazardous.

A1180 Waste electrical and electronic assemblies or scrap [6] containing components such as accumulators and other batteries included in list A, mercury switches, cathode ray tube glass and other activated glass and PCB capacitors, or contaminated with mercury constituents Annex I (for example, cadmium, mercury, lead, polychlorinated biphenyl) to such an extent that they possess any of the characteristics of Annex III (see corresponding entry in list B B1110) [7].

A2 Waste containing mainly inorganic constituents, which may contain metals or organic matter

A2010 Waste glass from cathode ray tubes and other activated glasses.

A2020 Wastes of inorganic fluorine compounds in the form of liquids or sludges, but excluding such wastes specified in list B.

A2030 Waste catalysts, but excluding such waste specified in list B.

A2040 Waste gypsum from chemical industry processes, if it contains Annex I constituents to such an extent that it exhibits an Annex III hazardous characteristic (see corresponding entry on list B B2080).

A2050 Asbestos waste (dust and fibers).

A2060 Fly ash from coal-fired power plants containing Annex I substances in concentrations such that they exhibit Annex III characteristics (see corresponding entry in list B B2050).

A3 Waste containing mainly organic constituents, which may contain metals and inorganic matter

A3010 Wastes resulting from the production or treatment of petroleum coke and asphalt.

A3020 Waste mineral oils not suitable for their intended use.

A3030 Wastes that contain, are integrated or are contaminated by sludge of anti-knock compounds with lead.

A3040 Thermal liquid waste (heat transfer).

A3050 Wastes resulting from the production, preparation and use of resins, latex, plasticizers or glues/adhesives, except the wastes specified in list B (see the corresponding section in list B B4020).

A3060 Waste nitrocellulose.

A3070 Waste phenols, phenolic compounds, including chlorophenol in liquid or sludge form.

A3080 Waste ethers except those specified in list B.

A3090 Leather waste in the form of dust, ash, sludge and flour containing hexavalent lead compounds or biocides (see the corresponding entry in list B B3100).

A3100 Scraps and other waste of leather or regenerated leather, not suitable for the manufacture of leather articles, containing hexavalent chromium compounds or biocides (see the corresponding entry in list B B3090).

A3110 Wastes from leather tanning containing hexavalent chromium compounds or biocides or infectious substances (see the corresponding section in list B B3110).

A3120 Lint - light fragments resulting from comminution.

A3130 Waste organic phosphorus compounds.

A3140 Waste non-halogenated organic solvents but excluding waste specified on list B.

A3150 Waste halogenated organic solvents.

A3160 Wastes resulting from non-aqueous halogenated or non-halogenated distillation residues from organic solvent recovery operations.

A3170 Wastes resulting from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloroethane, vinyl chloride, allyl chloride and epichlorohydrin).

A3180 Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), non-polychlorinated naphtha (PCN) or polybrominated biphenyl (PBB), or any other analogous polybrominated compound, with a concentration equal to or greater than 50 mg/kg [8].

A3190 Waste tarry residues (excluding asphalt cements) resulting from the refining, distillation or any other pyrolytic treatment of organic materials.

A3200 Bituminous material (asphalt waste) containing tar resulting from the construction and maintenance of roads (note the corresponding item B2130 in list B).

A4 Wastes that may contain inorganic or organic constituents

A4010 Wastes resulting from the production, preparation and use of pharmaceutical products, but excluding wastes specified in list B.

A4020 Clinical and related waste; that is, waste resulting from medical, nursing, dental, veterinary practices or similar activities, and waste generated in hospitals or other facilities during research activities or the treatment of patients, or from research projects.

A4030 Wastes resulting from the production, preparation and use of biocides and phytopharmaceutical products, including pesticide and herbicide waste that is off-specification, expired [9], obsolete [10] or unfit for its originally intended use.

A4040 Wastes resulting from the manufacture, preparation and use of chemical products for the preservation of wood [11].

A4050 Wastes containing, consisting of or contaminated with any of the following:

Inorganic cyanides, with the exception of residues containing precious metals in solid form, with traces of inorganic cyanides.

organic cyanides.

A4060 Waste mixtures and emulsions of oil and water or hydrocarbons and water.

A4070 Wastes resulting from the production, preparation and use of inks, dyes, pigments, paints, lacquers or varnishes, excluding the wastes specified in list B (see the corresponding section of list B B4010).

A4080 Wastes of an explosive nature (but excluding wastes specified in list B).

A4090 Wastes of acid or basic solutions, other than those specified in the corresponding section of list B (see the corresponding section of list B B2120).

A4100 Wastes resulting from the use of industrial pollution control devices for the purification of industrial gases, but excluding wastes specified in list B.

A4110 Wastes containing, consisting of or contaminated with any of the following:

Any substance from the group of polychlorinated dibenzofurans.

Any substance from the group of polychlorinated dibenzodioxins.

A4120 Wastes containing, consisting of or contaminated with peroxides

A4130 Packaging and waste containers containing substances included in Annex I, in concentrations sufficient to show the dangerous characteristics of Annex III.

A4140 Wastes consisting of or containing chemical products that do not respond to specifications or expired [12] corresponding to the categories of annex I, and that show the dangerous characteristics of Annex III.

A4150 Unidentified or new waste chemicals resulting from research and development or teaching activities and whose effects on humans or the environment are not known.

A4160 Consumed activated carbon not included in list B (see the corresponding section of list B B2060).

ANNEX III

HAZARDOUS CHARACTERISTICS OF RESIDUES OR HAZARDOUS WASTE

1. **Characteristic that makes a residue or waste dangerous because it is corrosive:** Characteristic that makes a residue or waste by chemical action, can cause serious damage to living tissues that are in contact or in case of leakage can seriously damage other materials, and has any of the following properties:

a) Be aqueous and have a pH less than or equal to 2 or greater than or equal to 12.5 units;

b) Be liquid and corrode steel at a rate greater than 6.35 mm per year at a test temperature of 55 °C.

2. **Characteristic that makes a residue or waste dangerous because it is reactive.** It is that characteristic that a residue or waste presents when, when mixed or contacted with other elements, compounds, substances or residues, it has any of the following properties:

a) Generate toxic gases, vapors and fumes in quantities sufficient to cause damage to human health or the environment when mixed with water;

b) Possess, among its components, substances such as cyanides, sulfides, organic peroxides that, by reaction, release toxic gases, vapors or fumes in sufficient quantities to endanger human health or the environment;

c) Being capable of producing an explosive or detonating reaction under the action of a strong initial stimulus or heat in confined environments;

d) That which produces an endothermic or exothermic reaction when in contact with air, water or any other element or substance;

e) Cause or favor combustion.

3. **Characteristic that makes a residue or waste dangerous because it is explosive:** A residue (or mixture of residues) is considered to be explosive when in a solid or liquid state it can spontaneously, by chemical reaction, release gases at a temperature, pressure and speed such that they can cause damage to human health and/or the environment, and also has any of the following properties;

a) Form potentially explosive mixtures with water;

b) Be capable of easily producing a detonating or explosive reaction or decomposition at a temperature of 25°C and a pressure of 1.0 atmosphere;

c) Being a substance manufactured in order to produce an explosion or pyrotechnic effect.

4. **Characteristic that makes a residue or waste dangerous because it is flammable:** Characteristic that a residue or waste presents when, in the presence of an ignition source, it can burn under certain conditions of pressure and temperature, or present any of the following properties:

a) Be a gas that at a temperature of 20°C and 1.0 atmosphere of pressure burns in a mixture equal to or less than 13% of the volume of air;

b) Be a liquid whose flash point is below 60°C, with the exception of aqueous solutions with less than 24% alcohol by volume;

c) Be a solid with the capacity, under conditions of a temperature of 25°C and a pressure of 1.0 atmosphere, to produce fire by friction, moisture absorption, spontaneous chemical alterations and vigorous and persistent burning, making it difficult to extinguish the fire;

d) Be an oxidizer that can release oxygen and, as a result, stimulate combustion and increase fire intensity in another material.

5. **Characteristic that makes a residue or waste dangerous because it is infectious:** A residue or waste with infectious characteristics is considered dangerous when it contains pathogenic agents; Pathogens are microorganisms (such as bacteria, parasites, viruses, rickettsiae, and fungi) and other agents, such as prions, with sufficient virulence and concentration to cause disease in humans or animals.

6. **Characteristic that makes a waste hazardous because it is radioactive: Radioactive** waste is understood to be any material that contains compounds, elements or isotopes, with a radioactive activity per unit mass greater than 70 K Bq/Kg (seventy kilo becquerels per kilogram) or 2nCi/g (two nanocuries per gram), capable of directly or indirectly emitting ionizing radiation of a corpuscular or electromagnetic nature that, in its interaction with matter, produces ionization at levels higher than natural background radiation.

7. **Characteristic that makes a waste hazardous because it is toxic:** Waste or toxic waste is considered to be that which, by virtue of its ability to cause undesirable or adverse biological effects, can cause harm to human health and/or the environment. For this purpose, residues or wastes that are classified according to the toxicity criteria (acute, delayed or chronic and ecotoxic effects) defined below and for which, as necessary, the competent authorities will establish control limits are considered toxic. correspondent;

a) Oral median lethal dose (LD50) for rats less than or equal to 200 mg/kg for solids and less than or equal to 500 mg/kg for liquids, of body weight;

b) Dermal median lethal dose (LD50) for rats less than or equal to 1,000 mg/kg of body weight;

c) Inhalation median lethal concentration (LC50) for rats less than or equal to 10 mg/l;

d) High potential for eye, respiratory and skin irritation, corrosive capacity on living tissues;

e) Susceptibility to bioaccumulation and biomagnification in living beings and in food chains;

f) Carcinogenicity, mutagenicity and teratogenicity;

g) Neurotoxicity, immunotoxicity or other delayed effects;

h) Toxicity to higher organisms and terrestrial and aquatic microorganisms;

i) Others that the competent authorities define as risk criteria for human toxicity or for the environment.

In addition, toxic residue or waste is considered to be that which, when a leaching test for toxicity characteristics (known as the TCLP test), contains one or more of the substances, elements or compounds listed in Table 3 in concentrations greater than those maximum permissible levels in the leachate established in said table.

TABLE 3

Maximum concentrations of contaminants for the TCLP test		
Pollutant	CAS number [13]	Maximum allowable level in leachate (mg/L)
Arsenic	7440-38-2	5.0
Barium	7440-39-3	100.0
Benzene	71-43-2	0.5
Cadmium	7440-43-9	1.0
carbon tetraclocur	56-23-5	0.5
chlordane	57-74-9	0.03
Chlorobencene	108-90-7	100.0
Chloroform	67-66-3	6.0
Chrome	7440-47-3	5.0
o-Cresol	95.48-7	200.0
m-Cresol	108-39-4	200.0
p-cresol	106-44-5	200.0
cresol	-	[14] 200.0
2,4-D	94-75-7	10.0

1,4-Dichlorobenceno	106-46-7	7.5
1,2 Dicloroetano	107-06-2	0.5
1,1-Dichlorine	75-35-4	0,7
2,4-Dinitrotolueno	121-14-2	[15] 0.13
Endrín	72-20-8	0.02
Heptaclorus (y pig epóxos)	76-44-8	0.008
Hexaclorobenceno	118-74-1	[16] 0.13
Hexaclorobutadieno	87-68-3	0.5
hexachloroethane	67-72-1	3.0
Lead	7439-92-1	5.0
Lindane	58-89-9	0.4
Mercury	7439-97-6	0.2
methoxychlor	72-43-5	10.0
methyl ethyl ketone	78.93-3	200.0
Nitrobenzene	98-95-3	2.0
Pentachlorophenol	87-86-5	100.0
Pyridine	110-86-1	5.0
Selenium	7782-49-2	1.0
Plata	7440-22-4	[17] 5.0
Tetrachlorethylene	127-18-4	0.7
Toxafeno	8001-35-2	0.5
Trichloroethylene	79-01-6	0.5
2,4,5-Trichlorophenol	95-95-4	400.0
2,4,6-Trichlorophenol	88-06-2	2.0
2,4,5-TP (silvex)	93-72-1	1.0
Vinyl chloride	75-01-4	0.2

TITLE 7

PREVENTION AND CONTROL OF ENVIRONMENTAL POLLUTION DUE TO THE HANDLING OF PESTICIDES

CHAPTER 1

GENERALITIES

SECTION 1

ARTICLE 2.2.7.1.1.1. *Object.* The purpose of this title is to establish environmental measures for the management of pesticides, and for the prevention and safe management of waste or hazardous residues from them, in order to protect human health and the environment. The foregoing without prejudice to obtaining the necessary licenses, permits and authorizations, in accordance with current environmental regulations and other concordant regulations.

(Decree 1443 of 2004, art. 1).

ARTICLE 2.2.7.1.1.2. *Area of application.* The provisions of this title apply in the national territory to natural or legal persons, public or private, that manufacture, formulate, import, package, distribute, market, pack, store and transport pesticides, as well as the consumer or end user of pesticides. the same, and to the people who generate and handle residues or hazardous waste from pesticides.

(Decree 1443 of 2004, art. 2).

ARTICLE 2.2.7.1.1.3. *Principles* . The environmental management of pesticides is governed by the basic principles of the comprehensive life cycle, safe and responsible handling, risk reduction and communication, precaution and prevention.

(Decree 1443 of 2004, art. 3).

ARTICLE 2.2.7.1.1.4. *Definitions.* For the correct interpretation and application of this title, the following definitions are adopted:

Marketing . General process of promoting the product, including advertising, public relations about the product and information services, as well as distribution, sale or donation in national and international markets.

Distributor. Natural or legal person, public or private, that supplies pesticides through commercial channels in national or international markets.

Hazardous pesticide residues or waste. Includes pesticides in disuse, that is, those that are expired or out of technical specifications, containers or packages that have contained pesticides, remnants, leftovers, by-products of these pesticides; the product of washing or cleaning objects or elements that have been in contact with pesticides such as: Work clothes, application equipment, process equipment or others.

Elimination. This term includes operations that can lead to recovery, recycling, regeneration, reuse, treatment, including storage, as well as final disposal.

Packer. Natural or legal person, public or private, authorized, whose activity consists of transferring a pesticide from any container to a commercial container for subsequent sale, without altering its characteristics.

Container. Container that contains the product to protect or preserve it and that facilitates its handling, storage, distribution, and presents the label.

Label. Any written, printed or graphic material that goes on the container that contains a pesticide or is printed, engraved or affixed to its immediate container and on the package or outer wrapper of the containers for use or distribution.

Maker. Natural or legal person, public or private, engaged in the business or function (directly, through an agent or an entity controlled or contracted by it) of synthesizing an active ingredient or a pesticide.

Manufacturing. Synthesis or production of an active ingredient or pesticide.

Formulation. Process of combining various ingredients to make the product useful and effective for its intended purpose.

Formulator. Natural or legal person, public or private, dedicated to the formulation of final products.

Generator. Natural or legal person, public or private, whose activity generates disused pesticides, waste, packaging and their containers. If the person is unknown, it will be the person in possession of this waste. Likewise, it is equated to a generator, the manufacturer or importer of pesticides, in terms of the responsibility for the management of packaging and waste or dangerous residues of the pesticide.

Active ingredient. Chemical substance with pesticidal action that constitutes the biologically active part present in a formulation.

Technical grade active ingredient. It is the one that contains the chemical elements and their natural or manufactured compounds, including impurities and related compounds that inevitably result from the manufacturing process.

Driving. The collection, transportation, and disposal of hazardous pesticide residues and obsolete pesticides are understood, including the monitoring of final disposal sites.

Environmentally sound management. Environmentally sound management of pesticides and hazardous waste from them means the adoption of all possible measures to ensure that hazardous waste pesticides are managed in such a way that the environment and health are protected against the harmful effects that may arise. thereof. The above regardless of the obligation to obtain the licenses, permits and authorizations that may apply, in accordance with current regulations.

Country of origin. Country where the manufacture of the active ingredient or the formulation of a pesticide takes place.

pesticide. Any substance or mixture of substances intended to prevent, destroy or control any pest, unwanted species of plants or animals that cause harm or interfere in any other way in the production, processing, storage, transport or marketing of food, agricultural products , wood and wood products or animal feed, or that may be administered to animals to control insects, arachnids or other pests in or on their bodies. The term includes substances intended for use as plant growth regulators, defoliants, desiccants, agents to reduce fruit density, agents to prevent premature fruit drop, and substances applied to crops before or after harvest. harvest to protect the product from deterioration during storage and transportation.

Disused pesticides. Those pesticides and their residues or waste, which can no longer be used, for any reason, for their original purpose or for any other purpose, so they must be disposed of safely for human health and the environment.

Receiver. It is the natural or legal person, public or private, duly authorized to eliminate hazardous waste from pesticides and obsolete pesticides.

(Decree 1443 of 2004, art. 4).

EPISODE 2

DISUSED PESTICIDES

SECTION 1

DISUSE RESPONSIBILITIES, PREVENTION OF STOCKS OF RESIDUE OR WASTE FROM PESTICIDES

ARTICLE 2.2.7.2.1.1. ***Disused pesticides.*** In addition to what is stated in the previous article, an obsolete pesticide will be understood as a pesticide that:

a) Has been withdrawn from the market for health or environmental reasons;

b) Has been prohibited or its registration has been canceled by decision of the competent authority;

c) Has lost its control properties for the organisms intended and cannot be used for other purposes, nor can it be easily modified to return to usefulness;

d) It has been contaminated with other products;

e) It has degraded due to inadequate and prolonged storage, and cannot be used in accordance with the specifications and instructions indicated on the label and, moreover, cannot be reformulated;

f) Has undergone chemical and/or physical changes that may cause phytotoxic effects on crops or represents an unacceptable danger to human health or the environment;

g) Has suffered unacceptable loss of biological efficacy due to degradation of its active ingredient or other physical or chemical change;

h) Its physical properties have changed and therefore it does not allow its application under normal conditions.

(Decree 1443 of 2004, art. 5).

ARTICLE 2.2.7.2.1.2. ***Ban on burial and burning of obsolete pesticides.*** Hazardous residues and residues of pesticides and pesticides in disuse may not be buried or burned in the open, nor disposed of in ordinary waste final disposal sites. They may only be removed safely through facilities duly authorized by the competent authorities.

(Decree 1443 of 2004, art. 6).

ARTICLE 2.2.7.2.1.3. ***Responsibility for the generation and management of waste or hazardous residues from pesticides.*** The responsibility for the stock of hazardous waste or residues, including obsolete pesticides, and their proper management and final disposal, lies with the generator, or if the person is unknown, the person in possession of these wastes.

The manufacturer or importer of pesticides, is equated to a generator in terms of responsibility for the handling of packaging and waste or dangerous residues of the pesticide.

The full responsibility of the generator subsists until the waste or hazardous waste is used as an input or disposed of definitively.

The receiver of pesticide residues or waste and obsolete pesticides, who must be duly authorized by the competent environmental authority, will assume full responsibility for the generator once it is received from the transporter and until the disposal of the waste has been carried out or verified. the same.

(Decree 1443 of 2004, art. 7).

ARTICLE 2.2.7.2.1.4. ***Solidarity responsibility.*** As long as the elimination of the waste or hazardous residue of pesticides and obsolete pesticides has not been carried out and verified, the recipient is jointly and severally liable with the generator.

Paragraph. The generator has the obligation to manage its pesticide stocks in an appropriate, safe and environmentally sound manner and to take the necessary measures to prevent these stocks from becoming obsolete pesticides.

(Decree 1443 of 2004, art. 8).

ARTICLE 2.2.7.2.1.5. ***Sustainability of responsibility.*** The full responsibility of the generator subsists until the waste or hazardous residues, including obsolete pesticides, are properly disposed of or disposed of definitively by the authorized receiver.

(Decree 1443 of 2004, art. 9).

ARTICLE 2.2.7.2.1.6. ***Generator Responsibilities*** . In accordance with the responsibilities established by law, the generator will be responsible, among others, for:

a) All effects on health and the environment caused by residues or hazardous waste. The responsibility extends to its effluents, emissions, products and by-products;

b) The environmentally sound management of containers, packaging and residues or waste of pesticides:

c) All the effects caused to human health or the environment, of a chemical or biological content not declared to the receiver or external manager of the waste or disused pesticide and to the environmental authority;

d) All costs associated with the management of obsolete pesticides or their residues, in accordance with the requirements and criteria that the competent environmental authority defines for the same;

e) The management of disused pesticides separately from non-hazardous or ordinary residues or waste generated in the same activity;

f) Carry out the separation of obsolete pesticides according to incompatibility criteria, avoiding mixtures that lead to increased danger:

g) Perform waste or hazardous waste management, including obsolete pesticides, only with companies that are duly authorized by the competent authority for that purpose. If there are no local alternatives for the final disposal of disused pesticides, the generator must take the necessary steps to export them to the country of origin or some other destination where there are authorized final disposal alternatives, in accordance with the criteria, procedures and obligations established by the Basel Convention;

h) Design and execute a training program on the handling of standard operating procedures and safe practices for all personnel at its facilities involved in packing, loading, unloading, storage, handling, proper disposal of waste, decontamination and cleaning:

i) Carry out the physical-chemical characterization of waste or hazardous waste, through special laboratories duly authorized by the competent bodies and report their results to the natural or legal persons in charge of storage, collection and transport, treatment or final disposal. thereof.

(Decree 1443 of 2004, art. 10).

ARTICLE 2.2.7.2.1.7. ***Recipient Responsibilities.*** In accordance with the responsibilities established by law, the recipient will be responsible, among others, for:

a) The environmentally sound and safe management of hazardous waste or residues, including obsolete pesticides, while their final disposal has not been carried out and verified. This responsibility includes the monitoring, diagnosis and remediation of the soil, surface water and groundwater in case of contamination by these residues or waste;

b) Obtaining the respective environmental license by the competent environmental authority in accordance with the provisions of this title or the regulations that modify or replace it.

(Decree 1443 of 2004, art. 11).

ARTICLE 2.2.7.2.1.8. ***Prevention of existence or waste or hazardous residues from pesticides.*** In accordance with the responsibilities established in the law, the manufacturers, formulators, importers, packers and distributors of pesticides will be responsible, among others, for:

a) Consider in the preparation of products, containers and packaging that, the characteristics of design, manufacture, marketing or use, favor the prevention of the generation of residues or hazardous waste or allow their elimination without causing damage to human health and the environment. ambient;

b) Assume direct responsibility for the management of containers and packaging, or manage through an organized system in conjunction with the distributors or marketers, the residues or hazardous waste that this chapter deals with;

c) Obtain the registration before the competent national authority;

d) Establish the mechanism for the return and elimination of containers and packaging and other residues or hazardous waste from the consumer, for which they will have a maximum period of two (2) years from May 10, 2004.

e) Inform users and consumers about the risks of the respective good, element or product and about the recommendations for its handling, storage and the return mechanism of the containers or packaging;

f) Receive the containers and packaging according to the collection mechanism established for that purpose.

(Decree 1443 of 2004, art. 12).

CHAPTER 3

OF THE INTEGRAL MANAGEMENT OF PESTICIDES

SECTION 1

ARTICLE 2.2.7.3.1.1. ***Putting pesticides on the market.*** In accordance with the obligations established by law, natural or legal persons who distribute or market pesticides, or any other person responsible for placing them on the market, will be responsible, among others, for:

a) Carry out an environmentally sound management of pesticides and containers, packaging and other pesticide residues or waste:

b) Form part of the mechanism for the return of hazardous waste or waste, established by the generator;

c) Inform end users or consumers about the mechanism for the return of hazardous waste or waste established by the generator.

(Decree 1443 of 2004, art. 13).

ARTICLE 2.2.7.3.1.2. ***Pesticide consumption.*** In accordance with the obligations established by law, natural or legal persons who use pesticides, whatever their purpose, among others, must:

a) Carry out an environmentally sound management of pesticides and containers, packaging and other pesticide residues or waste;

b) Return the containers and packages according to the collection mechanism that pesticide generators and distributors or marketers must establish, separately or jointly, for that purpose;

c) Keep stocks of pesticides to be used as low as possible.

(Decree 1443 of 2004, art. 14).

ARTICLE 2.2.7.3.1.3. ***Pesticide storage.*** In accordance with the obligations established by law, natural or legal persons that provide pesticide storage services, among others, must:

a) Obtain the respective Environmental License from the competent environmental authority in accordance with the provisions of this title or the regulations that modify or replace it;

b) Keep a file in which the entry and exit movements of pesticides are indicated, the date of movement, quantity, origin, name of the depositor and possible purpose or destination of the same, as well as the residues or hazardous waste that are generate;

c) Have a training program for the personnel responsible for handling hazardous residues or waste, including obsolete pesticides and the equipment related to them;

d) Deliver hazardous residues or waste, including obsolete pesticides, for final disposal, exclusively to individuals or legal entities that have the proper authorizations.

(Decree 1443 of 2004, art. 15).

ARTICLE 2.2.7.3.1.4. ***Transport of pesticides.*** In accordance with the obligations established by law, natural or legal persons who provide transport services for pesticides and waste or hazardous residues from them, among others, must;

a) Carry out an environmentally sound management of pesticides and containers, packaging and other residues or hazardous waste;

b) Verify that the residues or hazardous waste received are correctly packaged and identified in the terms established in the corresponding standard regarding the Handling, Transportation, and storage of dangerous goods by road.

c) Have the Contingency Plan in the terms provided in the corresponding standard regarding the Handling, Transport, storage of dangerous goods by road.

d) At no time move in the same vehicle those residues or hazardous waste that are incompatible;

e) Be jointly and severally liable with the sender for the spill or spread of pesticides in loading or transport activities and in the work of collection, cleaning and decontamination of the site immediately.

(Decree 1443 of 2004, art. 16).

ARTICLE 2.2.7.3.1.5. ***Responsibilities of environmental authorities.*** The environmental authorities will control and monitor the management of pesticides, and the residues or hazardous waste originating from them, in accordance with the provisions of this title and other current environmental regulations.

(Decree 1443 of 2004, art. 17).

ARTICLE 2-2.7.3.1.6. ***Other obligations.*** In addition to what is enshrined in this title-and current environmental regulations, natural or legal persons who handle pesticides and/or residues or hazardous waste from them, must comply with what is established in the matter by the transit authorities. and transportation, health and social protection, and agriculture, among others.

(Decree 1443 of 2004, art. 18).

ARTICLE 2.2.7.3.1.7. ***Sanctions.*** In case of violation of the environmental provisions contemplated in this title, the competent environmental authorities will impose the preventive measures and sanctions provided for in Law 1333 of 2009, and its regulatory provisions or those that modify or replace them, without prejudice to the other actions. for there to be a place

(Decree 1443 of 2004, art. 19).

TITLE 7A

WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE)

Added by art. 1, National Decree 284 of 2018.

<The added text is as follows>

CHAPTER Yo

GENERAL DISPOSITION

Article 2.2.7A.1.1. ***Object.*** The purpose of this title is to regulate the comprehensive management of Waste Electrical and Electronic Equipment (WEEE), in order to prevent and minimize adverse impacts on the environment.

Article **2.2.7A.1.2 .** ***Area of application.*** The provisions of this title apply throughout the national territory to producers, marketers, users or consumers of Electrical and Electronic Equipment (EEE) and WEEE managers, as well as to the authorities involved in the comprehensive management of appliances and your waste.

Article 2.2.7A.1.3. ***WEEE Collection and Management System*** . Environmental control and management instrument that contains the requirements and conditions to guarantee the selective collection and environmental management of Waste Electrical and Electronic Equipment (WEEE) by producers.

The Ministry of Environment and Sustainable Development will establish the guidelines and requirements that must be met by the WEEE collection and management systems in charge of the producers and the results-based management indicators for its evaluation and monitoring, in accordance with the principle of gradualness established in the Law. 1672.

CHAPTER II

SCOPE OF THE OBLIGATIONS OF THE ACTORS INVOLVED IN THE WEEE COLLECTION AND MANAGEMENT SYSTEM

Article 2.2.7A.2.1. ***From the producer.*** Taking into account the definition of producer established in Law 1672 of 2013, marketers who carry out any activity described in the paragraphs contained in article 4 of the aforementioned law assume such quality and their own obligations.

Natural or legal persons who manufacture or import EEE for their own use, will also have the quality of producer. The Ministry of Environment and Sustainable Development will establish the conditions or requirements that these persons must meet within the framework of the provisions of Law 1672 of 2013.

In developing the obligations of the producer established in numeral 2 of article 6 of Law 1672 of 2013, the following will be taken into account:

1. In the prioritization of alternatives for the use of WEEE by the producer established in literal c) of this numeral, it will seek to promote the incorporation of the components, parts or materials obtained from the waste in the economic and productive cycles of the country. .
2. The information referred to in literal e) of said numeral must be provided by the producer whenever it is required by the manager or any interested party.
3. The design and implementation of strategies aimed at users or consumers of its products to achieve efficiency in the return and collection of WEEE, as well as information and awareness campaigns on the return and proper management of WEEE, in accordance with subparagraphs h) and i), they must be coordinated with the EEE marketing chain and the competent authorities.

Within the framework of these same strategies and in compliance with the provisions of literal b) of the same numeral, the producer must ensure the implementation of collection points, collection centers or equivalent collection mechanisms to guarantee the return of WEEE by of the user or consumer, at no cost to the latter.

4. The producer must provide the necessary means to ensure that the information referred to in letter k) of the aforementioned numeral 2, is available and accessible to the user or consumer, WEEE manager or interested authority.
5. The information that must be supplied by the producer to the users or consumers of the EEE, through the labels, packaging or annexes of the products, in accordance with the provisions of literals f) and l) of the same numeral, shall be It will be subject to the conditions and requirements established for this purpose by the Ministry of Commerce, Industry and Tourism in coordination with the appropriate authorities.

Article 2.2.7A.2.2. ***From the marketers.*** Within the framework of the technical and logistical support that corresponds to provide the producer without prejudice to its responsibilities, and for the fulfillment of the obligations by the EEE marketers, in accordance with the paragraph of numeral 2 and numeral 3 of the Article 6 of Law 1672 of 2013, the following must be taken into account:

1. The information addressed to the users or consumers, on the parameters for a correct return and management of the waste of the commercialized EEE, must be presented in a visible way in their commercial establishments and through other means of dissemination that the marketers consider pertinent. .
2. The marketer must coordinate with the producers regarding the design and implementation of informative and awareness strategies and campaigns, aimed at users or consumers of the EEE marketed, to achieve efficiency in the return and collection of WEEE and that facilitate the change towards sustainable consumption habits.

3. The marketer must accept the return of WEEE by the user or consumer, at no cost to him, taking into account the following conditions:
3.1. When you sell a new EEE, you must be physically able to receive from the user or consumer, at your point of sale, a WEEE that is of an equivalent type and has performed the same functions as the device sold. The Ministry of Environment and Sustainable Development may define terms and conditions to ensure the gradual fulfillment of this obligation.
3.2. Those commercial establishments that sell EEE and have a total area of more than 2,500 m2 must have adequate spaces visible to the public, so that producers can install containers for the collection and return of WEEE, at no cost to the producer. The Ministry of Environment and Sustainable Development may define the conditions under which this obligation may be extended to smaller establishments.
4. Deliver all collected WEEE to the respective WEEE collection and management systems established by the producers or through third parties acting on their behalf. This delivery will be made in coordination with the producer. As long as said delivery has not been made, the marketer is responsible for the integrity and safety of the WEEE collected.
Paragraph. The competent authorities will impose sanctions for non-compliance with these obligations, without prejudice to the measures that the Superintendence of Industry and Commerce may take by virtue of its legal powers for consumer protection.
Article 2.2.7A.2.3. ***Of the users or consumers.*** In development of the obligations established in numeral 4 of article 6 of Law 1672 of 2013, users or consumers of EEE must:
1. Prevent the generation of WEEE through practices to extend the useful life of EEE.
2. Carry out a correct separation of WEEE at the source and do not dispose of it together with other waste.
3. Deliver the WEEE to the sites or through the mechanisms established for this purpose by the producers or third parties acting on their behalf or through the marketers.
4. Do not disassemble or remove the WEEE components prior to their delivery to the established collection and management systems.
5. Follow the instructions of the producer or of the competent authorities, for a correct return of the WEEE through the collection and management systems of WEEE that are established.
6. Contribute to the information and awareness of other consumers by disseminating the return mechanisms and environmentally sound management of WEEE.
Paragraph 1. Users or consumers may deliver WEEE through a manager licensed by the competent environmental authority, provided that there are no means or mechanisms for returning them to the producer or marketer.
Paragraph 2. The Superintendency of Industry and Commerce, within the framework of its legal powers, will carry out actions aimed at providing general information to consumers of EEE, about their duty to comply with the regulations on the comprehensive management of WEEE and their right to be informed by the producers and marketers about the proper handling and return of the same. The foregoing may be carried out in coordination with the territorial entities and the environmental authorities of the respective jurisdiction.
Article 2.2.7A.2.4. ***Of the managers.*** In development of the obligations established in numeral 5 of article 6 of Law 1672 of 2013, natural or legal persons who provide, in whole or in part, the services of collection, transportation, storage, treatment, use and/or final disposal of WEEE, must at least:

1. Have the respective environmental license, when the activities for which compliance with this requirement is established are carried out. The license must specify the management or handling process(es) for each type of WEEE, which is carried out at the facility.
2. Manage the currents or flows of hazardous waste present in WEEE in accordance with current regulations for this purpose.
3. Issue the certificates of the management of the WEEE received, corresponding to the activities subject to an environmental license in accordance with numeral 11 of article 2.2.2.3.2.3 of Decree number 1076 of 2015. The Ministry of Environment and Sustainable Development will define the information that must contain such certifications.
4. Issue the certifications corresponding to the activities of collection and transportation of WEEE, the Ministry of Environment and Sustainable Development will define the information that must contain such certifications.
5. Register as WEEE Manager in accordance with what is provided for that purpose by the Ministry of Environment and Sustainable Development.

Article 2.2.7A.2.5. ***From the environmental authorities.*** Environmental authorities must:

1. Promote and disseminate the National Policy for the Comprehensive Management of Waste Electrical and Electronic Equipment (WEEE), as well as implement it within the framework of its powers.
2. Support, in a coordinated manner with the other actors, the dissemination, promotion and education activities that guide the users or consumers of EEE, on the prevention of the generation and practices for the extension of the useful life of EEE, source separation, recycling, and WEEE collection and management systems.
3. Disseminate through its official website, the updated list of licensed WEEE managers in the area of its jurisdiction, which includes at least the following information: types of WEEE that can be managed, types of authorized activities and electronic access to the respective administrative act of environmental licensing.
4. Comply with the obligations defined by the Ministry of Environment and Sustainable Development, within the framework of the implementation of the registry of managers established by Law 1672 of 2013 and others that are established.

Article 2.2.7A.2.6. ***Of the territorial entities.*** The departments, municipalities and districts, within the framework of the comprehensive management of solid waste, must include in the territorial development plans actions aimed at facilitating and supporting the differentiated management of Waste Electrical and Electronic Equipment (WEEE), through :

1. Support for the strategies and achievement of the objectives of the National Policy for the Comprehensive Management of Waste Electrical and Electronic Equipment (RAEE).
2. Carrying out, in a coordinated manner with the other actors involved, the dissemination, promotion and education activities that guide users or consumers of EEE on the prevention of generation and practices for the extension of the useful life of EEE. EEE, source separation, recycling, and WEEE collection and management systems established by producers.
3. Facilitation of the implementation of WEEE collection mechanisms by producers.

CHAPTER III
INFORMATION ON ELECTRICAL AND ELECTRONIC EQUIPMENT (EEE) AND WEEE

Article 2.2.7A.3.1. ***From the register of EEE producers and marketers.*** Producers and marketers of EEE must register in the register of producers and marketers of EEE established by the Ministry of Commerce, Industry and Tourism. The regulations issued by the Ministry of Commerce, Industry and Tourism, for the purposes of this registration, will contemplate at least the following aspects that will be defined in a coordinated manner with the Ministry of Environment and Sustainable Development.

1. The information and requirements for the control of WEEE collection and management systems, indicated by the Ministry of Environment and Sustainable Development.
2. The registry will be electronic and will guarantee its interoperability with other information platforms that are established for the management of WEEE.
3. It will define the information that must be declared and updated annually by producers and marketers.

Paragraph. The Ministry of Environment and Sustainable Development, the National Authority for Environmental Licensing, the environmental authorities and other public entities that, in accordance with their powers, are involved in the management of devices and their waste, will have free access to the information in the registry. of producers and marketers carried out by the Ministry of Commerce, Industry and Tourism.

CHAPTER IV
FINAL PROVISIONS

Article 2.2.7A.4.1 ***Transport of WEEE.*** The transport of WEEE will be carried out guaranteeing their integrity so that the conditions for their subsequent reuse and recycling can be met, avoiding breakage, excessive stacking, emission of substances and loss of materials.

Only the provisions of articles 2.2.1.7.8.1 to 2.2.1.7.8.7.2 of Section 8 - Automotive Land Transportation of Dangerous Goods of Chapter 7 - Public Service of Automotive Land Cargo Transportation, of Title 1 - Part 2 shall apply. - Book 2 of Decree number 1079 of 2015, Sole Regulatory of the Transport Sector, to those WEEE that are classified as dangerous goods.

Article 2.2.7A.4.2. ***From the classification of EEE.*** The Ministry of Environment and Sustainable Development will define an indicative list of EEE, for the purposes of managing their waste, by categories and subcategories, for which it will take into account, among other aspects, the Harmonized System of Designation and Codification of Merchandise (SA) in force for imported EEE and the Central Product Classification (CPC) in force for EEE manufactured in the country.

Article 2.2.7A.4.3. ***Of the WEEE of public entities.*** Within the framework of the obligations that correspond to public entities as users or consumers of EEE, the goods that correspond to EEE that have been withdrawn and that lack commercial value due to their obsolescence, deterioration, total damage or any other fact that prevents their sale, in accordance with current regulations on the transfer of State assets, they must be delivered as WEEE, to the WEEE collection and management systems established by the producers or third parties acting on their behalf, after have met the internal procedures for management and administrative control of assets of the respective entity.

Article 2.2.7A.4.4. ***From evaluation and monitoring to WEEE Collection and Management Systems.*** The National Environmental Licensing Authority (ANLA) will evaluate, approve and carry out environmental monitoring of the WEEE collection and management systems.

The ANLA will implement a computer tool that allows it to capture and process information from the WEEE Collection and Management Systems, in accordance with the regulations issued by the Ministry of Environment and Sustainable Development. Likewise, the tool should facilitate the generation and exchange of information to monitor the operation and evaluate the results of the systems that are established.

Paragraph 1. The ANLA, through the aforementioned tool, will make available to the public through its official website, at least, the following information, which must be updated periodically:

1. Name or company name of the producers with approved WEEE collection and management systems, indicating contact information for the consumer (address, telephone, website, names of the people for customer service or other information mechanisms), the type of system (individual or collective), the brands of the products marketed and covered by the system, name or business name of the WEEE managers in charge of the WEEE management operations and type of activity carried out, and name or reason of the marketers involved in the system.
2. The categories and subcategories of WEEE received by each collection and management system, the geographic location of the permanent collection points and collection centers and, if equivalent mechanisms are implemented, information on their operation.
3. Results-based management indicators of the WEEE Collection and Management Systems.
4. Any other information deemed pertinent by the Ministry of Environment and Sustainable Development or ANLA.

Paragraph 2. The competences that in terms of evaluation and monitoring establishes this article at the head of the ANLA referring to the collection systems and management of WEEE, apply without prejudice to the competence to prevention that the other environmental authorities have within the framework of Law 1333 of 2009 in relation to environmental control and monitoring in the area of its jurisdiction.

Article 2.2.7A.4.5. ***General obligations.*** In accordance with the provisions of Law 1672 of 2013, in relation to WEEE, you may not:

1. Dispose of WEEE in landfills.
2. Dispose of WEEE in security landfills or security cells, if there are managers or companies authorized by the environmental authorities, with sufficient installed capacity for the use of such waste.
3. Abandon the WEEE in the public space or deliver them to people other than those who, in accordance with the provisions of this decree and the other applicable regulations, are not authorized.
4. Carry out activities of storage, treatment, use or final disposal of WEEE without having the respective environmental license or in accordance with current regulations.
5. The burning of WEEE, its parts, components or materials that have been removed.

Article 2.2.7A.4.6. ***Penalty system.*** The environmental authorities within the scope of their powers will impose preventive and/or sanctioning measures as may be appropriate, in accordance with the provisions of Law 1333 of 2009.

Likewise, all natural and legal persons who mishandle or inappropriately dispose of WEEE will be sanctioned in accordance with the provisions of article 111 of Law 1801 of 2016.

On the other hand, the competent authorities may impose fines or sanctions on natural or legal persons who violate the right of consumers in accordance with the provisions of Law 1480 of 2011".

TITLE 7B

Added by art. 1, National Decree 1630 of 2021.

<The added text is as follows>

ENVIRONMENTAL MANAGEMENT OF CHEMICAL SUBSTANCES

CHAPTER 1

COMPREHENSIVE MANAGEMENT OF CHEMICAL SUBSTANCES FOR INDUSTRIAL USE, INCLUDING ITS RISK MANAGEMENT"

Section 1

GENERALITIES

Article 2.2.7B.1.1.1 ***Object.*** The purpose of this chapter is to adopt mechanisms and other provisions for the comprehensive management of chemical substances for industrial use, including their risk management, that are identified and classified with some class and category of danger of the Globally Harmonized System of Classification and Labeling of Chemicals. Chemical Products (SGA) of the United Nations Organization, in accordance with the provisions of Decree 1496 of 2018 or the regulations that modify or replace it.

Article 2.2.7B.1.1.2. ***Area of application.*** The provisions contained in this chapter apply throughout the national territory to natural and legal persons who manage the substances referred to in article 2.2.7B.1.1.1 of this chapter, within the framework of their production activities, importation, use, commercialization, distribution or transportation.

Paragraph. According to the analysis of the information available on the matter, compiled by the Ministry of Environment and Sustainable Development, the provisions set forth in this chapter do not apply to the comprehensive management of the following chemical substances for industrial use:

1. Those chemical substances that have a specific regulation for their use, as well as those that in the future will have said regulation.

2. Substances of unknown or variable composition, complex reaction products or biological materials - UVCB.

3. Articles.

4. Impurities.

5. Substances of natural origin without chemical processing.

6. Substances that result from a chemical reaction as a consequence of their exposure to environmental factors (air, humidity, sunlight, microbial organisms) or from the storage of another product, during the final use of other products that have not been manufactured, imported or marketed as such.

7. Substances that are not manufactured, imported or marketed as such resulting from a chemical reaction.

8. By-products that have not been imported or marketed as such.

9. Hydrates of a substance or hydrated ions.

10. Polymers, including monomer units and additives that are part of polymers.

11. Substances that are in customs transit.

12. Non-isolated intermediates.

13. Samples without commercial value.

Article 2.2.7B.1.1.3. ***Definitions.*** For purposes of applying this chapter, the following definitions are adopted and adapted:

1. Article: Manufactured object that is given a specific shape or design during manufacture, that has end-use functions that depend totally or partially on its shape or design, and that does not have any change in chemical composition during its final use or only those changes in composition that have no commercial purpose other than the article, and that result from a chemical reaction that occurs with the end use of other chemical substances, mixtures or articles.

2. Good Laboratory Practices (GLP) of the Organization for Economic Cooperation and Development (OECD): They represent a quality assurance system related to the organization of non-clinical safety studies related to health and the environment and to conditions in which these studies are planned, executed, controlled, recorded, archived and reported.

3. Non-clinical safety study: Refers to a test or set of tests related to health or the environment in which a product or substance is examined under laboratory or field conditions, including work carried out in greenhouses. Its objective is to obtain the data of its properties or referring to its security, destined to the competent regulatory authorities for registration purposes.

4. Comprehensive management of chemical substances for industrial use, including their risk management: Refers to the safe use of chemical substances throughout their life cycle, which allow preventing, reducing, mitigating or eliminating risks to health or the environment. ambient.

5. Impurity: An unintentional constituent present in a chemical substance after its manufacture, and may originate from the raw materials used or be the result of secondary or incomplete reactions during the manufacturing process.

6. Mixture: It is a solution that is obtained from intentionally uniting two or more substances without chemical reaction.

7. Chemical substance: Chemical element and its compounds in their natural state or obtained through any production process, including the additives necessary to preserve the stability of the product and the impurities that result from the process used and excluding the solvents that can be separated without affecting the stability of the substance or change its composition.

8. Chemical substance of natural origin without chemical processing: Substance present as such naturally, not processed or processed only by manual, mechanical or gravitational means; either by dissolution in water, by flotation, or by extraction with water, or by steam distillation, or by heating solely to remove water; or that is obtained from the atmosphere by any means.

9. Non-isolated intermediate chemical substance: Substance that is manufactured and consumed or used for chemical processes of transformation into another substance (synthesis), which during said process is not intentionally extracted (except to take samples).

10. Monoconstituent chemical substance: It is one in which a constituent is present at a minimum concentration of 80% (p/p) and contains up to 20% (p/p) of impurities. A mono-constituent substance is named based on the main constituent.

11. Multi-constituent chemical substance: It is defined by its quantitative composition, in whose concentration more than one constituent is present 10% (p/p) and < 80% (p/p). The multi-constituent substance is the result of a chemical reaction from the manufacturing process.

12. New chemical substance: Substance imported or manufactured in the country after the term established in paragraph 6 of article 2.2.7B.1 2.2 of this chapter and that is not found in the National Inventory of Chemical Substances for Industrial Use.

13. Industrial use: Refers to any transformation, formulation, consumption, storage, conservation, treatment, packaging, transfer, mixture, production of an article or any other use of a chemical substance or mixture in industry.

14. User of chemical substances for industrial use: Any natural or legal person established in the country, who uses a substance, whether mono-constituent, multi-constituent or in the form of a mixture, in the course of its industrial activities.

15. Identified use: Use of a substance, as such or in the form of a mixture, foreseen by the importer or manufacturer, including its own use, or that accepted by the importer or manufacturer as reported by a user of the substance or mixture.

Section 2

MANAGEMENT INSTRUMENTS

Article 2.2.7B.1.2.1. ***Instruments for the management of chemical substances for industrial use, including their risk management.*** The instruments for the comprehensive management of chemical substances for industrial use are the following:

1. National Inventory of Chemical Substances for Industrial Use;

2. Instrument for prioritizing chemical substances, which are part of the National Inventory of Chemical Substances for Industrial Use, in accordance with the selection criteria defined for such purpose;

3. Evaluation of the risk to health or the environment, according to the identified use;

4. Risk reduction and management programs for the environment or for health.

Paragraph. The manufacturer or importer will be responsible for the information that is included in the framework of compliance with the management instruments established in this article.

Article 2.2.7B.1.2.2. ***National Inventory of Chemical Substances for Industrial Use.*** The National Inventory of Chemical Substances for Industrial Use is a database of information on chemical substances produced or imported in the national territory that allows each substance to be associated with the quantities manufactured or imported, the uses identified and the danger.

Natural and legal persons who import or manufacture chemical substances for industrial use, whether they are mono-constituent, multi-constituent and those incorporated in mixtures whose volumes exceed one hundred (100) kilograms per year, will be required to supply through the computer application, the following information :

1. Identification data of the manufacturer or importer of the chemical substance;

2. Quantity of annual production or import of the chemical substance. In the inventory computer application and in its completion instructions, the conditions for reporting the quantities of chemical substances that are part of the mixtures will be defined.

3. Identification of the chemical substance, including CAS number (when applicable);

4. Hazard classification in accordance with the United Nations Globally Harmonized System for the classification and labeling of chemical products, in accordance with the provisions of Decree 1496 of 2018 or the regulations that modify or replace it;

5. Identified uses.

Paragraph 1. The Ministries of Commerce, Industry and Tourism, Labor, Health and Social Protection and Environment and Sustainable Development, will have a period of six (6) months, counted from the entry into force of this chapter to establish a computer application and its completion instructions so that importers and manufacturers incorporate the information in the National Inventory of Chemical Substances for Industrial Use.

Paragraph 2. The computer application will be administered and operated by the Ministry of Commerce, Industry and Tourism.

Paragraph 3. Importers and manufacturers must annually update the information indicated in this article and provide any other information when there has been a change compared to the information available in the National Inventory, as indicated in the instructions for completing the computer application.

When the manufacturer or importer of the chemical substance for industrial use does not continue carrying out the activity of importing or manufacturing the chemical substance, it must inform it, in accordance with the provisions of the instructions for completing the computer application.

Paragraph 4. Temporary There will be a period of up to three (3) years, counted from the establishment of the computer application and its processing instructions, so that manufacturers and importers whose volumes exceed one hundred (100) kilograms of substances per year chemicals for industrial use, whether mono-constituent, multi-constituent and those incorporated in mixtures, enter the information requested in the National Inventory of Chemical Substances for Industrial Use.

Paragraph 5. Transitory For purposes of the National Inventory referred to in this article, importers or manufacturers of chemical substances for industrial use in annual quantities of less than one hundred (100) kilograms or imported or manufactured before the three (3) year term established in this article, whether they are mono-constituents, multi-constituents and those incorporated in mixtures, may voluntarily enter the information requested in this article into the computer application.

Paragraph 6. For new chemical substances for industrial use, which exceed the amount of one hundred (100) kilograms per year, the importer or manufacturer will have a maximum period of six (6) months to fill out the information requested in this article.

Article 2.2.7B.1.2.3. ***Instrument for prioritizing chemical substances that are part of the National Inventory of Chemical Substances for Industrial Use.*** The Ministries of Environment and Sustainable Development, Health and Social Protection and Labor, based on the information obtained from the National Inventory, will define the criteria and conditions that allow the identification of substances that are considered a priority or of interest for health or the environment. , which will require additional detailed or specific information that allows decision-making for their comprehensive management.

Paragraph: The additional information required for the prioritized substances will be captured through the computer application developed for the National Inventory, which is dealt with in the previous article of this chapter.

Article 2.2.7B.1.2.4. ***Risk assessment for the environment.*** The Ministry of Environment and Sustainable Development will define the guidelines for the preparation of risk assessments, establishing the information that must be permanently available to users of chemical substances for industrial use.

Article 2.2.7B.1.2.5. ***Health risk assessment.*** In relation to health risk assessments, the Ministry of Health and Social Protection will define the guidelines for their preparation, establishing the information that must be permanently available to users of chemical substances for industrial use.

Article 2.2.7B.1.2.6. ***Environmental or health risk assessments of new industrial chemicals.*** For new chemical substances for industrial use that meet the criteria and conditions to be considered as priority or of interest for health or the environment, in accordance with the provisions of the instrument referred to in article 2.2.7B.1.2.3 , the importer or manufacturer must carry out a risk assessment for the environment or for the health of this substance, which allows knowing the risk associated with the use identified in the national territory.

Paragraph: If the importer or manufacturer identifies a new use for an inventoried substance and that is considered a priority or of interest for health or the environment, in accordance with the provisions of the instrument referred to in article 2.2.78.1.2.3, it will be must carry out a risk assessment for the environment or for the health of this substance, which allows to know the risk associated with the new use, identified.

Article 2.2.7B.1.2.7. ***Risk reduction and management programs for the environment and health by the importer or manufacturer.*** For chemical substances for industrial use that meet the criteria and conditions to be considered as priority or of interest for health or the environment, in accordance with the provisions of the instrument referred to in article 2.2.7B.12.3. and the technical analyzes carried out on the information obtained from the instruments referred to in article 2.2.7B.12.1, the importer or manufacturer must develop and implement a program for reducing and managing the risk to the environment and to health, which contains knowledge and risk management associated with the identified use of the substance.

Article 2.2.7B.1.2.8 ***. Guidelines for the preparation of the Program for the reduction and management of risk to the environment by the Ministry of Environment and Sustainable Development.*** In relation to the risk reduction and management programs for the environment established in article 2.2.7B.1.2.7 of this decree, the Ministry of Environment and Sustainable Development will define the guidelines for the preparation and implementation of these programs, establishing that information that must be permanently available to users of chemical substances for industrial use.

Article 2.2.7B.1.2.9. ***Guidelines for the preparation of the Program for the reduction and management of health risk by the Ministry of Health and Social Protection.*** In relation to the health risk reduction and management programs established in article 2.2.7B.12.7 of this decree, the Ministry of Health and Social Protection will define the guidelines for the preparation and implementation of these programs, establishing the information that It must be permanently available to users of chemical substances for industrial use.

Section 3

OBLIGATIONS

Article 2.2.7B.1.3.1. ***Of the obligation of importers or manufacturers.*** The manufacturer or importer of chemical substances for industrial use must:

1. Guarantee the Comprehensive management of the risk associated with the industrial use of chemical substances in the manufacturing and import stages.

2. Identify, classify, label and prepare the Safety Data Sheet (SDS) of chemical substances for industrial use, according to the Globally Harmonized System of Classification and Labeling of Chemical Products (SGA), in accordance with the provisions of the Decree 1496 of 2018 or the regulations that modify or replace it.

3. Provide the information required in the National Inventory and its Prioritization, through the computer application.

4. Make available permanently to users of chemical substances for industrial use, information on risk assessments and programs for reducing and managing risks to health or the environment,

5. Provide the information required by the competent authorities regarding the instruments for the management of chemical substances for industrial use and carry out the actions that they request as a result of the inspection, surveillance and control process.
6. Support and participate in research processes on risk management associated with chemical substances for industrial use.

7. Comply with the provisions of section 8 of chapter 7 of title 1 of book 2 of Decree 1079 of 2015, Single Decree of the Administrative Transport Sector or the regulations that modify, add or replace it, for the transport of substances. chemicals for industrial use.

Article 2.2.7B.1.3.2. ***Of the obligations of the marketer or distributor.*** The marketer or distributor of chemical substances for industrial use must comply with the following obligations:

1. Guarantee the Comprehensive management of the risk associated with the industrial use of chemical substances in the stages of commercialization or distribution

2. Verify that the chemical substances are labeled according to the Globally Harmonized System of Classification and Labeling of Chemical Products (GHS) and that they have their respective Safety Data Sheet (SDS), in accordance with the provisions of Decree 1496 of 2018 Or the regulations that modify or replace it. Marketers or distributors will in turn be responsible for supplying the respective Safety Data Sheet to their customers.

3. In case of repackaging, chemical substances for industrial use must be labeled in accordance with the Globally Harmonized System of Classification and Labeling of Chemical Products (GHS), in accordance with the provisions of Decree 1496 of 2018 or the regulations that modify it or substitute, based on the information provided by the importer or manufacturer in the Safety Data Sheet (SDS).

4. Carry out the actions that correspond to them according to the risk reduction and management programs for the environment or health defined by the importer or manufacturer.

5. Follow the safe handling instructions provided by the manufacturer or importer of chemical substances for industrial use.

6. Comply with the provisions of section 8 of chapter 7 of title 1 of book 2 of Decree 1079 of 2015 Sole Administrative Transport Sector or the rules that modify or replace it, when transporting chemical substances for industrial use.

Article 2.2.7B.1.3. ***3 Of the obligations of the transporter.*** The transporter of chemical substances for industrial use must comply with the provisions of section 8 of chapter 7 of title 1 of book 2 of Decree 1079 of 2015, Sole of the Administrative Transport Sector or the regulations that modify or replace it, when transporting chemicals for industrial use.

Article 2.2.7B.1.3.4 ***Of the user's obligations.*** The user of chemical substances for industrial use must be subject to what is established by the risk reduction and management programs for the environment or for health defined by the importer or manufacturer in the cases that apply, for which he will comply with the following obligations:

1. Verify that chemical substances are labeled in accordance with the Globally Harmonized System of Classification and Labeling of Chemical Products (GHS) and that they have their respective Safety Data Sheet (SDS), in accordance with the provisions of Decree 1496 of 2018 or the regulations that modify or replace it.

2. Inform the manufacturer or importer about the new uses to which the substance is destined and that are not listed in the inventory referred to in article 2.2.78.1.2.2 of this decree. In the event that the new use is accepted by the importer or manufacturer, provide the information required for the formulation of the evaluation and the risk reduction and management program, except that which is legally protected.

3. Request the importer or manufacturer of chemical substances for industrial use that require risk reduction and management programs for the environment or for health, the additional information that they consider pertinent to implement the actions that correspond to them in said program.

4. Carry out the actions that correspond to them in the risk reduction and management programs for the environment or for health defined by the importer or manufacturer, adapted to their particular conditions of use.

5. Inform the competent authorities when it is evident that the manufacturer or importer does not have permanently available for the users of chemical substances for industrial use, the programs for the reduction and management of the risk to the environment or to health or in the case to find inconsistencies in the available information.

Section 4

ENVIRONMENTAL AND HEALTH EFFECTS MONITORING

Article 2.2.7B.1.4.1. ***Environmental monitoring of chemical substances for industrial use.*** For the purposes of environmental monitoring of chemical substances for industrial use, the Ministry of Environment and Sustainable Development, within the framework of the Environmental Information System for Colombia (SIAC), will establish a mechanism for capturing environmental information on emissions and transfers of pollutants. that are generated from the use of the substances object of this decree.

The information collected through this capture mechanism will support the monitoring and control activities carried out by the environmental authorities, with respect to emissions and transfers of pollutants generated from chemical substances for industrial use.

Article 2.2.78.1.4.2 ***. Monitoring of health effects from the use of chemical substances for industrial use.*** For the monitoring of health effects, create the Toxicological Management System that will determine the components, processes, procedures and those responsible for providing information on the identification of hazards, exposure and health effects of chemical substances for industrial use. .

The system will allow the competent entities to adopt measures to prevent, mitigate, reduce and control the risks of intoxication, and assist in the prevention, diagnosis and treatment of adverse health effects.

Paragraph 1. The Toxicological Management System will be in charge of the Ministry of Health and Social Protection. For this purpose, this Ministry will develop the aspects concerning the

definition, organization and operation, and the others necessary for its implementation, with the technical support of the Ministry of Labor within the scope of its powers.

Paragraph 2. The Ministry of Labor will define the mechanisms for collecting, validating and reporting to the Toxicological Management System, on the risk factors and events due to occupational exposure to chemical substances for industrial use within the framework of its powers.

Section 5

INSTITUTIONAL COORDINATION

Article 2.2.78.1.5.1 Interministerial *technical working group on chemical substances for industrial use.* There will be an interministerial technical working group made up of delegates from the Ministries of Health and Social Protection, Labor, Commerce, Industry and Tourism, and Environment and Sustainable Development, to monitor the results of the implementation of the management instruments for chemical substances in industrial use established in this decree and its effectiveness in the comprehensive management of said substances, which will meet at least two (2) times a year.

Paragraph. It will correspond to the Ministry of Environment and Sustainable Development to carry out the operational coordination of the Interministerial Technical Group of chemical substances for industrial use.

Section 6

INFORMATION PROCESSING REGIME

Article 2.2.78.1.6.1. *From existing reliable data.* For the purposes of all the provisions of this chapter, the data used in the management instruments defined in article 2.2.7B.1.2.1 must come from reliable sources of information that meet any of the requirements established in numerals 2 and 3 of article 5 of Decree 1496 of 2018, or are recommended by the Ministries of Health and Social Protection, Labor and Environment and Sustainable Development.

Article 2.2.78.1.6.2. *Of the mutual acceptance of data.* When no existing reliable data is available and it is required to carry out non-clinical safety studies on chemical substances for industrial use, these must be generated by a testing entity in accordance with the Organization's Principles of Good Laboratory Practices (GLP). for Economic Cooperation and Development - OECD-, where the OECD test methods or their equivalents will be accepted. The testing entities must be inspected by the National Accreditation Body (ONAC) in the country and in the case of testing entities outside the national territory, they must be inspected by their national monitoring authority of the OECD GLP principles. , whose monitoring program is part of the Mutual Data Acceptance Agreement.

Paragraph. When there is no testing entity in the country with GLP recognition from the Organization for Economic Cooperation and Development -OECD- for carrying out non-clinical safety studies, for the purposes of this decree, the data generated by tests carried out in laboratories accredited under the ISO/IEC 17025 standard by the National Accreditation Body of Colombia - ONAC or other Accreditation Bodies that are part of the multilateral recognition agreements signed by the ONAC.

Article 2.2.78.1.6.3. *Use of information.* The use of information by third parties that is included in the framework of compliance with the management instruments established in article 2.2.7B.1.2.1 of this decree, the exchange of data and other aspects related to access, delivery and Disclosure of the information referred to in this Chapter must be in accordance with the applicable laws and regulations.

Article 2.2.78.1.6.4. ***Public information on chemical substances for industrial use.*** Public information on chemical substances for industrial use will be that which meets the requirements and parameters established in Law 1712 of 2014 and Law 1950 of 2019.

Paragraph. The disclosure of non-confidential data may consider the suggestions contained in the Recommendation of the Organization for Economic Cooperation and Development - OECD-LEGAL/0205.

Article 2.2.78.1.6.5. Of the ***exchange of confidential information*** . The national government may exchange confidential information on chemical substances for industrial use in accordance with applicable international laws and regulations, as well as the suggestions contained in the Recommendation of the Organization for Economic Cooperation and Development - OECD - LEGAL/0204.

Section 7

INSPECTION, SURVEILLANCE AND CONTROL

Article 2.2.7B.1.7.1 ***Inspection, surveillance and control. The*** inspection, surveillance and control of compliance with the provisions set forth in this chapter, will correspond to each of the sectors within the scope of their competences, in terms of health, safety and health at work, environmental and trade, in accordance with the applicable regulations for each sector.

The principle of coordination may be applied to the execution of these actions.

TITLE 8

INSTITUTIONAL MANAGEMENT

CHAPTER 1

INSTITUTIONAL TRANSITION

SECTION 1

ARTICLE 2.2.8.1.1.1 ***Graduality.*** The Entities of the National Environmental System will assume the new functions assigned in Law 99 of 1993, to the extent that the dependencies that must assume these functions are determined. This process will be carried out gradually and coherently, so that no institutional trauma is caused that affects natural resources or the environment.

(Decree 632 of 1994, art. 1, subsection 1).

ARTICLE 2.2.8.1.1.2. ***Rules for assuming functions.*** The Entities that must assume functions will adopt or adjust their administrative, technical and financial structure to meet the new powers. In order to facilitate the transfer of functions, agreements will be signed that define the coordination mechanisms, the stages of this process, as well as the terms of cooperation and technical support by the entities that deliver functions to those that receive them.

The assumption of functions for the granting of concessions, licenses, permits or authorizations for the use of renewable natural resources, implies the collection of fees when applicable, and the exercise of surveillance and control functions, including control of the mobilization of products, the measures to protect the resource, the prevention and control of environmental deterioration that may be generated by the use of the respective resource, the taking of preventive measures and the imposition of sanctions,

(Decree 632 of 1994, art. 2).

ARTICLE 2.2.8.1.1.3. ***Large urban centers.*** The Municipalities, districts and metropolitan areas whose urban population is equal to or greater than one million inhabitants, will begin to exercise, in the terms of the previous articles, the functions that articles 55 and 66 of Law 99 of 1993 deal with, to which must be organized administratively.

(Decree 632 of 1994, art. 3).

ARTICLE 2.2.8.1.1.4. ***Transience in the application of Health regulations.*** Without prejudice to what is established in the previous articles, when the Regional Autonomous Corporations exercise the competences that the Ministry of Health and the agencies of the National Health System have been exercising, they will apply the regulations issued by said Ministry, until the provisions that govern them are issued. substitute, modify or reform.

(Decree 632 of 1994, art. 6).

ARTICLE 2.2.8.1.1.5. ***Regulations.*** In events in which the law subordinates the carrying out of activities, administrative actions and, in general, permits, licenses and authorizations to regulations that must be issued by the National Government and until these are issued, the regulations that regulate such matters will continue to be applied, as far as are not contrary to Law 99 of 1993.

(Decree 632 of 1994, art. 9).

ARTICLE 2.2.8.1.1.6. ***Issuance of regulations, parameters, guidelines or quotas.*** For activities, administrative actions and other procedures or permits that require regulations, parameters, guidelines or quotas that the Ministry of Environment and Sustainable Development must issue or set in general, the current regulations that regulate these matters will continue to be applied, while advance the studies that allow establishing them and the respective regulations are issued.

The entities that are aware of such matters must send the information that allows the corresponding provisions to be adopted.

(Decree 632 of 1994, art. 11).

ARTICLE 2.2.8.1.1.7. ***Studies and declarations of environmental effect.*** The studies, declarations of environmental effect presented in order to obtain concessions, permits or environmental licenses, and that are part of ongoing procedures, will be considered as the environmental impact studies referred to in article 58 of Law 99 of 1993. , provided that in accordance with the technical concepts, they meet the requirements established in that same provision.

(Decree 632 of 1994, art. 12).

ARTICLE 2.2.8.1.1.8. ***General environmental principles.*** For all purposes, the entities that exercise functions in matters of the environment and natural resources, even temporarily, will apply the general environmental principles established in article 1 of Law 99 of 1993.

(Decree 632 of 1994, art. 13).

ARTICLE 2.2.8.1.1.9. ***Divulgation.*** To the extent that the entities assume the new functions, they will widely disclose such circumstances.

(Decree 632 of 1994, art. 14).

ARTICLE 2.2.8.1.1.10. ***Reception of information.*** The entities that must assume competences and functions, related to the environment and natural resources, will receive the studies, files and reports from the entities that deliver these competences and functions.

(Decree 632 of 1994, art. 15).

EPISODE 2

NATIONAL ENVIRONMENTAL COUNCIL

SECTION 1

ARTICLE 2.2.8.2.1.1. ***From the National Environmental Council.*** The National Environmental Council created by virtue of article 13 of Law 99 of 1993, has the purpose of ensuring intersectoral coordination at the public level of policies, plans and programs in environmental matters and renewable natural resources.

The recommendations of the Council are not mandatory and therefore do not constitute pronouncements or administrative acts of the members that comprise it.

(Decree 3079 of 1997, art. 1).

ARTICLE 2.2.8.2.1.2. *Council members.* In accordance with article 13 of Law 99 of 1993, the National Environmental Council will be made up of the following members:

1. The Minister of Environment and Sustainable Development, who will chair it.

2. The Minister of Housing, City and Territory.

3. The Minister of Agriculture and Rural Development.

4. The Minister of Health and Social Protection.

5. The Minister of Commerce, Industry and Tourism

6. The Minister of Mines and Energy.

7. The Minister of National Education.

8. The Minister of Transport.

9. The Minister of National Defense.

10. The Director of the National Planning Department.

11. A representative of the Regional Autonomous Corporations and the Sustainable Development Corporations, elected by them.

12. The President of the Confederation of Governors.

13. The President of the Colombian Federation of Municipalities.

14. The President of the National Council of Oceanography.

15. A representative of the Indigenous communities.

16. A representative of the Black communities.

17. A representative of the unions of agricultural production.

18. A representative of the industrial production unions.

19. The President of Ecopetrol or his delegate.

20. A representative of the unions of mining production.

21. A Representative of the exporters unions.

22. A representative of non-governmental environmental organizations.

23. A representative of the University chosen by the National Council for Higher Education (CESU).

24. The President of the Colombian Academy of Exact, Physical and Natural Sciences.

PARAGRAPH 1st. The member Ministers may only delegate their representation to the Vice Ministers and the Director of the National Planning Department to the Deputy Director General. The Council shall meet at least once every six months.

Public officials and other persons that the Council deems convenient may be invited to the sessions of the National Environmental Council, with voice but without vote, for the best illustration of the different issues on which it must make decisions and formulate recommendations.

2nd PARAGRAPH. The National Government will regulate the periodicity and the way in which the representatives of the territorial entities, of the unions, of the ethnic groups, of the Universities and of the Non-Governmental Organizations to the National Environmental Council will be elected.

(Decree 3570 of 2011, art. 28).

ARTICLE 2.2.8.2.1.3. *Functions.* The functions of the National Environmental Council are the following:

1. Recommend the adoption of measures to harmonize environmental regulations and decisions with the execution of economic and social development projects by the different productive sectors, in order to ensure their sustainability and minimize their impact on the environment.

2. Recommend to the National Government the policy and coordination mechanisms for the activities of all public and private entities and organizations whose functions affect or may affect the Environment and renewable natural resources.

3. Formulate the recommendations it deems appropriate to adapt the use of the territory and the plans, programs and projects for the construction or expansion of public infrastructure to an appropriate and sustainable use of the environment and the natural heritage of the nation.

4. Appoint intersectoral technical committees in which technical level officials from the corresponding entities participate, to carry out coordination and follow-up tasks.

5. Create their own regulations, which must be approved by the National Government.

(Decree 3570 of 2011, art. 29).

ARTICLE 2.2.8.2.1.4. *Technical secretary.* The Technical Secretariat of the National Environmental Council will be exercised by the Vice Minister of Environment and Sustainable Development, who will develop, in addition to those incorporated in the regulations of the National Environmental Council, the following:

1. Act as Secretary at the meetings of the Board and its committees and sign the minutes.

2. Summon the sessions of the Council in accordance with the regulations and the instructions issued by its president.

3. Present to the Council the reports, studies and documents that must be examined.

4. Those assigned by the National Environmental Council.

(Decree 3570 of 2011, art. 30).

ARTICLE 2.2.8.2.1.5. *Sessions.* The National Environmental Council must meet ordinarily at least once every six (6) months, previously convened by the Technical Secretariat of the National Environmental Council and extraordinarily at the request of its President or one third of its members.

The Council may deliberate with the presence of a third of its members and its decisions will be taken by the absolute majority of those present.

The Council may invite to any of its sessions persons from the public or private sector that it considers necessary for the best illustration of the different topics on which it must formulate recommendations. The guests may have a voice but no vote in the sessions of the Council.

(Decree 3079 of 1997, art. 4).

ARTICLE 2.2.8.2.1.6. *Of the Acts.* The minutes of the sessions of the National Environmental Council will be signed by the President and the Technical Secretary of the Council.

(Decree 3079 of 1997, art. 5).

ARTICLE 2.2.8.2.1.7. *From the President of the National Environmental Council.* The National Environmental Council will be chaired by the Minister of Environment and Sustainable Development, whose participation cannot be delegated.

The functions of the President of the Council are the following:

1. Present the recommendations, studies and other documents approved by the Council before the National Government and other pertinent bodies and entities.

2. Present each year the agenda of topics to be developed by the Council.

3. Request the Technical Secretariat to call the sessions.

4. Sign, together with the Technical Secretariat, the minutes of the Council, as well as other pertinent documents.

5. Recommend carrying out the studies that may take place.

6. Direct the sessions and order the interventions of the members of the Council for an agile discussion of the topics.

7. Promote the active participation of the members of the Council in the study of the documents presented for their consideration.

8. The other functions assigned by the Council.

(Decree 3079 of 1997, art. 6).

ARTICLE 2.2.8.2.1.8. *Period.* The representatives of the Regional Autonomous Corporations and the Sustainable Development Corporations, indigenous communities, black communities, agricultural production unions, industrial production unions, mining production unions, exporters unions, non-governmental environmental organizations, universities, will be elected for a period of four (4) years.

(Decree 1867 of 1994, art. 2).

ARTICLE 2.2.8.2.1.9. *Representative election of the indigenous communities.* The representative of the indigenous communities will be chosen by the Minister of the Environment in accordance with the following rules;

1. The Ministry of Environment and Sustainable Development will communicate in writing to the National Council of Indigenous Policy that article 1 of Decree 436 of 1992 deals with, so that the indigenous representatives of the same Council send a list of candidates to the Minister of Environment and Sustainable Development .

2. The representative of the indigenous will be chosen, taking into account his resume.

3. The Ministry must be approached by the National Council for Indigenous Policy; Curriculum vitae of the candidates and the minutes of the respective meeting where they chose them.

Paragraph. When there is absolute absence or resignation of the indigenous representative to the National Environmental Council, he will be replaced by any of the two remaining candidates of the list, at the election of the Minister of Environment and Sustainable Development.

(Decree 1867 of 1994, art. 3).

ARTICLE 2.2.8.2.1.10. *Representative election of black communities.* The representatives of the black communities will be chosen by the Minister of Environment and Sustainable Development in accordance with the following rules:

1. The Ministry of Environment and Sustainable Development will communicate, in writing, to the High-Level Consultative Commission that ARTICLE 1 of Decree 1371 of 1994 deals with, so that the representatives of black communities of the same Commission send a list of candidates to the Minister of Environment and Sustainable Development.

2. The representative of the black communities will be chosen, taking into account his resume.

3. The High-Level Consultative Commission must provide the Ministry with the CV of the candidates and the minutes of the respective meeting where they chose them.

Paragraph. When there is absolute absence or resignation of the representative to the National Environmental Council, he will be replaced by any of the two remaining candidates of the list, at the election of the Minister of Environment and Sustainable Development.

(Decree 1867 of 1994, art. 4).

ARTICLE 2.2.8.2.1.11. ***Election of representatives of non-governmental environmental organizations.*** The representatives of the non-governmental environmental organizations before the boards of directors of the regional autonomous corporations and the sustainable development corporations, will adopt the form of election of their respective representative and alternate to the National Environmental Council.

The election will be made according to the following procedure:

a) The representatives of non-governmental environmental organizations before the respective Boards of Directors of the regional autonomous corporations and of the sustainable development corporations, will be convened by the Minister of Environment and Sustainable Development through the secretary general or whoever acts on his behalf. board of directors of the respective autonomous regional or sustainable development corporation;

b) The Deputy Director of Education and Participation of the Ministry of Environment and Sustainable Development or whoever takes his place will install the meeting within the time set in the written call.

The Deputy Director of Education and Participation or whoever takes his place may intervene in the meeting, to clarify the confusing aspects that arise;

c) At the meeting, the respective representative and his alternate will be elected;

d) Minutes of the meeting will be drawn up and signed by the Deputy Director of Education and Participation or whoever takes his place.

PARAGRAPH 1st. The candidates for the national environmental council will be the representatives of non-governmental environmental organizations.

2nd PARAGRAPH. When the meeting is not attended by any non-governmental environmental organization or for any reason attributable to them, their representative and alternate are not elected, the Deputy Director of Education and Participation or whoever takes his place will record the fact in the minutes and make a new call within the following 15 calendar days, applying the procedure provided for in this chapter.

(Decree 1668 of 2002, art. 2).

ARTICLE 2.2.8.2.1.12. ***Temporary faults.*** The following are temporary absences of the representative of non-governmental environmental organizations:

a) Temporary physical disability:

b) Forced and involuntary absence;

c) Decision issued by the competent authority;

d) Leave or vacations.

(Decree 1668 of 2002, art. 3).

ARTICLE 2.2.8.2.1.13. ***Absolute faults.*** The following are absolute faults of the representative of non-governmental environmental organizations:

a) Waiver:

b) Declaration of invalidity of the election;

c) Sentence to imprisonment:

d) Judicial interdiction;

e) Permanent physical disability;

f) Failure to attend more than two consecutive meetings of the National Environmental Council without just cause;

g) Death.

(Decree 1668 of 2002, art. 4).

ARTICLE 2.2.8.2.1.14. ***How to fill in the gaps.*** In case of temporary or absolute absence of the representative of non-governmental environmental organizations, his alternate will replace him for the duration of the principal's absence or for the remaining time, as the case may be.

(Decree 1668 of 2002, art. 5).

ARTICLE 2.2.8.2.1.15. ***Union representatives election.*** The representatives of the unions of agricultural production, industrial production, mining production, exporters, will be chosen by the Minister of Environment and Sustainable Development in accordance with the following rules:

1. The Ministry of Environment and Sustainable Development will publish once in a newspaper of national circulation the call for each of the unions to propose a list of candidates that will be presented to the Minister of Environment and Sustainable Development for election.

2. The call must indicate the maximum date within which the unions must send the respective three lists with the resumes of the candidates.

3. The representative of each of the aforementioned unions will be chosen, taking into account their academic qualifications and professional experience.

4. To the Ministry, in addition to submitting the respective short list, the unions must send the minutes of the respective meeting where they chose the candidates.

Paragraph. When there is absolute absence or resignation of a representative to the National Environmental Council, he will be replaced by any of the two remaining candidates of the list, at the election of the Minister of Environment and Sustainable Development.

(Decree 1867 of 1994, art. 6).

ARTICLE 2.2.8.2.1.16. ***University Representative.*** The representative of the Universities will be chosen by the National Council of Higher Education, CESU, in accordance with the following rules:

1. The Ministry of Environment and Sustainable Development will communicate, in writing, to the National Council of Higher Education, so that said Council can carry out the election process and submit the name of the representative of the Universities.

2. The National Council of Higher Education will notify the country's universities so that they can submit the names of their candidates to said Council.

3. The CESU will choose the representative of the universities, taking into account academic and professional qualifications and experience in the environmental sector.

4. The Ministry must be approached by the CESU; Name of the representative and the minutes of the respective meeting where he elected.

(Decree 1867 of 1994, art. 9).

ARTICLE 2.2.8.2.1.17. ***Corporate representative.*** The representative of the Regional Autonomous Corporations and of the Sustainable Development Corporations will be elected by themselves, for which the Association of Regional Autonomous Corporations, of Sustainable Development and Environmental Authorities of Large Urban Centers will advance the pertinent meeting.

The Association will send the following information to the Ministry of Environment and Sustainable Development: name of the representative and a copy of the minutes of the respective meeting, in which the election is stated.

CHAPTER 3

TECHNICAL ADVISORY COUNCIL ON ENVIRONMENTAL POLICY AND REGULATION

SECTION 1

ARTICLE 2.2.8.3.1.1. ***Nature of the Technical Advisory Council for Environmental Policy and Regulations.*** *The* Technical Advisory Council for Environmental Policy and Regulation created by paragraph 1 of article 11 of Law 99 of 1993, has the character of an advisory body of the Ministry of Environment and Sustainable Development.

(Decree 2600 of 2009, art. 1).

ARTICLE 2.2.8.3.1.2. ***Members of the Technical Advisory Council for Environmental Policy and Regulations.*** In accordance with paragraph 1 of article 11 of Law 99 of 1993, the Technical Advisory Council for Environmental Policy and Regulations will be composed as follows;

1. The Vice Minister of the Environment, who will preside over it.

2. One (1) representative of public universities, expert in scientific and technological matters.

3. One (1) representative of private Universities, expert in scientific and technological matters.

4. One (1) representative of the Industrial Production Guilds.

5. One (1) representative of the Agricultural Production Guilds.

6. One (1) representative of the Mining and Hydrocarbons Production Guilds.

(Decree 2600 of 2009, art. 2).

ARTICLE 2.2.8.3.1.3. ***Requirements to be met by the members of the Technical Advisory Council for Environmental Policy and Regulations.*** The members of the Technical Advisory Council for Environmental Policy and Regulations referred to in the previous article must meet the following minimum requirements for academic training and professional experience:

1. University representatives. Professional degree in areas related to the environment; expert in scientific and technological matters, linked as dean, department director or part-time or full-time professor, in faculties or university research institutes related to the aforementioned areas, and with a minimum proven professional experience of five (5) years in issues related to the environment and natural resources.

2. Representative of the Production Guilds. Minimum proven professional experience of five (5) years in formulating environment and natural resource policies in the sector to which the union they represent belongs.

(Decree 2600 of 2009, art. 3).

ARTICLE 2.2.8.3.1.4. ***Functions of the Technical Advisory Council for Environmental Policy and Regulations.*** *The* Technical Advisory Council for Environmental Policy and Regulations will have the following functions:

1. Advise the Ministry of Environment and Sustainable Development on the environmental viability of projects of national interest, of the public and private sectors.

2. Advise the Ministry of Environment and Sustainable Development in formulating policies and issuing regulations.

3. Formulate a set of recommendations to the Ministry of Environment and Sustainable Development for the improvement of the processes of formulation, definition and implementation of environmental policies and regulations, based on the environmental precepts established in the Political Constitution , in Law 99 of 1993, in the National Development Plan, in the environmental policy documents officially adopted by the National Government and in the process of consulting the Technical Committees.

4. Serve as an inter-institutional and intersectoral coordination body through the formation of Technical Committees, to make the process of technical consultation of environmental standards and policies more effective and participatory.

5. Perform a regular review of the recommendations made to the Ministry of Environment and Sustainable Development on the environmental viability of projects of national interest, of the public and private sectors and on the formulation of policies and the issuance of regulations.

6. Define your own operating regulations.

Paragraph. The recommendations made by the Technical Advisory Council for Environmental Policy and Regulations are not binding or obligatory for the Ministry of Environment and Sustainable Development, and therefore do not constitute pronouncements or acts of the Ministry.

The Council's recommendations will be made by consensus. In the event that any of the members decides to deviate from said consensus, it will be recorded in this regard through a written rescue that will be attached to the minutes.

(Decree 2600 of 2009, art. 4).

ARTICLE 2.2.8.3.1.5. ***Selection procedure for the members of the Technical Advisory Council for Environmental Policy and Regulations.*** For purposes of appointing the members of the Technical Advisory Council for Environmental Policy and Regulation, the following procedure must be followed.

1. ***Representative of the Public Universities.*** The National Council of Rectors of the State University System - SUE will designate the representative of the public universities before the Technical Advisory Council for Environmental Policy and Regulation, for which it will previously define the form of evaluation and selection, taking into account the minimum requirements established by the article called "Requirements that must be met by the members of the Technical Advisory Council for Environmental Policy and Regulations" The National Council of Rectors of the State University System - SUE will invite all public universities to nominate a candidate for each of them and after a process of evaluation, will elect the representative of the public universities before the Technical Advisory Council for Environmental Policy and Regulation for a period of four (4) years, counted from the acceptance of the appointment. The National Council of Rectors of the State University System - SUE must communicate the results of the evaluation and selection process in a meeting that will be held with the legal representatives or delegates of the participating public universities.

2. ***Representative of private universities.*** The Colombian Association of Universities -Ascun-, will promote, coordinate and carry out the selection process of candidates who aspire to be representatives of private universities before the Technical Advisory Council for Environmental Policy and Regulation, for which it will previously define the form of evaluation and selection, taking into account the minimum requirements established in the article entitled "Requirements to be met by the members of the Technical Advisory Council for Environmental Policy and Regulations". Ascun will invite all private universities to nominate a candidate for each of them and after the evaluation process, will elect the representative of the private universities before the Technical Advisory Council for Environmental Policy and Regulation for a period of four (4) years, counted from the acceptance of the appointment. Ascun must communicate the results of the evaluation and selection process in a meeting to be held with the legal representatives or delegates of all participating private universities.

3. ***Representatives of the production unions.*** The Ministry of Environment and Sustainable Development will publish in a newspaper with wide national circulation, a notice summoning the national guilds of (i) industrial, (ii) agrarian and (iii) mining and hydrocarbon production to choose their representative before the Technical Advisory Council for Environmental Policy and Regulations.

These unions will promote, coordinate and carry out the selection process of the candidates who aspire to represent them in the Technical Advisory Council for Environmental Policy and Regulation, for which they will previously define the form of evaluation and selection taking into

account the minimum requirements established in article called "Requirements to be met by the members of the Technical Advisory Council for Environmental Policy and Regulations.

Each union sector, prior to the evaluation process, will elect its representative before the Technical Advisory Council for Environmental Policy and Regulations for a period of four (4) years, counted from the acceptance of the appointment. The participating unions must communicate the results of the evaluation and selection process in a meeting that they will hold with their legal representatives or delegates.

Paragraph. The members of the Technical Advisory Council for Environmental Policy and Regulations may be re-elected for the period immediately following that in which they were elected.

(Decree 2600 of 2009, art. 5 modified by Decree 4549 of 2009, art. 1).

ARTICLE 2.2.8.3.1.6. ***Technical Committees.*** *In* order to have a broader technical participation of the sectors or groups whose contribution may be beneficial for the deliberations that take place within the Technical Advisory Council for Environmental Policy and Regulations and given the specialization of the issues that are submitted to its consideration, it may form Technical Support Committees, when required by circumstances.

(Decree 2600 of 2009, art. 6).

ARTICLE 2.2.8.3.1.7. ***Invited to the Sessions of the Technical Advisory Council for Environmental Policy and Regulations.*** The Chairman of the Council may invite persons from the public or private sector to any of the Council sessions that he deems appropriate for the illustration of the issues and as support for the fulfillment of his functions.

A representative of the Financial Superintendence, the Bogotá Chamber of Commerce and the unions of the production of (i) public services, (ii) energy and (iii) mining will be permanently invited; for the latter, if the acting director is from the mining sector, a representative of the hydrocarbon production union will be invited, and in the event that the acting director is from the hydrocarbon sector, a representative of the hydrocarbon production union will be invited. mines.

(Decree 2600 of 2009, art. 7).

ARTICLE 2.2.8.3.1.8. ***Technical Secretariat of the Technical Advisory Council for Environmental Policy and Regulations.*** The Council will have a Technical Secretariat made up of two (2) professionals with a high technical level and experience, who will be appointed through an administrative act by the Minister of the Environment and Sustainable Development. The functions of the Technical Secretariat are the following:

1. Convene a meeting of the Council at the request of the Minister of Environment and Sustainable Development or one of its members.

2. Prepare and review the documents that must be analyzed by the Council.

3. Prepare and keep a file of the Minutes and other documents of the Council meetings.

4. Prepare and submit to the Minister of Environment and Sustainable Development an annual report on the activities of the Council and the results obtained as a result of its work.

5. Submit to the Minister of Environment and Sustainable Development and the Vice Minister of Environment, the specific recommendations formulated by the Technical Advisory Council for Environmental Policy and Regulations for the improvement of the processes of formulation, definition and implementation of environmental policies and regulations.

6. The other functions assigned by the Technical Advisory Council for Environmental Policy and Regulations.

(Decree 2600 of 2009, art. 8)

CHAPTER 3A

NATIONAL WATER COUNCIL

Added by art. 1, National Decree 585 of 2017

<The added text is as follows>

Article 2.2.8.3A.1.1. ***Object of the National Water Council.*** The purpose of the National Water Council is the coordination and articulation of the policies, plans and programs of the State entities with the National Policy for the Comprehensive Management of Water Resources.

Article 2.2.8.3A.1.2. ***Conformation*** **.** The National Water Council will be made up of:

- The Minister of Environment and Sustainable Development or his delegate.

- The Director of the National Planning Department or his delegate.

- The Minister of Mines and Energy or his delegate.

- The Minister of Agriculture and Rural Development or his delegate.

- The Minister of Housing, City and Territory or his delegate.

- The Minister of Health and Social Protection or his delegate.

Paragraph 1st. The IDEAM Institute of Hydrology, Meteorology and Environmental Studies will be a permanent member of the Council, with voice but no vote. Likewise, natural or legal persons may be invited to the sessions of the Council, who will have voice but no vote, in order to discuss relevant aspects in the development of its object.

Paragraph 2nd. The Ministry of Environment and Sustainable Development will exercise the Technical Secretariat of the Council through its Director of Water Resources.

Article 2.2.8.3A.1.3. ***Functions of the National Water Council.*** The functions of the National Water Council will be the following:

1. Promote, in coordination with the competent entities, the development of plans, programs and projects aimed at the conservation and sustainability of water resources, improvement of water quality, efficient use and saving of water, water regulation, risk management associated with water resources and water governance, among others, in order to improve the quality of life of the population.

2. Propose guidelines and actions at the intersectoral level to achieve the objectives of the National Policy for the Comprehensive Management of Water Resources.

3. Promote the definition and articulation of financial resources by the entities that make up the Council within the framework of their powers, to advance priority actions in terms of comprehensive management of water resources.

4. Propose to the National Disaster Risk Management System actions or strategies for the identification and management of disaster risk related to water resources within the framework of the National Disaster Risk Management Policy.

5. Propose to the competent entities, lines of study and research focused on the reduction of pollution and the efficient use and saving of water, among others, as well as strategies for its financing.

6. Create technical committees that facilitate the operation of the Council.

7. Establish your own regulations.

Article 2.2.8.3A.1.4. ***Articulation and coordination tools of the National Water Council.*** The National Water Council will have as articulation and coordination tools, the technical committees, made up of delegates from the member entities of the Council and guests, within the framework of the National Policy for the Integral Management of Water Resources.

CHAPTER 4

AUTONOMOUS REGIONAL AND SUSTAINABLE DEVELOPMENT CORPORATIONS

SECTION 1

ARTICLE 2.2.8.4.1.1. ***Legal nature.*** Regional autonomous corporations and sustainable development corporations are corporate entities of a public nature, created by law, made up of territorial entities that, due to their characteristics, geographically constitute the same ecosystem or form a geopolitical, biogeographical or hydrogeographical unit, endowed with administrative autonomy and finance, own assets and legal status, entrusted by law to manage, within the area of their jurisdiction, the environment and renewable natural resources and promote their sustainable development, in accordance with the legal provisions and policies of the Ministry of Environment. and Sustainable Development.

Paragraph.- For the purposes of this chapter, the regional autonomous corporations and those of sustainable development will be called corporations.

(Decree 1768 of 1994, art. 1).

ARTICLE 2.2.8.4.1.2. ***Applicable regulations.*** Corporations shall be governed by the provisions of Law 99 of 1993, this chapter and those that replace or regulate them. Insofar as it is compatible with such provisions, since they are legally created, the rules established for decentralized entities of the national order will be applied to them.

(Decree 1768 of 1994, art. 2).

ARTICLE 2.2.8.4.1.3. ***Corporations.*** Corporations are public entities related to the national, departmental and municipal levels.

ARTICLE 2.2.8.4.1.4. ***Relationship with territorial entities.*** The territorial entities of the jurisdiction of each corporation are its associates and as such participate in the management and

administration of the corporations in accordance with the provisions of Law 99 of 1993 and the corresponding regulations.

(Decree 1768 of 1994, art. 4).

ARTICLE 2.2.8.4.1.5. ***Relationship with the Ministry of Environment and Sustainable Development*** **.** The corporations belong to the SINA and, consequently, the Ministry of Environment and Sustainable Development, as the governing body of the system, will guide and coordinate the action of the corporations in a manner that is consistent and consistent with the national environmental policy, which it will do through its participation. in the board of directors and of guidelines and directives that it generally issues, without prejudice to the other mechanisms established by law, by this chapter and other regulations that complement it. In accordance with the provisions of articles 5 numeral 16 and 36 of Law 99 of 1993, the ministry will exercise inspection and surveillance over corporations, under the terms of the law, this chapter and other regulations that complement or modify them, tending to verify the due, timely and efficient fulfillment of the functions established in Law 99 of 1993.

(Decree 1768 of 1994, art. 5).

ARTICLE 2.2.8.4.1.6. ***General obligations.*** The Regional Autonomous Corporations that fulfill an administrative function of the State must report to the Minister of Environment and Sustainable Development on the activities carried out and, in general, on all aspects related to environmental management.

The members of the management bodies of the corporations shall act in consultation with the general interest and government policy on environmental matters and attending to the environmental planning referred to in the following article.

(Decree 1768 of 1994, art. 6).

ARTICLE 2.2.8.4.1.7. ***Environmental planning.*** Environmental planning is the priority and fundamental tool for the fulfillment of the corporations' objectives and to guarantee the continuity of the actions. It must be carried out in a harmonious and coherent manner with regional and local plans. To this end, the corporations will prepare plans and programs in the short, medium and long term and the respective statutes will establish the planning mechanisms and those that allow their compliance to be evaluated.

(Decree 1768 of 1994, art. 7).

ARTICLE 2.2.8.4.1.8. ***Regime of the acts.*** The acts that the corporations issue in compliance with administrative functions have the character of administrative acts and therefore subject to the provisions set forth in Law 1437 of 2011 or in the rule that modifies or replaces it.

(Decree 1768 of 1994, art. 8, paragraph 1).

ARTICLE 2.2.8.4.1.9. ***Contract regime.*** Corporations will subject their contractual regime to the provisions of Law 80 of 1993, its regulations and others that modify or add to them.

(Decree 1768 of 1994, art. 9).

ARTICLE 2.2.8.4.1.10. ***Legal nature of the heritage.*** The patrimony of the corporation is public and belongs to it as a legal person independent of its associates and of the state or private entities that make contributions to it in any capacity.

As the patrimony is of a public nature, it will be subject to the rules that apply to it on the matter.

(Decree 1768 of 1994, art. 10).

ARTICLE 2.2.8.4.1.11. ***Property and budget regime.*** Corporations have patrimonial autonomy. The assets and income of corporations are those defined in article 46 of Law 99 of 1993.

Global appropriations for corporations will be made annually in the general budget of the Nation. These global appropriations must be distributed by the respective boards of directors, in accordance with the general plan of activities and the annual investment budget referred to in literal

i) of article 27 of Law 99 of 1993. These investment resources must be executed , in any case, in a harmonious and consistent manner with the priorities established in the regional and local environmental plans, duly issued and approved.

(Decree 1768 of 1994, art. 11).

ARTICLE 2.2.8.4.1.12. *Personnel regime.* The system of nomenclature and classification of jobs established in Decree 1042 of 1978 or the norm that modifies or replaces it, is adopted for the employees of the Corporations, until the special system for corporations is adopted.

People who provide their services to corporations will have the status of public employees as a general rule. Exceptionally, official workers will be those persons who carry out the activities of construction and maintenance of public works.

(Decree 1768 of 1994, art. 12).

ARTICLE 2.2.8.4.1.13. *Articulation with the National Environmental System, SINA.* Corporations are part of the National Environmental System. YES NA, in accordance with numeral 3 of article 4 of Law 99 of 1993.

Since the SINA is a set of elements and institutions to achieve sustainable development as an objective, the corporations will act in a harmonious and coherent manner, applying unity of criteria and procedures. In this way, the existing corporations will act as a single body and the users will have certainty about the uniformity in their actions and functions.

The Ministry of the Environment and Sustainable Development will adopt the measures aimed at guaranteeing the articulation referred to in this article.

(Decree 1768 of 1994, art. 13).

ARTICLE 2.2.8.4.1.14. *Management and administration bodies.* The corporations will have the corporate assembly, the board of directors and the general director as their main management and administration bodies, in accordance with the provisions of articles 24 to 29 of Law 99 of 1993.

(Decree 1768 of 1994, art. 14).

ARTICLE 2.2.8.4.1.15. *Of the Corporate Assembly.* The Corporate Assembly, made up of the legal representatives of the territorial entities of its jurisdiction, will ordinarily meet once a year and within the first two months, after being called by the board of directors. It will meet extraordinarily as provided in the statutes.

The rules on quorum, majorities and in general on its operation will be established in the respective statutes.

The decisions of the corporate meetings will be called "corporate meeting resolutions".

(Decree 1768 of 1994, art. 15).

ARTICLE 2.2.8.4.1.16. *Tax inspection.* In development of the function established in literal b) of article 25 of Law 99 of 1993 and in accordance with the laws that regulate internal control and the rules on tax auditing, it is the responsibility of the corporate assembly to appoint the statutory auditor. For the performance of this work, the activities that are statutorily indicated within the framework established in the Commercial Code for this type of auditing will be taken into account, and their connection will be through a contract for the provision of services.

(Decree 1768 of 1994, art. 16).

ARTICLE 2.2.8.4.1.17. *The formation of the board of directors.* The boards of directors will be formed in the manner established in article 26 of Law 99 of 1993 for regional autonomous corporations and in the special manner established therein, for each of the sustainable development corporations.

The mayors that make up the board of directors will be elected by the corporate assembly at the first ordinary meeting of each year. The other provisions related to the election of the mayors and

representatives of the private sector will be determined by the corporate assembly in accordance with the provisions of article 26 of Law 99 of 1993.

The process of electing the representatives of the private sector before the Board of Directors of the Autonomous Regional or Sustainable Development Corporations must be carried out by the members of the same sector.

For the election of non-governmental organizations and indigenous or ethnic communities traditionally settled in the territory, the current regulations on the matter will be followed.

The election of other representatives of the community, private organizations or individuals that make up the boards of directors of the corporations and for whom the law did not provide for a particular form of election, will be elected by themselves. For this purpose, the bylaws will establish the provisions related to these elections, taking into account that they must be invited publicly so that those who are duly empowered to represent them, attend a meeting in which they themselves make the election.

When the corporation covers a plural number of departments, their participation in an equitable manner will be subject to the provisions issued by the National Government for this purpose.

Paragraph.- The fees of the members of the boards of directors of the corporations, will be set by the corporate assembly, when appropriate.

(Decree 1768 of 1994, art. 17 modified by Law 1263 of 2008, art. 1, paragraph 3).

ARTICLE 2.2.8.4.1.18. ***Term of the members of the board of directors.*** The term of the members of the board of directors resulting from election processes is as follows:

1. One year for mayors elected by the corporate assembly;

2. Four (4) years for representatives of the private sector, non-governmental organizations, ethnic groups, indigenous and black communities and other representatives of the community or private or union organizations.

(Decree 1768 of 1994, art. 18 modified by Law 1263, art. 1, paragraph 1).

ARTICLE 2.2.8.4.1.19. ***Actions of the board of directors*** **.** The mayors elected by the board of directors will not only act on behalf of their municipality or region but also in consultation with the interest of the entire territory of the jurisdiction.

All the members of the board of directors for the exercise of their attributions, will apply criteria of integral management of natural resources and will guide the actions of the corporation in accordance with the national environmental policy, the priorities of the region and the general interest.

The decisions of the boards of directors will be expressed through "board of directors agreements".

The members of the board of directors will be subject to the regime of disabilities and incompatibilities provided by law.

Paragraph deleted by num. 27 art. 25, National Decree 703 of 2018.

The deleted text is as follows:

The members of the board of directors may not be elected directors of the corporations to which they belong, in the following period.

The commissions abroad of the employees of the corporations and other personnel situations will be authorized by the board of directors. When it comes to accepting honors, rewards and invitations under the terms of articles 129 and 189 number 18 of the Political Constitution, they must have prior authorization from the National Government.

(Decree 1768 of 1994, art. 19).

ARTICLE 2.2.8.4.1.20. ***From the CEO.*** The CEO is the legal representative of the corporation and its first executive authority. The director general is not an agent of the members of the board of directors and will act at the regional level with technical autonomy in consultation with national policy. It will attend to the orientations and directives of the territorial entities, of the representatives of the community and the private sector that are given through the management bodies.

(Decree 1768 of 1994, art. 20).

ARTICLE 2.2.8.4.1.21. ***Qualities of the CEO.*** To be appointed CEO of a corporation, the following requirements must be met:

a) Professional university degree;

b) Advanced training or postgraduate degree, or three (3) years of professional experience;

c) Professional experience of 4 additional years to the requirements established in the previous paragraph, of which at least one must be in activities related to the environment and renewable natural resources or have held the position of general director of the corporation, and

d) Professional card in cases regulated by law.

(Decree 1768 of 1994, art. 21).

ARTICLE 2.2.8.4.1.22. Modified by art. 1st, Decree 1540 of 202020. *<The new text is as follows >* ***Appointment, action plan and removal of the CEO.*** The Director General has the status of public employee, subject to the regime provided for in Law 99 of 1993, this Decree and in what is compatible with the provisions applicable to public servants of the national order.

The election and appointment of the General Director of the corporations by the board of directors will be made for a period of four (4) years. The election will be carried out in accordance with the provisions of Law 99 of 1993 modified by Law 1263 of 2008 or the regulation that modifies or replaces it. The general director of the corporations will take possession of his position before the president of the board of directors of the corporation, after fulfilling the required legal requirements.

Within the first four (4) months of the institutional period, the General Director of the Corporation, or whoever acts on his behalf, will present for the approval of the board of directors an action plan that will be executed in the respective four-year period.

In the event of a change of Director General during the period for which the Four-Year Action Plan was approved, the person who holds the position of Director General for the remaining period must continue with its execution. However, with prior justification, you may present within the month following your appointment, the adjustments to the Plan for approval by the Board of Directors.

The Board of Directors of a corporation will remove the General Director, in the following cases:

1. By resignation regularly accepted.

two. For termination of employment in accordance with the law.

3. By retirement with the right to retirement.

Four. Due to absolute disability.

5. By age of forced retirement.

6. For dismissal.

7. By declaration of vacancy of employment in the case of abandonment of the same.

8. By expiration of the period for which he was appointed.

9. By court order or decision.

The regime of disabilities and incompatibilities provided by law will apply to the CEO.

The acts of the general director of a Corporation are only subject to appeal for reconsideration.

The certifications on legal representation and validity of the appointment of general director of the corporations, will be issued by the secretariat of the board of directors or the dependency that takes its place.

The original text was the following:

Article 2.2.8.4.1.22. Appointment, action plan and removal of the CEO. *The general director has the quality of public employee, subject to the regime provided for in Law 99 of 1993, this Decree and in what is compatible with the provisions applicable to public servants of the national order.*

The election and appointment of the general director of the corporations by the board of directors will be made for a period of four (4) years. The election will be carried out in accordance with the provisions of Law 99 of 1993 modified by Law 1263 of 2008 or the regulation that modifies or replaces it. The general director of the corporations will take possession of his position before the president of the board of directors of the corporation, after fulfilling the required legal requirements.

Within four (4) months following his inauguration, the general director will present for the approval of the board of directors a plan of actions that he will advance in his election period.

The board of directors of a corporation will remove the general director, in the following cases:

1. By resignation regularly accepted.
2. By termination of employment in accordance with the law.
3. Due to retirement with the right to retirement.
4. Due to absolute disability.
5. Due to compulsory retirement age.
6. By dismissal.
7. By declaration of job vacancy in the case of abandonment of the same.
8. By expiration of the period for which he was appointed.
9. By court order or decision.
10. For failure to comply with its "action plan" when so established by the board of directors by a majority of two thirds of its members.

The regime of disabilities and incompatibilities provided for in the law will be applied to the general director.

The acts of the general director of a corporation are only subject to appeal for reconsideration.

The certifications on legal representation and validity of the appointment of general director of the corporations, will be issued by the secretariat of the board of directors or the dependency that takes its place.

(Decree 1768 of 1994, art. 22, modified by Law 1263 of 2008, art. 1).

ARTICLE 2.2.8.4.1.23. *coercive jurisdiction.* Corporations have coercive jurisdiction to enforce the credits due in their favor, in accordance with the regulations established for public entities of the national sector, in Law 6 of 1992 or the regulation that modifies or replaces it.

(Decree 1768 of 1994, art. 23).

ARTICLE 2.2.8.4.1.24. *Organic structure.* The basic organic structure of the corporations will be flexible, horizontal and must allow the fulfillment of the functions established in the law in an efficient and effective manner. It must cover in a basic way, the areas of planning, environmental quality, management and administration of natural resources, environmental education, community participation, regional, local and inter-institutional coordination.

(Decree 1768 of 1994, art. 24).

ARTICLE 2.2.8.4.1.25. *Stimulus regime.* Career employees or employees of free appointment and removal of corporations may enjoy the technical premium regime and incentives for efficiency, in accordance with current regulations.

(Decree 1768 of 1994, art. 25).

ARTICLE 2.2.8.4.1.26. *Elimination of jobs.* In case of suppression of jobs registered and ranked in the administrative career, of employees belonging to corporations, they will have the right to receive compensation in accordance with current regulations.

(Decree 1768 of 1994, art. 26).

ARTICLE 2.2.8.4.1.27. *Commissions abroad.* The commissions abroad of officials of the regional autonomous corporations and sustainable development, will only require the authorization of the board of directors, upon request of the general director duly substantiated.

(Decree 1768 of 1994, art. 27).

CHAPTER 5

ELECTION PROCEDURE OF THE REPRESENTATIVE AND SUBSTITUTE OF THE BLACK COMMUNITIES BEFORE THE DIRECTING COUNCILS OF THE REGIONAL AUTONOMOUS CORPORATIONS

ARTICLE 2.2.8.5.1.1. *Summons* . For the election of the representative and substitute of the black communities referred to in article 56 of Law 70 of 1993, before the Board of Directors of the Regional Autonomous Corporations, the Director General of the respective Corporation will formulate a public invitation to the respective Community Councils , in which the requirements to participate in the election will be indicated, as well as the place, date and time for the celebration of the meeting in which the election will be held.

The call will be published only once in a newspaper with wide regional or national circulation thirty (30) days prior to the date of the election, and will be broadcast only once by radio or television.

(Decree 1523 of 2003, art. 1).

ARTICLE 2.2.8.5.1.2. *Requirements.* The Community Councils that aspire to participate in the election of the representative and alternate, before the Board of Directors, will submit to the respective Regional Autonomous Corporation, at least fifteen (15) days prior to the date of the election, the following documents:

a) Certification issued by the corresponding municipal mayor, stating the location of the Community Council, the registration of the Board and its legal representative;

b) Certification issued by the Colombian Institute for Rural Development, Incoder, on the existence of legally titled collective territories or in the process of being awarded to the black communities of the respective jurisdiction;

c) Submit an original or a copy of the document in which the designation of the community member nominated as a candidate is recorded.

(Decree 1523 of 2003, art. 2).

ARTICLE 2.2.8.5.1.3. *Documentation review* . The Regional Autonomous Corporation will review the documents submitted and verify compliance with the required requirements. Subsequently, it will prepare a report in this regard, which will be presented on the day of the election meeting.

(Decree 1523 of 2003, art. 3).

ARTICLE 2.2.8.5.1.4. *Deadline for holding the election meeting.* The election of the representative and substitute, of the Community Councils before the Directive Councils of the Regional Autonomous Corporations, will be carried out by the legal representatives of the Community Councils and will be carried out within the first fifteen (15) days of the month of September of the year prior to the start of the respective period.

(Decree 1523 of 2003, art. 4).

ARTICLE 2.2.8.5.1.5. *Choice.* The black communities, in the pertinent meeting, will adopt the form of election of their representative and substitute before the Directive Councils of the Regional Autonomous Corporations.

When no legal representative of the community councils attends the election or for any reason attributable to them, their representatives are not elected, the Director General of the Regional Autonomous Corporation will record the fact in a record and make a new public call within the following fifteen (15) calendar days, applying the procedure provided for in this chapter.

Paragraph 1. In this last event, the representative of the Community Councils who is in office must continue to attend the Board of Directors until their replacement is elected.

Paragraph 2. Regardless of the form of election adopted by the black communities, their representative and alternate before the Board of Directors of the respective Regional Autonomous Corporation, will be, in their order, those who obtain the largest number of votes.

(Decree 1523 of 2003, art. 5).

ARTICLE 2.2.8.5.1.6. *Election procedure.* The procedure will be as follows:

a) The Director General of the Regional Autonomous Corporation will install the meeting for election within the time set in the public call and will proceed to read the report resulting from the review of the documentation provided by the participating Community Councils.

The legal representatives of the Community Councils that have met the requirements set forth in this chapter will have voice and vote, in the meeting for the election of the representative and alternate;

b) Installed the election meeting by the Director General, the legal representatives of the Community Councils will proceed to make the appointment of president and secretary of the meeting;

c) The candidates may intervene in the meeting, in order to expose the aspects that they consider pertinent;

d) The representative and alternate will be elected, in accordance with the provisions of this chapter.

Minutes of the meeting will be drawn up and signed by the President and Secretary appointed by the legal representatives of the Community Councils.

Paragraph. The respective Regional Autonomous Corporation will provide the necessary logistical support to successfully complete the election meeting.

(Decree 1523 of 2003, art. 6).

ARTICLE 2.2.8.5.1.7. *Representative period.* The period of the representative and alternate of the Community Councils before the Board of Directors of the Regional Autonomous Corporations will be four (4) years. It will begin on January 1st of the year following the year of their election and will end on December 31st of the fourth year of said period.

(Decree 1523 of 2003, art. 7).

ARTICLE 2.2.8.5.1.8. *temporary faults.* The following constitute temporary absences of the representatives of the black communities:

a) Temporary physical disability;

b) Forced and involuntary absence;

c) Decision issued by the competent authority.

(Decree 1523 of 2003, art. 8).

ARTICLE 2.2.8.5.1.9. *Absolute faults.* The following constitute absolute faults of the representatives of the black communities:

a) Resignation;

b) Declaration of invalidity of the election;

c) Sentence to imprisonment;

d) Judicial interdiction;

e) Permanent physical disability;

f) Failure to attend two consecutive meetings of the Board of Directors without just cause;

g) Death.

(Decree 1523 of 2003, art. 9).

ARTICLE 2.2.8.5.1.10. *Way to make up for temporary and absolute absences.* In cases of temporary absence of the representative of the black communities, his substitute will replace him for the duration of the absence.

In case of absolute absence of the representative, the alternate will exercise his functions for the remaining time.

(Decree 1523 of 2003, art. 10).

CHAPTER 5A

Chapter 5A added by art. 1, National Decree 1850 of 2015

<The text of the added chapter 5A is as follows>

ELECTION PROCESS FOR REPRESENTATIVES OF THE PRIVATE SECTOR AND THEIR SUBSTITUTES BEFORE THE BOARD OF DIRECTORS OF THE REGIONAL AUTONOMOUS CORPORATIONS

Article 2.2.8.5A.1.1. ***Purpose and scope of application*** . The representatives of the Private Sector before the Board of Directors of the Autonomous Regional or Sustainable Development Corporations must be elected by themselves.

Paragraph. For the purposes of this decree, the Regional Autonomous Corporations and the Sustainable Development Corporations will be called Corporations.

Article 2.2.8.5A.1.2 ***Notice*** . For the election of the representatives of the private sector before the boards of directors of the Corporations, the respective Corporation must formulate a public invitation in which the place, date and time limit in which the required documentation will be received will be indicated, as well as the date , time and place for the celebration of the meeting in which the election will be held.

The invitation will be published only once in a newspaper with wide regional or national circulation, on the billboards of the headquarters and sub-headquarters of the respective Corporation as well as on its website, at least thirty (30) business days before the date of the invitation. election date.

Article 2.2.8.5A.1.3. ***Documentation.*** Private sector organizations that are interested in participating in the election of their representatives to the Board of Directors, will submit to the respective Corporation at least fifteen (15) business days before the scheduled date for the election meeting, the following documents :

1. Certificate of existence and legal representation issued by the Chamber of Commerce that is in force at the time of submitting the documentation, stating that the private organization carries out its activities in the jurisdiction during the last 2 years.

2. A report with its respective supports on the activities that the private organization develops in the area of jurisdiction of the respective Corporation.

3. In the event that they wish to nominate a candidate, they must attach the resume with their training and experience supports and a copy of the document of the respective Board of Directors or the body that acts on its behalf, in which the designation of the candidate is recorded.

Article 2.2.8.5A.1.4 . ***Documentation verification*** . The Corporation will verify that the documentation submitted by the private sector organizations is complete and will prepare a report, which will be disclosed five (5) days prior to the date of the election meeting on the website of the respective corporation and on the billboards of its main headquarters and sub-headquarters.

Likewise, this report will be presented by the Corporation, on the day and date set for the election meeting.

Article 2.2.8.5A.1.5. ***Deadline for holding the election meeting*** . The election meeting will be held no later than the last business day of the month of November of the year prior to the start of the respective institutional period.

The form of election will be adopted by the private sector in the meeting referred to in this article.

In said meeting, the private sector will elect its representatives.

If once this period has elapsed it is not possible to make the election, the Corporation will leave a record and a new notice will be published, applying the provisions of this chapter. In this case and until the representatives of the sector are elected, those who are exercising this representation will continue to attend as such.

Article 2.2.8.5A.1.6. ***Process of the meeting*** . The procedure of the election meeting will be as follows:

1. The representatives of the private sector who are in office will install the meeting on the date, time and place provided in the notice, in their absence, the session will be installed by the respective Corporation.

2. The private sector organizations will proceed to elect the president and secretary for the development of the election meeting.

3. The Corporation will present the report resulting from the verification of the documentation.

4. Only private sector organizations that have submitted the documentation and met the requirements of this chapter will have voice and vote in the meeting.

5. In this meeting the representatives of the private sector will be elected.

6. Minutes will be drawn up from the meeting stating the results of the election, which must be signed by the president and secretary of the same.

Paragraph. The Corporation will provide the necessary logistical support to bring the meeting to a successful conclusion.

Article 2.2.8.5A.1.7. ***Period*** . In accordance with paragraph 1 of article 28 of Law 99 of 1993 modified by article 1 of Law 1263 of 2008, the period of the representatives of the private sector before the Board of Directors of the Corporations will be four (4) years, and may be re-elected.

The period referred to in this article shall begin on January 1st of the year following his election and shall end on December thirty-first (31st) of the last year of the Director General's institutional term.

CHAPTER 6

ENVIRONMENTAL PLANNING INSTRUMENTS AUTONOMOUS REGIONAL AND SUSTAINABLE DEVELOPMENT CORPORATIONS

SECTION 1

GENERAL DISPOSITION

ARTICLE 2.2.8.6.1.1.1. ***Of regional environmental planning.*** It is a dynamic planning process for sustainable development that allows a region to guide the management, administration and use of its renewable natural resources in a coordinated manner, to contribute from the environmental point of view to the consolidation of sustainable development alternatives in the short, medium and long term. term, in accordance with the biophysical, economic, social and cultural characteristics and dynamics.

Regional environmental planning incorporates the environmental dimension of the territorial ordering and development processes of the region where it is carried out.

Paragraph. For the purposes of this chapter, when reference is made to the Regional Autonomous Corporations, it will be understood that it includes the Sustainable Development Corporations.

(Decree 1200 of 2004, art. 1).

ARTICLE 2.2.8.6.1.1.2. ***Beginning.*** The regional environmental planning process will be governed by the following principles;

1. The Regional Harmony, the Normative Gradation and the Subsidiary Rigor established in Title IX of Law 99 of 1993.

2. *Concordance and articulation between the different State Planning instruments.* The Regional Environmental Planning will be in harmony with the National Policy and the Millennium Development Goals endorsed in the General Assembly of the United Nations in 2000.

3. *Respect for the Dynamics and Processes of Regional Development.* Environmental Planning will recognize the heterogeneity of regional development processes and will provide elements for the collective construction of a regional project, around a vision of sustainable development.

4. *Comprehensiveness.* Environmental Planning must consider the different components, actors, interrelationships and interactions of territorial environmental management, in order to optimize resources, efforts and in general favor the coordination of priority actions.

(Decree 1200 of 2004, art. 2).

SECTION 2

OF ENVIRONMENTAL PLANNING

ARTICLE 2.2.8.6.2.1. *Instruments for regional environmental planning* . For the development of the Regional Environmental Planning in the long, medium and short term, the Regional Autonomous Corporations will have the following instruments: The Regional Environmental Management Plan (PGAR), the Quadrennial Action Plan -and the annual Budget of income and bills.

(Decree 1200 of 2004, art. 3 and Law 1263 of 2008, art. 3).

SECTION 3

REGIONAL ENVIRONMENTAL MANAGEMENT PLAN, PGAR

ARTICLE 2.2.8.6.3.1. *Regional Environmental Management Plan, PGAR.* The Regional Environmental Management Plan is the long-term strategic planning instrument of the Regional Autonomous Corporations for the area of their jurisdiction, which allows them to guide their management and integrate the actions of all the regional actors so that the development process advance towards the sustainability of the regions.

The Regional Environmental Management Plan will be valid for a minimum of 10 years.

The Regional Autonomous Corporations are responsible for formulating the PGAR in coordination with the territorial entities of their jurisdiction and the representatives of the different social and economic sectors of the region. The PGAR must be approved by the Board of Directors of the respective Corporation.

Paragraph. The territorial entities will consider the strategic lines defined in the Regional Environmental Management Plan in the formulation and/or adjustment of the Territorial Ordering Plans referred to in Law 388 of 1997, as well as in their Development Plans.

(Decree 1200 of 2004, art. 4).

ARTICLE 2.2.8.6.3.2. *Components of the regional environmental management plan* . The Regional Environmental Management Plan must include at least four components:

1. Environmental diagnosis.

2. Regional vision.

3. Strategic lines.

4. Monitoring and evaluation instruments.

1. Environmental Diagnosis of the Regional Environmental Management Plan. The Environmental Diagnosis corresponds to the integral analysis of the social, economic, cultural and biophysical components that determine the state of renewable natural resources and the environment. In its formulation, urban-rural and regional relations must be considered, as well as the dynamics between supply and demand for environmental goods and services. This should include management, environmental and impact indicators. The system of indicators will be the basis for the follow-up and evaluation dealt with in Section V of this decree.

The diagnosis must be accompanied by cartography related to the regional environmental problems at an adequate scale, and be supported by the available information that must be provided by the scientific entities linked to and attached to the Ministry and other entities that generate basic information.

2. Environmental Vision for Regional Development. Starting from the diagnosis, the scenario of environmental sustainability will be identified, with the participation of the different actors, to guarantee the regional development process of the area of jurisdiction of the respective Corporation and the challenges and objectives of the PGAR will be determined.

3. Strategic Lines of the Regional Environmental Management Plan. The priority strategic lines of environmental management will be determined with their respective goals, to achieve the scenario identified in the environmental vision for Regional Development. These strategic lines of management constitute the reference framework to identify the responsibilities and commitments of the different actors according to their competences, around the solution of the identified problems and the development of the environmental potentialities in the area of jurisdiction of the corporation.

In the definition of the strategic lines, the financing requirements, the possible sources and the articulation mechanisms between them will be determined.

The contents of the Regional Environmental Management Plan must become the basis for updating the environmental determinants for the Territorial Ordering Plans, which must be widely socialized with the municipalities of the Corporation's Jurisdiction.

4. Monitoring and Evaluation Instrument of the Regional Environmental Management Plan. The Regional Autonomous Corporation must implement, in coordination with the Ministry of Environment, Housing and Territorial Development, a monitoring and evaluation system of the Regional Environmental Management Plan and of the variation in the state of natural resources and the environment and its impact on the quality of life of the population and the conditions of regional development. This system must follow the guidelines established in Section V of this decree.

(Decree 1200 of 2004, art. 5).

SECTION 4

FOUR-YEAR ACTION PLAN

ARTICLE 2.2.8.6.4.1. ***Quadrennial Action Plan.*** It is the planning instrument of the Regional Autonomous Corporations, in which the institutional commitment of these for the achievement of the objectives and goals set forth in the Regional Environmental Management Plan is specified. It defines the actions and investments that will be carried out in the area of its jurisdiction and its projection will be 4 years.

(Decree 1200 of 2004, art. 6 and Law 1263 of 2008, art. 2).

ARTICLE 2.2.8.6.4.2. ***Object, scope and opportunity of the public hearing.*** Modified by art. 2nd, Decree 1540 of 2020. <*The new text is as follows* > The presentation of the Quadrennial Action Plan in the Public Hearing referred to in this Section, will have the purpose of presenting by the Director General of the Regional Autonomous Corporations before the Board of Directors and the community in general, The Quadrennial Action Plan project will be held in a public hearing in order to receive comments, suggestions and adjustment proposals.

The public hearing will be held within the four (4) months following, at the beginning of the institutional period.

The original text was as follows:

Article 2.2.8.6.4.2. Object, scope and opportunity of the public hearing. *The presentation of the Four-Year Action Plan public hearing referred to in this Section, will have the purpose of presenting by the Director General of the Regional Autonomous Corporations before the Board of Directors and the*

community in general, the project of the Four-Year Action Plan, will do in public hearing in order to receive comments, suggestions and adjustment proposals.

The public hearing will be held within four (4) months following the inauguration of the Director General of the Corporation.

(Decree 330 of 2005, art. 17).

ARTICLE 2.2.8.6.4.3. ***Announcement.*** The General Directors of the respective Regional Autonomous Corporations, by means of a notice, will summon the representatives of the different public and private sectors, the non-governmental organizations, the community in general and the control entities to participate in the public hearing.

The aforementioned notice must be issued at least thirty (30) calendar days before the holding of the public hearing.

The notice must contain;

1. Purpose of the public hearing.

2. Date, place and time of celebration.

3. Call to those who wish to intervene.

4. Place(s) where the registration of participants can be made.

5. Place(s) where the draft Quadrennial Action Plan will be available for consultation.

The notice will be posted the day after it is issued and will remain posted for ten (10) business days at the General Secretariat of the Regional Autonomous Corporation or the agency that acts as its substitute, within which it must be published in the bulletin and in the web page of the respective entity, in a newspaper with regional circulation, and posted at the regional headquarters of the corporation, mayors' offices and ombudsmen of the municipalities located in their jurisdiction.

Once the notice is posted, its content must be disseminated through the regional and local radio communication media and on billboards that must be posted in public places in the respective municipalities.

(Decree 330 of 2005, art. 18).

ARTICLE 2.2.8.6.4.4. ***Availability of the draft Quadrennial Action Plan.*** The General Directors of the respective Regional Autonomous Corporations, will make the project of the Quadrennial Action Plan, available to interested parties for consultation, at least twenty (20) calendar days before the public hearing is held, in the General Secretariat or the dependency that takes its place in the respective corporation, in the regional headquarters, in the mayor's offices or municipal ombudsmen of the jurisdiction.

(Decree 330 of 2005, art. 119).

ARTICLE 2.2.8.6.4.5. ***Registrations.*** Persons interested in intervening in the public hearing must register with the General Secretariat or the unit that acts as environmental authorities, in regional offices, mayors or municipal ombudsmen.

Paragraph. Those interested in intervening in the public hearing may register after the posting of the notice referred to in article 2.2.8.6.4.3. of this decree and up to five (5) business days prior to the date of its execution.

(Decree 330 of 2005, art. 20).

ARTICLE 2.2.8.6.4.6. ***Place of celebration.*** The public hearing will be held at the main headquarters of the Regional Autonomous Corporation or at the regional headquarters, municipal halls, auditoriums or places located in the respective jurisdiction.

Paragraph. The Board of Directors of the Regional Autonomous Corporation may establish the relevance of holding more than one public hearing, in various municipalities of the jurisdiction.

(Decree 330 2005, art. 21).

ARTICLE 2.2.8.6.4.7. *Participants and interveners.* The environmental public hearing may be attended by any person who wishes to do so. However, only the following people may intervene:

1. The General Director of the respective Regional Autonomous Corporation.

2. The members of the Board of Directors.

3. Three (3) representatives of the corporate assembly.

4. The Attorney General of the Nation or his delegate.

5. The Comptroller General of the Republic or his delegate.

6. The Ombudsman or his delegate.

7. Persons previously registered.

(Decree 330 of 2005, art. 22)

ARTICLE 2.2.8.6.4.8. *Installation and development.* The public hearing will be chaired by the President of the Board of Directors of the Regional Autonomous Corporation or his delegate, who in turn will act as moderator and appoint a Secretary.

The President will read the agenda and install the public hearing, indicating its purpose and scope, and will read the call notice and the internal regulations under which it will be held.

The interventions will begin taking into account the people indicated in the previous article. The President will establish the duration of the interventions, which must be strictly complied with.

Interventions must be made in a respectful manner and refer exclusively to the purpose of the hearing. Interpellations or interruptions of any kind during the development of interventions will not be allowed.

In the presentation of the Quadrennial Action Plan project, by the Director General of the Regional Autonomous Corporation, emphasis should be placed on the programs and projects identified, the proposed financial plan and its justification.

During the public hearing, the participants may submit comments and proposals to the draft Four-Year Action Plan, and provide the documents they deem necessary, which shall be delivered to the Secretary.

The public hearing must be recorded in magnetic and/or audiovisual media.

Paragraph. In the event that the special situations indicated in this Decree arise, the provisions therein will be applied.

(Decree 330 of 2005, art. 23).

ARTICLE 2.2.8.6.4.9. *Termination.* Once the agenda has been exhausted, the President will end the public hearing.

Within five (5) business days following the holding of the public hearing, the Secretary will draw up a record of the same that will be signed by the President, in which the most important aspects exposed during its realization will be collected and will be subject to analysis and evaluation by the Director General of the Regional Autonomous Corporation when preparing the final draft of the Four-Year Action Plan, and by the Board of Directors at the time of its approval.

(Decree 330 of 2005, art. 24).

ARTICLE 2.2.8.6.4.10. *Approval of the Four Year Action Plan.* Within fifteen (15) business days following the holding of the public hearing, the Director General of the Regional Autonomous Corporation must submit the definitive draft of the Four-Year Action Plan to the Board of Directors for its approval, which must be approved by agreement. within fifteen (15) business days following its presentation.

The Agreement that approves the Four-Year Action Plan must be motivated and indicate whether or not the proposals formulated by the community during the public hearing were accepted.

Paragraph 1. The Agreement through which the Four-Year Action Plan is approved must be disclosed through the bulletin and on the website of the respective entity, at the regional offices, at the mayor's offices and ombudsmen of the municipalities under the jurisdiction of the Autonomous Corporation. Regional.

Paragraph 2. Similarly, the Regional Autonomous Corporations must publish the Four-Year Action Plan on the website within five (5) business days following its approval by the Board of Directors and make it available to the community at the legal secretariat or the dependence that takes its place in the main headquarters and its regional offices.

(Decree 330 of 2005, art. 25).

TRANSITIONAL ARTICLE. Added by art. 3rd, Decree 1540 of 2020. <*The added text is the following* > In the Regional Autonomous Corporations that do not have an approved Four-Year Action Plan at the date of publication of this decree, their General Directors, or whoever acts on their behalf, must proceed to formulate it and/or present it before the Board of Directors for their respective approval, within four (4) months following the entry into force of this article.

NOTE: Article valid from November 24, 2020.

ARTICLE 2.2.8.6.4.11. ***Public hearings to follow up on the Four-Year Action Plan.*** Once the Four-Year Action Plan has been approved, the General Director of the Regional Autonomous Corporation will convene a public hearing in April of each year in which he will present the status of the level of compliance with the Plan, in terms of products, performance of the corporation, in the short and medium term and its contribution to compliance with the Regional Environmental Management Plan, PGAR.

Paragraph 1. Similarly, a public hearing will be held in the month of December of the year in which the term of the General Director of the Regional Autonomous Corporation ends in order to present the results of the advanced management.

Paragraph 2. For the calling and holding of the public follow-up hearing, the provisions of articles 2.2.8.6.4.3 will be complied with. and following of this Decree.

Paragraph 3. The opinions, comments, proposals and documents provided by the community and other participants in the public hearing will be subject to analysis and evaluation by the Director General and the Board of Directors to make any adjustments that may be appropriate.

(Decree 330 of 2005, art. 26).

ARTICLE 2.2.8.6.4.12. ***Components of the Quadrennial Action Plan.*** The Quadrennial Action Plan must contain at least five components;

1. General framework.

2. Environmental summary of the area of jurisdiction.

3. Operational actions.

4. Financial plan.

5. Monitoring and evaluation instruments.

1. **General framework.** It will contain at least the description of the main environmental and socioeconomic characteristics of the Jurisdiction, the problems and potentialities of the territory, the objectives of the administration and the strategies of articulation with the National Policies, the Regional Environmental Management Plan, and the Departmental Development Plan. , the Municipal Land Use and Development Plans, the Plans for the Use and Management of Ethnic

Territories and/or hydrographic basins, the Sanitation and Discharge Management Plans, the Comprehensive Management Plans for Solid Waste and Forestry Development.

2. **Environmental summary of the area of jurisdiction.** It corresponds to the prioritization of the problems analyzed in the diagnosis contained in the Regional Environmental Management Plan, to the location of these problems to focus the intervention sites and to the evaluation of the institutional and governability factors that affect them.

3. **Operational actions of the Quadrennial Action Plan.** Corresponds to priority programs and projects to respond to environmental problems and develop the potential of the natural supply of the Corporation's jurisdiction.

The programs will be made up of a set of projects and must specify the goals that are expected to be achieved for the four years of management. The goals must be specified in quantitative terms and measured by means of indicators that reflect the effect on the state of renewable natural resources and the environment, as well as the economic and social impact of the Corporation's management.

The Corporation must organize and coordinate the actions required to obtain sufficient information to implement the indicators associated with the goals. Said actions must be incorporated in the Quadrennial Action Plan.

Based on the programs and projects defined in the Four-Year Action Plan, the Regional Autonomous Corporations will form and consolidate their banks of investment programs and projects.

4. **Financial plan.** It must contain the financing strategy that indicates the sources, the mechanisms for articulating resources and the improvement in the efficiency of collections. Likewise, it will specify for each of the years of the Four-Year Action Plan, the projection of income by source and of operating, investment and debt service expenses.

The projection of investment expenses must contain the allocation of resources by programs and projects for each year, specifying those whose financing will be made with resources of specific destination.

5. **Monitoring and evaluation instrument.** The Regional Autonomous Corporation must implement, in coordination with the Ministry of the Environment, Housing and Territorial Development, a monitoring and evaluation system for the Four-Year Action Plan and its impact on the sustainable development objectives. This system must follow the guidelines established in this Decree.

(Decree 1200 of 2004, art. 7).

ARTICLE 2.2.8.6.4.13. ***Annual budget of income and expenses.*** The Annual Budget of the Regional Autonomous Corporation must be consistent with the Quadrennial Action Plan.

(Decree 1200 of 2004, art. 8).

SECTION 5

FROM MONITORING AND EVALUATION TO THE PLANNING INSTRUMENTS OF THE REGIONAL AUTONOMOUS CORPORATIONS

ARTICLE 2.2.8.6.5.1. ***Of monitoring and evaluation.*** The Environmental Information System for Colombia, SIAC, made up of the Environmental Information System for monitoring the quality and status of natural resources and the environment, SIA, and the Information System for Environmental Planning and Management, SIPGA, are constitutes the systems for monitoring and evaluating the Regional Environmental Management Plan and the Four-Year Action Plan.

The design of the Environmental Information System for Colombia, SIAC, will be led by the Ministry of Environment and Sustainable Development and its implementation will be coordinated by the Institute of Hydrology, Meteorology and Environmental Studies, IDEAM.

(Decree 1200 of 2004, art. 9).

ARTICLE 2.2.8.6.5.2. *Basis for monitoring.* The monitoring of the Regional Environmental Management Plan will allow knowing the impact of regional environmental planning and management in the long term, on the quality of life of the population and the conditions of regional development. This monitoring system will be an integral part of the SIA, at the national and regional levels.

The monitoring and evaluation of the Four-Year Action Plan are intended to establish the level of compliance with the Plan in terms of products, performance of the Corporations in the short and medium term, and their contribution to compliance with the PGAR and the sustainable development objectives. This monitoring system will be an integral part of the SiPGA, at the regional level.

(Decree 1200 of 2004, art. 10)

ARTICLE 2.2.8.6.5.3. *Minimum indicators.* The Ministry of Environment, Sustainable Development, will establish through a resolution the minimum reference indicators so that the Regional Autonomous Corporations evaluate their management, the impact generated, and an aggregate is built at the national level to evaluate the environmental policy.

Annually, the Ministry of Environment and Sustainable Development will build a performance index of the Regional Autonomous Corporations based on the minimum indicators, among others, whose objective is to provide the Boards of Directors with inputs to guide the continuous improvement of management.

Paragraph 1. The impact assessment is aimed at relating environmental management to the following sustainable development objectives and associated indicators:

Consolidate the actions aimed at the conservation of the natural heritage: number of hectares protected under a special regime; rate of deforestation and increase in vegetation cover.

Reduce the risk due to water shortages: population at risk due to water shortages.

Rationalize and optimize the consumption of renewable natural resources: energy intensity measured as the ratio between equivalent barrels of oil and millions of pesos of departmental GDP (BEP/M$GDP); water consumption in the productive sectors (industrial, commercial, agricultural and livestock) measured as water consumption over production or hectares; reused solid waste out of total waste generation and adequately disposed solid waste out of total waste generation.

Generate jobs and income through the sustainable use of biodiversity and sustainable production systems: sales volume of companies dedicated to green markets.

Reduce the health effects associated with environmental problems: morbidity and mortality rate due to Acute Respiratory Infection, ARI; morbidity and mortality rate for Acute Diarrheal Disease, EDA; Dengue morbidity and mortality rate and Malaria morbidity and mortality rate.

Reduce the population at risk associated with natural phenomena; people affected due to natural phenomena in the year and economic losses due to natural phenomena per year.

(Decree 1200 of 2004, art. 11).

ARTICLE 2.2.8.6.5.4. *Reports.* The Director will submit periodic reports to the Board of Directors of the Corporation that account for the progress in the physical and financial execution of the programs and projects of the Four-Year Action Plan, likewise, he may request adjustments to the Action Plan, duly technically and financially supported. Quadrennial. Every six months, a comprehensive progress report on the implementation of the Four-Year Action Plan must be sent to the Ministry of Environment and Sustainable Development.

(Decree 1200 of 2004, art. 12).

ARTICLE 2.2.8.6.5.5. *Transitional regime.* The implementation of the Environmental Information System for Colombia, SIAC, which this chapter deals with, will be done gradually in accordance

with the developments generated by the Ministry of Environment and Sustainable Development for this purpose. Simultaneously, and in order to harmonize the national and regional information systems, the Regional Autonomous Corporations must feed their systems with the minimum indicators and other SIAC developments.

The Ministry of Environment and Sustainable Development will inform the Corporations about the progress of the components of the SIAC.

(Decree 1200 of 2004, art. 13).

CHAPTER 6

TERRITORIAL ENVIRONMENTAL MANAGEMENT

SECTION 1

ARTICLE 2.2.8.6.1.1. ***Period of regional environmental management plans.*** The Period of the regional environmental management plans prepared by the Regional Autonomous Corporations and the Sustainable Development Corporations referred to in the previous article shall be for a minimum period of ten (10) years and must be issued in a timely manner by the Boards of Directors of the Corporations. , no later than the month of October of the year prior to which they begin their validity.

(Decree 1865 of 1994, art. 2 modified by Decree 1200 of 2004, art. 4).

ARTICLE 2.2.8.6.1.2. ***Harmonization.*** For the harmonization of the planning in the environmental management of the Departments, Districts and Municipalities, the following procedure will be followed:

1. The process of preparing departmental, district and municipal Development Plans in relation to environmental management referred to in numerals 1 , 2 and 3 of article 39 of Law 152 of 1994, will be carried out with the advice of the Corporations, which must provide the data related to the investment resources available in each department, district or municipality, in accordance with the terms established in the aforementioned law.

2. Simultaneously with the presentation of the draft plan to the Governing Council or body that takes its place referred to in numeral 4 of article 39 of Law 152 of 1994, a copy of the project will be sent to the Autonomous Regional or Sustainable Development Corporation with jurisdiction in the respective territorial entities.

3. The Corporation will have a term not exceeding fifteen (15) days to review them technically and verify their harmonization with the other plans in the region; term within which the plan must be submitted with the respective concept.

4. Once the concept issued by the Corporation has been received, the Governing Council will consider them and send a copy of them to the Territorial Planning Council, which in the case of not accepting them, will send a copy to the respective departmental assemblies or municipal councils for their consideration. in the next procedure.

(Decree 1865 of 1994, art. 3).

ARTICLE 2.2.8.6.1.3. ***Environmental education programs.*** The Corporations will promote in the municipalities and districts, environmental education and planning programs, in accordance with the Constitution, Law 99 of 1993, Law 152 of 1994 and the regulations that complement or add to them.

(Decree 1865 of 1994, art. 5).

CHAPTER 7

ORGANIZATION AND FUNCTIONING ATTACHED AND LINKED INSTITUTES

SECTION 1

ATTACHED INSTITUTE. INSTITUTE OF HYDROLOGY, METEOROLOGY AND ENVIRONMENTAL STUDIES –IDEAM-

ARTICLE 2.2.8.7.1.1. *Nature.* The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM- is a national public establishment attached to the Ministry of Environment and Sustainable Development, with administrative autonomy, legal personality and independent assets.

Paragraph 1. For all purposes of Law 99 of 1993, the Institute of Hydrology, Meteorology and Environmental Research -IDEAM- is understood as the Institute of Hydrology, Meteorology and Environmental Studies -IDEAM-

Paragraph 2. For all purposes of this chapter, the Regional Autonomous Corporations and the Sustainable Development Corporations referred to in Law 99 of 1993 will hereinafter be called "Corporations".

(Decree 1277 of 1994, art. 1).

ARTICLE 2.2.8.7.1.2. *Object.* The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM- aims to:

1. Provide the knowledge, data and environmental information required by the Ministry of Environment and Sustainable Development and other entities of the National Environmental System -SINA-

2. Carry out the survey and management of scientific and technical information on the ecosystems that are part of the environmental heritage of the country.

3. Establish the technical bases to classify and zone the use of the national territory for the purposes of planning and environmental ordering of the territory.

4. Obtain, store, analyze, study, process and disseminate basic information on hydrology, hydrogeology, meteorology, basic geography on biophysical aspects, geomorphology, soils and plant cover for the management and use of the Nation's biophysical resources, especially those that in these aspects, prior to Law 99 of 1993, were being carried out by the Colombian Institute of Hydrology, Meteorology and Land Adaptation -HIMAT-; the Research Institute in Geosciences, Mining and Chemistry -INGEOMINAS-; and the Geography Subdirectorate of the Agustín Codazzi Geographical Institute -IGAC-,

5. Establish and put into operation the national oceanographic, tidal, meteorological and hydrological infrastructures to provide information, predictions, warnings and advisory services to the community.

6. Carry out the follow-up of the biophysical resources of the Nation, especially with regard to their contamination and degradation, necessary for the decision-making of the environmental authorities.

7. Carry out studies and research on natural resources, especially those related to forest resources and soil conservation, and other activities that, prior to Law 99 of 1993, had been carried out by the Forests and Development Sub-Management of the National Institute of Natural Resources and Environment -INDERENA-.

HIMAT had been carrying out prior to Law 99 of 1993.

9. Carry out environmental studies and investigations that allow knowing the effects of socioeconomic development on nature, its processes, the environment and renewable natural resources and propose environmental indicators.

10. Collect, store, process, analyze and disseminate data and collect or produce the information and knowledge necessary to monitor the interaction of social, economic and natural processes and propose technological alternatives, systems and models of sustainable development.

11. Direct and coordinate the Environmental Information System and operate it in collaboration with the scientific entities linked to the Ministry of Environment and Sustainable Development, with the Corporations and other entities of the SINA.

12. Provide the information service in the areas of its competence to users who require it.

(Decree 1277 of 1994, art. 2).

ARTICLE 2.2.8.7.1.3. *Duration.* The duration of the Institute will be indefinite.

(Decree 1277 of 1994, art. 3).

ARTICLE 2.2.8.7.1.4. *Domicile and Jurisdiction.* IDEAM's jurisdiction extends to the entire national territory, its domicile is the city of Bogotá DC, it can establish dependencies in places other than its domicile.

(Decree 1277 of 1994, art. 4).

ARTICLE 2.2.8.7.1.5. *Articulation with the Ministry of Environment and Sustainable Development.* The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM- is a technical and scientific support body of the Ministry of Environment and Sustainable Development, for which within the scope of its competence it will define the studies, investigations, inventories and monitoring and management activities of information that serve the Ministry to:

a) To base decision-making on environmental policy.

b) Provide the bases for the establishment of norms, provisions and regulations for the environmental ordering of the territory, the management, use and exploitation of renewable natural resources.

(Decree 1277 of 1994, art. 5)

ARTICLE 2.2.8.7.1.6. *Annual report.* The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM- will deliver to the Ministry of Environment and Sustainable Development an annual report on the state of the environment and renewable natural resources, as well as recommendations and alternatives for achieving development in harmony with the nature, for the entire national territory. An educational and informative version of wide circulation will be made of this report.

(Decree 1277 of 1994, art. 6).

ARTICLE 2.2.8.7.1.7. *Articulation with corporations.* The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM- in accordance with articles 23 and 31 of Law 99 of 1993, will support the Corporations for the development of their functions related to the ordering, management and use of renewable natural resources in the respective region, for which you must;

a) Advise the Corporations in the implementation and operation of the Environmental Information System, in accordance with the guidelines drawn up by the Ministry of Environment and Sustainable Development.

b) Cooperate with the Corporations in their function of promoting and carrying out scientific research in relation to natural resources and the environment.

c) Transfer to the Corporations the technologies resulting from the research carried out, as well as other technologies available for sustainable development.

d) Maintain information, in collaboration with the Corporations, on the use of non-renewable natural resources.

e) Maintain information on the uses of renewable natural resources, especially water, soil and air, and the factors that contaminate and affect or deteriorate them, in collaboration with the Corporations.

f) Provide the Corporations with information for the establishment of environmental quality standards and norms.

g) Advise the Corporations in the development of programs for the regulation and improvement of the quality of water currents and other bodies of water and in the control of the erosion of hydrographic basins, and in the protection and recovery of the vegetal cover.

(Decree 1277 of 1994, art. 7).

ARTICLE 2.2.8.7.1.8. ***Articulation with the National Environmental System.*** The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM- as a member of the National Environmental System, is responsible for exercising the following functions:

a) Promote and carry out studies and research on the environment and renewable natural resources, jointly with scientific entities linked to the Ministry of Environment and Sustainable Development, with environmental research centers, with public and private universities, as well as with other entities and economic and social sectors that are part of the National Environmental System -SINA-.

b) Advise, in collaboration with the Corporations, the territorial entities and populated centers in matters of research, data collection and information management.

c) Provide scientific and technical information of an environmental nature for the preparation of land use plans.

d) Serve as a liaison and coordination body between the Environmental Information System and the sectoral information systems to comply with Law 99 of 1993.

(Decree 1277 of 1994, art. 8).

ARTICLE 2.2.8.7.1.9. ***Articulation with the National Science and Technology System.*** The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM- will be linked to the National Science and Technology System in order to coordinate actions with the rest of the entities belonging to it. To this end, it will provide technical and scientific support to the Ministry of Environment and Sustainable Development. It will advise the Ministry in the exercise of its functions as Technical Secretary of the National Program Council for Environment and Habitat Sciences and in its relationship with the other Program Councils of the National System of Science and Technology, as well as in the Colombian Commission of Oceanography. . It will propose studies and research to be carried out by other entities and will collaborate in the evaluation, follow-up and control of those deemed pertinent.

In accordance with the guidelines and directives of the Ministry of Environment and Sustainable Development. IDEAM will collaborate in the promotion, creation and coordination of a network of research centers, in the area of its competence, in which the entities that develop research activities participate, promoting the rational use of the scientific capacity available to the IDEAM. country in that field.

(Decree 1277 of 1994, art. 9).

ARTICLE 2.2.8.7.1.10. ***Articulation with the National Disaster Risk Management System.*** The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM- will participate in the National Disaster Risk Management System created by Law 1523 of 2012 and will assume, within the scope of its competence, the functions and tasks of a scientific, technical and of follow-up carried out by HIMAT, IGAC, INDERENA and INGEOMINAS, in accordance with the provisions of article 17 of Law 99 of 1993.

(Decree 1277 of 1994, art. 10 modified by Law 1523 of 2012).

ARTICLE 2.2.8.7.1.11. ***Articulation with International Environmental Systems.*** The Institute of Hydrology, Meteorology and Environmental Studies - IDEAM- will support the Ministry for the definition and development of international environmental policy. In particular, they must carry out studies and scientific research on global change and its effects on the environment of Colombian territory. For this you must;

a) Collaborate in studies on global change and in all those activities established by the Ministry of Environment and Sustainable Development in the development of international environmental policy.

b) Represent Colombia before International Organizations related to the areas of its competence, such as the World Meteorological Organization -WMO-, the Intergovernmental Panel on Climate Change -IPCC- and the Inter-American Institute on Global Change -IAI-, when the Ministry Environment and Sustainable Development delegates it.

c) Participate in all national and international programs that contemplate aspects related to their objectives and especially in the International Hydrological Program -IHP- of UNESCO, the hydrology and meteorology programs of the World Meteorological Organization -WMO-, the of Meteorology of the International Civil Aviation Organization -ICAO-.

d) Support the Ministry of Environment and Sustainable Development for the fulfillment of the commitments and the development of the activities derived from the participation of Colombia in international organizations within the scope of its competence.

(Decree 1277 of 1994, art. 11).

ARTICLE 2.2.8.7.1.12. ***Training and incentives for scientific production.*** The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM-, will support training programs and stimulate the scientific production of researchers linked to it, for which it may:

a) Encourage the participation of its researchers in postgraduate programs in the areas of its competence.

b) Promote the establishment of a system of incentives for the scientific productivity of its researchers, in accordance with the provisions of the law through an annual evaluation of the results of their work; evaluation that will produce a score with salary repercussions, the establishment of technical premiums, bonuses or other incentive mechanisms. For this evaluation, the objectives and goals set and the quality and contribution of the results of the work to the achievement of the purposes of the Institute and the Ministry of Environment and Sustainable Development will be taken into account.

c) Establish mechanisms by means of a plan to guarantee the continuity of research that stands out for its quality and the value of its results, in order to achieve the cumulative effect required by the areas of knowledge and by medium and large solutions. long term.

(Decree 1277 of 1994, art. 12).

ARTICLE 2.2.8.7.1.13. ***Promotion and dissemination of the environmental experience of traditional cultures.*** The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM-, will promote the development and dissemination of knowledge, values and technologies on environmental management and natural resources, of indigenous cultures and other ethnic groups, for which it will promote with the support of the Corporations and Institutes linked to the Ministries;

a) Programs, studies and research with the participation of ethnic groups.

b) Collection programs and recovery of experience and ancestral knowledge on the management of nature and its resources.

c) Dissemination programs and environmental education in support of the various cultural groups in collaboration with ethnic education programs.

(Decree 1277 of 1994, art. 13).

ARTICLE 2.2.8.7.1.14. ***Scientific support from other centers.*** The Institute of Hydrology, Meteorology and Environmental Studies -IDEAM- will facilitate and collaborate to achieve the exchange and mutual support, scientific and technical, of the environmental research centers of the universities and public and private entities and especially of those established in the Law 99 of 1993. To this end, it may associate them in its investigations, as established by Law 99 of 1993, based on the formulation of joint programs and projects; when they are carried out, it will facilitate

the exchange of researchers. In common agreement with the universities, it will favor the development of postgraduate programs in the areas of its competence, will allow the development of undergraduate and postgraduate theses within its research programs and will support the realization of permanent education, extension and training courses.

(Decree 1277 of 1994, art. 14).

ARTICLE 2.2.8.7.1.15. ***Other functions.*** In addition to the functions provided for in this Chapter in development of its object, the IDEAM must also fulfill the following functions:

1. To be the official source of scientific information in the areas of its competence and maximum authority in the areas of hydrology and meteorology.

2. Issue the technical concepts that, due to their thematic specialization, are required by the Ministry of Environment and Sustainable Development and other authorities.

3. Carry out studies and investigations, together with other entities, related to the setting of parameters on polluting emissions, discharges and other factors of deterioration of the environment or renewable natural resources.

4. Conduct research on the use of water, atmospheric, forest and soil resources.

5. Provide the Ministry of Environment and Sustainable Development, the Corporations and territorial entities, with the criteria for classifying and zoning the use of the national territory for the purposes of planning and ordering the territory.

6. Provide, to the extent of its technical capacity, forecast, warning and alert services of a hydrometeorological nature for the National System for Disaster Prevention and Attention, air, maritime, river and land transport, the agricultural, energy, industrial and those who require it.

7. Plan, design, build, operate and maintain networks of stations or hydrological, meteorological, oceanographic, tidal, air and water quality infrastructures or of any other type, necessary for the fulfillment of its objectives.

8. Promote the active participation of the beneficiary communities during the development of their projects, in each of their stages.

9. Carry out, in the area of its competence, the necessary environmental studies to base the policies of the Ministry of Environment and Sustainable Development.

10. Enter into contracts and agreements with natural or legal persons, public or private, national or foreign, including non-profit entities, for the fulfillment of the objectives and functions assigned in the law, in this Chapter and in the complementary regulations.

11. Acquire movable and immovable property necessary for the fulfillment of its objectives and functions.

12. The others assigned by the Ministry of Environment and Sustainable Development in accordance with the law.

(Decree 1277 of 1994, art. 15).

ARTICLE 2.2.8.7.1.16. ***Infrastructure administration.*** IDEAM must design, build, operate, and maintain its meteorological, oceanographic, tide, hydrological, water and air quality infrastructures, or any other type, directly or through third parties under any type of contract, except for delegated administration.

In the event that IDEAM manages or operates its infrastructures through third parties, who may be natural or legal persons, public or private, national or foreign, it will retain ownership of the infrastructures and the information derived from them.

Paragraph 1. IDEAM may design, build, manage and operate meteorological, oceanographic, tidal, hydrological, air or water quality infrastructures or any other type of infrastructure related to

its object that is not its property and may do so directly or through third parties under any type of contract, except for the delegated administration.

Paragraph 2. IDEAM will ensure that those who build, manage or operate infrastructure related to its purpose, execute it in accordance with the regulations issued on this matter. The IDEAM will regulate the construction, design, administration and operation of infrastructures required for the fulfillment of its functions.

(Decree 1277 of 1994, art. 16).

ARTICLE 2.2.8.7.1.17. *Member quality.* The members of the Board of Directors, although they exercise public functions, will not acquire, by that fact alone, the quality of public employees.

(Decree 1277 of 1994, art. 19).

ARTICLE 2.2.8.7.1.18. *Inabilities and incompatibilities of the members of the board of directors and the CEO.* The inabilities and incompatibilities of the members of the Board of Directors and the General Director will be governed by the provisions of the regulations in force.

(Decree 1277 of 1994, art. 20).

ARTICLE 2.2.8.7.1.19. *Board meetings* . The meetings of the Board of Directors will be held in accordance with what is determined by the Institute's statutes, but in any case it must meet at least once every three (3) months.

The General Director of IDEAM will participate in the sessions of the Board of Directors, with the right to speak but without vote. The Board of Directors may invite to its sessions, with the right to speak but without vote, whoever it deems appropriate, when the circumstances so require.

The meetings of the Board of Directors will be recorded in a minute book, authorized with the signatures of the President and the Secretary of the Board of Directors and approved in the subsequent session. Decisions will be made by majority vote of those present and will be called "Agreements", which must bear the signatures of the President and the Secretary of the Board of Directors. Both the Agreements and the Minutes must be numbered successively indicating the day. month and year in which they are issued and will be in the custody of the Secretary of the Board of Directors.

The Board of Directors may meet, deliberate and adopt decisions when at least half plus one of the members that comprise it attend said session.

(Decree 1277 of 1994, art. 22).

ARTICLE 2.2.8.7.1.20. *CEO, appointment and qualities of the CEO.* IDEAM will have a General Director, who will be an agent of the President of the Republic and will be freely appointed and removed, in accordance with article 189 of the National Constitution. The Director General will be the legal representative of the Institute and additionally, its first executive authority, responsible for its operation.

(Decree 1277 of 1994, art. 23).

ARTICLE 2.2.8.7.1.21. *Of the acts and decisions of the Director General.* The acts or decisions taken by the Director General of the Institute, in the exercise of any of the functions assigned by the ministry of law, of this section, the statutes that are adopted or the subsequent agreements of the Board of Directors, will be called "Resolutions" , which will be numbered successively indicating the day, month and year in which they are issued.

(Decree 1277 of 1994, art. 25).

ARTICLE 2.2.8.7.1.22. *Legal regime of contracts.* The Institute's contracts will be awarded and executed by the General Director or by whomever he designates and will be subject to the existing legal and regulatory norms on the matter, especially those of Law 80 of 1993 or norms that regulate, modify or replace it. .

(Decree 1277 of 1994, art. 26).

ARTICLE 2.2.8.7.1.23. ***of the scientific committee.*** The Scientific Committee will be appointed by the Board of Directors at the proposal of the Director General. The Director General will preside over it and it will be made up of staff from the Institute.

The functions of the Scientific Committee are the following:

a) Assist the Director General in the design and execution of the policies, plans and programs of the Institute and support their presentation to the Board of Directors.

b) Assist the Director-General in defining the Institute's information management policies.

c) Propose methodologies, rules, patterns and standards for data collection and processing, analysis and dissemination of information.

d) Ensure the relevance and scientific and technical quality of the Institute's plans and programs.

e) Ensure the follow-up and provision of mechanisms for evaluation and control of activities and report thereon to the Director General.

f) Propose the scientific and technical conditions for the provision of positions in the Institute.

g) The other functions assigned by the Board of Directors and the General Director.

(Decree 1277 of 1994, art. 27).

ARTICLE 2.2.8.7.1.24. ***of the internal organization.*** The internal organization of the Institute will be defined in such a way that the staff is global or semi-global and flexible at the national level and planned by activities, taking into account the rules and guidelines on modernization of the State. The internal organization and the positions will be adopted by the Board of Directors based on a proposal presented by the General Director, for subsequent approval by the National Government in accordance with current legal provisions.

(Decree 1277 of 1994, art. 28).

ARTICLE 2.2.8.7.1.25. ***Heritage and income.*** The assets and income of the Institute will be made up of:

1. The items allocated to it in the National Budget.

2. The goods that you acquire under any title.

3. The archives, installations, laboratories and other assets that, according to article 17 of Law 99 of 1993, must be transferred to the IDEAM, the IGAC, the HÍMAT, the INDERENA and the INGEOMINAS.

4. The INDERENA documentation center, libraries and archives that are pertinent to IDEAM's activity.

5. The product of internal or external loans.

6. Any other income obtained from any other concept.

(Decree 1277 of 1994, art. 29).

ARTICLE 2.2.8.7.1.26. ***Employee classes.*** The positions of IDEAM are of administrative career with the exception of those of free appointment and removal established in accordance with the legal provisions in force on the matter.

(Decree 1277 of 1994, art. 30).

ARTICLE 2.2.8.7.1.27. ***Linking of public employees.*** For appointments to positions of free appointment and removal, the Director General will be the sole nominator.

(Decree 1277 of 1994, art. 31).

ARTICLE 2.2.8.8.7.28. ***Possession of the General Director.*** The Director General of the Institute will be sworn in before the President of the Republic or before the Minister of Environment and Sustainable Development. The other officials and employees of IDEAM will do so before the Director General or the official to whom this function is delegated.

(Decree 1277 of 1994, art. 34).

ARTICLE 2.2.8.8.7.29. ***Of the provision of public hydrology and meteorology services.*** IDEAM, as the official source of scientific information on hydrology and meteorology, will be the entity in charge of providing, directly or indirectly, public information services in these areas; especially the provision of meteorology service for air, sea, land and river transport, information to the media and the National Unit for Disaster Risk Management are included.

PARAGRAPH . IDEAM will attend to the meteorological services required by national and international aviation in accordance with the standards established in agreements with the International Civil Aeronautics Organization -ICAO- and the World Meteorological Organization -WMO-. In particular, it will assume the tasks that, in agreement with the Special Administrative Unit of Civil Aeronautics, formerly the Administrative Department of Civil Aeronautics -DAAC-, was carried out by HIMAT.

(Decree 1277 of 1994, art. 35).

SECTION 2

LINKED INSTITUTES

ARTICLE 2.2.8.7.2.1. ***Legal nature.*** The Biological Resources Research Institutes "Alexander von Humboldf, the Amazonian Research Institute "SINCHI" and the Pacific Environmental Research Institute "John von Neumann" are non-profit Civil Corporations, of a public nature subject to the rules of law private, with administrative autonomy, legal status and independent assets, linked to the Ministry of Environment and Sustainable Development.

(Decree 1603 of 1994, art. 1).

ARTICLE 2.2.8.7.2.2. ***General objective.*** The entities referred to in the previous article, hereinafter "the Institutes" will have the objective of developing scientific and technological research that contributes to the improvement of the well-being of the population, conservation of the quality of the environment and the sustainable use of natural resources, and provide scientific and technical support to the Ministry of Environment and Sustainable Development, for the fulfillment of its functions. For this they must, in the thematic or geographical areas of their competence;

1. Collaborate with the Ministry of Environment and Sustainable Development in accordance with its guidelines and directives in the promotion, creation and coordination of a network of research centers, in which the entities that develop research activities participate.

2. Operate under the direction of IDEAM, the Environmental Information System, in coordination with the Corporations, territorial entities, populated centers and other institutions of the SINA, in accordance with the guidelines established by the Ministry of Environment and Sustainable Development.

3. Issue official information of a scientific nature in the areas of its competence.

4. Issue the technical concepts that, due to their specialization, are required by the Ministry of Environment and Sustainable Development and other authorities.

5. Carry out studies and investigations, as well as the collection, processing, analysis and dissemination of data and information in the areas of its competence.

6. Collaborate with the Ministry, in accordance with the regulations issued on the matter, so that the studies, explorations and investigations carried out by nationals and foreigners, with respect to the environment and renewable natural resources, respect national sovereignty and human rights. of the Colombian nation on its genetic resources.

7. Evaluate new techniques and technologies whose use is intended to be implemented in the country, in terms of their possible environmental impacts.

8. Enter into contracts and agreements with natural or legal persons, public or private, national or foreign, including non-profit entities, for the fulfillment of the objectives and functions assigned in the law, in this chapter and in the complementary regulations. .

9. Promote, develop and execute research projects and transfer of sustainable agricultural technology.

10. The others that the law grants and the statutes establish for the development of its legal objectives.

(Decree 1603 of 1994, art. 2).

ARTICLE 2.2.8.7.2.3. ***Articulation with the Ministry of Environment and Sustainable Development.*** The Institutes, according to their nature, will prioritize studies, investigations, inventories, and information management and follow-up activities, aimed at:

1. Base decision-making on environmental policy.

2. Provide the data and environmental information required by the Ministry of Environment and Sustainable Development and other entities of the National Environmental System -SINA- for the issuance of norms, provisions and regulations for the ordering of the territory, the management, use and exploitation of the environment and renewable natural resources.

PARAGRAPH . The needs and priorities referred to in this article will be reported to the Institutes by the Ministry of Environment and Sustainable Development through their Boards of Directors.

(Decree 1603 of 1994, art. 3).

ARTICLE 2.2.8.7.2.4. ***Annual report.*** The Institutes will deliver to the Ministry of Environment and Sustainable Development an annual report on the state of the environment and renewable natural resources, as well as recommendations and alternatives for achieving development in harmony with nature, in the geographical or thematic areas of their interest. competition. An educational and informative version of wide circulation will be made of this report. This report must be delivered no later than March 30 of each year.

(Decree 1603 of 1994, art. 4).

ARTICLE 2.2.8.7.2.5. ***Articulation with Corporations.*** The Institutes, in compliance with the function of scientific and technical support assigned to them by Law 99 of 1993, must:

1. Advise Corporations for the implementation and operation of the Environmental Information System.

2. Produce information that allows to derive or adopt technologies to be applied and transferred by the Corporations.

3. Transfer to the Corporations, the technologies resulting from the investigations that they carry out, as well as from the adaptations that are achieved based on the developments achieved in other countries or institutions.

4. Cooperate and support the Corporations in their function of promoting and carrying out scientific research in relation to natural resources and the environment.

PARAGRAPH . For all purposes of this chapter, the Regional Autonomous Corporations and the Sustainable Development Corporations referred to in Law 99 of 1993 will be called "Corporations".

(Decree 1603 of 1994, art. 5).

ARTICLE 2.2.8.7.2.6. ***Articulation with the National Environmental System.*** The Institutes are part of SUMA in accordance with numeral 6o. of article 4 of law 99 of 1993, in development of said condition have the following functions:

1. Promote the cooperation of the respective Institute, in the areas of its competence, with the other public and private entities that are part of the National Environmental System and in particular with the Corporations, large urban centers, the departments, municipalities, populated centers and entities. territorial authorities, as well as with the universities, centers and institutes referred to in the law.

2. Advise, in collaboration with the Corporations, the territorial entities and populated centers in matters of research, data collection and information management.

3. Provide scientific and technical information of its competence for the preparation of land use plans.

(Decree 1603 of 1994, art. 6).

ARTICLE 2.2.8.7.2.7. ***Articulation with the National Science and Technology System.*** *The* Institutes will be linked to the National System of Science and Technology, and the Ministry of Environment and Sustainable Development will perform the Technical and Administrative Secretariat of the Council of the National Program of Environment and Habitat Sciences; They will collaborate in the evaluation, follow-up and control of those investigations that the Council deems pertinent.

(Decree 1603 of 1994, art. 7).

ARTICLE 2.2.8.7.2.8. ***Articulation with the National Disaster Risk Management System.*** The Institutes will participate in the National Disaster Risk Management System created by Law 1523 of 2012 and in this area they will assume the functions and tasks of a scientific, technical and monitoring nature that INDERENA and the COA had been carrying out.

(Decree 1603 of 1994, art. 8).

ARTICLE 2.2.8.7.2.9. ***Articulation with the Environmental Information System.*** The Institutes will collaborate in the functioning and operation of the Environmental Information System, for which they must, in the area of their competence:

1. Collaborate with the Institute of Hydrology, Meteorology and Environmental Studies - IDEAM- in the coordination and operation of the Environmental Information System.

2. Contribute to the analysis and dissemination of information and report the necessary information to IDEAM.

3. Collaborate with IDEAM in the design of the models, parameters, indicators, variables, regulations, standards, flows and procedures necessary for the management of data and information on the environment and natural resources carried out by the entities that They are part of the National Environmental System.

4. Establish programs for inventories, collection, processing, analysis and dissemination of the data and information necessary to evaluate and monitor the state of natural resources and the environment.

5. Coordinate programs and activities for the collection, processing and analysis of the information necessary to develop policies and regulations on the population and its quality of life.

6. Collaborate with the Ministry of Environment and Sustainable Development and IDEAM in the establishment of information banks and databases related to renewable natural resources and the environment to contribute to the establishment of National Environmental Accounts.

7. Propose to IDEAM variables and indicators that should be considered in environmental impact studies.

8. Provide the data and information required by the Ministry of Environment and Sustainable Development.

9. Provide the information available to the entities belonging to the National Environmental System -SINA-, to the productive sector and to society.

(Decree 1603 of 1994, art. 9).

ARTICLE 2.2.8.7.2.10. ***Information management.*** The Institutes will manage the environmental scientific data and information corresponding to the area of their specialty and will contribute to its analysis and dissemination, in accordance with the provisions of the provisions that regulate the Environmental Information System.

PARAGRAPH: The Ministry in collaboration with scientific entities will define the nature of environmental scientific information and the ways to access it.

(Decree 1603 of 1994, art. 10).

ARTICLE 2.2.8.7.2.11. ***Articulation of programs and projects.*** The Institutes will coordinate their activities and cooperate among themselves; for this they will participate in the Interinstitutional Scientific Committee created for this purpose. Likewise, the activities and programs of the Institutes of the Ministry must be coordinated with the institutions or research centers of other sectors through the interministerial or intersectoral committees and councils in accordance with the issues of their competence.

(Decree 1603 of 1994, art. 11).

ARTICLE 2.2.8.7.2.12. ***Articulation with International Environmental Systems.*** The Institutes will support the Ministry of Environment and Sustainable Development, through their research, to achieve the development of international environmental policy.

(Decree 1603 of 1994, art. 12).

ARTICLE 2.2.8.7.2.13. ***Training and incentives for scientific production.*** The Institutes will support training programs and stimulate the scientific production of researchers, for which they may:

1. Encourage the participation of its researchers in postgraduate programs in the areas of its competence.

2. Establish a system of incentives for the scientific productivity of its researchers through an annual evaluation of the results of their work, an evaluation that will produce a score with salary repercussions, the establishment of technical premiums, bonuses or other incentive mechanisms.

3. Establish mechanisms to guarantee the continuity of research that stands out for its quality and the value of its results.

(Decree 1603 of 1994, art. 13).

ARTICLE 2.2.8.7.2.14. ***Promotion and dissemination of knowledge of traditional cultures about natural resources.*** The Institutes will promote the development and dissemination of knowledge, values and technologies on the management of natural resources of ethnic groups, for which they may establish:

1. Programs, studies and research jointly with ethnic groups.

2. Documentation centers in collaboration with the Corporations, for the collection and rescue of experience and ancestral knowledge on the management of nature and its resources.

3. Dissemination and environmental education programs in support of the various ethnic groups in collaboration with the ethnic education programs of the Ministry of Education.

4. Programs to protect the rights of traditional cultures over their knowledge.

Concerning environmental education programs will be carried out in coordination with the Ministry of Education.

(Decree 1603 of 1994, art. 14).

ARTICLE 2.2.8.7.2.15. ***From the scientific support of other centers and universities.*** To achieve scientific and technical exchange, and a better use of the research resources available in

the country, the Institutes of the Ministry of Environment and Sustainable Development will facilitate and collaborate with the Research Centers of other Ministries, public and private universities, non-profit organizations government and private centers, based on the formulation of joint programs and projects. A special collaboration will be developed with the Institute of Natural Sciences of the National University of Colombia, with the University of the Amazon, with the Institute of Pacific Studies of the Universidad del Valle, with the Technological University of Chocó "Diego Luis Córdoba" and with the Colombian Corporation for Agricultural Research -CORPOICA-
.

The Institutes, in common agreement with the universities, will favor the development of postgraduate programs in the areas of their competence, will allow the development of graduate and postgraduate theses within their research programs and will support the realization of permanent education courses, extension and training.

(Decree 1603 of 1994, art. 15).

ARTICLE 2.2.8.7.2.16. ***Of the management, administration and advisory bodies.*** The management, administration and advisory bodies of the Institutes, their composition, functions, as well as the provisions for their convening and operation, will be determined in their statutes.

The general directors of the Institutes must accredit distinguished scientific qualities and have administrative experience. The terms of their relationship will be defined in the statutes.

(Decree 1603 of 1994, art. 16).

ARTICLE 2.2.8.7.2.17. ***Functions of the Director General.*** The functions of the General Director are those indicated in the law, in the respective regulations and statutes. In particular, it corresponds to:

1. Submit for the study and approval of the Board of Directors the plans and programs required to achieve the institute's purpose.

2. Direct, coordinate and control the activities of the entity and exercise its legal representation.

3. Comply with and enforce the decisions and agreements of the Board of Directors.

4. Order the expenses, dictate the acts, carry out the operations and celebrate the contracts and agreements that are required for the normal functioning of the entity.

5. Constitute agents or proxies to represent the institution in special, judicial and administrative matters.

6. Manage and ensure the proper use of assets and funds that constitute the heritage.

7. Submit reports to the Minister of Environment and Sustainable Development in the manner determined by the latter, on the status of the execution of the functions that correspond to the Institute and the general and periodic or particular reports that it requests, on the activities carried out and the situation general of the entity.

8. Others established by the statutes.

(Decree 1603 of 1994, art. 17).

SECTION 3

OF THE "ALEXANDER VON HUMBOLDT" BIOLOGICAL RESOURCES RESEARCH INSTITUTE

ARTICLE 2.2.8.7.3.1. ***From the "Alexander von Humboldt" Biological Resources Research Institute.*** The "Alexander von Humboldt" Biological Resources Research Institute created in article 19 of Law 99 of 1993, will be organized as a non-profit Civil Corporation, of a public nature but subject to the rules of private law, linked to the Ministry Environment and Sustainable Development, with administrative autonomy, legal status and its own assets, organized according to the provisions of Law 29 of 1990 and Decree 393 of 1991.

(Decree 1603 of 1994, art. 18).

ARTICLE 2.2.8.7.3.2. *Object of the Biological Resources Research Institute "Alexander von Humboldt".* The "Alexander von Humboldt" Biological Resources Research Institute will have as its specific purpose:

1. Carry out, in the continental territory of the nation, scientific research on the genetic resources of the national flora and fauna, including hydrobiological resources. These investigations will contemplate the collection, conservation, characterization, evaluation, valuation and use of these resources.

2. Raise and form the national inventory of biodiversity, develop a national information system on it, and create genetic banks.

3. Promote the establishment of national macroecosystem research stations in regions not covered by other specialized research entities.

4. Support with technical advice and technology transfer to the Regional Autonomous Corporations, the departments, the districts, the municipalities and other entities in charge of the management of the environment and renewable natural resources,

(Decree 1603 of 1994, art. 19).

ARTICLE 2.2.8.7.3.3. *Functions.* The Research Institute of Biological Resources "Alexander von Humboldt" in development of its object, will carry out the following functions:

1. Obtain, store, analyze, study, process, supply and disseminate basic information on biodiversity, ecosystems, their resources and their processes for the management and use of the nation's renewable natural resources.

2. Monitor the nation's genetic resources, especially with regard to their extinction, contamination, and degradation.

3. Collaborate with the Ministry of Environment and Sustainable Development in accordance with its guidelines and directives, and with the Intersectoral Biodiversity Council, in the promotion, creation and coordination of a network of research centers on Biodiversity. The Institutes of the Ministry of Environment and Sustainable Development and all the institutions of other sectors that are interested in studies on biodiversity may participate in this network.

4. Coordinate the Environmental Information System in aspects related to biodiversity and genetic resources, in accordance with the priorities, standards and directives established by the Ministry of Environment and Sustainable Development.

5. Provide the Ministry of Environment and Sustainable Development, IDEAM and the Corporations with the information they deem necessary.

6. Support the Ministry of Environment and Sustainable Development in coordinating the management of information on the relationships between the economic and social sectors and the processes and resources of biodiversity.

7. Serve, in coordination with IDEAM, as a support body for the Ministry of Environment and Sustainable Development for the establishment of National Environmental Accounts in aspects related to biodiversity.

8. Collaborate with the Ministry of Environment and Sustainable Development, the Corporations and the Large Urban Centers in defining the variables that must be considered in the environmental impact studies of projects, works or activities that may affect biodiversity and genetic resources. .

9. Collaborate in studies on global environmental change and in particular in those that allow analyzing the participation of the processes of loss of biodiversity that occur in the country to this global environmental change, and in all those activities established by the Ministry of Environment and Sustainable Development in development of international environmental policy.

10. Support the Ministry of Environment and Sustainable Development for the fulfillment of the commitments and the development of the activities derived from the participation of Colombia in international organizations in matters of its competence.

11. Promote the development and dissemination of knowledge, values and technologies on the management of natural resources of ethnic groups.

12. Investigate and propose alternative models of sustainable development based on the use of biodiversity. These activities will be carried out in coordination with the Research Corporations of the agricultural sector in the search for alternative technologies and production and use systems that allow progress in the development of sustainable agriculture,

13. Develop coordination activities with other scientific institutes linked to the Ministry of Environment and Sustainable Development and support it and IDEAM in managing information.

14. Produce an annual report on the state of nature and the environment in the areas of its competence.

15. Propose to the Ministry of Environment and Sustainable Development the incorporation, expansion or subtraction of areas of the System of National Natural Parks, Forest Reserves and other Special Management Areas.

16. Access the information on Colombian biotic resources that is deposited in foreign museums and research institutes.

17. Maintain biological collections collected in the development of scientific hunting permits, scientific licenses for flora and those obtained by the Corporations and Research Institutes linked to the Ministry of Environment and Sustainable Development as agreed; as well as those carried out by the Institute. Each of the other institutes may maintain, under common standards, reference collections.

18. Provide a taxonomic identification service as support to other Institutes linked to the Ministry of Environment and Sustainable Development and other SINA entities, including private ones.

19. Assume the functions that INDERENA had been carrying out in the investigation of biotic resources until the enactment of Law 99 of 1993.

20. Others granted by law and established by its statutes for the fulfillment of its legal objectives.

(Decree 1603 of 1994, art. 20).

ARTICLE 2.2.8.7.3.4. ***Home.*** The "Alexander von Humboldt" Biological Resources Research Institute will have its headquarters in the municipality of Villa de Leyva. The Institute will be able to create research stations based on programs that it advances.

(Decree 1603 of 1994, art. 21).

ARTICLE 2.2.8.7.3.5. ***Heritage and income.*** The patrimony and fa rents of the Research Institute of Biological Resources "Alexander von Humboldt" will be integrated by;

1. The items and appropriations allocated to it in the National Budget, which will appear in the chapter corresponding to the environment sector.

2. The archives, information, libraries, documentation centers, installations, laboratories and other related assets that, according to article 19 of Law 99 of 1993, INDERENA had for the development of programs, projects and activities related to research on natural resources. Biotics.

3. The contributions received from the Corporations, including those set by the national government in accordance with article 116 literal f. of Law 99 of 1993.

4. The contributions of the other associates.

5. The product of internal or external loans.

The goods that you acquire under any title.

The other income that you obtain for any other concept.

(Decree 1603 of 1994, art. 22).

ARTICLE 2.2.8.7.3.6. ***Associates of the "Alexander von Humboldt" Biological Resources Research Institute.*** The "Alexander von Humboldt" Biological Resources Research Institute will have as associates:

1. The Nation through the Ministry of Environment and Sustainable Development.

2. The National University of Colombia.

3. Other universities and national and international scientific research centers interested in researching biological resources in Colombian territory.

4. The Regional Autonomous Corporations, with the exception of those that must be associated by disposition of the National Government to the "SINCHI" and "John von Neumann" Institutes.

5. Decentralized entities that, by virtue of their purpose, want to join "Alexander von Humboldt" or are interested in carrying out research work related to matters within its competence.

6. Territorial entities and regional planning bodies that wish to associate.

Public entities and individuals for the purposes and under the conditions indicated in article 3 of Decree 393 of 1991 and in accordance with Law 99 of 1993.

7. National and international non-governmental organizations interested in researching Colombian biological resources.

(Decree 1603 of 1994, art. 23).

SECTION 4

OF THE AMAZON INSTITUTE OF SCIENTIFIC RESEARCH "SINCHI"

ARTICLE 2.2.8.7.4.1. ***The Amazonian Institute of Scientific Research "SINCHI".*** The Amazon Institute of Scientific Research "SINCHI" transformed from the Colombian Corporation for the Amazon, Araracuara -COA-, will be organized as a non-profit civil corporation, of a public nature, subject to the rules of private law, linked to the Ministry of Environment and Sustainable Development, with administrative autonomy, legal status and its own assets, organized under the terms established by Law 29 of 1990 and Decree 393 of 1991.

(Decree 1603 of 1994, art. 24).

ARTICLE 2.2.8.7.4.2. ***Object of the Amazonian Institute of Scientific Research "SINCHI*** **".** The "SINCHI" will have as its specific objective the realization and dissemination of high-level scientific studies and research related to the biological, social and ecological reality of the Amazon region.

(Decree 1603 of 1994, art. 25).

ARTICLE 2.2.8.7.4.3. ***Functions.*** The Amazonian Institute of Scientific Research "SINCHI" in development of its object will fulfill the following functions:

1. Obtain, store, analyze, study, process, supply and disseminate basic information on the biological, social and ecological reality of the Amazon for the management and use of renewable natural resources and the environment of the region.

2. Contribute to stabilizing colonization processes through the study and evaluation of the impact of their intervention on ecosystems and the development of technological alternatives for their use within sustainability criteria.

3. Carry out monitoring of the state of the natural resources of the Amazon, especially with regard to their extinction, contamination and degradation.

4. Collaborate with the Ministry of Environment and Sustainable Development in accordance with its guidelines and directives, and those of the Intersectoral Council for Amazonian Research, in the promotion, creation and coordination of a network of Amazonian research centers. In addition to the Environmental Institutes, all public or private institutions from other sectors that develop research related to Amazonia may participate in this network.

5. Coordinate the Environmental Information System in Amazonian aspects in accordance with the priorities, guidelines and directives established by the Ministry of Environment and Sustainable Development.

6. Provide the Ministry of Environment and Sustainable Development, IDEAM and the Corporations with the information they deem necessary.

7. Support the Ministry of Environment and Sustainable Development in coordinating the management of information on the relationships between the economic and social sectors and the processes and resources of the Amazon.

8. Serve, in coordination with IDEAM, as a support body for the Ministry of Environment and Sustainable Development for the establishment of National Environmental Accounts in aspects related to Amazonian resources and ecosystems.

9. Collaborate with the Ministry of Environment and Sustainable Development, the Corporations and the territorial entities of the region in the definition of variables that must be contemplated in the environmental impact studies of the projects, works or activities that may affect the Amazonian ecosystems.

10. Collaborate in studies on global environmental change and in particular those that allow analyzing the participation of the intervention processes that are carried out in the Colombian Amazon to this global environmental change, and in all those activities established by the Ministry. Environment and Sustainable Development in development of international environmental policy.

11. Collaborate with the Ministry of Agriculture and the National Council for Science and Technology in the promotion, preparation and execution of research projects and transfer of agricultural technology with sustainability criteria.

12. Support the Ministry of Environment and Sustainable Development for the fulfillment of the commitments and the development of the activities derived from the participation of Colombia in international organizations, in the matters of its competence.

13. Promote the development and dissemination of knowledge, values and technologies on the management of natural resources, of the ethnic groups of the Amazon. In this type of research, the use of participatory schemes and action research that favor the participation of communities should be promoted.

14. Investigate the biological and ecological reality of the Amazon and propose alternative models of sustainable development based on the use of its natural resources. These activities will be carried out in coordination with the Research Corporations of the agricultural sector in the search for technologies and alternative production and use systems that allow progress in the development of sustainable agriculture.

15. Develop coordination activities with the other scientific institutes linked to the Ministry of Environment and Sustainable Development and support it and IDEAM in the management of information.

16. Produce an annual report on the state of ecosystems and the environment in the Amazon.

17. Provide technical bases for the environmental management of the Amazonian territory.

18. Collaborate with the National Council of Environment and Habitat Sciences, with the Amazon Science Mission and with the Amazon CORRES in the development of their activities.

19. Advance and promote the inventory of Amazonian fauna and flora, establish the collections, data banks and studies necessary for the development of national policies on biological diversity, in collaboration with the "Alexander von Humboldt Biological Resources Research Institute". ".

20. Others granted by law and bylaws for the fulfillment of its corporate purpose.

(Decree 1603 of 1994, art. 26).

ARTICLE 2.2.8.7.4.4. *Home.* The Amazon Institute for Scientific Research "SINCHI" will have its headquarters in the city of Leticia and a sub-headquarters in the Department of Vaupés. It will be able to establish research stations in other places in the Amazon that will be developed on the basis of programs carried out by the Institute.

(Decree 1603 of 1994, art. 27).

ARTICLE 2.2.8.7.4.5. *Heritage and income.* The assets and income of the Amazon Institute for Scientific Research "SINCHI" will be made up of:

1. The items and appropriations allocated to it in the National Budget, which will appear in the chapter corresponding to the environment sector.

2. The archives, libraries, documentation centers, facilities, laboratories and other movable and immovable property and other related patrimonial rights and obligations that, in accordance with article 20 of Law 99 of 1993, the Colombian Corporation for the Araracuara Amazon had -COA - for the development of the functions, programs, projects and activities that it had been carrying out.

3. The contributions received from the Corporations, including those set by the National Government in accordance with article 116 literal f. of Law 99 of 1993.

4. The contributions of the other associates.

5. The product of internal or external loans.

6. The goods that you acquire under any title.

7. Any other income obtained from any other concept.

(Decree 1603 of 1994, art. 28).

ARTICLE 2.2.8.7.4.6. *Associates of the Amazonian Institute of Scientific Research "SINCHI".* The entities associated with the Amazonian Institute of Scientific Research "SINCHI" will be:

1. The Nation through the Ministry of Environment and Sustainable Development.

2. The National University of Colombia.

3. The University of the Amazon.

4. Other universities and national and international scientific research centers interested in researching the Amazonian environment.

5. The Regional Autonomous Corporations of the area of their jurisdiction.

6. The Colombian Research Corporation -CORPOICA-.

7. The Colombian Agricultural Institute -ICA-.

8. National decentralized entities that, by virtue of their purpose, want to join "SINCHI" or are interested in carrying out research work in the Amazon region.

9. The territorial entities and regional planning organisms that correspond to the jurisdiction of "SINCHI", and that wish to associate with the Institute.

10. Public entities and individuals for the purposes and under the conditions indicated in article 3 of Decree 393 of 1991 and in accordance with Law 99 of 1993.

11. National and international non-governmental organizations interested in researching the Amazon environment.

12. Research and Technological Development Corporations interested in sustainable agriculture.

(Decree 1603 of 1994, art. 29).

SECTION 5

OF THE PACIFIC ENVIRONMENTAL RESEARCH INSTITUTE "JOHN VON NEUMANN

ARTICLE 2.2.8.7.5.1. ***The Pacific Environmental Research Institute "John von Neumann".*** The Pacific Environmental Research Institute "John von Neumann" created in article 19 of Law 99 of 1993, will be organized as a non-profit Civil Corporation, of a public nature but subject to the rules of private law, organized in the terms established by Law 29 of 1990 and Decree 393 of 1991, linked to the Ministry of Environment and Sustainable Development with administrative autonomy, legal personality and its own assets.

(Decree 1603 of 1994, art. 30).

ARTICLE 2.2.8.7.5.2. ***Object of the Pacific Environmental Research Institute "John von Neumann".*** The Pacific Environmental Research Institute "John von Neumann" will have the specific purpose of carrying out and disseminating scientific studies and research related to the biological, social and ecological reality of the Pacific Coast and the Chocó Biogeography.

(Decree 1603 of 1994, art. 31).

ARTICLE 2.2.8.7.5.3. ***Functions.*** The Environmental Research Institute of the Pacific, in development of its purpose, will carry out the following functions:

1. Obtain, store, analyze, study, process, supply and disseminate basic information on the biological, social and ecological reality of the Chocó Biogeográfico for the management and use of renewable natural resources and the environment of the region.

2. Carry out the monitoring of the natural resources of the Biogeographical Chocó, especially with regard to their extinction, contamination and degradation.

3. Collaborate with the Ministry of Environment and Sustainable Development in accordance with its guidelines and directives, and those of the Chocó Biogeographic Intersectoral Research Council, in the promotion, creation and coordination of a network of research centers in this region. In addition to the Institutes of the Ministry of Environment and Sustainable Development, all public or private institutions from other sectors that develop research in relation to Chocó Biogeographic issues may participate in this network.

4. Coordinate the Environmental Information System in aspects related to the Biogeographical Chocó in accordance with the priorities, guidelines and directives established by the Ministry of Environment and Sustainable Development.

5. Provide the Ministry of Environment and Sustainable Development, IDEAM and the Corporations with the information they deem necessary.

6. Support the Ministry of Environment and Sustainable Development in coordinating the management of information on the relationships between the economic and social sectors, and the resources of the Chocó Biogeográfico.

7. Serve, in coordination with IDEAM, as a support body for the Ministry of Environment and Sustainable Development for the establishment of National Environmental Accounts in aspects related to the resources and ecosystems of the Biogeographical Chocó.

8. Collaborate with the Ministry of Environment and Sustainable Development, the Corporations and the territorial entities of the region in the definition of variables that must be contemplated in

the environmental impact studies of the projects, works or activities that may affect the ecosystems of Chocó Biogeographic.

9. Collaborate in studies on global environmental change and in particular those that allow analyzing the participation of the intervention processes that are carried out in the Biogeographical Chocó to this global environmental change, and in all those activities that the Ministry establishes. Environment and Sustainable Development in development of international environmental policy.

10. Collaborate with the Ministry of Agriculture and the National Council for Science and Technology in the preparation and execution of research projects and the transfer of sustainable agricultural technology.

11. Support the Ministry of Environment and Sustainable Development for the fulfillment of the commitments and the development of the activities derived from the participation of Colombia in international organizations, in the matters of its competence.

12. Promote the development and dissemination of knowledge, values and technologies on the management of natural resources of ethnic groups.

13. Investigate the biological and ecological reality and propose alternative models of sustainable development based on the use of the natural resources of the Biogeographical Chocó. These activities will be carried out in coordination with the Research Corporations of the agricultural sector in the search for technologies and alternative production and use systems that allow progress in the development of sustainable agriculture.

14. Develop coordination activities with other scientific institutes linked to the Ministry of Environment and Sustainable Development and support it and IDEAM in managing information.

15. Produce an annual report on the state of nature and the environment in the areas of its competence.

16. Propose criteria for the environmental management of the Chocó Biogeographic territory.

17. Collaborate with the National Council of Environment and Habitat Sciences, and with the respective CORRES in the development of their activities.

18. Collaborate with the "Alexander von Humboldt" Biological Resources Research Institute in preparing an inventory of Colombian fauna and flora.

19. Others granted by law and set by the statutes for the fulfillment of its corporate purpose.

(Decree 1603 of 1994, art. 32).

ARTICLE 2.2.8.7.5.4. *Home.* The Pacific Environmental Research Institute "John von Neumann" will have its headquarters in the city of Quibdó in the department of Chocó: the Institute will be able to establish research stations based on programs that it advances.

(Decree 1603 of 1994, art. 33).

ARTICLE 2.2.8.7.5.5. *Heritage and income.* The assets and income of the "John von Neumann" Pacific Environmental Research Institute will be made up of;

1. The items and appropriations allocated to it in the National Budget, which will appear in the chapter corresponding to the environment sector.

2. The contributions received from corporations, including those set by the National Government in accordance with article 116 literal f. of Law 99 of 1993.

3. The contributions of the other associates.

4. The product of internal or external loans.

5. The goods that you acquire under any title.

6. Other income obtained for any concept,

(Decree 1603 of 1994, art. 34).

ARTICLE 2.2.8.7.5.6. ***Associates of the Pacific Environmental Research Institute "John von Neumann".*** The entities associated with the Pacific Environmental Research Institute "John von Neumann" will be:

1. The Nation through the Ministry of Environment and Sustainable Development.

2. The National University of Colombia.

3. The Technological University of Chocó "Diego Luis Córdoba".

4. The Institute of Pacific Studies of the Universidad del Valle.

5. The University of Antioch.

6. Other universities and national and international scientific research centers interested in researching the Amazonian environment.

7. The Colombian Corporation for Agricultural Research -CORPOICA-.

8. The Regional Autonomous Corporations of the area of their jurisdiction.

9. National decentralized entities that, by virtue of their purpose, want to associate with "John von Neumann" or are interested in carrying out research work in the Chocó region.

10. The territorial entities and the regional planning organisms that correspond to the jurisdiction of "John von Neumann", that want to associate.

11. Public entities and individuals for the purposes and under the conditions indicated in article 3 of Decree 393 of 1991 and in accordance with Law 99 of 1993.

12. National and international non-governmental organizations interested in researching the Chocó Biogeográfico.

13. Research and Technological Development Corporations interested in sustainable agriculture.

(Decree 1603 of 1994, art. 35).

SECTION 6

MARINE AND COASTAL RESEARCH INSTITUTE "JOSE BENITO VIVES DE AÑOREIS - INVEMAR

ARTICLE 2.2.8.7.6.1. ***From the Institute of Marine and Coastal Research "José Benito Vives de Andreis" -INVEMAR-.*** The "José Benito Vives de Andreis" Marine and Coastal Research Institute -INVEMAR- is a non-profit civil corporation, public in nature but subject to the rules of private law, linked to the Ministry of Environment and Sustainable Development with administrative autonomy, legal status and its own assets, organized according to the provisions of Law 29 of 1990, Decree 393 of 1991 and Law 99 of 1993.

(Decree 1276 of 1994, art. 1).

ARTICLE 2.2.8.7.6.2. ***Object of the marine and coastal research institute "José Benito Vives de Andreis" -invernar-.*** The "José Benito Vives de Andreis" Marine and Coastal Research Institute -INVEMAR- will have the following objectives:

a) Give scientific and technical support to the Ministry of Environment and Sustainable Development, for the fulfillment of its functions.

b) Carry out basic and applied research on renewable natural resources, the environment and coastal and oceanic ecosystems, with emphasis on research in those systems with greater diversity and productivity such as coastal lagoons, mangroves, seagrass beds, rocky reefs and coral reefs, upwelling zones and sedimentary bottoms.

c) Issue technical concepts on the conservation and sustainable use of marine resources.

d) Collaborate with the Ministry of Environment and Sustainable Development, in accordance with its guidelines and directives, in the promotion, creation and coordination of a network of marine research centers, in which the entities that develop research activities on the coast participate. and the Colombian seas, promoting the rational use of the scientific capacity available to the country in this field.

e) Comply with the objectives established for the Environmental Research System in the area of its competence.

f) Others granted by law and set by the Ministry of Environment and Sustainable Development.

(Decree (Decree 1276 of 1994, art. 2).

ARTICLE 2.2.8.7.6.3. ***Functions.*** The Institute of Marine and Coastal Research "José Benito Vives de Andreis" -INVEMAR- in development of its object will fulfill the following functions:

1. Obtain, store, analyze, study, process, supply and disseminate basic information on oceanography, marine ecosystems, their resources and their processes for the knowledge, management and use of marine resources.

2. Evaluate the main ecological-fishing parameters of the stocks of exploited species, study the populations of other living marine resources and the possibility of cultivating those that are likely to be.

3. Monitor the Nation's marine resources, especially with regard to their extinction, contamination and degradation, for decision-making by environmental authorities.

4. Carry out studies and investigations, together with other entities, related to setting parameters on polluting emissions, discharges and other factors of environmental deterioration that may affect the marine, coastal and insular environment or its renewable natural resources.

5. Develop coordination activities with the other scientific institutes linked to the Ministry of Environment and Sustainable Development and support IDEAM in managing the information necessary for the establishment of policies, plans, programs and projects, as well as indicators and predictive models on the behavior of nature and its processes.

6. Coordinate the Environmental Information System in coastal marine aspects, in accordance with the priorities, guidelines and directives established by the Ministry of Environment and Sustainable Development and timely provide the information that it, IDEA.M or the Corporations require and the one that is determined as necessary for the community, the institutions and the productive sector.

7. In agreement with IDEAM, establish and operate monitoring infrastructures for physical-chemical and environmental conditions and variables, located at strategic sites to provide information, predictions, warnings and advisory services to the community.

8. In coordination with the "Alexander von Humboldt" Biological Resources Research Institute, advance and promote the inventory of Colombian marine fauna and flora and establish the collections, data banks and studies necessary to strengthen national policies on biodiversity. .

9. Develop activities and support the Ministry of Environment and Sustainable Development in intersectoral coordination for the management of information for the establishment of indicators and predictive models on the relationships between the different economic and social sectors and marine and coastal ecosystems and their processes. and resources.

10. Serve in coordination with IDEAM, as a liaison body of the Ministry of Environment and Sustainable Development for the establishment of National Environmental Accounts in aspects related to marine and coastal resources and ecosystems.

11. Collaborate with the Ministry of Environment and Sustainable Development, the Corporations and the large urban centers, in the definition of the variables that must be contemplated in the environmental impact studies of the projects, works or activities that affect the sea, the coasts and its resources.

12. Collaborate in studies on global change and in all those activities established by the Ministry of Environment and Sustainable Development in the development of international environmental policy.

13. Take the representation of Colombia before international organizations in the areas of its competence, prior delegation of the Ministry of Environment and Sustainable Development. Support the Ministry for the fulfillment of the commitments and the development of the activities derived from the participation of Colombia in international organizations in matters of its competence.

14. Collaborate with the Ministry, in accordance with the regulations issued on the matter, so that the studies, explorations and investigations carried out by nationals and foreigners, with respect to the environment and our renewable natural resources, respect national sovereignty and the rights of the Colombian Nation on its genetic resources, in the area of its competence.

15. Investigate and propose alternative models of sustainable development for the marine and coastal environment.

16. Produce, in accordance with the guidelines established by the Ministry of Environment and Sustainable Development, an annual report on the state of nature and the marine and coastal environment.

17. Provide advice and scientific and technical support to the Ministry, the territorial entities and the Corporations.

18. Collaborate with the Colombian Commission of Oceanography and with the Council of the National Program of Science and Technology of the Sea in the development of their activities.

19. Coordinate with INGEOMINAS the provision of geological information and especially that corresponding to the National Hydrogeological Data Bank.

20. Evaluate new techniques and technologies whose use is intended to be implemented in the country, in terms of their possible environmental impacts.

21. Enter into contracts and agreements with natural or legal persons, public or private, national or foreign, including non-profit entities, for the fulfillment of the objectives and functions assigned in the law, in this Chapter and in the complementary regulations. .

22. The others that for the development of its object are established by the statutes.

(Decree 1276 of 1994, art. 3).

ARTICLE 2.2.8.7.6.4. *Home.* INVEMAR will have its headquarters in the city of Santa Marta and will establish a headquarters in Coveñas, Department of Sucre and another in the city of Buenaventura, Department of Valle, on the Pacific Coast; These venues will be developed on the basis of programs carried out by the Institute.

(Decree 1276 1603 of 1994, art. 4).

ARTICLE 2.2.8.7.6.5. *Articulation with the Ministry of Environment and Sustainable Development.* INVEMAR will give priority to studies, investigations, inventories and monitoring and information management activities, in accordance with its purpose, aimed at:

a) To base the decision-making of policies by the Ministry.

b) Provide the technical bases for the establishment of norms, dispositions and regulations for land use planning, management, use and exploitation of the environment and renewable natural resources.

PARAGRAPH. The needs and priorities referred to in this article will be reported to INVEMAR by the Minister of Environment, Sustainable Development, through the Board of Directors.

(Decree 1276 of 1994, art. 5).

ARTICLE 2.2.8.7.6.6. *Annual report.* INVEMAR will deliver to the Ministry of Environment and Sustainable Development an annual balance on the state of the environment and renewable natural resources, as well as alternative recommendations for the achievement of development in harmony with nature, in the geographical or thematic areas of its competence. . An educational and informative version of wide circulation will be made of this report.

(Decree 1276 of 1994, art. 6).

ARTICLE 2.2.8.7.6.7. *Articulation with corporations.* INVEMAR, in compliance with the function of scientific and technical support assigned to it by Law 99 of 1993, must, in accordance with its purpose;

a) Provide scientific knowledge and technical capacity for the implementation and operation of the Environmental Information System in Corporations.

b) Produce knowledge that allows to derive or adapt technologies to be applied and transferred by the Corporations.

c) Transfer to the Corporations, the technologies resulting from the investigations carried out, as well as the adaptations that are achieved based on the developments established in other countries or institutions.

d) Cooperate and support the Corporations in their function of promoting and carrying out scientific research in relation to natural resources and the environment.

Paragraph. For all purposes of this Chapter, the Regional Autonomous Corporations and the Sustainable Development Corporations referred to in Law 99 of 1993 will be called Corporations.

(Decree 1276 of 1994, art. 7).

ARTICLE 2.2.8.7.6.8. *Articulation with the National Environmental System.* INVEMAR is part of the SINA in accordance with numeral 6 of article 4 of Law 99 of 1993 and in development of said condition its functions are;

a) Promote cooperation with other public and private entities that are part of the National Environmental System and in particular with Corporations, large urban centers, departments, municipalities, populated centers and territorial entities: as well as with universities, centers and institutes to which the law refers.

b) Advise the territorial entities and populated centers in matters of research, data collection and information management in collaboration with the Corporations.

c) Provide scientific and technical information of its competence for the preparation of land use plans.

(Decree 1276 of 1994, art. 8).

ARTICLE 2.2.8.7.6.9. *Articulation with the National Science and Technology System.* INVEMAR will be linked to the National Science and Technology System in order to coordinate actions with the rest of the entities belonging to it. To this end, it will support the Ministry of Environment and Sustainable Development in the Technical and Administrative Secretariat of the Council of the National Program for Environmental and Habitat Sciences, will propose studies and research to be carried out by other entities and will collaborate in the evaluation, monitoring and control of those that the Council deems pertinent.

((Decree 1276 of 1994, art. 9).

ARTICLE 2.2.8.7.6.10. *Articulation with the National Disaster Risk Management System.* INVEMAR will participate in the National System for Disaster Risk Management created by Law 1523 of 2012 and within the scope of its competence it will assume the functions and tasks of a scientific, technical and monitoring nature that the entities that disappear or are transformed with Law 99 of 1993.

((Decree 1276 of 1994, art. 10).

ARTICLE 2.2.8.7.6.11. ***Articulation with the Environmental Information System.*** INVEMAR will collaborate in the functioning and operation of the Environmental Information System, for which it must, in the area of its competence:

a) Collaborate with the Institute of Hydrology, Meteorology and Environmental Studies - IDEAM- in the coordination and operation of the Environmental Information System, contribute to the analysis and dissemination of information and report the necessary information to IDEAM.

b) Collaborate with IDEAM in the design of the models, parameters, indicators, variables, regulations, standards, flows and procedures necessary for the management of data and information on the environment and natural resources carried out by the entities that They are part of the National Environmental System.

c) Establish programs for inventories, collection, processing, analysis and dissemination of data and information corresponding to the variables that are defined as necessary to have an evaluation and follow-up on the state of natural resources and the environment.

d) Coordinate programs and activities for the collection, processing and analysis of sectoral information in those aspects that are considered basic for the establishment of policies, standards or provisions that regulate the population, its quality of life or sustainable development.

e) Collaborate with the Ministry of Environment and Sustainable Development and IDEAM in the establishment of information banks and databases related to renewable natural resources and the environment, based on information from the National Environmental System and others. social and productive sectors, to contribute to the establishment of the National Environmental Accounts.

f) Collaborate with IDEAM in the proposal of variables that should be considered in environmental impact studies, in such a way that the collection of information is normalized, when it is required and the analysis, evaluation and processing of the same is facilitated.

g) Provide the data and information required by the Ministry of Environment and Sustainable Development

h) Provide the information available to the entities belonging to the National Environmental System -SINA-, to the productive sector and to society. The Ministry, in collaboration with scientific entities, will define the nature of the information and the ways to access it.

((Decree 1276 of 1994, art. 11).

ARTICLE 2.2.8.7.6.12. ***Environmental Information Management*** **.** INVEMAR will manage the data and environmental information corresponding to the area of its specialty and will contribute to its analysis and dissemination, in accordance with the provisions of the provisions that regulate the Environmental Information System.

((Decree 1276 of 1994, art. 12).

ARTICLE 2.2.8.7.6.13. ***Coordination of programs and projects between scientific entities linked to the Ministry of Environment and Sustainable Development.*** INVEMAR will coordinate activities and cooperate with the other scientific entities linked to the Ministry of Environment and Sustainable Development in such a way that, in the strategic programs and projects that they carry out, in which activities corresponding to a function or attribution that corresponds to another entity are carried out , necessarily count on it; for this, it will participate in the Interinstitutional Scientific Committee created for this purpose.

((Decree 1276 of 1994, art. 13).

ARTICLE 2.2.8.7.6.14. ***Articulation with international environmental systems.*** INVEMAR will support the Ministry of Environment and Sustainable Development to achieve the development of international environmental policy. Especially, it must carry out studies and scientific research to understand nature and its processes, in order to establish criteria and propose models that allow the study of global change and to know the particular alterations of the environment in the Colombian territory, in accordance with its objective.

(Decree 1276 of 1994, art. 14).

ARTICLE 2.2.8.7.6.15. ***Training and incentives for scientific production*** **.** INVEMAR will support training programs and stimulate the scientific production of researchers, for which it may:

a) Encourage the participation of its researchers in postgraduate programs in the areas of its competence.

b) Establish a system of incentives for the scientific productivity of its researchers through an annual evaluation of the results of their work, an evaluation that will produce a score with salary repercussions, the establishment of technical premiums, bonuses or other incentive mechanisms. For this evaluation, the objectives and goals set and the quality and contribution of the results of the work to the achievement of the purposes of the Institute and the Ministry of Environment and Sustainable Development will be taken into account.

c) Establish mechanisms to guarantee the continuity of research that stands out for its quality and the value of its results, in order to achieve the cumulative effect required by the areas of knowledge and by medium and long-term solutions.

(Decree 1276 of 1994, art. 15).

ARTICLE 2.2.8.7.6.16. ***Promotion and dissemination of the environmental experience of traditional cultures.*** *INVEMAR* will promote the development and dissemination of knowledge, values and technologies on environmental management and natural resources, of indigenous cultures and other ethnic groups, for which, in accordance with its purpose, it may establish:

a) Programs, studies and research in conjunction with traditional cultural groups.

b) Documentation centers in collaboration with the Corporations, for the collection and recovery of experience and ancestral knowledge on the management of nature and its resources.

c) Outreach and environmental education programs in support of the various ethnic groups, in collaboration with ethnic education programs.

d) Programs for the protection of the rights of traditional cultures over their knowledge, in terms of their use in accordance with the International Agreements signed by Colombia on biodiversity.

(Decree 1276 of 1994, art. 16).

ARTICLE 2.2.8.7.6.17. ***From the scientific support of other centers and universities.*** To achieve scientific and technical exchange, INVEMAR will collaborate with the environmental research centers of public and private universities, and especially with the Institute of Natural Sciences of the National University of Colombia, with the University of the Amazon, with the Institute of Pacific Studies of the Universidad del Valle and with the Technological University of Chocó "Diego Luis Córdoba". For this, it will associate them in their research as established by Law 99 of 1993 on the basis of the formulation of joint programs and projects, facilitating the exchange of researchers. These programs and projects may be submitted for consideration to the Committees of the Ministry, the Institutes or the Council of the National Program for Environment and Habitat Sciences.

INVEMAR, in common agreement with the universities, will provide the development of postgraduate programs in the areas of its competence, will allow the development of undergraduate and postgraduate theses within its research programs and will support the realization of permanent education, extension and training courses. .

(Decree 1276 of 1994, art. 17).

ARTICLE 2.2.8.7.6.18 ***. Of the management, administration and advisory bodies.*** The management, administration and advisory bodies of INVEMAR, their composition, functions, provisions for their convening and operation will be determined in their statutes.

The Director of INVEMAR must accredit distinguished scientific qualities and have administrative experience. The appointment will be made for a period of three years, counted from January 1995,

being re-elected and removable by the Board of Directors in the manner established by the statutes.

(Decree 1276 of 1994, art. 18).

ARTICLE 2.2.8.7.6.19. ***Functions of the CEO.*** The functions of the Director are those indicated in the law, in the respective regulations and statutes. In particular it corresponds to him;

1. Submit for the study and approval of the Board of Directors the plans and programs that are required to achieve the purpose of the Institute.

2. Direct, coordinate and control the activities of the entity and exercise its legal representation.

3. Comply with and enforce the decisions and agreements of the Board of Directors.

6. Order the expenses, dictate the acts, carry out the operations and enter into the contracts and agreements that are required for the normal functioning of the entity.

7. Constitute agents or proxies to represent the institution in special, judicial and administrative matters.

8. Delegate the exercise of some functions to officials of the entity.

9. Appoint and remove the staff of the institution

10. Manage and ensure the proper use of assets and funds that constitute the heritage of the institution.

11. Submit reports to the Minister of Environment and Sustainable Development, in the manner determined by the latter, on the status of the execution of the functions that correspond to the Institute and the general and periodic or particular reports that it requests, on the activities carried out and the general situation of the entity.

12. The others that the statutes indicate.

(Decree 1276 of 1994, art. 19).

ARTICLE 2.2.8.7.6.20. ***The Scientific Committee.*** INVEMAR will have a Scientific Committee in charge of ensuring the relevance and scientific and technical quality of the Institute's plans and programs and the coherence of these activities with the needs of the Ministry of Environment and Sustainable Development and other entities of the National Environmental System, of the Environmental Research System and Environmental Information System. The constitution of the Scientific Committee must be established in the corresponding statutes.

(Decree 1276 of 1994, art. 20).

ARTICLE 2.2.8.7.6.21. ***Heritage and income.*** The assets and income of INVEMAR will be made up of:

1. The items and appropriations allocated to it in the national budget, which will appear in the chapter corresponding to the environment sector.

2. The archives, libraries, documentation centers, facilities, laboratories and other related assets that, according to article 18 of Law 99 of 1993, the "José Benito Vives de Andreís" Marine Research Institute of Punta de Betín -INVEMAR- had. .

3. The contributions received from the Corporations, including those set by the National Government in accordance with paragraph 2 of article 18 of Law 99 of 1993,

4. The contributions of the other associates.

5. The product of internal or external loans.

6. The goods that you acquire under any title.

7. Any other income obtained from any other concept.

(Decree 1276 of 1994, art. 21).

ARTICLE 2.2.8.7.6.22. ***Associates of the Institute of Marine and Coastal Research "José Benito Vives de Andreis" -INVEMAR-.*** The "José Benito Vives de Andreis" Marine and Coastal Research Institute -INVEMAR-, may associate public and private entities, corporations and private non-profit foundations and national and international non-governmental organizations, as well as the Corporations that have jurisdiction on coastlines and insular areas.

(Decree 1276 of 1994, art. 22).

CHAPTER 8

PLANNING INSTRUMENTS FOR RESEARCH INSTITUTES LINKED TO AND ASSIGNED TO THE MINISTRY OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

SECTION 1

ARTICLE 2.2.8.8.1.1. ***Of the planning of research and information in the institutions of the national environmental system.*** This planning is understood as the organized and systematic exercise of strategies, programs, research lines and institutional resources, oriented to the production of environmental knowledge and the production of information necessary for the management of all the institutions that make up the National Environmental System, SINA .

PARAGRAPH. For the purposes of this chapter, when reference is made to the Research Institutes of the SINA, it will be understood that they are the entities that provide scientific and technical support to the Ministry according to the postulates of Title V of Law 99 of 1993.

(Decree 2370 of 2009, art. 1).

ARTICLE 2.2.8.8.1.2. ***Beginning.*** The planning process for research and information in the SINA will be governed by the following principles;

1. ***Strategic vision.*** To ensure that environmental research constitutes support for the formulation of policies and the management of the institutions that make up the SINA, planning must be projected into the future and maintain an adequate relationship between the short, medium and long term.

2. ***Concordance and articulation between the different State Planning instruments.*** The planning of environmental research will be in harmony with the National Environmental Research Policy, the National Development Plan and other policies, plans and programs formulated by the Ministry of Environment and Sustainable Development.

3. ***Interinstitutional and interdisciplinary coordination, social participation and knowledge dialogue.*** The planning that is developed will take into account the international, national, regional, social, institutional and cultural environment, in order to comply with the character of comprehensiveness and holistic vision of environmental research.

4. ***Transversality.*** Knowledge and information on environmental issues and variables are basic and necessary components in all policies and planning instruments at the national, regional, and local levels and apply to both public and private sectors.

5. ***Ecosystem Approach:*** Research and information for the SINA will be oriented based on the ecosystem approach adopted by the Conferences of the Parties to the Convention on Biological Diversity, which considers the functioning of ecosystems as complete entities and need to be managed as such and not in parts.

(Decree 2370 of 2009, art. 2).

ARTICLE 2.2.8.8.1.3. ***Environmental research planning instruments.*** For the development of Planning in the long and medium term, the research institutes of the National Environmental System, SINA, will have the following instruments: The National Strategic Plan for Environmental Research and the Four-Year Institutional Research Plan for each institute.

(Decree 2370 of 2009, art. 3).

ARTICLE 2.2.8.8.1.4. ***National strategic plan for environmental research.*** The National Strategic Plan for Environmental Research will be the fundamental long-term planning instrument, which guides and focuses, for a term of 10 years, the activity of environmental research in the SINA. The Plan will be formulated by the Ministry of Environment and Sustainable Development in coordination with the SINA research institutes.

(Decree 2370 of 2009, art. 4).

ARTICLE 2.2.8.8.1.5. ***Joint.*** The formulation of the National Strategic Plan for Environmental Research will be done in coordination with the environmental planning instruments provided for the environmental authorities. Likewise, it will be articulated with the policies of the National Science and Technology System and the other national research plans and programs.

(Decree 2370 of 2009, art. 5).

ARTICLE 2.2.8.8.1.6. ***Components*** **. The** National Strategic Plan for Environmental Research will contain the following components:

1. ***Conceptual framework.*** This is the scientific development model that will be taken as a reference to advance in the achievement of the objectives of the Plan.

2. ***Diagnosis of environmental research and information needs.*** It is built based on the research and information needs derived from the national environmental policy.

3. ***Strategic Environmental Research Programs:*** They constitute the necessary framework to guide environmental research in such a way that it contributes to the achievement of national objectives.

4. ***Research lines.*** They are the axes that structure the research activity that allow its integration and continuity in the different programs, based on the results obtained in the successive basic or applied research projects and respond to a specific demand for knowledge for the solution of environmental problems. .

5. ***Monitoring and evaluation mechanisms.*** They are the instruments to evidence the progress and impact of the results of the implementation of strategic Environmental Research programs. The monitoring and evaluation system will be articulated with those that have been developed for this purpose in the environmental authorities.

(Decree 2370 of 2009, art. 6).

ARTICLE 2.2.8.8.1.7. ***Four-year institutional plan for environmental research*** **.** It is the planning instrument of the SINA Research Institutes, in which the institutional commitment to achieve the objectives and goals set forth in the National Strategic Plan for Environmental Research is specified. It defines the actions and investments that will be advanced in years.

Each of the Research Institutes of the SINA will formulate, based on the directives and guidelines of the National Strategic Plan for Environmental Research, its Four-Year Institutional Research Plan, considering for this, the commitments of the National Development Plan, the Action Plans of the Authorities Environmental and the regional or thematic priorities of each institute.

The Director General will present the Four-Year Institutional Research Plan for approval, within the following four (4) months, counted from January 1, 2011, before the Board or Board of Directors, who will have a term of one (1) month for its approval.

(Decree 2370 of 2009, art. 7).

ARTICLE 2.2.8.8.1.8. ***Components of the four-year institutional plan for environmental research.*** This Plan must contain at least the following components:

1. ***General framework.*** It will contain a summary of the guidelines that have been defined in the National Strategic Plan for Environmental Research, those of the National Development Plan and the policy priorities defined by the Ministry of Environment and Sustainable Development.

2. ***Specific diagnosis of environmental research and information needs.*** This diagnosis will be structured based on the framework diagnosis defined in the National Strategic Plan for Environmental Research, presenting in detail what is pertinent to the area of management of each institute. Likewise, it must show the advances of the previous Quadrennial Institutional Plan for Environmental Research, based on a balance of the same.

3. ***Research programs*** . They constitute the management framework for the development of the lines of research.

4. ***Research lines.*** They are the axes that structure the research activity, which allow its integration and continuity in the different programs, based on the results obtained in the successive basic applied research projects and respond to a specific demand for knowledge for the solution of environmental problems. .

5. ***Financial plan.*** It must contain the financing strategy that indicates the sources and mechanisms for articulating resources. Likewise, it will specify for each one of the years of the Plan, the projection of income by sources and operating and investment expenses, for each one of the programs and lines of research.

6. ***Monitoring and evaluation instruments.*** The Plan will make explicit the mechanisms with which the monitoring and evaluation will be carried out, in accordance with the provisions of article 2.2.8.8.1.11 of this chapter. This component will be articulated with the evaluation and follow-up instruments of the National Strategic Plan for Environmental Research.

(Decree 2370 of 2009, art. 8).

ARTICLE 2.2.8.8.1.9. ***Annual programming.*** For short-term planning, the Environmental Research Institutes will define the Annual Action Plan that will serve as the basis for preparing the Annual Budget of Income, Expenses and Investments. This will preserve the planning structure and will express the annual advances of the Four-Year Institutional Plan for Environmental Research.

(Decree 2370 of 2009, art. 9).

ARTICLE 2.2.8.8.1.10. ***Of monitoring and evaluation.*** The purpose of monitoring and evaluating the Four-Year Institutional Plan for Environmental Research is to establish the level of compliance with it and, therefore, it will be the framework for evaluating the performance of Research Institutes in the short and medium term and their contribution to policy. current environment.

Paragraph. The programs and lines of environmental research that are proposed for the development of the National Strategic Plan for Environmental Research and the Four-Year Institutional Plan for Environmental Research of each Institute, must define the goals and applicable indicators for monitoring and evaluation and maintain a relationship and articulation between Yes.

The Ministry of Environment and Sustainable Development will implement, in coordination with the SINA Environmental Research Institutes, a monitoring and evaluation system for the National Strategic Plan for Environmental Research and the Four-Year Institutional Plan for Environmental Research, which will make it possible to demonstrate the contribution to the production of knowledge and information, as a basis for the formulation, evaluation or adjustment of environmental policies.

(Decree 2370 of 2009, art. 10).

ARTICLE 2.2.8.8.1.11. ***Reports.*** The Director will present a comprehensive annual report that accounts for the progress in the execution of the programs of the Four-Year Institutional Research Plan, before the Board or Board of Directors of the Institute. This same report must be sent to the Ministry of Environment and Sustainable Development.

(Decree 2370 of 2009, art. 11).

CHAPTER 9

ENVIRONMENTAL INFORMATION SYSTEM AND ENVIRONMENTAL RESEARCH

SECTION 1

OF THE ENVIRONMENTAL INFORMATION SYSTEM

ARTICLE 2.2.8.9.1.1. ***From the Environmental Information System.*** The Environmental Information System includes data, databases, statistics, information, systems, models, documentary and bibliographic information, collections, and regulations and protocols that regulate the collection, management of information, and its interactions. The Environmental Information System will be supported by the National Environmental System. The operation and central coordination of the information will be in charge of the Environmental Research Institutes in the thematic areas of their competence, which will act in collaboration with the Corporations, which in turn will implement and operate the Environmental Information System in the area of their responsibility. jurisdiction in coordination with the territorial entities and populated centers not specifically mentioned in the law.

(Decree 1600 of 1994, art. 1).

ARTICLE 2.2.8.9.1.2. ***Management and Coordination of the Environmental Information System*** **.** The Institute of Hydrology, Meteorology and Environmental Studies (IDEAM) will direct and coordinate the Environmental Information System. The management and coordination activities imply;

1. Carry out studies and research leading to define criteria and propose models and variables to study global environmental change and learn about the particular alterations of the environment in Colombian territory.

2. Establish and promote inventory, collection, storage, analysis and dissemination programs for the information and variables that are defined as necessary to have an evaluation and follow-up on the state of renewable natural resources and the environment.

3. Propose to the Ministry of Environment and Sustainable Development protocols, methodologies, norms and standards for data collection, processing, transmission, analysis and dissemination of information on the environment and natural resources carried out by Environmental Research Institutes, Corporations and other entities that are part of the National Environmental System.

4. Guarantee the availability and quality of the environmental information required to achieve the country's sustainable development and provide the data and information required by the Ministry of Environment and Sustainable Development.

5. Provide the information available to the entities belonging to the National Environmental System (SINA), to the productive sector and to society. The Ministry, in collaboration with scientific entities, will define the nature of the information and the ways to access it.

6. In common agreement with the DAÑE, the Ministries and public and private institutions that handle sectoral information, coordinate programs and activities to acquire, process and analyze the information to develop policies and regulations on the population and its quality of life.

7. Implement for the Ministry of Environment and Sustainable Development access to the information banks and databases necessary for the development of policy, environmental regulations and the National Environmental Accounts.

8. Establish and update a national database on the supply and quality of renewable natural resources. The national environmental data and information bank will be established in coordination with the Corporations, the Environmental Research Institutes and other SINA entities.

9. Collaborate with the Ministry of Environment and Sustainable Development, Corporations and urban centers in the definition of variables and indicators and in the establishment of terms of reference for environmental impact studies.

10. Keep records on the activities of exploitation and use of non-renewable natural resources in coordination with the government entities related to these resources.

11. Keep records of discharges, emissions and other factors that affect water, soil, air, climate and biodiversity, in coordination with the Corporations, urban environmental control entities and research institutions related to resources. mentioned,

12. Coordinate the system of libraries and documentation centers and other forms of information gathering of the SINA.

13. Coordinate with Ingeominas the provision of geological information and especially that corresponding to the National Hydrogeological Data Bank.

14. Coordinate with the IGAC the establishment of standards and methodologies for obtaining the required agrological information.

15. Provide basic information services to users and develop outreach programs.

Paragraph. The Ministry of Environment and Sustainable Development will have free access to all the information in the Environmental Information System; all other users will pay the costs of the service in accordance with the regulations issued on the subject.

(Decree 1600 of 1994, art. 2).

ARTICLE 2.2.8.9.1.3. ***The nature of environmental information.*** Pursuant to Articles 11 and 23 of Decree-Law 2811 of 1974, information regarding environmental quality and the supply and status of renewable natural resources is declared to be of public utility. Consequently, the owners, concession users, tenants and holders of permits for the use of renewable natural resources and environmental elements are obliged to collect and provide such information at IDEAM's request at no cost. Natural or legal persons, public or private, national or foreign, who possess or process information related to environmental quality and the supply and status of natural resources, must deliver it to IDEAM for the purposes that it considers in the terms established by the law.

(Decree 1600 of 1994, art. 3).

ARTICLE 2.2.8.9.1.4. ***Management of Environmental Information*** . The Institute of Hydrology, Meteorology and Environmental Studies (IDEAM) will collect, store, process, analyze and disseminate the data and information corresponding to the national territory and will contribute to its analysis and dissemination. IDEAM will systematically provide, as a priority, the information required by the Ministry of Environment and Sustainable Development for decision-making and the formulation of policies and regulations. The information must be handled by the various entities of the SINA with comparable criteria and universal quality standards. The information to be handled must be defined according to its strategic importance for the formulation of policies, regulations and decision-making. Entities belonging to the National Environmental System will report the necessary information to IDEAM.

The IDEAM and the other Environmental Research Institutes will support and contribute to the implementation and operation of the Environmental Information System throughout the national territory and especially in the Corporations, in accordance with article 31, numerals 7, 22 and 24 and the large urban centers in accordance with article 66 of Law 99 of 1993.

(Decree 1600 of 1994, art. 4).

ARTICLE 2.2.8.9.1.5. ***Laboratory services to support Environmental Management and Information.*** For purposes of standardization and analytical intercalibration of the laboratories that produce information of a physical, chemical and biotic nature, a network of laboratories will be established to support environmental management. Public or private sector laboratories that produce data and physical, chemical and biotic information may belong to it.

Paragraph 1. The laboratories of the network will be subject to an analytical accreditation and intercalibration system, which will validate their methodology and reliability through reference systems established by IDEAM. For this, standards and procedures specified in manuals and instructions will be produced. The laboratories will be intercalibrated in accordance with international networks, with which agreements and protocols will be established for this purpose.

Paragraph 2. Laboratories that produce quantitative physical, chemical, and biotic information for environmental studies or analyzes required by the competent environmental authorities, and others that produce official information related to the quality of the environment and renewable natural resources. , they must have the corresponding accreditation certificate issued by IDEAM's national public reference laboratories, with which they will be registered in the network.

Paragraph 3. IDEAM will coordinate the official reference laboratories that it deems necessary to comply with the provisions of this article,

(Decree 1600 of 1994, art. 5).

ARTICLE 2.2.8.9.1.6. ***Of the collections to support environmental management and information.*** For the purposes of standardizing collections, samples, biological specimens and those of any kind that serve as the basis for studies on nature, renewable natural resources and the environment, a network will be created. All public or private institutions that produce information or studies based on this type of collection may belong to it.

Paragraph 1. The institutions belonging to this network must comply with standards for collection and handling of samples, specimens and information, which will be set by the Ministry of Environment and Sustainable Development, based on proposals prepared by the Research Institute of Biological Resources "Alexander von Humboldt".

Paragraph 2. Specimens or unique specimens must remain in Colombia, in institutions belonging to the network; They may only temporarily leave the country in those cases provided for in the regulations issued on the matter by the Ministry of Environment and Sustainable Development. Duplicates of all collections must be deposited at the "Alexander von Humboldt" Biological Resources Research Institute. If any of the institutions in the network cannot keep the collections, they may delegate their care to another.

Paragraph 3. The institutions belonging to the network will be organized in such a way as to ensure the maintenance and security of the collections, the flow of information and access to them, as well as the provision of services between them, all of which will be defined in the regulations issued on the matter by the Ministry of Environment and Sustainable Development.

(Decree 1600 of 1994, art. 6).

ARTICLE 2.2.8.9.1.7. The Ideam will publish and update, permanently on its website, the information of the accredited environmental laboratories and in the process of accreditation, for the information of the competent environmental authorities and other interested persons.

Said information must include at least the following data; laboratory name; city, address, phone and email; validity of the accreditation; natural resources in which you are accredited (water, air or soil); and accredited parameters with their respective analysis methods.

(Decree 2570 of 2006, art. 2).

SECTION 2

OF THE NATIONAL ENVIRONMENTAL INVESTIGATION SYSTEM

ARTICLE 2.2.8.9.2.1. ***From the National Environmental Research System.*** It is the set of guidelines, standards, activities, resources, programs, instances, public, private or mixed institutions, groups or individuals, who carry out scientific research and technological development activities in the environmental field, referred to in numeral 6 of article 41 of Law 99 of 1993 and which, therefore, constitutes a subsystem of the SINA.

(Decree 1600 of 1994, art. 7).

ARTICLE 2.2.8.9.2.2. ***Main objective the National Environmental Research System*** **.** According to the nature and competencies of the entities that comprise it, its main objective will be to provide scientific and technical support to the Ministry of Environment and Sustainable Development, the National Environmental System (SINA), the National Government, and society in general; for this you must:

1. Carry out, promote and coordinate studies and investigations for the knowledge of the nature of its resources and processes.

2. Carry out, promote and coordinate studies and research in order to know, evaluate and assess the social and economic processes that affect nature, the environment and renewable natural resources.

3. Produce the knowledge, and develop and adapt the necessary technologies to preserve the quality of the environment and take advantage of natural resources in terms of Sustainable Development.

4. Provide the knowledge and environmental information required by the Ministry of Environment and Sustainable Development, the National Environmental System (SINA), the National Government, the productive sector and society.

(Decree 1600 of 1994, art. 8).

ARTICLE 2.2.8.9.2.3. ***Management and Coordination of the Environmental Research System.*** The Ministry of Environment and Sustainable Development will be the director and coordinator of the planning process and harmonic execution of the activities of the Environmental Research System, in accordance with article 51 of Law 99 of 1993. For this, it will be supported by the Associated Scientific Entities and Linked to the Ministry of Environment and Sustainable Development, and in the Scientific Committees of the Ministry, in the Interministerial or Intersectoral Councils and Committees that, under the coordination of the Ministry, are created to define policies and coordinate activities on topics and matters of common interest for several sectors of public administration or social and productive activity, as well as in the Councils of the National Science and Technology System, as advisory and consulting bodies.

All public, private or mixed institutions may participate in the Environmental Research System. Groups or individuals that demonstrate the capacity to carry out Research and Development activities related to the Environment, and therefore may opt for the resources available for that purpose, in accordance with the regulations established for that purpose.

(Decree 1600 of 1994, art. 9).

ARTICLE 2.2.8.9.2.4. ***Operation of the National Environmental Research System.*** The Ministry of Environment and Sustainable Development will announce its research needs to the Associated and Linked Scientific Entities and to the other entities participating in the Environmental Research System. All of them, for their part, will make proposals to the Ministry of Environment and Sustainable Development, the proposals presented to the Ministry will respond to the needs raised by it, those of other users or those generated by the investigative dynamics of the entities of the Environmental Research System . The proposals will be put to the consideration of the Scientific Committees of the Ministry of Interministerial or Intersectoral Committees and Councils, as well as the Councils of the National System of Science and Technology or other organizations, in accordance with the chosen sources of financing, so that through evaluations technical or scientific, ensure the quality and relevance of programs and projects.

(Decree 1600 of 1994, art. 10).

SECTION 3.

Added by art. 1, National Decree 1655 of 2017

<The added text is as follows>

OF THE NATIONAL FOREST INFORMATION SYSTEM, THE NATIONAL FOREST INVENTORY AND THE FOREST AND CARBON MONITORING SYSTEM - CROSS-CUTTING ELEMENTS

Article 2.2.8.9.3.1. ***Object.*** The purpose of this section is to establish the organization and operation of the National Forest Information System (SNIF), the National Forest Inventory (IFN) and the Forest and Carbon Monitoring System (SMBYC), which will be part of the Environmental Information System. for Colombia (SIAC), which are instruments for the generation of official information that allows decisions to be made, policies and regulations to be formulated for the planning and sustainable management of natural forests in Colombian territory.

Paragraph. The SNIF, the IFN and the SMBYC will coordinate with the National Registry for the Reduction of Greenhouse Gas (GHG) Emissions and the National Registry of Programs and Action Projects for the Reduction of Emissions due to Deforestation and Degradation Forest of Colombia REDD+.

Article 2.2.8.9.3.2. ***Coordinating administrative entity.*** The Institute of Hydrology, Meteorology and Environmental Studies (Ideam), will manage and coordinate the SNIF, the IFN and the SMBYC with the support of the Ministry of Environment and Sustainable Development in the implementation and to promote the flow of information, following the guidelines, directions and guidelines that it provides.

Article 2.2.8.9.3.3. ***Administration and coordination activities.*** In exercising the function of administration and coordination, Ideam must:

1. Establish and operate the SNIF, the IFN and the SMBYC.

two. Define the strategy and tools for the implementation of the SNIF, the IFN and the SMBYC, as well as the mechanisms to keep the environmental information generated by these systems updated.

3. Set the information disclosure mechanisms, under the directives, orientations and guidelines of the Ministry of Environment and Sustainable Development.

Four. Develop instruments for the SNIF, the IFN and the SMBYC to articulate with other thematic Information Systems that are part of the Environmental Information System for Colombia (SIAC).

5. Design the mechanisms that allow generating the flow and exchange of information required for the operation of the SNIF, the IFN and the SMBYC with the environmental sector, the productive sectors, national, regional or local public entities, academia, non-governmental organizations (NGOs) and other civil society actors.

6. Generate the environmental information required by the Ministry of Environment and Sustainable Development to support decision-making related to the matter.

7. Adopt the necessary measures to support the regional and urban environmental authorities responsible for reporting information to these instruments.

Article 2.2.8.9.3.4. ***Public nature of the information.*** The information of the SNIF, the IFN, and the SMBYC is of a public nature, in accordance with the provisions of article 2.2.8.9.1.3 of this decree, except for the exceptions established in the Constitution and the law.

Article 2.2.8.9.3.5. ***Information officiality.*** As components of the SIAC, the SNIF, the IFN, and the SMBYC, for the purposes established in article 2.2.8.9.3.1 of this decree, will be the country's official source of information in relation to matters related to its object, the which must be available to the general public through different means, including bulletins, reports and the SIAC Institutional Portal and Geovisor.

SECTION Four.

OF THE NATIONAL FORESTRY INFORMATION SYSTEM (SNIF)

Article 2.2.8.9.3.6. ***Definition.*** It is the set of processes, methodologies, protocols and tools to integrate and standardize the capture, storage, analysis, processing, dissemination, management, verification and consultation of data, databases, statistics and documentary material, in order to guarantee the flow efficient, timely and quality forest information.

Article 2.2.8.9.3.7. ***Objectives.*** The objectives of the SNIF are:

1. Develop the necessary instruments and mechanisms for the management of forest information, guaranteeing its integration with the SIAC and interoperability with other information systems that, by their nature, contain or manage relevant information for the objectives of the SNIF.

2. Adopt and develop standards, protocols, processes and technological solutions for the capture, generation, processing, flow, dissemination and administration of the information generated by the forestry sector and that integrates the information produced by the IFN and the SMBYC.

3. Facilitate access and availability of forest information as a response strategy to information demands in the local, regional, national and international environments.

4. Generate information to establish the status and use of forest resources, as well as support the formulation and monitoring of policies, plans, strategies and sectoral decision-making.

Article 2.2.8.9.3.8. ***Scope.*** The forest information that will be part of the SNIF is related to:

1. Characterization of the state, dynamics and pressure on forest ecosystems, based on the data generated by the IFN, the SMBYC and the information reported by the National Environmental Licensing Authority (ANLA), the regional or urban

environmental authorities and the Unit National Disaster Risk Management, among others.

2. Characterization of supply and demand for timber and non-timber forest products.

3. Available forest management and zoning.

4. Policy, regulations, methodologies and procedures associated with forest management.

5. Information on the ways of life associated with forests.

Article 2.2.8.9.3.9. ***Provision of information to the SNIF.*** The regional and urban environmental authorities, the ANLA and the Ministry of Environment and Sustainable Development, will report to the SNIF on a quarterly basis the information on forest exploitation, mobilization of wild flora products, confiscations, protective plantations and fires of the vegetal cover generated in the framework of forest resource management.

Likewise, the Ministry of Environment and Sustainable Development, under the coordination of the Directorate of Forests, Biodiversity and Ecosystem Services and with the support of Ideam, will create spaces for articulation with entities of the national, regional or local order that have information, data or records related with the SNIF.

Paragraph 1st. The ANLA will report information on forest exploitation, forest compensation and compensation for loss of biodiversity generated in the processes of environmental licenses, permits and environmental procedures associated with projects, works or activities that may affect forests, under its jurisdiction.

Paragraph 2nd. The information must be reported to the SNIF through the platform and formats established by Ideam for this purpose.

Article 2.2.8.9.3.10. ***Periodicity of reports and bulletins.*** A consolidated statistical and informative bulletin will be published annually, with the information available, on the different aspects included within the thematic areas of the SNIF and in accordance with the scope defined for it.

Paragraph. Every five years, Ideam will publish a report on the state of the forests, including indicators that support their conservation, organization, management and use, and forest management.

Article 2.2.8.9.3.11. ***Implementation.*** The implementation of the SNIF will be carried out gradually. In any case, the necessary measures must be adopted and implemented in a timely manner to generate the reports referred to in article 2.2.8.9.3.10 and incorporate, within a period not exceeding three (3) years from the entry into force of the this section.

SECTION 5.

OF THE NATIONAL FOREST INVENTORY (IFN)

Article 2.2.8.9.3.12. ***Definition.*** It is the statistical operation that, through processes, methodologies, protocols and tools, collects, stores, analyzes and disseminates quantitative and qualitative data that allows knowing the current state and composition of the country's forests and their changes over time.

Article 2.2.8.9.3.13. ***Objectives.*** The objectives of the IFN are:

1. Provide periodic information with a multipurpose approach on the structure, composition and floristic diversity, aerial biomass, carbon in the soil and wood debris, volume of wood, quality, conditions and dynamics, mainly of the country's forests.

2. Provide standards, procedures, methodologies and tools for gathering information aimed at characterizing forests and other covers.

3. Provide reliable, consistent and continuous information that serves as a basis for the formulation of forest management plans, the administration of forest resources, the definition of policies, sectoral planning and decision-making aimed at sustainable management and heritage conservation. forest of the country.

4. Provide the Ministry of Environment and Sustainable Development with information that serves as a reference for decisions related to the fulfillment of its functions concerning the setting of global quotas and determination of species for the use of natural forests.

5. Identify the supply and state of the forests, facilitating their monitoring and follow-up over time.

6. Generate information necessary for the consolidation and operation of the SNIF and the SMBYC.

Article 2.2.8.9.3.14. ***Articulation with the National Forest Inventory.*** The regional or urban environmental authorities will incorporate the technical and methodological guidelines of the IFN, within the framework of the corresponding actions in the formulation, updating or homologation of the Forest Management Plans, which will guarantee the consistency of the information generated on a national scale, regional or local, in order to plan the management and use of forest resources.

The ANLA, National Natural Parks and the Research Institutes of the SINA linked to the Ministry of Environment and Sustainable Development, within the framework of their competences, will progressively incorporate the technical and methodological guidelines of the IFN in the development of the actions that they must carry out in this field. , as long as the sampling objectives coincide with the scope of the IFN.

Paragraph. These entities will report to Ideam annually in the formats established by it, the information generated from the implementation of the technical and methodological guidelines of the IFN.

Article 2.2.8.9.3.15. ***IFN periodicity.*** For the initial cycle of the IFN baseline, a duration of five (5) years is established, counted from the entry into force of this section. Subsequently, the IFN will be implemented in five-year cycles, through annual surveys, in which new measurements will be made in twenty percent (20%) of the sampling units. The IFN's consolidated results reports will be presented within the year following the end of each implementation cycle. Additionally, annual reports can be generated with the available information.

Article 2.2.8.9.3.16. ***Implementation of the IFN.*** The implementation of the IFN will encourage the participation of those who make up the SINA in accordance with the provisions of Law 99 of 1993, thus seeking to improve access to information and the generation of knowledge about the forest resource, without duplication of efforts and means.

Paragraph. The development of the different activities included in the IFN in areas included in the National System of Protected Areas (SINAP) will be carried out in coordination with National Natural Parks and regional environmental authorities, as the case may be.

SECTION 6.

OF THE FOREST AND CARBON MONITORING SYSTEM (SMBYC)

Article 2.2.8.9.3.17. ***Definition.*** It is the set of processes, methodologies, protocols and tools for the periodic generation of information on: i) the forest area of Colombia and its changes over time; ii) carbon stocks stored in natural forests; iii) the causes and agents of deforestation and forest degradation and, iv) GHG emissions and removals associated with deforestation and forest degradation.

Article 2.2.8.9.3.18. ***Objectives*** . The SMBYC will have as objectives:

1. Generate official information on the area and changes in the natural forest and early deforestation alerts.

2. Produce and compile the necessary data sets to estimate carbon stocks stored in different compartments of natural forests and other land covers, and Greenhouse Gas (GHG) emissions at the national level due to deforestation and /or forest degradation.

3. Contribute to the documentation of the causes and agents that determine or influence deforestation and/or forest degradation on a national scale, as well as generate reports based on these results.

4. Provide guidelines, tools, procedures, methodologies and standards for monitoring the area and changes in the natural forest, carbon stocks and the characterization of the causes and agents of deforestation and forest degradation.

5. Support the strengthening of capacities for forest monitoring in regional environmental authorities and other entities with functions of control and surveillance of forest resources.

Paragraph 1st. The guidelines, procedures, methodologies and standards that this article deals with must be articulated with those defined in the IFN.

Paragraph 2nd. The SMBYC will provide the mechanisms to have reference spatial information, maps and other inputs generated in its operation in an articulated manner with those defined in the SNIF.

Article 2.2.8.9.3.19. ***Characteristic.*** The SMBYC will be complete, dynamic, multiscale, multipurpose, among others.

Article 2.2.8.9.3.20. ***Articulation with the Forest and Carbon Monitoring System.*** The Ideam will propose the mechanisms for the articulation of the information generated by the Research Institutes of the SINA, the regional or urban environmental authorities, the ANLA and the Intersectoral Commission for the Control of Deforestation and the Integral Management for the Protection of Natural Forests, related to the monitoring of the surface and changes of the forest, early warnings of deforestation, carbon reserves and causes and agents of deforestation.

Article 2.2.8.9.3.21. ***Periodicity of the reports.*** Reports on the area of natural forest, quantification of deforestation, estimates of carbon reserves and the characterization of causes and agents of deforestation will be presented annually at the national level. Likewise, reports on deforestation early warnings will be published, at least, quarterly.

SECTION 7.

OTHER PROVISIONS

Article 2.2.8.9.3.22. ***Guidelines and guidelines for implementation.*** The Ministry of Environment and Sustainable Development will issue within a maximum period of twelve (12) months, counted from the entry into force of these sections of forest information, the guidelines and directives related to the thematic areas, the typology of the information, characteristics, methodological and statistical design, variables and indicators and a quality control assurance program, among others, for the operation of the SNIF, IFN and SMBYC.

Article 2.2.8.9.3.23. ***Technical and operational support documents.*** Within the twelve (12) months following the entry into force of these forestry information sections, Ideam will prepare and publish the manuals, protocols, technical annexes or guides for the operation of the SNIF, the IFN and the SMBYC, which will be published on its website and on the SIAC Portal.

Paragraph. Any modification of the manuals, protocols, technical annexes or guides for the operation of the SNIF, the IFN and the SMBYC must be timely published on the Ideam website and on the SIAC Portal.

CHAPTER 10

PROFESSIONAL ENVIRONMENTAL MANAGEMENT COUNCIL

SECTION 1

ARTICLE 2.2.8.10.1.1. ***Conformation.*** The Professional Council of Environmental Administration will be integrated by;

1. A representative of the Ministry of Environment and Sustainable Development who will chair it.

2. A representative of the public higher education institutions in which programs that grant the professional degree in Environmental Administration are taught.

3. A representative of the private higher education institutions in which programs that grant the professional degree in Environmental Administration are taught.

4. The legal representative of the National Association of Environmental Administrators.

5. A representative with a professional title, of the graduates of public and private higher education institutions that teach professional programs in Environmental Administration.

The members of the Council may not assume more than one representation.

Paragraph 1. The members of the Professional Council will have a period of two (2) years counted from their appointment and may be re-elected.

Paragraph 2. Representatives of students from public and private higher education institutions in which programs that grant the professional title of Environmental Administrator may be invited to the meetings of the Professional Council.

(Decree 1150 of 2008, art. 1).

ARTICLE 2.2.8.10.1.2. ***Election of the members of the Council.*** For the selection of the members of the Professional Council of Environmental Administration foreseen in (numbers 1.2., 1.3 and 1.5 of the previous article, it will be carried out within the month following the publication of this decree for the first and only time, in each case:

a) ***Representative of a public higher education institution:*** The Ministry of National Education will convene the deans, directors or heads, as the case may be, of the academic-administrative units to which the Environmental Administration programs of the educational institutions are attached. superior state or officials registered in the National Information System of Higher Education Snies, so that by direct vote they choose, from among those who apply as candidates, the member of the Council provided for in numeral 1.2 of the previous article;

b) ***Representative of a private higher education institution:*** The Ministry of National Education will convene the deans, directors or heads, as the case may be, of the academic-administrative units to which the Environmental Administration programs of the educational institutions are attached. Private higher education registered in the National System of Information on Higher Education Snies. so that by direct vote they choose, from among those who apply as candidates, the member of the Council provided for in the numeral of the previous article;

c) ***Representative of the graduates:*** The Ministry of National Education will summon the graduates of the Environmental Administration programs, registered by the institutions of higher education, through their legal representative, so that by direct vote they choose, among the graduates who are nominated as candidates, the member of the Council provided for in numeral 1.5 of the previous article.

Paragraph 1. The directors indicated in subparagraphs a) and b) must be registered with the Ministry of National Education by the legal representative of each higher education institution.

Paragraph 2. The process of choosing the members of the Professional Council of Environmental Administration indicated must exhaust the following stages:

Announcement through the website of the Ministry of National Education and the publication of two (2) notices, in a newspaper of national circulation.

Registration and application of candidates before the Ministry of National Education.

Voting, those who obtain the majority of the total valid votes will be chosen as members of the Council.

Paragraph 3. For the call process and for voting purposes, electronic or virtual means may be used in accordance with the law, as long as they guarantee the reliability of the actions.

(Decree 1150 of 2008, art. 2).

ARTICLE 2.2.8.10.1.3. ***Functions.*** The Professional Council of Environmental Administration will have the following functions:

Issue the professional card to environmental administrators who meet the requirements of the law.

Keep a record of professional cards issued.

Point out and collect the rights caused by the issuance of the professional environmental administrator card and other certificates issued in the exercise of their functions.

Collaborate with public and private entities in the design of proposals for the development of academic, scientific and research programs, in accordance with the needs of the national and international environmental sector.

Summon the deans of the faculties in which programs that qualify as a professional in Environmental Administration are taught so that among them they elect the representatives of the Professional Council of public and private higher education institutions.

Summon graduates of public and private higher education institutions that teach professional programs in Environmental Administration that accredit the conferred professional title, so that they choose their representative among them.

Set your forms of financing.

Issue its regulations.

Others indicated by its regulations in accordance with the law.

Paragraph. The Professional Council of Environmental Administration will have a period of three (3) months, counted from the date of its constitution, to issue its own regulations.

(Decree 1150 of 2008, art. 3).

ARTICLE 2.2.8.10.1.4. ***Requirements for the issuance of the professional card.*** The Professional Council of Environmental Administration will register and issue the Professional Card of Environmental Administrator to the natural person who;

Has obtained the professional title of Environmental Administrator or related profession conferred by a legally recognized Colombian higher education institution, with qualified registration of the Program, granted by the Ministry of National Education. 4.2. Has validated, in accordance with Colombian law, the undergraduate academic title conferred by a foreign higher education institution and whose validation is equivalent to the professional title of Environmental Administrator in accordance with the law.

Paragraph 1. All professionals in Environmental Administration, who have graduated before the issuance of this regulation, must also obtain the professional card for the exercise of the profession.

Paragraph 2. The Professional Council for Environmental Administration will have a term of no more than six months counted from its constitution to start issuing professional cards.

While the professional card is issued for the exercise of the profession, a copy of the degree certificate issued by the respective higher education institution or the validation certificate issued by the Ministry of National Education must be shown, as the case may be.

(Decree 1150 of 2008, art. 4).

ARTICLE 2.2.8.10.1.5. ***Recognition of the national association of environmental administrators.*** For the recognition referred to in article 7 of Law 1124 of 2007, the following procedure will be followed:

The Professional Council of Environmental Administration within three (3) months following the issuance of its regulations, must;

Carry out a public call for natural persons and legal administrators who carry out environmental management activities that wish to form the National Association of Environmental Administrators, once only in a newspaper with wide national circulation.

The call must contain at least the information on the place, date and time limit in which the documentation will be received through which compliance with the requirements referred to in numeral 2 of this article is accredited, as well as the place, date and time for the holding of the election meeting of the members who will be part of the Board of Directors.

The meeting will be held within the month following the call, in which one (1) representative will participate for each registered person.

The people who aspire to participate in the election meeting of the members who will be part of the Board of Directors of the National Association of Environmental Administrators must meet the following requirements;

Natural persons must accredit the professional title of environmental administrator granted by an officially recognized Colombian higher education institution or the homologation of the professional title of environmental administrator obtained abroad.

If you wish to apply to form the Board of Directors of the Association, you must also attach your resume, with the respective supporting documents of professional training and experience.

Legal entities, whose purpose is the exercise of activities related to the profession of environmental administrator, who aspire to participate in the call must submit a certificate of existence and legal representation, issued by the Chamber of Commerce within the three months prior to the deadline. receiving documents.

If the legal entity wishes to apply as a candidate to be a member of the Board of Directors of the Association, it must attach a copy of the document of its Board of Directors or of the body that acts on its behalf, stating the designation of the member that they apply for and of the person authorized to represent them at the meeting in case the legal representative does not attend. The person applying as a candidate must attach a resume with the respective supporting documents of professional training and experience.

Verify that the documentation provided by the interested parties meets the requirements of the call. Only people who have met the requirements may participate in the meeting.

Keep the record of the participants to the meeting, which will make up the General Assembly of the National Association of Environmental Administrators and of the candidates to integrate the Board of Directors of the same.

In the meeting, the candidates to integrate the Board of Directors of the Association will be submitted to the consideration of the General Assembly of the National Association of Environmental Administrators.

The election of the members of the Board of Directors will be carried out by simple majority and each person will have the right to only one vote.

After the election meeting of the members of the Board of Directors, the Professional Council of Environmental Administration, will draw up the respective Minutes that will be signed by the attending members of said Council.

Formed the Board of Directors of the National Association of Administrators

Environmental, it will prepare and approve the statutes, and the legal representative will be elected in the terms indicated in said statutes. In these, the entry of new associates will be guaranteed as long as they meet the requirements demanded in this article.

The legal representative of the National Association of Environmental Administrators will proceed to carry out the process for registration with the Chamber of Commerce.

Once the above procedure has been completed, the legal representative of the National Association of Environmental Administrators will request recognition of the Association from the Ministry of the Environment, Housing and Territorial Development. For this purpose, you must attach a copy of the record and the minutes of the meeting referred to in this article, certificate of existence and legal representation of the Association and a copy of its statutes.

transitory paragraph. The Board of Directors of the National Association of Environmental Administrators will be temporarily made up of seven (7) members while the statutes are approved.

(Decree 1150 of 2008, art. 5).

CHAPTER eleven

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OF COMPANIES AT THE INDUSTRIAL LEVEL

SECTION 1

ARTICLE 2.2.8.11.1.1. ***Object.*** This decree regulates the Department of Environmental Management of companies at the industrial level, in accordance with article 8 of Law 1124 of 2007.

(Decree 1299 of 2008, art. 1).

ARTICLE 2.2.8.11.1.2. ***Definitions.*** For all purposes of application and interpretation of this decree, the following definitions will be taken into account, in addition to those established in article 2 of Law 905 of 2004;

1. **Department of Environmental Management:** The Department of Environmental Management is understood as the specialized area, within the organizational structure of companies at the industrial level, responsible for guaranteeing compliance with the provisions of article 4 of this decree.

2. **Industrial Level: Industrial level** is understood as the economic activities established in the International Standard Industrial Classification of all Economic Activities - CIIU, adopted by the National Administrative Department of Statistics - DAÑE through Resolution 56 of 1998 and modified by Resolution 300 of 2005 and those that modify or replace it.

(Decree 1299 of 2008, art. 2).

ARTICLE 2.2.8.11.1.3. ***Area of application.*** This decree will apply to all companies at the industrial level whose activities, in accordance with current environmental regulations, require an environmental license, environmental management plan, permits, concessions and other environmental authorizations.

(Decree 1299 of 2008, art. 3).

ARTICLE 2.2.8.11.1.4. ***Object of the environmental management department.*** The Department of Environmental Management - DGA - of all companies at an industrial level has the purpose of establishing and implementing actions aimed at directing the environmental management of companies at an industrial level; ensure compliance with environmental regulations; prevent, minimize and control the generation of pollutant loads: promote cleaner production practices and the rational use of natural resources; increase energy efficiency and use of cleaner fuel: implement options for the reduction of greenhouse gas emissions; and protect and conserve ecosystems.

ARTICLE 2.2.8.11.1.5. ***Creation of the environmental management department.*** The Department of Environmental Management of companies at the industrial level may be made up of their own or external personnel. Notwithstanding the provisions of this decree, each company will determine the functions and responsibilities of its Environmental Management Department, which must be disclosed within each company.

Paragraph 1. Professionals, technologists or technicians with training or experience in the environmental area may be part of the Department of Environmental Management.

Paragraph 2. The Department of Environmental Management of medium and large companies at the industrial level will in all cases be made up of its own personnel, but may count on the support and advice of suitable individuals or legal entities for specific issues.

Paragraph 3. The Department of Environmental Management of micro and small companies at the industrial level may be made up as follows:

1. Own staff.

2. One or more common Environmental Management Departments, as long as the companies have the same economic activity, without prejudice to environmental responsibility, which will be individual for each company.

3. Advice from the associations that represent them, without prejudice to environmental responsibility, which will be individual for each company.

4. Advice by suitable natural or legal persons in the matter, without prejudice to environmental responsibility, which will be individual for each company.

Paragraph 4. Companies may integrate the Department of Environmental Management together with other departments of occupational health, industrial safety or quality. In this case, it is necessary that the functions in environmental matters are explicit and that the other requirements established in this standard are complied with.

(Decree 1299 of 2008, art. 5).

ARTICLE 2.2.8.11.1.6. ***Functions of the environmental management department.*** *In addition* to the functions established within each of the companies at the industrial level, the Department of Environmental Management must at least perform the following functions:

1. Ensure compliance with current environmental regulations.

2. Incorporate the environmental dimension in company decision-making.

3. Provide technical-environmental advice within the company.

4. Establish and implement actions for the prevention, mitigation, correction and compensation of the environmental impacts they generate.

5. Plan, establish and implement processes and procedures, manage resources that allow developing, controlling and monitoring the actions aimed at directing their environmental management and environmental risk management.

6. Promote the improvement of environmental management and performance within the company.

7. Implement best environmental practices within the company.

8. Lead the education and training activity at all levels of the company in environmental matters.

9. Keep the company's environmental information updated and generate periodic reports.

10. Prepare the information required by the Environmental Information System administered by the Institute of Hydrology, Meteorology and Environmental Studies - IDEAM.

11. The others that arise from its nature and are required for the fulfillment of an adequate environmental management.

(Decree 1299 of 2008, art. 6).

ARTICLE 2.2.8.11.1.7. ***Information on the Department of Environmental Management*** **.** The legal representative of the company at the industrial level must inform the competent environmental authorities about the formation of the Department of Environmental Management, the assigned functions and responsibilities.

(Decree 1299 of 2008, art. 7).

ARTICLE 2.2.8.11.1.8. *Implementation* . Large and medium-sized companies at the industrial level will have a maximum period of six (6) months, and small and micro-enterprises a period of nine (9) months, counted from the publication of this decree, to form the Management Department Environmental.

Failure to comply with the obligations contained in this decree will give rise to the respective sanctions, as the case may be.

(Decree 1299 of 2008, art. 8).

CHAPTER 12

NATIONAL DISTINCTION OF THE ENVIRONMENT

SECTION 1

ARTICLE 2.2.8.12.1.1. *Creation of the distinction.* Create the National Distinction for the Environment as recognition and exaltation of natural or legal persons, national or foreign, who have dedicated part of their life or activity to conservation, to the use of renewable natural resources in a sustainable manner, to citizen initiative in the environmental field and the institutional project for the defense and protection of the environment.

Likewise, the National Distinction for the Environment may be awarded to Representatives of Foreign or International Missions that contribute or have contributed to the protection, knowledge and sustainable development of natural resources that are part of the national natural heritage and the environment in general.

(Decree 1125 of 1994, art. 1).

ARTICLE 2.2.8.12.1.2. *recognition of the national government.* The National Distinction for the Environment will be granted by the National Government, by executive decree, at the initiative of the President of the Republic or by application of the Minister of the Environment, taking into account the merits and qualities that prove the candidates selected as deserving of it. .

(Decree 1125 of 1994, art. 2).

ARTICLE 2.2.8.12.1.3. *Modalities* . The National Distinction for the Environment established by this Decree may be conferred in the following modalities: Distinction for life and work for the knowledge, protection and conservation of the environment; distinction to an institutional project for the defense and protection of the environment, and distinction to a citizen initiative project in environmental management.

(Decree 1125 of 1994, art. 3).

ARTICLE 2.2.8.12.1.4. *Chancellor.* The Chancellor of this Distinction will be the Minister of Environment and Sustainable Development.

(Decree 1125 of 1994, art. 4).

ARTICLE 2.2.8.12.1.5. *Accreditation* . The National Distinction for the Environment will be accredited by means of a diploma that will contain the executive decree that confers the Distinction and in whose upper part it will bear the National Coat of Arms and the Symbol of the Ministry of the Environment.

Paragraph.- In addition to the diploma, the Chancellor of the distinction will grant the creditor of the same, an amber glass sculpture, representing a "Poporo" accompanied by a marble base of 10 by 10 cm, as a symbol alluding to the environment theme.

(Decree 1125 of 1994, art. 5).

ARTICLE 2.2.8.12.1.6. *Diplomas* . The diplomas will be registered in the Ministry of Environment and Sustainable Development and will be endorsed by the Presidency of the Republic.

(Decree 1125 of 1994, art. 6).

ARTICLE 2.2.8.12.1.7. *Award distinction* . The delivery of the National Distinction for the Environment, to whom it is awarded, will preferably be made on the National Environment Day, in a special ceremony with the assistance of high-ranking authorities of the National Government and representatives of the different associations.

(Decree 1125 of 1994, art. 7).

ARTICLE 2.2.8.12.1.8. *Right to distinction* . The right to the National Distinction for the Environment will be lost for the following reasons:

a. The commission of crimes against the existence and security of the State;

b. Any action or omission that threatens the use and conservation of natural resources, ecosystems and their conservation;

c. The violation of current national or international environmental legislation, duly proven.

(Decree 1125 of 1994, art. 8).

ARTICLE 2.2.8.12.1.9. *Declaration of loss of distinction* . The loss of the National Distinction for the Environment will be declared by decree of the National Government.

(Decree 1125 of 1994, art. 9).

CHAPTER 13

RECYCLER AWARD

SECTION 1

ARTICLE 2.2.5.13.1.1. *Object.* The purpose of this chapter is to regulate article 2 of Law 511 of 1999, through which the "recycler award" is created, establishing the categories to access the aforementioned honorary title, the requirements and the procedure to grant it to people natural or legal entities that have distinguished themselves by carrying out one or more waste recovery and/or recycling activities.

Paragraph. The mayors will emulate the recognition *"Recycler Award* " to natural or legal persons who operate and distinguished themselves within their respective jurisdiction, for developing activities in the process of recovery or recycling of waste.

(Decree 2395 of 2000, art. 1).

ARTICLE 2.2.5.13.1.2. *Definitions* . For purposes of applying this chapter, the following definitions are adopted:

Exploitation. It is the process by which, through comprehensive management of solid waste, recovered materials are reincorporated into the economic and productive cycle in an efficient manner, through reuse, recycling, incineration for energy generation purposes, composting or any other modality that entails health, environmental or economic benefits.

Culture of no garbage. It is the set of customs and values of a community that tend to reduce the amounts of waste generated by each of its inhabitants, by the community in general or by the different productive sectors, as well as the use of potentially reusable waste.

Person providing the home public sanitation service. It is the one in charge of all, one or more of the activities of the municipal waste collection service or of those complementary to the provision of the public household cleaning service, in the terms of articles 14 and 15 of Law 142 of 1994.

Recycler. It is the natural or legal person that is dedicated to carrying out one or more of the activities that comprise the recovery or recycling of waste.

Recycling. These are the processes by which the recovered waste is used and transformed and its potential for reincorporation as raw material for the manufacture of new products is returned to the materials. Recycling consists of one or more activities: clean technologies, industrial reconversion, separation, storage, reuse, transformation and marketing.

Recovery. It is the action that allows removing from the waste those materials that can be subjected to a new use process, to convert them into useful raw material in the manufacture of new products.

Reuse. It is the extension and adequacy of the useful life of the recovered waste and that through treatments return to the materials their possibility of use in their original function or in a related one, without requiring additional transformation processes for this.

Treatment. It is the set of operations, processes or techniques aimed at the elimination, reduction of the volume, hazardousness of the waste and/or its conversion into stable forms.

(Decree 2395 of 2000, art. 2).

ARTICLE 2.2.5.13.1.3. *Recycler Award Categories* . The honorary title "Recycler's Award" will be awarded in the following categories:

Industry category. Modality that includes legal entities dedicated to manufacturing activity that have a permanent program for the recovery and/or recycling of waste.

Researcher category. Modality that includes natural or legal persons who are dedicated to research on recovery and/or recycling.

Category of waste picker organizations. Modality that includes legal entities with social, environmental and economic purposes that, through recovery and/or recycling, contribute to improving the quality of life of recyclers.

Recycler category. Modality that includes natural persons not included in the previous categories that carry out permanent recovery and/or recycling activities in the country.

Category of public sanitation service provider. Modality that includes the people in charge of carrying out one or several activities of the provision of the home public cleaning service, in the terms defined in Law 142 of 1994, who, in the development of said activities, promote or carry out recovery and/or recycling programs waste in the area of provision of the respective service.

(Decree 2395 of 2000 art. 3).

ARTICLE 2.2.5.13.1.4. *Requirements to obtain the award* . The honorary title "recycler award", will be awarded to those who meet at least the following requirements, in each of the categories established in the previous article.

1. ***In the industry category .***

- Have established at least one recovery and/or recycling program.

- Submit a summary document of a maximum of ten (10) pages describing the permanent recovery and/or recycling program carried out and its usefulness.

2. ***In the category of researcher.***

- Have carried out at least one research project on recovery and/or recycling.

- Submit a summary document of a maximum of ten (10) pages describing the research project and its usefulness.

- Demonstrate in writing, be the author of the work and answer for said ownership before third parties. If the work is registered, attach a copy of the aforementioned document.

3. ***In the category of waste picker organizations:***

- Be carrying out at least one recovery and/or recycling program.

- Have a minimum seniority of five (5) years, accredited by means of a certificate issued by the Chamber of Commerce or whoever takes its place.

- Submit a summary document of a maximum of ten (10) pages describing the recovery and/or recycling program in progress and its usefulness.

4. ***In the recycler category:***

- Be carrying out the recovery and/or recycling activity;

- Have a minimum experience of five (5) years as a recycler, accredited by the company(ies) to which the waste is marketed.

- Submit a summary document of a maximum of ten (10) pages describing the recovery and/or recycling activities carried out and their usefulness.

5. ***In the category of public sanitation service provider:***

- Promote or carry out at least one recovery and/or recycling program carried out in the area where the respective service is provided.

- Submit a summary document of a maximum of ten (10) pages describing the ongoing recovery and/or recycling program being executed and its usefulness.

Paragraph. Those who have been distinguished with the "Recycler Award" may participate in the designation process in different categories in successive years. To participate in the same category that has been awarded, at least five (5) years must have elapsed, counted from the awarding of the distinction.

(Decree 2395 of 2000, art. 4).

ARTICLE 2.2.5.13.1.5. *Process.* For the granting of the honorary title "Recycler Award", the following procedure is adopted:

1. People who aspire to obtain the "recycler award" distinction in the different categories, will proceed to register by writing in which they express their will and reasons for opting for the "recycler award" distinction, specifying the category in which wish to participate and to which they will attach the documents through which compliance with the requirements determined in this administrative act is verified, before the Department of Sectoral and Urban Environmental Affairs of the Ministry of Environment and Sustainable Development or the dependency that makes its times. The inscriptions for each year will be made during the business days of the month of January of each year, during business hours.

2. The sectoral environmental general directorate or the unit acting as such, will convene and coordinate the meeting of the technical committee and will send the information referred to in the previous numeral, so that it, after evaluation, determines the winners of the " decoration of the recycler", taking into account that annually and by category a distinction will be awarded.

3. On March 1 of each year, in a special act, presided over by the Minister of Environment and Sustainable Development or his delegate, the national distinction "recycler decoration" will be delivered, in its different categories, which will be accredited by means of a diploma and the respective resolution.

Paragraph 1 - In December of each year, the Ministry of Environment and Sustainable Development will disclose the requirements for recyclers to opt for the "Recycling Award", in the different categories, as a mechanism to reward the civic merit of the recovery activity. and/or waste recycling.

Paragraph 2 - Once the award ceremony for the "recycler award" has taken place, the Ministry of Environment and Sustainable Development will disclose the list of winners.

(Decree 2395 of 2000, art. 5).

ARTICLE 2.2.5.13.1.6. *Technical evaluation committee* . The selection of those who will receive the distinctions will be made after evaluation and voting by a technical committee, made up of:

- The Minister of Environment and Sustainable Development or his delegate.

- The Director of Sectoral and Urban Environmental Affairs of the Ministry of Environment and Sustainable Development

- The Coordinator of the Sustainability Group of the Productive Sectors of the Department of Sectoral and Urban Environmental Affairs of the Ministry of Environment and Sustainable Development.

- The head of the legal office of the Ministry of Environment and Sustainable Development or his delegate.

- A guest from the productive sector selected by the national union council.

- A guest from the university sector.

(Decree 2395 of 2000, art. 6).

CHAPTER 14

ENVIRONMENTAL COMPARISON

SECTION 1

ARTICLE 2.2.5.14.1.1. *Object* . Regulate the format, presentation and content of the environmental subpoena provided by Law 1259 of 2008, as well as establish the general guidelines for its imposition at the time of the commission of any of the infractions on cleanliness, cleaning and collection of solid waste, which are encoded.

Paragraph. Environmental comparison is understood as the formal notification order for the alleged offender to appear before the competent authority.

(Decree 3695 of 2009, art. 1).

ARTICLE 2.2.5.14.1.2. *Coding of offenses* . The coding of infractions on cleanliness, cleaning and debris collection will be as follows:

01	Submit for collection, solid waste at times not authorized by the company providing the service.
02	Do not use the containers or other elements arranged to deposit solid waste, in accordance with the purposes established for each of them.
03	Throw solid waste or debris in public space in unauthorized places.
04	Throw solid waste or debris in public spaces or in places open to the public such as theaters, parks, schools, health care centers, food stores, drugstores, rainwater and sanitary water collection systems and other public service structures, among others .
05	Throw debris or solid waste into wetlands, moors, forests, among other ecosystems and water sources.

06	Extract partially or totally, the content of the bags and containers for solid waste, once presented for collection, violating the provisions on recovery and use provided for in the rules on public sanitation service contemplated in the single regulation for the Housing sector , City and Territory
07	Present for collection within domestic waste, dead animals or their parts, other than food waste, in disregard of the regulations on collection of dead animals provided for in the regulations on public cleaning service in (a single regulation for the sector Housing, City and Territory.
08	Make it difficult to sweep and collect solid waste or rubble.
09	Store materials and waste from construction or demolition works on roads and/or public areas.
10	Carry out burning of solid waste and/or debris without the controls and authorizations established by current regulations.
eleven	Install storage boxes, storage units, baskets or storage baskets, without fulfilling the requirements established in the rules on public toilet service in the single regulation for the Housing, City and Territory sector"
12	Clean any object on public roads, causing accumulation or spread of solid waste, or leave waste presented by users for collection scattered in the public space.
13	Allow the deposition of faeces from pets and other animals in meadows and unsuitable places, without proper collection.
14	Not managing with order, cleanliness and hygiene the sites where solid waste is classified, marketed and recycled.
fifteen	Dispose of industrial waste, without the necessary security measures or in sites not authorized by the competent authority.
16	Do not collect solid waste or debris at the times established by the collection company, except for duly publicized, informed and justified prior information, in the terms of the rules on public sanitation service in the single regulation for the Housing, City and Territory"

(Decree 3695 of 2009, art. 2).

ARTICLE 2.2.5.14.1.3. ***Orientations of the territorial regulations.*** When regulating the procedure and the sanctions provided for in article 7 of Law 1259 of 2008, the respective Municipal or District Council will take into account the following national criteria:

1. The sanctions for the infractions referred to in this chapter are of a police nature and will be imposed regardless of the sanctioning power of the environmental, health, transit authority or the authority in charge of the inspection and surveillance of the provision of the public service. Toilet.

2. The procedure to determine the responsibility of the presumed offender must indicate, at least, the sanction foreseen for the infraction; the possibility of directly complying with the sanction or of appearing to dispute responsibility; and the term and authority before which the person must appear.

3. The National Police, the Traffic Agents, the Police Inspectors and the Corregidores will be in charge of imposing the Environmental Comparison, which is regulated by this decree, to the presumed offenders.

4. The respective mayor or whoever he delegates is competent to determine responsibility and impose sanctions in case of controversy.

5. The summons will be imposed on the natural person who commits the offense, however, in the cases of offenses classified with codes 01, 02, 05, 07, 09, 10, 11, 14, 15 and 16, the summons will be will impose on the natural and/or legal person (horizontal property, cleaning service provider company, commercial or industrial establishment) responsible for the waste or the corresponding activity.

6. The sanction must correspond to the seriousness of the fault, according to the risks to health or the environment, and to the quantities and nature of the waste.

7. In matters not regulated by the local Councils, the provisions of the regulations contained in the National Police Code and in the Contentious-Administrative Code will apply,

8. If the person cited does not appear to render his defenses, nor does he request evidence that disproves the commission of the infraction, the sanction at his charge will be recorded in the corresponding statistics, in accordance with the provisions of article 20 of Law 1259 of 2008.

Paragraph 1. The sanction referred to in the sixth numeral of article 7 of Law 1259 of 2008, will proceed exclusively for the cases expressly established in the territorial regulations and provided that the registration or the license to be canceled or suspended is issued by the corresponding mayor's office.

Paragraph 2. In the case of infractions classified with codes 04, 05, 07, 15 and 16 of the previous article, copies of the Environmental Comparison will be certified to the health authorities, to the Superintendence of Public Services or to the competent environmental authority, for the your competition.

Paragraph 3. The infraction classified with code 06 will be applied once the municipality or district has designed and implemented a utilization system that includes affirmative actions for the recycling population, within the framework of the Comprehensive Waste Management Plan - PGIRS.

(Decree 3695 of 2009, art. 3).

ARTICLE 2.2.5.14.1.4. *Collection of resources.* Pursuant to article 12 of Law 1259 of 2008, the municipal or district administration headed by the mayor must set up a fund or a special account with a specific destination for the execution of the action plan established by the Government, with the collection of the Environmental Comparison. National.

(Decree 3695 of 2009, art. 4).

ARTICLE 2.2.5.14.1.5. *Coercive collection* . The municipal or district mayors may enforce the fines due to violations of this chapter, through coercive jurisdiction, in accordance with what is established on fiscal executions by Law 1066 of 2006 or the rule that modifies or replaces it.

(Decree 3695 of 2009, art. 5).

ARTICLE 2.2.5.14.1.6. *Format* . On the front, both the original and the copies, the following information will be printed in accordance with the National Environmental Comparison Form, annexed to this decree and which is an integral part of it;

1. Identification data: name or business name of the offender, whether natural or legal person, identity card, NIT, address, telephone numbers.

2. Violation code.

3. Place and date of citation.

4. Official who imposed the Subpoena.

5. Signature of the official who imposed the Subpoena.

6. Signature of the notified.

7. Signature of the witness.

On the back, both of the original and of the copies, the content of this chapter will be printed with the corresponding sanctions for each infraction, as defined by the respective Council by Agreement.

The municipal and district mayors will order the printing and distribution of the Environmental Comparison Form, which must be put into operation throughout the national territory, no later than December 20, 2009.

The size of the Environmental Comparison, duly numbered, will have the same dimensions as the Traffic Comparison, 21 cm. long by 14 cm. Wide.

Each subpoena will consist of an original in white and four copies. The original will be delivered to the offender, a copy will be sent to the municipal mayor or whoever he delegates and the remaining copies, to each of the authorities indicated in paragraph 2 of article 2.2.5.4.1.3. of this chapter.

(Decree 3695 of 2009, art. 6).

ARTICLE 2.2.5.14.1.7. *Incorporation* . The following infractions will be incorporated by the Ministry of Transport in the Single National Traffic Comparison Form, within the term established in article 23 of Law 1259 of 2008.

1. Throw solid waste into public space from a motor vehicle or animal or human traction, parked or moving.

2. Deliver or receive solid waste or rubble for mobilization in vehicles not suitable according to current regulations.

3. Store materials and waste from construction or demolition works on roads and/or public areas.
Paragraph 1. Pursuant to article 10 of Law 1269 of 2008, the Environmental Comparison for the infractions indicated in this chapter will be imposed exclusively by the police officers in traffic functions and by the traffic agents. The Environmental Comparison for the infraction indicated in numeral 3 can be imposed by any of the persons indicated in this chapter.

Paragraph 2. In the case of the infraction indicated in numeral 1 of this Article, the subpoena will be imposed on the offending passenger or, failing that, on the driver or owner of the vehicle.

(Decree 3695 of 2009, art. 7).

ARTICLE 2.2.5.14.1.8. *Indicators* . The indicators for monitoring the goals of the environmental comparison policy will be, among others:

Name	**Formula**
environmental comparisons	No. of environmental subpoenas imposed in the year.
	Number of offenders sanctioned with an environmental subpoena per year.
	No. of pedagogical sanctions.

	No. of pecuniary sanctions.
	No. of pedagogical and pecuniary sanctions.
	Total resources to collect for fines per year.
	Total resources collected by fines per year.
Training	No. Citizens trained per year.
	Number of recyclers trained per year.
	Resources invested in training programs per year/resources collected per year.
	Resources invested in cleaning programs per year/resources collected per year.
Critical Points Recovered	No. of critical points recovered year/No. of critical points identified per year.

(Decree 3695 of 2009, art. 8).

ARTICLE 2.2.5.14.1.9. ***Of the criteria of the action plan*** . The Comprehensive Solid Waste Management Plans (PGIRS) must incorporate the necessary actions to comply with the provisions of the action plan established by the National Government, without prejudice to the contractual obligations of the public, private or mixed operator of the cleaning service. .

(Decree 3695 of 2009, art. 9).

TITLE 9

FINANCIAL, ECONOMIC AND TAX INSTRUMENTS

CHAPTER 1

PERCENTAGE OR ENVIRONMENTAL SURCHARGE

SECTION 1

ARTICLE 2.2.9.1.1.1. ***Property tax percentage*** **.** The municipal and district councils must allocate annually to the Regional Autonomous Corporations or Sustainable Development Corporations of the territory of their jurisdiction, for the protection of the environment and renewable natural resources, the environmental percentage of the property tax referred to in article 44 of the Law. 99 of 1993, which may be set in any of the two ways established below;

As a surtax that may not be less than 1.5 per thousand nor greater than 2.5 per thousand on the appraisal of the assets that serve as the basis for liquidating the property tax and, as such, charged to each person responsible for it, discriminated in the respective documents of payment.

As a percentage of the total collection for property tax, which may not be less than 15% nor more than 25.9% of such collection.

(Decree 1339 of 1994, art. 1).

ARTICLE 2.2.9.1.1.2. ***Surcharge*** **.** In the event that the respective municipal or district council opts for the establishment of a surtax in favor of the Autonomous Regional or Sustainable Development Corporations, the corresponding collections made by the municipal and district treasurers will be kept in a separate account and the respective balances will be transferred quarterly to such Corporations, within ten (10) business days following the end of each period.

The district and municipal treasuries will not be able to grant peace and save to those who have not paid the totality of the property tax and the surtax.

The interests that are caused by delay in the payment of the property tax will be caused in the same percentage for the delay in the payment of the surcharge and will be transferred to the Corporations, in the same terms and periods indicated above.

(Decree 1339 of 1994, art. 2).

ARTICLE 2.2.9.1.1.3. *Percentage of total collection* . In the event that the respective municipal or district Council opts for the establishment of a percentage of the total collection for property tax, they must allocate between 15% and 25.9% of it for the Corporations with jurisdiction in their territory.

In this event, the municipalities and districts, through their respective treasurers or the official acting on their behalf, must, at the end of each quarter, total the collections made in the period for property tax and transfer the established percentage to the respective Corporation. , within ten (10) business days following the end of each quarter.

Paragraph. Exceptionally, prior concept of the Ministry of the Environment and taking into account special conditions of the municipalities, qualified by the CONPES, the municipalities may make transfers to the Corporations of the percentage referred to in this article annually, no later than March 30 of the year following the respective fiscal validity.

(Decree 1339 of 1994, art. 3).

ARTICLE 2.2.9.1.1.4. *Adoption by municipalities and districts* . The municipal or district mayors must submit timely and annually for the consideration of their respective Councils, the draft agreement in which the environmental percentage of the property tax is established in favor of the Autonomous Regional or Sustainable Development Corporations, with the determination of its amount. and form in any of the modalities referred to in the first article of this chapter.

(Decree 1339 of 1994, art. 4).

ARTICLE 2.2.9.1.1.5. *Moratorium interest* . As of June 30, 1994, the non-timely transfer of the surcharge or the environmental percentage in any of its modalities, by the municipalities and districts through their treasurers or those who act in their stead, cause in favor of the Corporations. Regional Autonomous Communities or Sustainable Development, default interests established in the Civil Code.

(Decree 1339 of 1994, art. 5).

ARTICLE 2.2.9.1.1.6. *Technical assistance* . Without prejudice to the assistance that other entities may grant, the Regional Autonomous Corporations or Sustainable Development Corporations may provide technical assistance to the municipalities, for the training of officials in charge of property tax collection and logistical support for its collection and for the lifting, systematization and updating of the databases to that there is place for the effect.

(Decree 1339 of 1994, art. 6).

ARTICLE 2.2.9.1.1.7. *Compliance with environmental plans* . The Autonomous Regional or Sustainable Development Corporations will execute the resources from the environmental percentage allocated by the municipalities and districts, in accordance with the regional, district and municipal environmental plans.

(Decree 1339 of 1994, art. 7).

ARTICLE 2.2.9.1.1.8. *Percentage for cities with more than 1,100,000 inhabitants* . In the case of cities with more than 1,000,000 inhabitants, according to the data of the last census registered in the DAÑE, fifty percent (50%) of the product corresponding to the property tax percentage referred to in this Chapter , will be used exclusively for environmental investment expenses.

(Decree 1339 of 1994, art. 8).

EPISODE 2

TRANSFERS FROM THE ELECTRICITY SECTOR

SECTION 1

ARTICLE 2.2.9.2.1.1. *Field of application* . This chapter applies to all companies, whether public, private or mixed, owners of hydroelectric or thermoelectric power generation plants, whose total nominal installed power is greater than 10,000 kW, and on gross sales by own generation.

Paragraph. It corresponds to the Ministry of Mines and Energy to determine the total installed nominal power of the companies, for the purposes of article 45 of Law 99 of 1993.

(Decree 1933 of 1994, art. 1).

ARTICLE 2.2.9.2.1.2. *Definitions* . For the purposes indicated in article 45 of Law 99 of 1993, the following definitions must be taken into account:

Gross energy sales by own generation. It is the result of multiplying own generation by the rate for block sales indicated by the Energy Regulation Commission.

Own generation. Electrical energy generated by the plant, from which the plant's own consumption must be deducted. It will be measured in the secondary of the transformer of the substation associated with the generating plant.

Watershed. Territorial hydrographic complex from which a hydroelectric power plant comes from and is supplied with water resources for the production of electrical energy to the dam site or other catchment structure. The tributary basin of the main channel and the basins of the channels captured with water diversions for the same purpose are part of this set.

Area of influence of the project . Municipality or group of municipalities in which the company that owns an electricity generation plant has acquired land for the project.

Municipality or district with territory located in a basin. Municipality or district that has all or part of its territory within a hydrographic basin.

Municipality or district with territory located in a reservoir. Municipality or district in whose territory there is a reservoir that has, among others, hydroelectric purposes, either in the main channel of the basin or in the channel of one or several diversions.

Reservoir. Flood area measured at the overflow level of the spillway of a regulation and diversion dam. In the case of landfills with gates, the overflow level will be the "normal maximum operating level", this being understood as the level from which the gates open to evacuate excess water.

Defense of the hydrographic basin. Set of activities aimed at maintaining and recovering the environmental status of a basin.

Defense of the area of influence of the project. Set of activities necessary to comply with the "Environmental Planning and Management Plan for the Hydrographic Basin and the Project's Area of Influence."

Municipality where a thermoelectric plant is located. Municipality or municipalities where the generation plant is built, including ash disposal yard, fuel storage areas and associated equipment operation areas.

(Decree 1933 of 1994, art. 2).

ARTICLE 2.2.9.2.1.3. *Delimitation of areas.* Based on the above definitions and at the request of the respective Regional Autonomous Corporation or Corporations, of the municipalities or districts or of the company or companies that own the electricity generation plants, the "Agustín Codazzi" Geographical Institute or the pertinent cadastral authority, will define the next:

1. Delimitation of the basin and the reservoir.

2. Total area of the basin.

3. Total area of the reservoir.

4. Area of the municipality or municipalities located in the basin and the proportion of each of them in the total area of the basin.

5. Area of the municipality or municipalities with land in the reservoir and the proportion of each of them in the total area of the reservoir.

Paragraph 1. The delimitation and the areas determined by the "Agustin Codazzi" Geographic Institute or the pertinent cadastral authority, will serve as the basis for the companies covered by this Chapter to make the liquidations and transfers referred to in article 45 of Law 99 of 1993.

Paragraph 2. The delimitation and the areas determined by the "Agustín Codazzi" Geographical Institute or the pertinent cadastral authority, must be modified every time the conditions change, such as modification of the territorial limits of municipalities or districts or change in the jurisdiction of the Regional Autonomous Corporations or for the construction of new generation projects, reservoirs or diversions, etc.

Paragraph 3. The "Agustín Codazzi" Geographical Institute or the pertinent cadastral authority shall comply with the provisions of this article within a period not exceeding sixty (60) days, counted from the date of receipt of the request. In the event that there is no cartography of the area to be delimited, this period will be counted from the preparation of the basic cartography.

Paragraph 4. The costs that are generated for the fulfillment of the definitions that this article deals with will be recognized to the "Agustín Codazzi" Geographical Institute or the pertinent cadastral authority, by the company that owns the generation plant, charged to the transfers to which is obliged, for which it will discount the values caused and the balance will be liquidated and transferred according to the provisions of this Decree.

Paragraph 5th. Added by art. 3, National Decree 644 of 2021 *<The added text is the following>* For purposes of the provisions of this article, National Natural Parks of Colombia may request the delimitation of the areas to the Agustín Codazzi Geographical Institute or to the competent cadastral authority, within the framework of what is contemplated by this Article.

(Decree 1933 of 1994, art. 3).

ARTICLE 2.2.9.2.1.4. Replaced by art. 1, National Decree 644 of 2021 *<The new text is as follows>* ***Settlement and transfers.*** Within the first ten (10) days of each month and based on the gross sales of the previous month, the companies to which this Chapter applies, through an administrative act in the case of public or mixed companies, and through communication in the case of the private ones, they will liquidate the values to be transferred that correspond to the Regional Autonomous Corporations and to the municipalities and districts, and to the subaccount for the separate management of the budgetary resources that are assigned to the administration and management of the System of National Parks of the National Environmental Fund (Fonam), as appropriate, and will communicate them to the beneficiaries.

The transfer must be made within ninety (90) days following the month in which it is settled, under penalty of incurring in default and paying default interest in accordance with the provisions of article 3 of Law 1066 of 2006.

Companies must request the necessary information to calculate the distribution of the percentage referred to in numeral 1 of article 2.2.9.2.1.5. of this decree to the Agustín Codazzi Geographical Institute or to the competent cadastral authority, in accordance with the provisions of article 2.2.9.2.1.3. of the same.

The original text is as follows:

ARTICLE 2.2.9.2.1.4. Settlement and transfers. *Within the first ten (10) days of each month and based on the gross sales of the previous month, the companies to which this Chapter applies, through an administrative act in the case of public or mixed companies, and through In the case of private companies, they will liquidate the securities to be transferred to the Regional Autonomous Corporation or Corporations, municipalities and districts, and will communicate them to the beneficiaries.*

The transfer must be made within ninety (90) days following the month in which it is settled, under penalty of incurring in default and paying a default interest of 2.5% per month on overdue balances.

(Decree 1933 of 1994, art. 4).

ARTICLE 2.2.9.2.1.5. Replaced by art. 2, National Decree 644 of 2021 <*The new text is as follows*> **Distribution of the percentage of gross sales by hydroelectric generation.** The distribution of 6% of the gross sales of energy by own generation in the case of hydroelectric generation referred to in article 45 of Law 99 of 1993, will be done as follows:

1. 3% for the Regional Autonomous Corporations or for National Natural Parks of Colombia that have jurisdiction in the area where the hydrographic basin is located and the area of influence of the project.

In cases where the hydrographic basin and the area of influence of the project are in the jurisdiction of two or more environmental authorities, referred to in article 24 of Law 1930 of 2018, 3% will be distributed according to with the following formula:

$$PTSE_i = 3\% * \frac{AIJAA_i \cap ACHAA_i}{ATI \cap ATCH}$$

Donde:

$PTSE_i$: Porcentaje de las ventas brutas por generación propia a ser transferidos a la autoridad ambiental i.

$AIJAA_i$: Área de influencia del proyecto localizada en la jurisdicción de la autoridad ambiental i, expresada en hectáreas.

$ACHAA_i$: Área de la cuenca hidrográfica en donde se encuentra localizado el proyecto en la jurisdicción de la autoridad ambiental i, expresada en hectáreas.

ATI: Área total de influencia del proyecto, expresada en hectáreas.

$ATCH$: Área total de la cuenca hidrográfica en donde se encuentra localizado el proyecto, expresada en hectáreas.

$AIJAA_i \cap ACHAA_i$: Intersección del área de influencia del proyecto y del área de la cuenca hidrográfica en donde se encuentra localizado el proyecto en la jurisdicción de la autoridad ambiental i, expresada en hectáreas.

$ATI \cap ATCH$: Intersección del área total de influencia del proyecto y del área total de la cuenca hidrográfica en donde se encuentra el proyecto, expresada en hectáreas.

2. 3% for the municipalities and districts located in the hydrographic basin, distributed as follows:

a) 1.5% for the municipalities and districts of the hydrographic basin that supplies the reservoir, other than those dealt with in the following literal;

b) 1.5% for the municipalities and districts where the reservoir is located;

When the municipalities and districts where the hydroelectric plants are installed are not part of the basin or the reservoir, they will receive 0.2%, which will be deducted in equal parts from the percentages referred to in paragraphs a) and b) above.

When the municipalities and districts are both a basin and a reservoir, they will participate proportionally in the transfers referred to in literals a) and b) of the second numeral of this article.

These resources may only be used by municipalities in works provided for in the municipal development plan, with priority for basic sanitation and environmental improvement projects.

Paragraph 1st. Basic sanitation and environmental improvement is understood as the execution of urban and rural aqueduct works, sewage systems, water treatment, and management and disposal of liquid and solid waste.

Paragraph 2nd. The transfer referred to in this article includes the payment by the hydroenergy sector of the Rate for Water Use referred to in article 43 of Law 99 of 1993.

Paragraph 3rd. The Regional Autonomous Corporations may enter into inter-administrative agreements with the National Natural Parks of Colombia in order to deliver the resources and their yields, which have been transferred to them by virtue of Law 1930 of 2018.

In the event that said instruments are signed, they will be oriented to the fulfillment of the general interest of the protection of the moors, in the terms of Law 1930 of 2018, and the resources will be transferred to the subaccount referred to in article 2.2. 9.2.1.8.A of this decree.

Paragraph 4th. The areas referred to in numeral 1 of this article will be delimited by the Agustín Codazzi Geographical Institute or the competent cadastral authority, in accordance with the provisions of article 2.2.9.2.1.3 of this decree.

The original text is as follows:
ARTICLE 2.2.9.2.1.5. Distribution of the percentage of gross sales by hydroelectric generation. *The distribution of 6% of the gross sales of energy by own generation in the case of hydroelectric generation referred to in article 45 of Law 99 of 1993, will be done as follows:*

1. 3% for the Regional Autonomous Corporations that have jurisdiction in the area where the hydrographic basin is located and the area of influence of the project.

2. 3% for the municipalities and districts located in the hydrographic basin, distributed as follows:

a) 1.5% for the municipalities and districts of the hydrographic basin that supplies the reservoir, other than those dealt with in the following paragraph.

b) 1.5% for the municipalities and districts where the reservoir is located.

c) When the municipalities and districts where the hydroelectric plants are installed are not part of the basin or the reservoir, they will receive 0.2%, which will be deducted in equal parts from the percentages referred to in literals a) and b) previous.

When the municipalities and districts are both a basin and a reservoir, they will participate proportionally in the transfers referred to in literals a) and b) of the second numeral of this article.

These resources must be used by the municipality, in at least 50% from the year 2012, in drinking water, basic sanitation and environmental improvement projects.

Paragraph 1. *Basic sanitation and environmental improvement is understood as the execution of urban and rural aqueduct works, sewage systems, water treatment, and management and disposal of liquid and solid waste.*

Paragraph 2. *The transfer referred to in this article includes the payment by the hydropower sector of the rate for the use of water referred to in article 43 of Law 99 of 1993.*

(Decree 1933 of 1994, art. 5 modified by Law 1450 of 20011 (sic), art. 222).

ARTICLE 2.2.9.2.1.6. ***Distribution of the percentage of gross sales by thermoelectric generation.*** The distribution of 4% of gross energy sales by own generation in the case of thermoelectric generation referred to in article 45 of Law 99 of 1993, will be done as follows:

1. 2.5% for the Regional Autonomous Corporation for environmental protection in the area where the plant is located.

2. 1.5% for the municipality or municipalities where the generating plant is located.

These resources must be used by the municipality, in at least 50% from the year 2012, in drinking water, basic sanitation and environmental improvement projects.

Paragraph 1. Basic sanitation and environmental improvement is understood as the execution of urban and rural aqueduct works, sewage systems, water treatment, and management and disposal of liquid and solid waste.

Paragraph 2. The transfer referred to in this article includes the payment by the hydropower sector of the rate for the use of water referred to in article 43 of Law 99 of 1993.

(Decree 1933 of 1994, art.6 modified by Law 1450 of 20011 (sic), art. 222).

ARTICLE 2.2.9.2.1.7. The distribution of the transfers referred to in literal a) of numeral 2 of article 2.2.9.2.1.5, or those referred to in numeral 2 of article 2.2.9.2.1.6, may be modified to be distributed equally among the municipalities. of the same basin or municipalities where the thermoelectric plant is located. To do this, the following procedure must be observed:

a) A request in this sense must be submitted to the Ministry of Environment and Sustainable Development by not less than half of the mayors of the municipalities that belong to that basin or municipalities where the thermoelectric plant is located, according to the definition made by the Geographical Institute "Agustín Codazzi" or the pertinent cadastral authority;

b) The Minister of Environment and Sustainable Development will summon all the municipalities to a meeting for this purpose, and will submit for approval the request referred to in the previous paragraph;

c) The request will be understood as approved, if at least three quarters of the total of the municipalities of that basin or municipalities where the thermoelectric plant is located approve the request for modification of the distribution of the transfers. Otherwise, it will be considered denied. In any case, the Ministry of Environment and Sustainable Development will inform the relevant company or companies of the decision, so that they proceed accordingly;

d) In the event that at least three quarters of the municipalities do not attend said meeting, the Ministry of Environment and Sustainable Development will summon a new meeting and will proceed according to the previous paragraphs. If this new meeting is not attended by at least three quarters of the total number of municipalities, the request will be understood as denied;

e) Once the request has been approved or denied, the procedure described herein may not be invoked under any circumstances to modify the distribution of the transfers. But when the conditions referred to in paragraph 2 of article 2.2.9.2.1.3 are present, the new distribution will be made according to articles 2.2.9.2.1.5 and 2.2.9.2.1.6, without prejudice to invoking this article later.

(Decree 1933 of 1994, art. 7).

ARTICLE 2.2.9.2.1.8. ***Destination of the resources received by the Regional Autonomous Corporations.*** *The* resources received by the Regional Autonomous Corporations for the transfers referred to in literal a) of numeral 3 of article 45 of Law 99 of 1993, will be used for the protection of the environment of the area where the plant is located.

This allocation of resources will be made in accordance with the "Environmental Management Plan for the area of influence of the Thermal Plant", which must contain, in addition to the delimitation of the area where the thermal plant is located, an investment plan for said resources with their corresponding schedule.

The elaboration and execution of this Plan is the responsibility of the respective Corporation. For the preparation of the Plan, the resources from the same transfers can be applied.

Paragraph. When there are hydraulic and thermal generation plants in the jurisdiction of a Corporation, there must be compatibility in the investment plans recommended by the "Environmental Planning and Management Plan for the Hydrographic Basin and the Project's Area of Influence", for the hydraulic and "Environmental Management Plan of the area of influence of the Thermal Plant".

(Decree 1933 of 1994, art. 8 modified by Law 1450 of 20011 (sic), art. 222).

Article 2.2.9.2.1.8.A. Added by art. 4, National Decree 644 of 2021 <*The added text is as follows*> **Resources transferred by hydroelectric energy generating companies to National Natural Parks of Colombia.** The resources transferred by the hydroelectric energy generating companies to the National Natural Parks of Colombia for the transfer of the electrical sector referred to in article 45 of Law 99 of 1993, will be transferred to the subaccount for the separate management of budgetary resources. assigned to the administration and management of the National Parks System of the National Environmental Fund (Fonam). These resources will be used for the preservation, restoration, sustainable use and generation of knowledge in moors from which the water used by the companies comes.

Paragraph. The appropriation of the resources referred to in this article in the Fonam budget will be subject to the availability of resources both in the Medium-Term Fiscal Framework and in the Medium-Term Expenditure Framework of the Environment Sector.
ARTICLE 2.2.9.2.1.9. *Operating expenses* . Of the resources referred to in article 45 of Law 99 of 1993, only up to 10% may be used for operating expenses.

(Decree 1933 of 1994, art. 9).

CHAPTER 3

FORCED INVESTMENT OF 1%

Modified by art. 1, National Decree 1648 of 2016.

<The new text is as follows>

COMPULSORY INVESTMENT OF NOT LESS THAN 1%

SECTION 1

ARTICLE 2.2.9.3.1.1 SCOPE OF APPLICATION Any project that requires an environmental license and that involves in its execution the use of water taken directly from natural sources for any activity, must allocate no less than 1% of the total investment for the recovery, conservation, preservation and surveillance of the hydrographic basin that feeds the respective water source, in accordance with the provisions of paragraph 1 of article 43 of Law 99 of 1993.

ARTICLE 2.2.9.3.1.2 DEFINITIONS . For the interpretation of the rules contained in this chapter and in the regulations issued in its development, the following definitions are adopted:

a) Conservation Agreement: Mechanism of a voluntary nature between the holder of an environmental license and the owner, occupant, holder or possessor of a property in which actions of protection, recovery, conservation and preservation of the water resource, biodiversity and its ecosystem services in exchange for a consideration in money or in kind;

b) Habitat Bank: Corresponds to an area in which preservation, restoration, rehabilitation, recovery, and/or sustainable use activities may be carried out for the conservation of biodiversity;

c) Basin: It is the area of surface or groundwater that discharges into a natural hydrographic network with one or several natural channels, with continuous or intermittent flow, that converge in a larger course that, in turn, can flow into a main river, in a natural water deposit, in a swamp or directly in the sea;

d) Production stage: It is the entry into operation of the project (production of goods or services);

e) Total investment of the project: Corresponds to the total capital invested (fixed assets and costs incurred for the development of the licensed project) by the owner of the project in the stages prior to production;

f) Preservation: Set of actions aimed at maintaining the natural state of biodiversity and ecosystems by limiting human intervention in them;

g) Protection, recovery, conservation, preservation and surveillance: It is the management that tends towards the conservation of the water basin through actions of preservation, restoration, implementation of sustainable use projects and/or monitoring of the water resource;

h) Modified by art. 1, National Decree 075 of 2017 *<The new text is as follows>* **Sustainable use projects:** These are projects that include productive activities, which from the natural supply of the territory generate marketable goods and services and contribute to the conservation, restoration and sustainable use of ecosystems and agro -ecosystems, the generation of social welfare and the strengthening and diversification of the regional and local economy in a sustainable manner.

The original text was as follows:

h) Sustainable use projects: *These are forestry, agroforestry and silvopastoral projects through which the execution of productive activities is promoted based on biophysical conditions, which contribute to the conservation of ecosystems, reconversion of activities, and the strengthening and diversification of the regional and local economy in a sustainable way.*

Sustainable use projects: These are forestry, agroforestry and silvopastoral projects through which the execution of productive activities is promoted based on biophysical conditions, which contribute to the conservation of ecosystems, reconversion of activities, and the strengthening and diversification of the regional and local economy in a sustainable way.

i) Recovery: These are restoration actions that are aimed at recovering some ecosystem services. Generally the resulting ecosystems are not self-sustaining and do not resemble the predisturbance system;

j) Rehabilitation: These are the restoration actions that are aimed at bringing the degraded system to a system similar or not to the predisturbance system, this must be self-sustaining, preserve some species and provide some ecosystem services;

k) Restoration: These are actions aimed at partially or totally restoring the composition, structure and function of biodiversity, which has been altered or degraded. These actions can be: ecological restoration and ecological rehabilitation;

l) Ecological Restoration: These are the restoration actions that are aimed at restoring the degraded ecosystem to a condition similar to the predisturbance ecosystem with respect to its composition, structure and functioning. In addition, the resulting ecosystem must be a self-sustaining system and must guarantee the

conservation of species, the ecosystem in general, as well as most of its goods and services.

ARTICLE 2.2.9.3.1.3. OF THE PROJECTS SUBJECT TO THE INVESTMENT OF NOT LESS THAN 1%. For purposes of applying this chapter, it is considered that the owner of a project must allocate no less than 1% of the total investment, when all of the following conditions are met:

a. That the water is taken directly from a natural surface or underground source;

b. That the project requires an environmental license;

c. That the project, work or activity involves the use of water in any of the stages of its execution;

d. That the water taken is used in any of the following uses: human consumption, recreation, irrigation or any other activity.

Paragraph 1st. Modified by art. 2, National Decree 075 of 2017 <*The new text is as follows*> The provisions of this chapter also apply in cases of modification of the environmental license, when said modification implies the increase in the use of water from a natural source or change or inclusion of new water sources. In these events, the liquidation base will correspond to the additional investments associated with said modification .

The original text was as follows:

Paragraph 1. *The provisions of this chapter also apply in cases of modification of the environmental license, when said modification complies with the previous conditions, except for literal b). In these events, the liquidation base will correspond to the additional investments associated with said modification.*

Paragraph 2. Those projects subject to environmental licensing that are in any of the following conditions: i) take water directly from a household aqueduct network operated by a service provider or its distributor, make use of treated or reused wastewater, iii) capture rainwater, they will not be subject to the provisions contained in this chapter.

ARTICLE 2.2.9.3.1.4 . GEOGRAPHICAL SCOPE FOR THE COMPULSORY INVESTMENT OF NOT LESS THAN 1%. The holder of the environmental license may make the investment referred to in article 2.2.9.3.1.1 of this chapter, based on the following geographical area and order of priorities: a) The hydrographic subzone within which the project is developed; b) The hydrographic zone within which the project is developed.

Paragraph 1. The selection of the hydrographic zone must be supported based on technical conditions that justify its prioritization.

Paragraph 2. As long as its execution is compatible with the uses defined for the respective management category, the compulsory investment of no less than 1% may

be made in the areas of the National System of Protected Areas (SINAP) that are identified within the scope. prioritized geographic.

Paragraph 3. The compulsory investment of no less than 1% that is generated by the execution of linear projects may be executed in one or several sub-zones or hydrographic zones that cross the project, seeking to maximize the benefits of the measures to be implemented and prioritizing areas of ecological importance for supply and maintenance of water resources.

ARTICLE 2.2.9.3.1.5. APPROVAL OF THE GENERAL INVESTMENT LINES OF THE COMPULSORY INVESTMENT PLAN OF NOT LESS THAN 1%. The applicant for the environmental license must present in the environmental impact study, the proposal of the general lines of investment and their geographical scope, for approval by the environmental authority, who will pronounce in the administrative act that grants the environmental license.

paragraph . In accordance with the provisions of paragraph 2 of article 2.2.2.3.6.2 of this decree, in cases under the jurisdiction of the National Environmental Licensing Authority (ANLA), the applicant for the environmental license must file with the regional environmental authorities with jurisdiction in the area of influence of the project a copy of the environmental impact study, so that in the technical concept on the use, exploitation and/or affectation of renewable natural resources, they pronounce on the relevance of the proposal of the general lines of investment and their geographical scope, under the terms and conditions established in paragraph 2 of article 2.2.2.3.6.3 ibid.

ARTICLE 2.2.9.3.1.6 LIQUIDATION OF THE COMPULSORY INVESTMENT OF NOT LESS THAN 1%. The liquidation of the investment referred to in this chapter will be carried out in accordance with the total investment of the project subject to the environmental license.

ARTICLE 2.2.9.3.1.7 PRESENTATION OF THE LIQUIDATION OF THE COMPULSORY INVESTMENT OF NOT LESS THAN 1%. The liquidation of the compulsory investment of not less than 1% will be presented in Colombian pesos and must be duly differentiated in accounting terms, certified by an accountant or statutory auditor, as the case may be.

ARTICLE 2.2.9.3.1.8 APPROVAL OF THE COMPULSORY INVESTMENT PLAN OF NOT LESS THAN 1%. The holder of the environmental license, six (6) months after the completion of the construction and assembly activities of the project, must present the specific actions for the allocation of resources within the framework of the general lines and geographical scope of the proposed plan. of compulsory investment of not less than 1% approved in the administrative act that granted the environmental license and, which must also be liquidated according to the liquidation parameters established in this chapter and in the format that the Ministry adopts for this purpose. Environment and Sustainable Development.

The competent environmental authority will proceed to its approval within a term of thirty (30) business days, following the general administrative procedure of Law 1437

of 2011. This pronouncement will constitute the compulsory investment plan of not less than 1% of the project, whose execution It should be started as long as the capture of the water resource from the natural source has been carried out. Against the administrative act that approves or denies the plan, the resources indicated in the law will proceed.

Paragraph 1st. When new investments are made during the production stage of the project, which require modification of the environmental license and which imply an increase in the use of water from a natural source or change or inclusion of new water sources, the holder of the environmental license must Submit to the environmental authority that granted it, additions to the compulsory investment plan of no less than 1% approved in accordance with this article. These additions will be approved in the terms indicated in the previous paragraph.

Paragraph 2nd. Modified by art. 3, National Decree 075 of 2017. < *The new text is as follows*> During the construction and assembly stage of the project, the holder of the environmental license may submit to the environmental authority that granted it, partial plans for forced investment of no less than 1%, according to the amount of the investments made, the general lines of investment and the geographical scope approved in the environmental license. These partial plans will be approved in the terms indicated in the previous paragraph.

The original text was as follows:

Paragraph 2. *Once the compulsory investment plan of no less than 1% has been approved, the value of the liquidation of the investment will be updated in relation to the values not executed, as of December 31 of each fiscal year and will be presented no later than December 31. March of the following year, in the format adopted by the Ministry of Environment and Sustainable Development, based on the Consumer Price Index (CPI) calculated by DANE.*

ARTICLE 2.2.9.3.1.9. ALLOCATION OF INVESTMENT RESOURCES OF NOT LESS THAN 1%. The resources of the compulsory investment of not less than 1%, which this chapter deals with, will be allocated to the protection and recovery of the water resource, as follows:

1. When the Basin Planning and Management Plan has been adopted, in development of paragraph 1 of article 43 of Law 99 of 1993 modified by article 216 of Law 1450 of 2011, in the activities indicated below:

a. Protection, conservation and preservation actions through ecological restoration, rehabilitation and recovery, within which the development of sustainable use projects can be included. In this line of investment, priority may be given to areas degraded by illicit activities;

b. Recovery actions, through the construction of interceptors and domestic wastewater treatment systems in the municipalities of categories 4, 5 and 6. This action can only be proposed as long as the ownership of the works belongs to the territorial entities and that these in turn guarantee the resources for the operation and maintenance of these structures;

c. Surveillance actions for water resources through the instrumentation and monitoring of climatological and hydrological variables with hydrometeorological stations and/or radars, according to the technology defined by Ideam.

This action may be proposed as long as the owner of the project and Ideam ensure the financing of the operation of said instrumentation.

2 . In development of article 174 of Law 1753 of 2015 that modifies article 108 of Law 99 of 1993, as follows: in Complementary Actions, through the acquisition of land and/or improvements in areas or ecosystems of strategic interest for the conservation of natural resources, as well as in protected areas that are part of the National System of Protected Areas (SINAP).

3 . In the absence of the respective Hydrographic Basin Planning and Management Plan, in development of paragraph 2 of article 43 of Law 99 of 1993 modified by article 216 of Law 1450 of 2011, the resources must be invested in its formulation or adoption, for which the holder of the environmental license may allocate up to the percentage set by the Ministry of Environment and Sustainable Development, as long as the managing environmental authority ensures, with other sources of resources, the total financing of this instrument and, remaining percentage of the investment, must be allocated to the activities listed in number 1 of this article.

Paragraph 1st. The Institute of Hydrology, Meteorology and Environmental Studies (Ideam) will provide the information related to the location of the equipment and the costs associated with its installation. In the case of hydrometeorological stations, these will be registered in the National Catalog of Hydrometeorological Stations.

Paragraph 2nd. The works and activities aimed at preventing, mitigating, correcting and compensating for the environmental impacts and effects found in the Environmental Management Plan of the licensed project will not be part of the 1% Investment Plan that this chapter deals with.

Paragraph 3rd. In case of purchase of properties, the ownership of the same may be granted to the environmental authorities, to National Natural Parks of Colombia, to municipal or departmental entities, to collective territories and indigenous reservations, as long as they are intended for the recovery, protection and recovery of the basin.

Paragraph 4th. To carry out the respective studies and/or designs within the aforementioned lines of investment, up to 10% of the total value of the activity may be invested.

Paragraph 5th. Without prejudice to the provisions of numeral 1 of this article and within the framework of the provisions of article 2.2.3.1.12.1, the resources may be used to update the Hydrographic Basin Planning and Management Plan in the percentage set by the Ministry of Environment and Sustainable Development, as long as the managing environmental authority ensures, with other sources of resources, the total financing of said update and the remaining percentage of the investment is destined to the activities indicated in literals a), b) , c) and d) of numeral 1 cited.

ARTICLE 2.2.9.3.1.10 . MECHANISMS FOR THE IMPLEMENTATION OF THE INVESTMENT OF NOT LESS THAN 1%. Mechanisms, such as payment for environmental services, conservation agreements, habitat banks, as well as application in conservation initiatives, may be used for the implementation of the actions referred to in this chapter.

ARTICLE 2.2.9.3.1.11. INFORMATION. Holders of environmental licenses must include information on compliance with the 1% investment and compensation for the biotic component in the terms and conditions required by the Geographic Storage Model (Geodatabase) that was adopted for this purpose through Resolution numbers 1415 of 2012 and 188 of 2013, or the one that modifies or replaces it.

ARTICLE 2.2.9.3.1.12. GROUPING THE INVESTMENT OF NOT LESS THAN 1% WITH THE COMPENSATION MEASURES FOR THE USE AND/OR PROMOTION OF RENEWABLE NATURAL RESOURCES In order to seek the maximization of environmental, economic and social benefits, the holders of environmental licenses and permits , concessions or environmental authorizations related to the use and/or exploitation of renewable natural resources, may group together the 1% investment measures and the compensation measures established in said authorizations, as long as each of the obligations meets the requirements defined for them and their follow-up can be independently measurable. Holders of environmental licenses, permits and authorizations will be required to report compliance with each of the grouped obligations independently to the respective environmental authorities.

ARTICLE 2.2.9.3.1.13. ALLIANCES FOR THE IMPLEMENTATION OF THE INVESTMENT OF NOT LESS THAN 1% AND THE COMPENSATION MEASURES FOR THE USE AND/OR PROMOTION OF RENEWABLE NATURAL RESOURCES. Holders of environmental licenses, permits and environmental authorizations may create alliances for the implementation of investments and compensation for the use and/or exploitation of renewable natural resources, in proportion to their obligations, seeking to maximize environmental, economic and social benefits. In any case, the holders of environmental licenses, permits and authorizations will be obliged to independently report the fulfillment of each one of the obligations object of alliances to the respective environmental authorities.

ARTICLE 2.2.9.3.1.14. ADOPTION OF FORMATS AND GUIDELINES The Ministry of Environment and Sustainable Development will issue the guide on the compulsory investment of not less than 1% and will adopt the formats of the compulsory investment plan of not less than 1% for liquidation and updating.

ARTICLE 2.2.9.3.1.15. Continuity of transition regimes. Modified by art. 4, National Decree 075 of 2017. < *The new text is as follows* > The provisions of this chapter apply in cases of modification of projects, works or activities to which an environmental management plan has been established or imposed, as an instrument of environmental management and control by virtue of the transition regimes of the regulation of Title VIII of Law 99 of 1993, as long as said modification implies the increase in the use of water from a natural source, or change or inclusion of new water sources. In this case, the liquidation base will correspond to the additional investments associated with said modification.

Paragraph. The provisions of this article do not apply to those projects subject to an environmental management plan that has been imposed as an instrument of environmental management and control, which are in any of the following conditions: i) take water directly from a network household aqueduct operated by a service provider or its distributor; ii) make use of treated or reused wastewater; iii) capture rainwater; iv) in the case of renewals of water concession permits.

The original text was as follows:

ARTICLE 2.2.9.3.1.15. CONTINUITY OF TRANSITION REGIMES. *The provisions of this chapter apply in cases of modification of projects, works or activities to which an environmental management plan has been established or imposed, as an instrument of environmental management and control, by virtue of the transition regimes of the regulations of Title VIII of Law 99 of 1993, as long as said modification complies with the conditions established in subparagraphs a), c) and d) of article 2.2.9.3.1.3. In this case, the liquidation base will correspond to the additional investments associated with said modification.*

Paragraph. *The provisions of this article do not apply to those projects subject to an environmental management plan that has been imposed as an instrument of environmental management and control, which are in any of the following conditions:*

i) take water directly from a household aqueduct network operated by a service provider or its distributor;

ii) make use of treated or reused wastewater;

iii) capture rainwater; iv) in the case of renewals of water concession permits.

ARTICLE 2.2.9.3.1.16. MODIFICATION OF INVESTMENT PLANS OF 1%. The investment plan of no less than 1% may be modified at any time by the holder of the environmental license, for which he must submit the modification proposal to the competent environmental authority, who will approve it within the terms established in article 2.2.9.3.1.8 of this chapter, without implying the modification of the environmental license.

ARTICLE 2.2.9.3.1.17. TRANSITION REGIME. The transition regime will apply to projects that are in the following cases:

1. Those who, as of the entry into force of this chapter, have an administrative act to start the process to obtain an environmental license or its modification, will continue the process subject to the regulations in force at the time of its initiation. However, they may avail themselves of the provisions of this chapter, in what they consider pertinent, until before the environmental authority issues the administrative act that declares that the information has been gathered for the granting of the environmental license, in which case the procedures will be initiated. terms for the evaluation of the licensing process.

2 . Those that from the entry into force of this chapter have not been issued the administrative act of initiation of the process must comply with the provisions set forth in this chapter.

3 . Modified by art. 1, National Decree 1120 of 2017. < *The new text is as follows>* Those who obtained an environmental license before the entry into force of this chapter and presented the investment plan of no less than 1% will continue to be subject to the regulations in force at the time of its issuance. However, they may benefit from the provisions of this chapter in what they consider pertinent, for which

they must adjust the investment plan and submit it to the competent environmental authority no later than June 30, 2018.

The original text was as follows:

3. *Those who obtained an environmental license before the entry into force of this chapter and presented the investment plan of not less than 1% will continue to be subject to the regulations in force at the time of its issuance. However, they may avail themselves of the provisions of this chapter in what they consider pertinent, for which they must adjust the investment plan and submit it to the competent environmental authority no later than June 30, 2017.*

4 . Modified by art. 2, National Decree 1120 of 2017. <*The new text is as follows*> Those who obtained an environmental license before the entry into force of this chapter who have not presented the investment plan of not less than 1% will continue to be subject to the terms, conditions and obligations indicated in the current law at the time of its issuance and must submit it to the competent environmental authority before June 30, 2018. However, they may avail themselves of the provisions of this chapter in what they consider pertinent, for which they must submit the investment plan to the competent environmental authority no later than June 30, 2018. The foregoing is without prejudice to the preventive and sanctioning measures that may apply.

Other modifications: Modified by art. 5, National Decree 075 of 2017.

The original text was as follows:

4. *Those who obtained an environmental license before the entry into force of this chapter who have not presented the investment plan of not less than 1% will continue to be subject to the terms, conditions and obligations indicated in the law in force at the time of its issuance and they must submit it to the competent environmental authority before June 30, 2017. The foregoing is without prejudice to the preventive and sanctioning measures that may apply.*

5. The Investment Plans of no less than 1% that are in execution, before the entry into force of this chapter, will be governed by the provisions of the administrative acts that approved them. However, the holder of the environmental license may request the modification of the respective Investment Plan in relation to the allocation of resources as indicated in this chapter within a maximum term of twelve (12) months, counted from the dispatch of the same.

Other modifications: Corrected the numbering by art. 11, National Decree 1956 of 2015.

The original text was as follows:

SECTION 1

ARTICLE 2.2.9.3.1.1. Field of application *. Any project that involves in its execution the use of water taken directly from natural sources and that is subject to obtaining an environmental license, must allocate 1% of the total investment for the recovery, conservation, preservation and surveillance of the hydrographic basin. that feeds the respective water source; in accordance with the paragraph of article 43 of Law 99 of 1993.*

(Decree 1900 of 2006, art. 1).

ARTICLE 2.2.9.3.1.2. Of the projects subject to investment of 1%. *For purposes of applying this chapter, it is considered that a project must make the 1% investment as long as they meet all of the following conditions;*

a) That the water is taken directly from a natural source, whether surface or underground:

b) That the project requires an environmental license;

c) That the project, work or activity uses water in its execution stage, understanding by this, the activities corresponding to the construction and operation processes;

d) That the water taken is used in any of the following uses: human consumption, recreation, irrigation or any other industrial or agricultural activity.

Paragraph 1. *The investment referred to in article 1 of this chapter, will be made only once, by the beneficiary of the environmental license.*

Paragraph 2. *The provisions of this chapter do not apply to those projects that take water directly from the household aqueduct network operated by a service provider.*

(Decree 1900 of 2006, art. 1).

ARTICLE 2.2.9.3.1.3. Liquidation of the investment. *The liquidation of the 1% investment referred to in the first article of this chapter will be made based on the following costs:*

a) Acquisition of land and real estate;

b) Civil works;

c) Acquisition and rental of machinery and equipment used in civil works;

d) Constitution of easements.

Paragraph. *The costs referred to in the previous paragraphs correspond to the investments made in the construction and assembly stage, prior to the operation or production stage. Likewise, the works and activities included in these costs will be those carried out within the area of influence of the project subject to the environmental license.*

(Decree 1900 of 2006, art. 3).

ARTICLE 2.2.9.3.1.4. Investment approval. *The applicant for the environmental license will present simultaneously to the competent environmental authority, the Environmental Impact Study and the investment program corresponding to the 1% investment. The latter must contain at least the delimitation of the area where it will be executed, the value in constant pesos of the year in which it is presented, the activities to be carried out and the respective execution schedule.*

In the administrative act through which the competent environmental authority grants the environmental license, the investment program will be approved, which will be subject to monitoring and control activities.

Paragraph 1. *In cases under the jurisdiction of the Ministry of Environment and Sustainable Development, the petitioner must file simultaneously with the environmental authorities with jurisdiction in the area of influence of the project, a copy of the investment program with a copy of the Environmental Impact Study, in order for them to issue the respective concept, for which they will have a maximum term of thirty (30) business days. The petitioner will submit proof of filing to the Ministry of Environment and Sustainable Development.*

Paragraph 2. *In order to adjust the value of the investment of 1%, calculated based on the initial budget of the project, the holder of the environmental license must present before the competent environmental authority, within the following six (6) months On the date of entry into operation of the project, the liquidation of the investments actually made, which must be certified by the respective public accountant or fiscal auditor, in accordance with the provisions of this decree.*

Based on the information provided, the competent environmental authority will proceed to adjust, if applicable, the investment program.

(Decree 1900 of 2006, art. 4).

ARTICLE 2.2.9.3.1.5. Destination of resources . *The resources referred to in this chapter will be used for the recovery, preservation, conservation and surveillance of the hydrographic basin that feeds the water source, in accordance with the respective Plan for the Regulation and Management of the Basin or in the formulation and adoption of the Plan.*

In the absence of the respective Hydrographic Basin Planning and Management Plan, the resources may be invested in some of the following works or activities:

a) Preparation of the Planning and Management Plan for the Hydrographic Basin in a percentage established by the Ministry of Environment and Sustainable Development.

b) Restoration, conservation and protection of plant cover, plant enrichment and isolation of areas to facilitate natural succession;

c) Acquisition of properties and/or improvements in paramo areas, cloud forests and areas of influence of birth and recharge of aquifers, fluvial stars and water rounds. In this case, the ownership of the properties and/or improvements will belong to the environmental authorities;

d) Instrumentation and monitoring of water resources;

e) Limnological and hydrobiological monitoring of the water source;

f) Construction of works and activities for flow control, rectification and management of channels, runoff control, erosion control, geotechnical works and other biomechanical works and activities for soil, water and vegetation management;

g) Interceptors and domestic wastewater treatment systems. To carry out the respective studies, up to 10% of the total value of this investment may be invested. In this case, the ownership of the works and studies will belong to the municipalities or districts, as the case may be;

h) Environmental training for the training of community promoters in the topics related in the previous paragraphs, in order to assist in the environmental management of the hydrographic basin;

i) Preservation and conservation of the National Parks System that are within the respective basin in accordance with the management plans.

Paragraph 1. *The location of the above works and activities must be supported by the technical, ecological, economic and social conditions that allow the recovery, preservation, conservation and environmental monitoring of the respective hydrographic basin.*

Paragraph 2. *The works and activities aimed at preventing, mitigating, correcting and compensating for the environmental impacts and effects found in the Environmental Management Plan of the licensed project will not be part of the 1% Investment Program that this decree deals with.*

(Decree 1900 of 2006, art. 5 modified by Law 1450 of 2011, art. 216).

CHAPTER 4

NATIONAL ENVIRONMENTAL FUND - FONAM

SECTION 1

ARTICLE 2.2.9.4.1.1. *Nature* . The National Environmental Fund, Fonam, is a special account management system of the Ministry of Environment and Sustainable Development, with legal status, independent assets, and no structure.

(Decree 4317 of 2004, art. 1).

ARTICLE 2.2.9.4.1.2. *Direction and administration of Fonam* . The direction and administration of Fonam is in charge of the Minister of the Environment. Housing and Territorial Development and the Cabinet Council.

The actions and decisions of the Minister of Environment and Sustainable Development and the Cabinet Council must be framed in:

1. The National Development Plan.

2. The Environmental Policy.

3. The Action Plan of the Ministry of Environment and Sustainable Development.

Paragraph. The Ministry of Environment and Sustainable Development is the legal representative and ordering authority for Fonam spending.

(Decree 4317 of 2004, art. 2).

ARTICLE 2.2.9.4.1.3. ***Functions of the Cabinet Council*** **.** The functions of the Cabinet Council are:

1. Define the administrative, financial and operational policies of Fonam.

2. Adopt the operating regulations of Fonam, which will contain at least the criteria and procedures for the management and execution of the resources assigned to the different financing lines of the Fund.

3. Approve the projects to be financed with resources from the Demand Financing Line for Environmental Investment Projects.

4. Approve the Annual Investment Operational Plan for the sub-accounts of the line of collection and execution of resources with specific destination.

5. Determine the procedures and mechanisms for the follow-up and control of Fonam's sub-accounts.

(Decree 4317 of 2004, art. 3).

ARTICLE 2.2.9.4.1.4. ***Financing lines and sources of the Fonam*** **.** To meet its objectives, the Fonam account has two lines of financing:

1. Financing by demand of environmental investment projects.

2. Collection and execution of resources with specific destination.

The source of financing for the Environmental Investment Projects line comes from ordinary investment resources, from resources collected for this purpose and from external credit resources from the General Budget of the Nation, assigned to Fonam.

The resources with specific destination come from the collections that are generated by the administration and management of the areas of the System of National Natural Parks, the services of evaluation and follow-up of licenses and other instruments of control and environmental management, the fines and the resources for execution of projects in the Colombian Amazon,

Paragraph. Fonam's resources will be managed through a system of sub-accounts of the Ministry of Environment and Sustainable Development, with separate accounting.

(Decree 4317 of 2004, art. 4).

ARTICLE 2.2.9.4.1.5. ***Sub-accounts of the demand financing line for environmental investment projects.*** The subaccounts of this line are destined to the financing or co-financing of projects with ordinary investment resources or external loans. Its purpose is to support the formulation and implementation of the country's environmental policy.

These subaccounts are:

1. ***Environmental investment subaccount.*** It is a subaccount intended for the financing or co-financing of projects with resources from external credit, as support for the formulation and implementation of the country's environmental policies, in accordance with the agreed negotiation conditions.

2. ***Subaccount for support to environmental management of the Ministry of Environment and Sustainable Development.*** This subaccount will have the resources from the fines imposed by the Ministry of Environment and Sustainable Development and will be used to finance projects, plans, programs and activities related to renewable natural resources and the environment.

3. ***Sub-account of Environmental Investments for the Protection of Water Resources*** : This sub-account will be made up of the resources from the economic disincentives established by the Commission for the Regulation of Potable Water and Basic Sanitation -CRA-, in development of article 7 of Law 373 of 1997, in cases where there is a decrease in precipitation levels caused by climatic variability phenomena, based on the information disclosed by Ideam for this purpose. Said

resources will be destined to the protection, reforestation and conservation of the hydrographic basins that supply municipal aqueducts and to campaigns that encourage the efficient use and saving of water.

(Decree 4317 of 2004, art. 5 modified by Decree 587 of 2010, art. 1).

ARTICLE 2.2.9.4.1.6. ***Subaccounts of the line of financing, collection and execution of resources with specific destination.***

1. ***Subaccount of the National Natural Parks System.*** This sub-basin is made up of resources from the administration and management of the areas of the National Natural Parks System and ecotourism, as well as the product of the concessions in said areas.

Charged to this subaccount, the expenses and investments required for the administration and management of the areas of the National Natural Parks System will be financed.

2. ***Subaccount to defray the costs of evaluation and monitoring of licenses, permits, concessions, authorizations and other environmental control and management instruments.*** This subaccount is made up of resources from the payment of evaluation and monitoring services for licenses, permits, concessions, authorizations and other environmental control and management instruments under the jurisdiction of the Ministry of Environment and Sustainable Development and will be used to finance costs in that this Ministry must incur for the provision of said services.

3. ***Subaccount to manage the issuance of CITES or non-CITES import and export permits and the manufacture and distribution of marking systems.*** This subaccount will have the resources collected from the import and export permits for non-Cites wild fauna and flora species, those established in the International Convention on Trade in Endangered Species of Wild Fauna and Flora Cites and those for the manufacture and distribution of biodiversity species marking systems.

4. ***Subaccount of the Amazon Environmental Fund.*** The resources that enter this subaccount will be allocated to the execution of projects, works or environmental activities in the Colombian Amazon.

(Decree 4317 of 2004, art. 6).

ARTICLE 2.2.9.4.1.7 ***. Allocation of Fonam resources.*** The allocation of Fonam resources will be based on the Operating Regulations for the different financing lines.

For the Demand Financing Line for Environmental Investment Projects, the Operating Regulations must specify that the project will be the only instrument through which these resources can be accessed.

The projects that are submitted for evaluation and feasibility of the Ministry of Environment and Sustainable Development and the approval of its Cabinet Council, must meet the following requirements:

1. Be framed in the priorities established in the Regional Management Plan and the Action Plan of the Regional Autonomous Corporations.

2. Be framed in the Management Plans or in the Operational Plans of the Areas of the System of National Natural Parks.

For the Collection Line and Execution of Resources with Specific Destination, the Operating Regulations must specify that the Annual Investment Operating Plan will be the only instrument through which these resources may be allocated.

The Annual Operational Investment Plan must be prepared based on the following criteria:

1. Focus investments based on the purpose of each of the subaccounts.

2. Contain at least: objectives, goals to be achieved in each term, activities to be developed, resources to be invested, expected results and activity schedule.

The Planning Advisory Office or the dependency acting on its behalf of the Ministry of Environment and Sustainable Development will be in charge of preparing and presenting the respective Plan for approval by the Cabinet Council.

(Decree 4317 of 2004, art. 7).

CHAPTER 5

ENVIRONMENTAL COMPENSATION FUND

SECTION 1

ARTICLE 2.2.9.5.1.1 ***Definitions.*** For purposes of this chapter, the following definitions will be taken into account:

Income from the Environmental Compensation Fund. Income from the Environmental Compensation Fund will be the amounts transferred by the Regional Autonomous Corporations corresponding to 20% of the resources received for transfers from the electricity sector and 10% of the remaining own income, with the exception of the environmental percentage of property taxes. property and those originating from inter-administrative contractual relationships.

Non-contributing corporations to the Environmental Compensation Fund. The Sustainable Development Corporations will not be contributors to the Environmental Compensation Fund.

Operating expenses. Are those whose purpose is to meet the needs of entities to fully comply with the functions assigned by law. Personnel expenses (personal services associated with payroll, indirect personal services, contributions inherent to the payroll of the public sector and the private sector) are part of this; general expenses (acquisition of goods, services, taxes and fines): and current transfers.

Environmental investment expenses. They are those expenditures likely to cause environmental benefits, aimed at obtaining a quantifiable and measurable result or that have a body of goods for lasting use, also called capital. Its allocation allows to maintain or increase the natural supply capacity and improve environmental management. These expenses must be discriminated in the respective formulation of projects registered and made viable in the Bank of National Investment Projects.

All the projects to be financed with resources from the Environmental Compensation Fund must simultaneously contemplate the investment and operating expenses that the technical and administrative requirements demand as necessary for their execution and operation.

Debt service. Corresponds to expenses for the servicing of both internal and external public debt. Their purpose is to meet the fulfillment of the contractual obligations corresponding to the payment of capital, interest, commissions and contingencies originated in public credit operations that They include the expenses necessary to obtain internal and external credits, carried out in accordance with the law.

Operating Regulations. Document designed and approved by the Committee of the Environmental Compensation Fund, by means of which the procedure for the collection, the turning of the resources, the processing of the requests presented by the Corporations is determined, it develops the general distribution criteria contained in this chapter and establishes parameters for the monitoring and evaluation of the effectiveness of spending, and others that are considered complementary for the achievement of the Fund's objectives.

(Decree 954 of 1999, art. 1).

ARTICLE 2.2.9.5.1.2 ***. Conformation.*** The Environmental Compensation Fund Committee will be made up of two (2) representatives of the Ministry of Environment and Sustainable Development, including the Minister or his delegate, one (1) representative of the Environmental Policy Unit of the National Planning Department, one (1) representative of the Regional Autonomous Corporations and one (1) representative of the Sustainable Development Corporations.

(Decree 954 of 1999, art. 2).

ARTICLE 2.2.9.5.1.3. *Election of Representatives of Corporations* . The representatives of the Regional Autonomous Corporations and Sustainable Development Corporations to the Committee of the Environmental Compensation Fund, will be elected through the mechanisms that they determine and for periods of one year.

The election of said representatives must be communicated in writing to the Ministry of Environment and Sustainable Development, supported by the minutes of the meeting in which the election was held.

(Decree 954 of 1999, art. 3).

ARTICLE 2.2.9.5.1.4. *Compensation Fund Committee* . The Committee of the Environmental Compensation Fund will be chaired by the Minister of Environment and Sustainable Development or Vice Minister of Environment and will have the following functions:

1. Design and approve the operating regulations of the Environmental Compensation Fund, to which the Committee itself will be subject.

2. Prepare and submit to the national government the proposal for the annual distribution of the Fund's resources that will be used to finance the operating, investment and debt service budgets, in accordance with the criteria established in this chapter.

3. Define the distribution of the resources collected by the Environmental Compensation Fund among the benefited Corporations, in accordance with the criteria established in this chapter. This allocation of resources will be made through Distribution Resolution of the Ministry of Environment and Sustainable Development.

4. Evaluate the execution of the resources distributed by the Compensation Fund

Environmental to Corporations, in accordance with the monitoring parameters established in the operating regulations.

5. Ensure that the Corporations make contributions to the Environmental Compensation Fund according to the percentages established in Law 344 of 1996 and on the dates established in this chapter.

6. The other functions, which are not expressly indicated in this article, are considered complementary or essential for the development of its object.

(Decree 954 of 1999, art. 4).

ARTICLE 2.2.9.5.1.5. *Technical Secretariat of the Committee.* The Environmental Compensation Fund Committee will have a Technical Secretariat, which will be exercised by the Planning Office of the Ministry of Environment and Sustainable Development and will be in charge of the following functions;

1. Carry out analyzes and technical studies that serve as support for the Environmental Compensation Fund Committee, in preparing the proposal for the annual distribution of resources that will be used to finance the operating budget, investment and debt service.

2. Recommend to the Committee of the Environmental Compensation Fund the distribution of the resources collected among the benefited Corporations, in accordance with the criteria established in this chapter.

3. Receive and evaluate the resource allocation requests submitted by the Corporations, taking into account the general criteria established in this chapter and those determined in the operating regulations.

4. Periodically review and report to the Committee on the Fund's collection situation and the Corporations' compliance with their obligations.

5. Monitor the execution of the resources allocated by the Fund, in accordance with the provisions of the operating regulations.

6. Provide administrative support and act as Secretary of the Committee.

(Decree 954 of 1999, art. 5).

ARTICLE 2.2.9.5.1.6. *Committee convocation* . The Environmental Compensation Fund Committee will be convened by the Minister of Environment and Sustainable Development 15 calendar days prior to the meeting date and will meet at least four times a year and when extraordinary meetings are called.

(Decree 954 of 1999, art. 6).

ARTICLE 2.2.9.5.1.7. *Sessions* . The sessions will be recorded in minutes that must be signed by the person who chaired the Committee and by the Secretary.

The committee may only deliberate with the assistance of the majority of its members. The decisions of the Committee of the Environmental Compensation Fund will be adopted by a majority of the members of the Committee.

(Decree 954 of 1999, art. 7).

ARTICLE 2.2.9.5.1.8. *General Criteria for Distribution of Resources.* For the purposes of article 2.2.9.5.1.4. of this decree, the proposal for the distribution of the resources of the Environmental Compensation Fund between operation, investment and debt service, will be made on the basis of an analysis of the global needs for each of these concepts, prioritizing investment expenses .

The distribution of resources among beneficiary Corporations of the Fund will be based on the collections made. The general criteria to be taken into account for the distribution will be; total budget for each Corporation in each fiscal year broken down by sources, capacity to generate own resources, socioeconomic conditions and national and regional thematic priorities defined by the Committee.

The specific criteria, as well as the maximum allocation amounts for each corporation during the same fiscal period, will be defined in the Operating Regulations.

(Decree 954 of 1999, art. 8).

ARTICLE 2.2.9.5.1.9. *Collection Mechanisms* . The Corporations must send monthly to the Technical Secretariat of the Environmental Compensation Fund Committee a report containing the amounts collected and the resources allocated to the Fund defined in article 24 of Law 344 of 1996. This information must be endorsed by the Treasurer and the General Director of each Corporation.

These resources must be transferred to the special account designated for this purpose, in the month following the collection.

Failure to comply with the above obligations will result in the relevant legal sanctions.

(Decree 954 of 1999, art. 9).

ARTICLE 2.2.9.5.1.10. *General Provisions* . In addition to the provisions above, the operation and administration of the Environmental Compensation Fund will take into account the following considerations:

1. The National Government will distribute annually in the liquidation decree of the General Budget of the Nation, the resources of the Environmental Compensation Fund destined for investment, operation and debt service, based on the proposal presented by the Fund Committee.

2. The execution of the resources assigned by the Environmental Compensation Fund to the Autonomous Regional and Sustainable Development Corporations will be subject to the organic statute of the budget.

3. The Regional Autonomous Corporations must consider in their annual budgets the items allocated to the Environmental Compensation Fund, and will inform the Ministry of the Environment

and Sustainable Development of the amount on the expected deadline for submitting the budget drafts for the following term.

4. The allocation of resources by the Environmental Compensation Fund to the Autonomous Regional and Sustainable Development Corporations in a given term, does not oblige the Fund to allocate resources to the same project in the case of investment or expense in the case of operation, in the following terms.

5. The resources assigned by the Environmental Compensation Fund to the Autonomous Regional and Sustainable Development Corporations destined to finance operating expenses, may not be destined to defray increases in the personnel plant.

(Decree 964 of 1999, art. 10).

CHAPTER 6

RATES FOR WATER USE

SECTION 1

ARTICLE 2.2.9.6.1.1. *Object* . The purpose of this chapter is to regulate article 43 of Law 99 of 1993 in relation to rates for the use of surface waters, which include estuarine waters, and groundwater, including within these coastal aquifers. Maritime waters are not subject to collection in this chapter.

(Decree 155 of 2004, art. 1).

ARTICLE 2.2.9.6.1.2. *Definitions* . For the purposes of this chapter, the following definitions are adopted:

Hydrographic Basin: Area of surface or groundwater, which discharges into a natural hydrographic network with one or several natural channels, with continuous or intermittent flow, that converge in a larger course that, in turn, can flow into a main river, in a natural water deposit, in a swamp or directly in the sea.

Hydrological unit of analysis: Natural area of concentration and collection of surface and/or groundwater that has mainly hydrological connotation in the quantification, distribution and use of available water resources. For surface waters, its delimitation is carried out following the topographical watershed, and for groundwater following hydrogeological criteria.

Scarcity index for surface water: Relationship between the water demand of all social and economic activities with the available water supply.

Estuarine waters: They are bodies of water, where the mouth of a river opens to the sea. They are characterized by the dilution of sea water with the contributions of fresh water from the continent.

Aquifer: Unit of rock or sediment, capable of storing and transmitting water in significant quantities.

Reserve of an aquifer: It is the amount of groundwater stored in the aquifer.

Available flow of an aquifer: Corresponds to the flow that could be continuously extracted from an aquifer, without reducing its reserves.

Exploitable flow of an aquifer: Corresponds to the flow that can be extracted from the available resources of an aquifer, without altering the exploitation regimen established by the competent environmental authority.

Scarcity index for groundwater. It is the relationship between the sum of the flows captured in the aquifer and the exploitable flows of the same, in accordance with the following expression:

Where:

I_{EG}: corresponds to the scarcity index for groundwater.

: is the sum of the flows captured in the aquifer.

Q_e: is the flow of the water resource that is exploitable from the aquifer.

Coastal aquifers: These are aquifers that, due to their location, are exposed to marine intrusion.

(Decree 155 of 2004, art. 2).

ARTICLE 2.2.9.6.1.3. *active subject* . The Regional Autonomous Corporations, the Corporations for Sustainable Development, the Environmental Authorities of the Large Urban Centers, those referred to in article 13 of Law 768 of 2002 and article 124 of Law 1617 of 2013 and the Special Administrative Unit of the System of National Natural Parks of the Ministry of Environment and Sustainable Development, are competent to collect the rate for use of water regulated in this chapter,

(Decree 155 of 2004, art. 3).

ARTICLE 2.2.9.6.1.4. *Passive subject* . All natural or legal persons, public or private, who use the water resource by virtue of a water concession, are obliged to pay the rate for the use of water.

Paragraph. The rate for water use will be charged to all users of water resources, excluding those who use water by ministry of law but including those who do not have a water concession, without prejudice to the imposition of preventive and sanctioning measures. to which there is place and without implying under any circumstance its legalization.

(Decree 155 of 2004, art. 4 modified by Law 1450 of 2011, art. 216).

ARTICLE 2.2.9.6.1.5. *Done Generator* . The use of water by individuals or legal entities, public or private, will give rise to the collection of this rate.

(Decree 155 of 2004, art. 5).

ARTICLE 2.2.9.6.1.6. *Taxable Basis* . The rate for water use will be charged for the volume of water effectively captured, within the limits and conditions established in the water concession.

Paragraph. The taxpayer of the rate for the use of water that has implemented a measurement system may submit to the competent environmental authority, in the terms and frequency that it determines convenient, reports on the volumes of water captured. In the event that the passive subject does not have a measurement system for the water collected, the competent environmental authority will proceed to carry out the liquidation and the collection of the rate based on what is established in the water concession.

In the case of users who do not have a water use concession, the rate will be charged for the volume of water presumably captured based on the best information available by the competent environmental authority, such as that contained in the planning and administration of the corresponding water resource, in the census of water resource users, or based on consumption modules adopted or used by the competent environmental authority for the different types of uses.

(Decree 155 of 2004, art. 6 modified by Law 1450 of 2011, art. 216).

ARTICLE 2.2.9.6.1.7. *Fee setting* . The rate of the rate for the use of water (TUA) expressed in pesos/m^3, will be established by each competent environmental authority for each hydrographic basin, aquifer or hydrological unit of analysis and is made up of the product of two components: the minimum rate (TM) and the regional factor (FR);

$$TUA = MT * RF$$

Where:

TUA: It is the fee for the use of water, expressed in pesos per cubic meter ($/m3).

TM: It is the national minimum rate, expressed in pesos per cubic meter ($/m3).

FR: Corresponds to the regional, dimensionless factor.

(Decree 155 of 2004, art. 7).

PARAGRAPH TRANSITORY 1 . Added by art. 5, National Decree 465 of 2020 . <*The added text is the following*> As long as the declaration of a health emergency due to the COVID-19 coronavirus is maintained, by the Ministry of Health and Social Protection, home public aqueduct service providers will be charged the rate minimum multiplied by the respective coefficient of use.

PARAGRAPH TRANSIENT 2 . Added by art. 5, National Decree 465 of 2020 <*The added text is the following*> As long as the declaration of the health emergency due to the COVID-19 coronavirus is maintained, by the Ministry of Health and Social Protection, the Rural Development Agency may allow municipalities to take advantage of the water stored in the irrigation districts of Ranchería, Triángulo del Tolima and Tesalia-Paicol.

The Rural Development Agency will inform the Competent Environmental Authority by self-declaration, the volume used.

The volume used for the purpose foreseen in this transitory paragraph 2, will be deducted from the collection of the rate for water use referred to in article 43 of Law 99 of 1993.

ARTICLE 2.2.9.6.1.8. *Minimum rate (MT*). The Ministry of Environment and Sustainable Development, through a resolution, will set annually the minimum rate amount of the rates for water use.

(Decree 155 of 2004, art. 8).

ARTICLE 2.2.9.6.1.9. *regional factor* . Modified by art. 1, National Decree 1155 of 2017 < *The new text is as follows* > The Regional Factor will integrate the factors of availability of water resources, investment needs in recovery of the hydrographic basin and socioeconomic conditions of the population; through the quantitative variables of Scarcity Index, investment costs and the Index of Unsatisfied Basic Needs, respectively. Each of these factors will have an associated coefficient, which, in turn, will be weighted through a dimensionless coefficient that differentiates the purposes of use of the water resource.

The original text was as follows:

Article 2.2.9.6.1.9. *The regional factor will integrate the factors of availability, investment needs in recovery of the hydrographic basin and socioeconomic conditions of the population; through the quantitative variables of scarcity index, investment costs and the index of unsatisfied basic needs, respectively. Each of these factors will have an associated coefficient.*

(Decree 155 of 2004, art. 9).

ARTICLE 2.2.9.6.1.10. *Calculation of the Regional Factor (FR*). Modified by art. 2, National Decree 1155 of 2017 < *The new text is as follows*> The Regional Factor will be calculated annually by the competent environmental authority for each hydrographic basin, aquifer or hydrological unit of analysis, and will correspond to a dimensionless factor in accordance with the following expression :

$$FR = [1 + (C_K + C_E) * C_S] * C_U$$

The maximum value of the Regional Factor for surface waters will be seven (7) and twelve (12) for groundwater.

The components of the Regional Factor are:

C_K : Investment Coefficient: Fraction of the total costs of the planning and management plan for the basin not covered by the minimum rate, according to the following formula:

$$C_K = \frac{C_{PMC} - C_{TM}}{C_{PMC}};\ 0 \leq C_K \leq 1$$

Where:

C_K : Investment Coefficient of the hydrographic basin.

C_{PMC} : Total annual costs of the planning and management plan of the basin of the immediately previous year.

C_{TM} : Estimated annual billing of the Rate for the Use of Water, applying the minimum Rate to the users of the basin.

In the absence of the planning and management plan for the basin, the value of the investment coefficient will be equal to 0.

C_E : Scarcity Coefficient. This coefficient varies according to the scarcity of the water resource considering whether the catchment is carried out on surface water or groundwater according to the following formulas:

Scarcity Coefficient for surface water

$$C_E = \begin{cases} 0 & si\ I_{ES} < 0.1 \\ \dfrac{\left(\frac{5}{6}\right)}{1 - \left(\frac{5}{3}\right) I_{ES}} & si\ 0.1 \leq I_{ES} \leq 0.5 \\ 5 & si\ I_{ES} > 0.5 \end{cases}$$

Where:

C_E : Scarcity Coefficient for surface waters.

I_{ES}: Corresponds to the Scarcity Index for surface waters estimated for the basin, section or hydrological unit of analysis.

Scarcity Coefficient for groundwater

$$C_E = \begin{cases} 0 & si\ I_{EG} < 0.1 \\ \dfrac{40}{49 - 90 I_{EG}} & si\ 0.1 \leq I_{EG} \leq 0.5 \\ 10 & si\ I_{EG} > 0.5 \end{cases}$$

Where:

C $_E$: Scarcity Coefficient for groundwater.

I $_{EG:}$ Corresponds to the Scarcity Index for groundwater estimated for the aquifer or hydrological unit of analysis.

C $_S$: Coefficient of Socioeconomic Conditions. This coefficient varies according to the socioeconomic conditions of the water users, according to the following formula:

$$C_S = \frac{100 - NBI}{100}$$

Where:

C $_s$: Coefficient of Socioeconomic Conditions.

NBI: Unsatisfied Basic Needs Index, determined by the National Planning Department.

The Coefficient of Socioeconomic Conditions (SC) has a range of variation between zero and one ($0 < C_S \leq 1$)

For domestic supply, the Unsatisfied Basic Needs (NB) index depends on the purposes of water use, and corresponds to the average NBI of the departments whose percentage share by large branches of economic activity within the departmental Gross Domestic Product, at current prices , satisfy the following condition:

$$\frac{PIB_{i,j}}{PIB_j} \geq \frac{\sum PIB_{i,j}}{\sum PIB_j}$$

Donde:

$PIB_{i,j}$: Producto Interno Bruto de la rama de actividad económica i del departamento j, a precios corrientes, determinado por el Departamento Administrativo Nacional de Estadística.

PIB_j: Producto Interno Bruto del departamento j, a precios corrientes, determinado por el Departamento Administrativo Nacional de Estadística.

$\frac{PIB_{i,j}}{PIB_j}$: Participación porcentual por grandes ramas de actividad económica dentro del Producto Interno Bruto departamental, a precios corrientes.

$\frac{\sum PIB_{i,j}}{\sum PIB_j}$: Participación porcentual por grandes ramas de actividad económica dentro del Producto Interno Bruto nacional, a precios corrientes.

La rama de actividad económica para el cálculo se asigna con base en la Clasificación Industrial Internacional Uniforme de todas las Actividades Económicas Revisión Cuatro (CIIU 4) o equivalente, dependiendo de los fines de uso del agua, de la siguiente manera:

The branch of economic activity for the calculation is assigned based on the International Standard Industrial Classification of all Economic Activities Revision Four (ISIC4) or equivalent, depending on the purposes of water use, as follows:

End of water use	Large branches of economic activity ISIC 4
Irrigation and forestry	Agriculture, livestock, hunting, forestry and fishing
Supply of watering troughs when diversion is required	Agriculture, livestock, hunting, forestry and fishing
Industrial use	Manufacturing industries
Thermal or nuclear generation of electricity	Supply of electricity, gas, steam and air conditioning
Mining exploitation and treatment of minerals	Exploitation of mines and quarries
Oil exploitation	Exploitation of mines and quarries
Injection for geothermal generation	Supply of electricity, gas, steam and air conditioning
hydroelectric generation	Supply of electricity, gas, steam and air conditioning
Direct kinetic generation	Supply of electricity, gas, steam and air conditioning
timber flotation	Agriculture, livestock, hunting, forestry and fishing
Transport of minerals and toxic substances	T ransport and storage
Aquaculture and fishing	Agriculture, livestock, hunting, forestry and fishing
Recreation and sports	Artistic, entertainment and recreation activities
Medical uses	Manufacturing industries

Based on the previous categories, the Ministry of Environment and Sustainable Development may make the necessary adjustments, in case modifications are required to the purposes of water use or to the classification of economic activities.

C_U: Coefficient of Use. This coefficient varies according to the purposes of use of the water resource, as follows:

C_U = 0.0775 for domestic, agricultural, livestock, aquaculture and power generation use.

C_U = 0.2 for the other uses.

For uses other than domestic, agricultural, livestock, aquaculture and power generation, the Use Coefficient (CU) will increase annually by 0.08 units, starting on January 1, 2018, until reaching a value of 1.

The original text was as follows:

Article 2.2.9.6.1.10. Calculation of the Regional Factor (FR). *The regional factor will be calculated annually by the competent environmental authority for each hydrographic basin, aquifer or hydrological unit of analysis, and will correspond to a dimensionless factor in accordance with the following expression:*

FR = 1 + [CK+ CE] * CS

The regional factor will have a variation range as follows:

1= FR = 7 For surface water.

1= FR = 12 For groundwater.

The components of the regional factor are:

Cs: Coefficient of socioeconomic conditions *that will take the following values according to the Unsatisfied Basic Needs Index (NBI) determined by the National Planning Department of the municipality where the user who uses the water for domestic supply is located, according to the following formula:*

$$C_S = \frac{100 - NBI}{100}$$

For water consumption associated with domestic supply

CS = 1 For all other cases

This coefficient will have a variation range between 0 and 1: 0 < CS = 1CK

Investment Coefficient: *Fraction of the total costs of the planning and management plan for the basin not covered by the minimum rate, according to the following formula.*

$$C_K = \frac{C_{PMC} - C_{TM}}{C_{PMC}}; \quad 0 \leq C_K \leq 1$$

Where

CK: Investment coefficient of the hydrographic basin.

CPMC: Total annual costs of the planning and management plan for the basin of the immediately preceding year.

CTM: Estimated annual billing of the rate for water use, applying the Minimum Rate to the users of the basin.

In the absence of the planning and management plan for the basin, the value of the investment coefficient will be equal to o.

***CE: Scarcity coefficient** . This coefficient varies according to the scarcity of the water resource considering whether the catchment is carried out on surface water or groundwater according to the following formulas:*

Scarcity coefficient for surface water.

$$C_E = \begin{cases} 0 & \text{Si } I_{ES} < 0.1 \\ \dfrac{\left(\frac{5}{6}\right)}{\left[1 - \left(\frac{5}{3}\right) \quad I_{ES}\right]} & \text{Si } 0.1 \leq I_{ES} \leq 0.5 \\ 5 & \text{Si } I_{ES} > 0.5 \end{cases}$$

Where:

***CE:** Scarcity coefficient for surface water.*

***IES:** Corresponds to the scarcity index for surface waters estimated for the basin, section or hydrological unit of analysis.*

CE: Scarcity coefficient for groundwater.

$$C_E = \begin{cases} 0 & \text{Si } I_{EG} < 0.1 \\ \dfrac{40}{[49 - 90 \quad I_{EG}]} & \text{Si } 0.1 \leq I_{EG} \leq 0.5 \\ 10 & \text{Si } I_{EG} > 0.5 \end{cases}$$

Where:

***CE:** Scarcity coefficient for groundwater.*

***IEG:** Corresponds to the scarcity index for groundwater estimated for the aquifer or hydrological unit of analysis.*

(Decree 155 of 2004, article 10)

ARTICLE 2.2.9.6.1.11. ***Opportunity Cost Factor. (Fop).*** The opportunity cost factor takes into account whether the water user is making a consumptive or non-consumptive use, generating opportunity costs for the other downstream users. The value of the opportunity cost factor will be calculated according to the following formula:

For users who return to the same basin or hydrological unit of analysis.

For the other cases

Where:

F_{OP}: Opportunity Cost Factor

V_C: Volume of water granted or captured during the collection period.

V_V: Volume of water discharged into the same basin or hydrological unit of analysis during the collection period.

Paragraph 1. The opportunity cost factor may not take a value less than 0.1 or greater than 1.

$0.1 \leq FOP_{\leq} 1$

Paragraph 2. In the event that the taxpayer does not present the report with information on the volume of water collected and discharged, the opportunity cost factor will take the value of 1.

(Decree 155 of 2004, art. 11).

Article 2.2.9.6.1.12. Modified by art. 3, National Decree 1155 of 2017 <*The new text is as follows*> ***Calculation of the amount to pay.*** The value to be paid by each user will be made up of the product of the rate of the Rate for the Use of Water (*TUA*), expressed in pesos per cubic meter ($/m3), and the volume captured (*V*), expressed in cubic meters (m3), corrected by the Opportunity Cost Factor, according to the following formula:

$$VP = TUA * V * F_{OP}$$

Where:

PV: It is the value to be paid by the taxable user of the rate, in the collection period determined by the environmental authority, expressed in pesos ($)

TUA: It is the rate of the Rate for the Use of Water, expressed in pesos per cubic meter ($/m3)

V: It is the volume of base water for the collection. Corresponds to the volume of water captured by the taxpayer user who submits a measurement report for the collection period determined by the environmental authority, expressed in cubic meters (m3).

F_{OP}: Opportunity Cost Factor, dimensionless.

Paragraph. In cases where the taxpayer does not submit reports on the volumes of water collected, the charge will be made for the environmental concession flow for the purpose of applying the formula contained herein to the volume of water, the following expression must be applied:

$$V = Q * 86.4 * T$$

Where:

W: Base water volume for collection. Corresponds to the volume granted in the collection period and expressed in cubic meters.

Q: Concession flow expressed in liters per second (l/sec).

T: Number of days of the collection period.

86.4: Conversion factor from l/sec to m3/day".

The original text was as follows:

ARTICLE 2.2.9.6.1.12. Calculation of the amount to pay. *The value to be paid by each user will be made up of the product of the annual unit rate of the rate for water use (TU), expressed in pesos/m3, and the volume captured (V), expressed in cubic meters (m^3) . , corrected by the opportunity cost factor according to the following formula:*

PV=TU[V*Fop]*

Where:

VP: It is the value to be paid by the taxable user of the rate, in the collection period determined by the environmental authority, expressed in pesos.

TU: It is the annual unit rate of the rate for water use, expressed in pesos per cubic meter ($/m^3$).

\/: It is the volume of base water for the collection. Corresponds to the volume of water captured by the taxpayer user who submits a measurement report for the collection period determined by the environmental authority, expressed in cubic meters (m^3).

F_{OP}: Opportunity cost factor, dimensionless.

Paragraph 1. *The annual unit rate of the rate for water use (TU) will be determined as follows;*

a. For the year 2006, it will correspond to the value of the minimum rate (MT) estimated for that year, in accordance with the provisions of Resolution 240 of 2004 issued by the Ministry of Environment and Sustainable Development or the regulation that replaces or modifies it;

b. For the period between 2007 and 2016, it will correspond to the result of applying the following formula;

$$TU_1 = TU_{t-1} x (1 + X_t) x (1 + CPI_{t-1})$$

Where;

TUt = Annual Unit Rate of the rate for water use for year t, expressed in pesos per cubic meter ($/m^3$).

t = Year in which the unit rate for water use is calculated.

TU_{t-1} = Annual unit rate of the rate for water use for the year immediately prior to that in which the real annual increase factor is applied, expressed in pesos per cubic meter ($/m^3$).

X_t = Real annual increase factor of the annual unit rate of the rate for water use (TUt) for year t, which is given by the expression:

$$X_t = \sqrt[n]{\frac{TUA_{t-1}}{TU_{t-1}}} - 1$$

Where:

n = 2017 - t, where t is the year in which the calculation of the real annual increase factor is made.

TUA_{t-1} = Rate of the rate for water use for the year immediately prior to that in which the calculation of the real annual increase factor is made, expressed in pesos per cubic meter ($/m³).

TU_{t-1} = Annual unit rate for the year immediately prior to that in which the calculation of the real annual increase factor is made, expressed in pesos per cubic meter ($/m³).

CPI_{t-1} = Equivalent to the variation in the consumer price index for the corresponding year;

c) As of the year 2017, the Annual Unit Rate of the rate for water use (TU) will correspond to the value of the Rate of the rate for water use (TUA).

Paragraph 2. *In the cases that the passive subject does not present the reports on the volumes of water collected, the collection will be made by the concessioned flow and the environmental authority for the purposes of applying the formula contained in this article in relation to the volume of water, you must apply the following expression:*

$$V = Q*86.4*T$$

Where:

V: Volume of base water for collection. Corresponds to the volume granted in the collection period and expressed in cubic meters.

T: Number of days of the collection period.

Q: Concession flow expressed in liters per second (lts/sg).

86.4: Conversion factor of liters/sec am³/day.

(Decree 155 of 2004, art. 12 modified by Decree 4742 of 2005, art. 1).

ARTICLE 2.2.9.6.1.13. ***Shared Basins.*** When two or more competent environmental authorities have jurisdiction over the same hydrographic basin, the Joint Commissions referred to in section 8, chapter 1 of title 3, part 2, book 2 of this Decree or the regulation that replaces or modifies it, will coordinate the implementation of the rate for the use of water in the shared basin, without prejudice to the powers of each competent environmental authority.

(Decree 155 of 2004, art. 13).

ARTICLE 2.2.9.6.1.14. ***Form of Collection.*** The Competent Environmental Authorities will collect the fees for the use of water on a monthly basis by means of an invoice issued with the periodicity that they determine, which may not be greater than one (1) year.

Paragraph. Invoices will be issued within a period not exceeding 4 months after the end of the collection period. The competent environmental authority may not charge periods not invoiced.

PARAGRAPH TRANSITORY . Added by art. 7, National Decree 465 of 2020 . <*The added text is the following*> As long as the declaration of the health emergency due to the COVID-19 coronavirus is maintained, by the Ministry of Health and Social Protection, the delivery of the invoices for the corresponding water use rate valid for 2019 may be delivered within four (4) months following the end of the health emergency.

In the event that as a consequence of the health emergency referred to in this paragraph, the payments of the rates for the years 2019 and 2020 are accumulated, the Competent Environmental Authorities will sign payment agreements with their users.

The Competent Environmental Authorities must inform their users through the institutional means of communication available, that the invoice for the collection of the rate for water use caused in the 2019 term will be delivered within four (4) months following the end of the health emergency.

ARTICLE 2.2.9.6.1.15. ***Cancellation period.*** The invoices for the collection of the rates for the use of water must include a minimum cancellation period of 30 days counted from the date of issue of the same, moment from which the Competent Environmental Authorities may collect the required credits in their favor. through coercive jurisdiction.

(Decree 155 of 2004, art. 15).

ARTICLE 2.2.9.6.1.16. ***Presentation of claims and clarifications.*** The users subject to the payment of the rate for the use of water will have the right to present claims and written clarifications in relation to the collection of the rate for the use of water before the Competent Environmental Authority. The presentation of any claim or clarification must be made within six (6) months following the payment date established in the collection invoice.

The competent environmental authority must keep a detailed account of the applications submitted, the process and the response given. Claims and clarifications will be processed in accordance with the right of petition provided for in the Contentious-Administrative Code.

(Decree 155 of 2004, art 16).

ARTICLE 2.2.9.6.1.17. ***Means.*** Against the administrative act that resolves the redamo or clarification, the reversal appeal proceeds.

(Decree 155 of 2004, art. 17).

ARTICLE 2.2.9.6.1.18. ***Destination of the collection of the rate*** **.** In accordance with paragraph 2 of article 216 of Law 1450 of 2011, the resources from the application of article 43 of Law 99 of 1993, will be allocated as follows:

a) In the basins with an Adopted Planning and Management Plan, they will be used exclusively for the activities of protection, recovery and monitoring of the water resource defined therein;

b) In the basins declared in management, they will be allocated to the elaboration of the Plan of Management and Management of the Basin;

c) In the absence of the conditions established in literals a) and b), they will be used for activities of protection and recovery of water resources defined in the planning instruments of the competent environmental authority and taking into account the guidelines of the Ministry of Environment and Development. Sustainable, or whoever takes his place.

To cover implementation, monitoring and follow-up expenses; the environmental authority may use up to ten percent (10%) of the proceeds.

(Decree 155 of 2004, art. 18 modified by Law 1450 of 2011, art. 216).

ARTICLE 2.2.9.6.1.19. ***Rate for water use in the hydropower sector.*** In accordance with the provisions of paragraph 3 of article 45 of Law 99 of 1993, within the percentage of transfers to the environmental sector made by the hydroenergy sector, made up of hydraulic and thermal power plants, the payment of the rate for the use of waters.

(Decree 155 of 2004, art. 19).

ARTICLE 2.2.9.6.1.20. ***Activities report.*** The competent environmental authorities will report annually to the Ministry of Environment and Sustainable Development the information related to the collection of fees for water use and the state of water resources, in order to make an evaluation and monitoring of the rate, before 30 June of each year in accordance with Resolution 0866 of 2004 of the Ministry of Environment and Sustainable Development, or the standard that modifies or replaces it.

The information to be reported will correspond to the period from January 1 to December 31 of the immediately preceding year.

Paragraph. The competent environmental authority must make public the estimates of the available water supply, the scarcity coefficient and the demand for water for the basins or hydrological analysis units where the rate for water use is charged, including progress in legalization programs. of users who do not have the respective water concession.

Based on the reports of the Competent Environmental Authorities, the Ministry of Environment and Sustainable Development will annually publish the national evaluation on the implementation of the rate for water use.

(Decree 155 of 2004, art. 20).

ARTICLE 2.2.9.6.1.21. ***Methodologies for calculating the scarcity index.*** The scarcity indices for surface and groundwater will be calculated based on the methodologies established by the Ministry of Environment and Sustainable Development through Resolutions 865 of 2004 and 872 of 2006, respectively, or the standard that modifies or replaces them.

(Decree 155 of 2004, art. 21).

ARTICLE 2.2.9.6.1.22. ***Divulgation.*** The competent Environmental Authorities, from the publication of this chapter, will carry out dissemination activities on the collection of the rate for the use of water.

(Decree 155 of 2004, art. 22).

CHAPTER 7

RETRIBUTIVE RATES FOR SPECIAL DISCHARGES INTO WATER

SECTION 1

ARTICLE 2.2.9.7.1.1. Object. Regulate the remuneration rate for the direct and indirect use of the water resource as a recipient of punctual discharges.

(Decree 2667 of 2012, art. 1).

ARTICLE 2.2.9.7.1.2. ***Area of application.*** This chapter applies to the competent environmental authorities indicated in article 2.2.9.7.2.2 of this chapter and to users who discharge water resources.

(Decree 1667 of 2012, art. 2).

SECTION two

DEFINITIONS

ARTICLE 2.2.9.7.2.1. D ***efinitions.*** For the purposes of this chapter, the following definitions are adopted:

(Daily pollutant load Cc). It is the result of multiplying the average flow by the concentration of a polluting substance, element or parameter by the unit conversion factor and by the user's daily discharge time, measured in hours per day, that is:

Cc = Q x C x 0.0036 xt

Where:

Cc = Contaminant Load, in kilograms per day (kg/day)

Q = Average flow rate of wastewater, in liters per second (l/s)

C = Concentration of the polluting element, substance or compound, in milligrams per liter (mg/l)

0.0036 = Unit conversion factor (from mg/s to kg/h)

t = User's dumping time, in hours per day (h)

In the calculation of the contaminant load of each contaminant substance, element or parameter subject to the collection of the remuneration rate for dumping, the measurements of the existing load at the catchment point must be deducted from the load present in the punctual dumping, always and when it is captured in the same receiving water body of the discharge subject to the payment of the rate.

Average flow (Q). Corresponds to the volume of discharges per unit of time during the sampling period. For the purposes of this chapter, the average flow rate will be expressed in liters per second (l/s).

Concentration (C). It is the mass of a polluting substance, element or parameter, per unit volume of the liquid that contains it. For the purposes of this chapter, the concentration will be expressed in milligrams per liter (mg/l).

Harmful consequence. It is the result of incorporating into the water resource one or more polluting elements, substances or parameters, the concentration and flow of which are potentially capable of degrading the resource or altering its quality conditions.

Water body. System of natural or artificial origin, located on the earth's surface, made up of physical-biotic elements and masses or volumes of water, contained or in movement.

Permissible dumping limits . It is the permitted content of a polluting substance, element or parameter, individually, mixed or in combination, or its metabolic products established in the dumping permits and/or in the Waste Sanitation and Management Plans - PSMV.

Quality objectives. It is the set of variables, parameters or elements with their numerical value, which is used to define the suitability of the water resource for a given use.

Investment projects in decontamination and monitoring of the quality of water resources. They are all those investments for the improvement, monitoring and evaluation of the quality of the water resource, including the elaboration and execution of the Water Resource Management Plans, investments in interceptors, final outfalls and domestic wastewater treatment systems. Up to 10% of the collection of the remuneration rate may be used for the co-financing of studies and designs associated with these works.

Collection point. It is the site or place where the user takes the water resource for any use.

Unloading point. Site or place where a discharge is made, directly or indirectly to the body of water.

Hidric resource. For the purposes of this decree, water resources are understood as all continental surface waters and coastal marine waters.

Remuneration rate rate. It is the value charged per unit of pollutant load discharged into the water resource.

User. It is any natural or legal person, of public or private law, that carries out punctual discharges directly or indirectly to the water resource.

Discharge to the water resource. It is any final discharge to the water resource of a polluting element, substance or parameter, which is contained in a residual liquid of any origin.

Direct punctual dumping to the water resource. It is that discharge made at a fixed point and directly to the water resource.

Indirect punctual dumping to the water resource. It is that dumping that is carried out from a fixed point through a natural or artificial channel or any means of conduction or transport to a body of surface water.

(Decree 2667 of 2012, art. 3).

ARTICLE 2.2.9.7.2.2. ***Competent environmental authorities*** . They are the Regional Autonomous Corporations, the Corporations for Sustainable Development, the Large Urban Centers referred to in article 66 of Law 99 of 1993, the environmental public establishments created by virtue of article 13 of Law 768 of 2002, and National Natural Parks of Colombia, created by Decree-Law number 3572 of 2011, as long as it corresponds to the permitted uses in the areas that make up the System of National Natural Parks.

ARTICLE 2.2.9.7.2.3. ***Active subject.*** The environmental authorities indicated in article 2.2.9.7.2.2 of this chapter are competent to charge and collect the remuneration rate for punctual discharges to the water resource.

(Decree 2667 of 2012, art. 5).

ARTICLE 2.2.9.7.2.4. ***Passive Subject*** **.** All users who directly or indirectly discharge punctual discharges to water resources are obliged to pay the retributive rate.

(Decree 2667 of 2012, art. 6).

ARTICLE 2.2.9.7.2.5. Remuneration rate for punctual discharges. It is the one that the competent environmental authority will charge users for the direct and indirect use of the water resource as a recipient of specific direct or indirect discharges and their harmful consequences, originating in anthropic or man-made activities and economic or service activities, whether or non-profit.

The remuneration rate for specific direct or indirect discharges will be charged for the totality of the polluting load discharged to the water resource. The retributive rate will be applied even to the contamination caused above the permissible limits without prejudice to the imposition of the preventive and sanctioning measures that may take place.

The collection of the fee does not imply under any circumstances the legalization of the respective dumping.

(Decree 2667 of 2012, art. 7).

SECTION 3

ESTABLISHMENT OF POLLUTING LOAD GOALS

ARTICLE 2.2.9.7.3.1. ***Global contaminant load target*** **.** The competent environmental authority shall establish every five years, a global contaminant load goal for each body of water or section thereof in accordance with the procedure established in this chapter, which shall be equal to the sum of the established individual and group five-year goals. in this chapter.

The global goal will be defined for each one of the elements, substances or parameters, subject to the collection of the rate and will be expressed as the total load of contaminant to be discharged at the end of the five-year period, expressed in terms of kilograms/year.

The environmental authorities will establish the global goal that leads the users to the fulfillment of the quality objectives established by said authorities.

The determination of the global goal in a body of water or section of the same, will be done taking into account the base line, the load projections of the users and the quality objectives in force at the end of the five-year period, as well as the load capacity of the section or body of water and the execution of works foreseen in the Sanitation and Discharge Management Plan - PSMV, Discharge Permit and Plan for Reconversion to Clean Technology in Discharge Management, in accordance with the provisions of chapter 3 of title 3 , part 2, book 2 of this Decree or the regulation that modifies or replaces it.

(Decree 2667 of 2012, art. 8).

ARTICLE 2.2.9.7.3.2. ***Individual and group goals*** **.** In order to comply with the global contaminant load goal of the body of water or its section, the competent environmental authority must establish

the individual contaminant load goal for each user subject to the payment of the fee, based on their own loads and considering the determinants indicated in the previous article.

The competent environmental authority may establish, at the request of the users or on its own initiative, group goals for users who share or not the same economic activity.

The five-year individual and group goals must be expressed as the annual pollution load to be discharged during the last year of the five-year period.

For purposes of determining the progress in meeting the individual or group five-year goal and consequently adjusting or not the regional factor for each user, in accordance with the provisions of this chapter, a schedule for meeting the five-year goal must be established. that relates the maximum loads to be discharged by each user during each of the years of the five-year period.

Paragraph. Corrected by art. 9, National Decree 1956 of 2015. <*The new text is as follows* > The individual and group goals must be established under the procedure referred to in this chapter. For users providing the sewage service, the provisions of article 2.2.9.7.3.3 of the same shall be additionally contemplated.

The original text was as follows:

Paragraph: *Individual and group goals must be established under the procedure referred to in this chapter. For users who provide the sewage service, the provisions of article 10 of the same will be additionally contemplated. (Decree 2667 of 2012, art. 9).*

ARTICLE 2.2.9.7.3.3. Pollutant load target for sewerage service providers. The individual pollution load goal for sewerage service providers will correspond to that contained in the Sanitation and Discharge Management Plan - PSMV, presented by the service provider and approved by the competent environmental authority in accordance with Resolution 1433 of 2004 issued by the Ministry of Environment and Sustainable Development which is still in force and may be modified or replaced.

Said plan will contemplate the activities and investments necessary to advance in the sanitation and treatment of the vertimientos and the fulfillment of the established individual goal, as well as the monitoring indicators of the same. For purposes of adjusting the regional factor, the indicator of the number of specific discharges eliminated per body of water will be considered, in accordance with the provisions of paragraph 2 of article 2.2.9.7.4.4. of this chapter.

Paragraph 1. Those users who provide the sewage service that do not have a Sanitation and Discharge Management Plan - PSMV approved at the beginning of the consultation process, may submit their proposals for the individual pollution load goal for the five-year period and the indicator of the number of specific discharges to eliminate by body of water, which must be discriminated annually. The foregoing is without prejudice to what the competent environmental authority has on the matter in the Plan for the Regulation of Water Resources and in the Plan for Sanitation and Management of Discharges when approved, as well as the imposition of preventive and sanctioning measures to which there is place.

Paragraph 2. For those users who provide the sewage service that do not have an approved Sanitation and Discharge Management Plan - PSMV and, in turn, do not present their proposal for an individual pollution load goal and the number of specific discharges eliminated during the consultation process. per body of water, the competent environmental authority, based on the best information available, will establish the contaminant load goal for said user, specifying annually for the five-year period both the total contaminant load and the total number of point discharges eliminated per body of water. . The foregoing, without prejudice to what the competent environmental authority has on the matter in the Plan for the Regulation of Water Resources and in the Plan for Sanitation and Management of Discharges when proven, and the imposition of preventive and sanctioning measures to which there is place.

(Decree 2667 of 2012, art. 10).

ARTICLE 2.2.9.7.3.4. ***Information prior to the establishment of contaminant load goals.*** Prior to the establishment of contaminant load goals in a body of water or section thereof, the competent environmental authority must:

1. Document the status of the body of water or its section in terms of quality and quantity.

2. Identify the users who discharge into each body of water. For each user, they must know, either through measurements, presumptive estimates or through self-declarations, the concentration of each polluting element, substance or parameter present in the water discharges and the effluent flow, for the determination of the total load discharged subject to collection. of the rate.

3. Determine whether or not the users identified in the previous numeral have a Drainage Sanitation and Management Plan - PSMV, a valid Drainage Permit. Reconversion Plan to Clean Technology in Discharge Management, in accordance with the provisions of chapter 3 of title 3, part 2, book 2 of this Decree or the rule that modifies or replaces it

4. Calculate the base line as the total contaminant load of each element, substance or contaminant parameter discharged into the body of water or section thereof, during one year, by the users subject to the payment of the fee.

Establish quality objectives for water bodies or sections thereof.

(Decree 2667 of 2012, art. 11).

ARTICLE 2.2.9.7.3.5. ***Procedure for establishing the global pollution load goal.*** The competent environmental authority will apply the following procedure to determine the global goal referred to in this chapter:

1. ***Consultation Process.***

a) The consultation process for the establishment of the goal will begin with the issuance of an administrative act, which must contain at least:

Duration: persons who can submit proposals; deadlines for the presentation of proposals; participation mechanisms; the form of access to the documentation on the quality of the water bodies or sections thereof and the dependency of the competent environmental authority in charge of disseminating the information.

The technical information on the quality of the body of water or section thereof and the baseline, must be published in the available media and/or on the website of the competent environmental authority, in order to make it available to users. users and the community, for a term not less than fifteen (15) business days prior to the date set for the submission of proposals.

b) During the consultation, the environmental authority will present the goal scenarios, according to the analysis of the conditions that best fit the quality objective in force at the end of the five-year period and the carrying capacity of the section or body of water defined from evaluations and/or modeling of water quality.

Likewise, the users subject to the payment of the fee and the community may submit to the competent environmental authority written proposals for pollution load goals with due technical justification,

2. ***Global goal proposal.***

a) The competent environmental authority, taking into account the state of the water resource, its quality objective, the proposals sent by the users subject to the payment of the retributive rate and the community, will prepare a proposal for a global goal of contaminant load and individual goals and group with their respective compliance schedules.

b) The resulting load goal proposal will be submitted to public consultation and comments for a minimum term of fifteen (15) calendar days and a maximum of 30 calendar days. The comments will be taken into account for the preparation of the final proposal.

3. ***Final proposal.***

The Director General of the competent environmental authority, or whoever takes the place, will present to the Board of Directors, or the body acting as such, a report with the definitive proposal for the global load goal and the individual and group goals.

The report must contain the proposals received in the consultation process, their evaluation and the reasons underlying the final proposal.

4. ***Definition of pollution load goals.***

a) The Board of Directors will have a term of forty-five (45) calendar days, from the moment of the presentation of the previous report to define the contaminant load goals, for each element, substance or contaminant parameter present in the discharges to the water resource subject to the collection of the rate.

b) If the Board of Directors does not define the goal within the stipulated period, the General Director of the environmental authority, or whoever takes the place, will proceed to establish it through a duly reasoned administrative act, within fifteen (15) calendar days, following the expiration of the previous term.

Paragraph. The administrative act that defines the contaminant load goals, must establish the global goal and the individual and/or group goals of contaminant load for each body of water or section of the same and will also include the term of the goals, base line of contaminant load , projected load at the end of the five-year period, quality objectives and billing periods.

In addition to the above, for the users providing the public sewerage service, the number of specific discharges expected to be eliminated annually by body of water or section thereof during the respective five-year period must be listed, as well as the total load expected for each of them. the years that make up the five-year period, which must agree with the information contained in the Sanitation and Discharge Management Plans - PSMV for cases in which these have been previously approved, or serve as a reference for the approval of those that are pending .

(Decree 2667 of 2012, art. 12).

ARTICLE 2.2.9.7.3.6. ***Follow-up and fulfillment of the global Pollutant Load Goal.*** If at the end of each annual period the global contaminant load goal is not met, the Director General of the competent environmental authority, or whoever takes the place, will adjust the regional factor in accordance with the information on the respective loads and as established in the articles 2.2.9.7.4.3 and 2.2.9.7.4.4 of this chapter.

In the same way, the Director General or whoever takes the place, will present annually to the Board of Directors or the body that takes his place, a report on the fulfillment of the global goal of contaminant load and of the quality objectives, considering the relationship between the behavior of pollutant loads and the calculated regional factor.

The competent environmental authority must disclose this report in the regional mass media and/or on its website.

Paragraph. The goals that were already approved by the competent environmental authority, before December 21, 2012, will remain in force until the end of the five-year period for which they were defined. For purposes of the annual evaluation of the fulfillment of goals and the adjustment of the regional factor, the provisions of articles 2.2.9.7.4.3 and 2.2.9.7.4.4 of this chapter shall apply.

(Decree 2667 of 2012, art. 13).

SECTION 4

CALCULATION OF THE RATE OF THE RETRIBUTIVE RATE FOR SPECIAL DISCHARGES

ARTICLE 2.2.9.7.4.1. ***Retributive rate rate (Ttr).*** For each of the parameters to be charged, the competent environmental authority will establish the rate of the retributive rate (Ttr) that is obtained by multiplying the minimum rate (Tm) by the regional factor (Fr), as follows:

$$Ttr = Tm \times Fr$$

(Decree 2667 of 2012, art. 14).

PARAGRAPH TRANSIENT. Added by art. 6, National Decree 465 of 2020 . <*The added text is the following*> As long as the declaration of a health emergency due to the COVID-19 coronavirus is maintained, by the Ministry of Health and Social Protection, the providers of residential public water and sewage services will be applied the levy taking the minimum rate multiplied by a regional factor equal to one (1.00) and the pollutant loads discharged for each of the parameters.

ARTICLE 2.2.9.7.4.2. ***Minimum rate of the remuneration rate (Tm).*** The Ministry of Environment and Sustainable Development will establish annually by resolution, the value of the minimum rate of the retributive rate for the parameters on which said rate will be charged, based on the direct costs of removing the elements, substance or polluting parameters present in liquid discharges, which are part of the recovery costs of the affected resource.

Paragraph. The minimum rates of the parameters subject to collection established in Resolution number 273 of 1997 updated by Resolution number 372 of 1998, will remain in force until the Ministry of Environment and Sustainable Development adds, modifies or replaces them.

(Decree 2667 of 2012, art. 15).

ARTICLE 2.2.9.7.4.3. ***Factor Regional*** **(** ***Fr*** **).** It is a multiplier factor that is applied to the minimum rate and represents the social and environmental costs of the effects caused by punctual discharges to the water resource.

This factor is calculated for each one of the elements, substances or parameters subject to the charge of the rate and contemplates the relationship between the total contaminant load discharged in the analyzed period and the global contaminant load goal established; This factor will be adjusted by the environmental authority in the event of non-compliance with the aforementioned goal.

The adjustments to the regional factor and therefore to the rate of the remuneration rate, will be made until reaching the quality conditions of the water body for which the goal was defined.

In accordance with the foregoing, the regional factor for each of the parameters subject to the collection of the fee is expressed as follows:

$$RF_1 = RF_0 + (Cc/Cm)$$

Where:

RF_1 = Adjusted regional factor.

FR_0 = Regional factor of the immediately previous year.

For the first year of the five-year period, $FR_0 = 0.00$

Cc = Total pollution load discharged by the taxpayers of the retributive rate to the body of water or section thereof in the year subject to collection, expressed in Kg/year, according to what is defined in this chapter.

Cm = Global contaminant load goal for the body of water or its section, expressed in Kg/year.

(Decree 2667 of 2012, art. 16).

ARTICLE 2.2.9.7.4.4. ***Value, application and adjustment of the regional factor*** **.** The regional factor is calculated for each body of water or section thereof and is applied to users in accordance with the provisions of this article and article 2.2.9.7.5.1 of this chapter.

The regional factor for the body of water or its section will be adjusted annually from the end of the first year, when the Target Load (Cm) of the body of water or its section is not met, that is, when Ce is greater than cm. Otherwise, that is, Ce is less than Cm, the expression Cc/Cm is not

calculated for that year and the regional factor of the immediately previous year will continue to apply.

The value of the regional factor will not be less than 1.00 and will not exceed 5.50. Likewise, the different values of the variables included in its calculation formula will be expressed to two decimal places.

The invoicing of the first year will be made with the charges and regional factor of the first year and so on for subsequent years.

Paragraph 1. To determine if the regional factor is applied to each user, it must begin with the evaluation of compliance with the individual or group annual loads foreseen in the compliance schedule of their respective five-year goal.

For those who comply with the expected load for the first year, a regional factor FR_1 equal to 1.00 will be applied, that is, during the first year only the minimum rate will be charged. For those who comply with the annual charges in subsequent years, the regional factor to be included for the calculation of the collection rate will be the one that has been applied to their settlement in the previous year.

In the event that the user registers non-compliance with their individual or group annual charge, the regional factor calculated for the body of water or section thereof corresponding to the year in which the non-compliance is registered must be applied in the calculation of the amount to be paid.
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In those cases in which the invoicing is made for periods less than the annual, the provisions of paragraph 2 of the article of this chapter must also be taken into account.

Paragraph 2nd. For sewerage service providers that fail to comply with the indicator for the number of punctual discharges eliminated per body of water, contained in the Sanitation and Discharge Management Plan - PSMV or in the proposal adopted by the environmental authority in the agreement that sets the pollution load goals when they still do not have an approved Sanitation and Discharge Management Plan - PSMV, an automatic factor will be adjusted and applied with an increase of 0.50 for each year of non-compliance with the indicator.

When the sewerage service provider is subject to the application of the regional factor per load, that is. When the individual goal and the global goal of the section are not met, and in turn, there is non-compliance with the indicator of the number of specific discharges eliminated per body of water, only the regional factor per load is applied.

Corrected by art.10, National Decree 1956 of 2015. <*The new text is as follows*> The adjustments to the regional factor due to charges and breaches of indicators will be accumulated throughout the five-year period without exceeding the limit of the regional factor of 5.50. The foregoing, without prejudice to the corresponding sanctions for non-compliance with the indicators contained in the sanitation and discharge management plan (PSMV).

The original text was as follows:

Adjustments to the regional factor for charges and non-compliance with indicators will be accumulated throughout the five-year period without exceeding the limit of the regional factor of 5. The foregoing, without prejudice to the corresponding sanctions for non-compliance with the indicators contained in the Plan. Sanitation and Discharge Management -.PSMV.

In any case, the higher values collected from the remuneration rate for non-compliance of the sewerage service providers with their pollutant load goals or with the indicator of the number of punctual discharges eliminated per body of water contained in the Sanitation and Waste Management Plan. Vertimientos - PSMV, may not be transferred to its subscribers through the rate or extraordinary charges.

Paragraph 3. If the global goal of the body of water or its section was reached at the end of the five-year period, the regional factor for the first year of the new five-year period will be calculated with $FR_0 = 0.00$.

Otherwise, that is, when at the end of the five-year period the global load goal of the water body or its section is not met, the regional factor for the first year of the new five-year period will be calculated taking as FR_0 the value of the regional factor of the last year of the unfulfilled five-year period.

Notwithstanding the foregoing, for those users who belong to a body of water or section of the same with a global load goal that has not been met at the end of the five-year period, but who have ended with their individual or group five-year load goal fulfilled, in the liquidation of the rate for the first year, a regional factor equal to one (1.00) will be applied to them, as long as they comply with their new annual charge established in the target compliance schedule for said first year. For the following years, if the user fails to comply with their annual charges, the regional factor corresponding to the year in which the non-compliance is registered will be applied.

In any case, for the determination of the regional factor at the end of each year in the new five-year period, the provisions of articles 2.2.9.7.4.3 and this article shall apply.

(Decree 2667 of 2012, art. 17).

SECTION 5

ON THE AMOUNT AND COLLECTION OF PAY RATES

ARTICLE 2.2.9.7.5.1. ***Calculation of the amount to be charged for the remuneration rate.*** The competent environmental authority will collect the rate of the remuneration rate evaluating annually from the end of the first year, the fulfillment of the global goal of the body of water or section of it, as well as the individual and group goals, in accordance with what is established in article 2.2.9.7.4.4 of this chapter.

The amount to be charged to each user subject to the payment of the rate will depend on the minimum rate, the regional factor of each parameter to be charged and the pollutant load discharged, in accordance with the following formula:

Where:

MP = Total Amount to Pay.

Tmi = Minimum rate of parameter i.

Fri = Regional factor of parameter i applied to the user.

Ci = Pollutant load of parameter i discharged during the collection period.

n= Total parameters subject to charge.

Paragraph 1. The amount to be paid will be calculated taking into account the total contaminant load of each element, substance or parameter discharged during the collection period, including that caused above the permissible limits.

The collection of this rate will be made without prejudice to the corresponding sanctions and does not imply under any circumstances the legalization of the respective dumping.

Paragraph 2. When the billing is done for periods less than the annual, the environmental authority will apply the minimum rate corresponding to the current year multiplied by the regional factor applied to the billing of the user in the previous year in the billing of each period.

Additionally, at the end of the year, in cases where there is non-compliance with the global target load and the individual or group target, the difference between the regional factor used in the settlement of each collection period and the one resulting at the end of the period will be charged. year, like this:

A: Adjustment for regional factor difference for those who invoice periods of less than one year.

Ci = Pollutant load of parameter i discharged during the year subject to collection.

Tmci: Minimum rate of parameter i for the year to be charged.

Frci: Regional factor of parameter i for the year subject to collection.

Frai: Regional factor of parameter i for the previous year.

(Decree 2667 of 2012, art. 18).

ARTICLE 2.2.9.7.5.2. ***Polluting elements, substances or parameters subject to the collection of retributive rates.*** The Ministry of Environment and Sustainable Development will establish the polluting elements, substances or parameters that will be subject to the collection of the remuneration rate for discharges and the unit of measurement of the same.

When the user discharges into a sewage network, the competent environmental authority will collect the rate, for the polluting elements, substances or parameters subject to collection, only from the entity that provides the sewerage service.

(Decree 2667 of 2012, art. 19).

ARTICLE 2.2.9.7.5.3. ***Collection destination.*** The proceeds of the remuneration rate for discharges into the water will be used for investment projects in water decontamination and monitoring of water quality.

To cover the costs of implementation and monitoring of the rate, the competent environmental authority may use up to 10% of the resources collected from the retributive rate.

For the above, the competent environmental authorities must make the distributions in their budgets of income and expenses to which there is a place to guarantee the specific destination of the rate.

(Decree 2667 of 2012, art. 20).

ARTICLE 2.2.9.7.5.4. ***Information for calculating the amount to be collected.*** The passive subject of the remuneration rate, must submit to the competent environmental authority the self-declaration of their discharges corresponding to the billing and collection period established by it, which may not exceed one year. The self-declaration must be supported at least with a representative annual characterization of its discharges and the respective information supports.

The self-declaration must specify the monthly information related to the discharged loads and be presented in the format defined by the competent environmental authority.

The competent environmental authority, after technical evaluation, will use the information contained in the self-declaration presented by the users for the

calculation of the contaminant load of each substance subject to the collection of the rate, corresponding to the period over which it is going to be collected.

Paragraph. In the cases in which there are differences regarding the information presented by the user, or failure to present the self-declaration, the collection of the remuneration rate by the competent environmental authority will be made based on the per capita load factors established in the Technical Regulation for Potable Water, Basic and Environmental Sanitation - RAS, on the available information obtained from previous sampling or on presumptive calculations based on factors or contamination indices related to production levels and inputs used.

(Decree 2667 of 2012, art. 21).

ARTICLE 2.2.9.7.5.5. ***Spill monitoring*** **.** The characterization will be carried out in accordance with the provisions of the IDEAM Guide for the Monitoring of Discharges, Surface and Underground

Waters and applying the provisions of paragraph 2 of article 2.2.3.3.5.2 of this decree, or the one that adds it, modify or replace.

(Decree 2667 of 2012, art. 22).

ARTICLE 2.2.9.7.5.6. ***Verification of users' self-declarations*** **.** In exercising the monitoring function, the competent environmental authority may at any time visit users subject to payment of the fee, in order to verify the information provided. The respective record must be drawn up from the visit.

When the user prevents the practice of the visit in order to verify the information provided by him, the competent environmental authority may initiate the administrative investigation of an environmental punitive nature that may be appropriate. Once the results of the verification process have been obtained, in the event that these differ from the information provided in the self-declarations presented by the user, the competent environmental authority will proceed to make the appropriate adjustments and carry out the corresponding re-settlement.

(Decree 2667 of 2012, art. 23).

ARTICLE 2.2.9.7.5.7. ***Form of Collection*** **.** The remuneration rate must be collected by the competent environmental authority, for the total contaminant load discharged in the period subject to collection, by means of an invoice, collection account or any other document in accordance with the tax and accounting regulations, with the periodicity that they determine. , which may not exceed one (1) year, and must include a billing cutoff on December 31 of each year. In any case, the collection document will specify the value corresponding to the loads of monthly polluting elements, substances and parameters discharged.

Paragraph 1. The invoice, collection account or any other document in which the payment of the remuneration rate is ordered must indicate whether or not the self-declaration presented by the user is approved; against this charge proceeds the appeal for reversal.

Paragraph 2. The invoices will be issued within a period not exceeding four (4) months after the end of the period subject to collection, after which the competent environmental authority will cause the corresponding income to be accrued.

Paragraph 3. The presentation of any claim or clarification must be made in writing within the month following the payment deadline established in the respective collection document, which does not exempt the user from the obligation to pay corresponding to the period charged by the competent environmental authority. While the claim or clarification is being resolved, payment will be made based on the average pollutant loads of the last three billing periods. When the competent environmental authority pronounces on the redamo presented, the differences compared to the values that were charged will be paid or charged to the user in the following invoice, as the case may be. Claims and clarifications will be resolved in accordance with the right to petition provided for in Law 1437 of 2011.

(Decree 2667 of 2012, art. 24).

PARAGRAPH TRANSITORY . Added by art. 8, National Decree 465 of 2020 . <*The added text is the following*> As long as the declaration of the health emergency due to the COVID-19 coronavirus is maintained, by the Ministry of Health and Social Protection, the term for the delivery of the invoices for the collection of the remuneration rate for Specific discharges, corresponding to the 2019 term, may be made within four (4) months following the end of the health emergency.

In the event that as a consequence of the health emergency referred to in this paragraph, the payments of the rates for the years 2019 and 2020 are accumulated, the Competent Environmental Authorities will sign payment agreements with their users.

The Competent Environmental Authorities must inform their users through the available institutional means of communication, that the invoice for the collection of the remuneration rate caused in 2019 will be delivered within 4 months following the end of the health emergency.

ARTICLE 2.2.9.7.5.8. *Cancellation Period* . The invoices for the collection of the remuneration rates must be paid within a minimum period of twenty (20) days and a maximum of thirty (30) days, counted from the date of issue of the same Once this term has been fulfilled, the competent environmental authorities they may collect the credits demanded in their favor through the coercive jurisdiction.

(Decree 2667 of 2012, art. 25).

SECTION 6

FINAL PROVISIONS

ARTICLE 2.2.9.7.6.1. *Information report* . The information related to the application of the economic instrument must be presented annually by the competent environmental authorities to the Ministry of Environment and Sustainable Development, in accordance with the regulations issued by it, together with the report on compliance with goals presented to the Board of Directors or the body to do his times, before June 30 of each year.

While said regulation is being issued, the format adopted by Resolution number 081 of 2001 issued by the Ministry of Environment and Sustainable Development remains in force for the respective annual report.

The report will include the results of the water source monitoring program mentioned in article 2.2.9.7.6.2 of this chapter, results that in turn must be published by the respective competent environmental authorities in the mass media and/or in their website.

The information to be reported will correspond to the period between January 1st and December 31st of the immediately preceding year.

(Decree 2667 of 2012, art. 26).

ARTICLE 2.2.9.7.6.2. *Water resource monitoring* . The competent environmental authorities must carry out Monitoring Programs for water sources in at least the following quality parameters: Ambient and in situ water temperature, DB05, TSS, COD, Dissolved Oxygen. Fecal Coliforms and pH.

(Decree 2667 of 2012, art. 27).

SECTION 7

ADJUSTMENT TO THE PAY RATE

Added by art. 1, National Decree 2141 of 2016.

<The new text is as follows>

ADJUSTMENT TO THE PAY RATE

Article 2.2.9.7.7.1. *Object.* Regulate the conditions under which the environmental authorities will verify the reasons that gave rise to non-compliance with the works included in the Sanitation and Spill Management Plan - PSMV, for reasons not attributable to the providers of the public sewerage service, and that give rise to to adjust the calculation of the regional factor of the remuneration rate.

Article 2.2.9.7.7.2. Area of application. This decree applies to environmental authorities and public sewer service providers.

Article 2.2.9.7.7.3 *. Causes of non-imputability due to non-compliance with the works included in the PSMV Sanitation and Management Plan.* The following are grounds for non-imputability due to non-compliance with the works included in the Sanitation and Discharge Management Plan (PSMV):

1. Force majeure or fortuitous event, in accordance with the provisions of article 1 of Law 95 of 1890.

2. Made from a third party.

PARAGRAPH. For all purposes of this decree, the provider may not allege the fact of the victim as a cause of non-imputability.

Article 2.2.9.7.7.4. *Request.* For the verification of the reasons, the provider of the public sewerage service may submit to the environmental authority, during the period subject to annual collection of the remuneration rate and up to thirty (30) calendar days later, the request that includes the reasons that gave result in the delay in the works included in the Sanitation and Discharge Management Plan (PSMV) and adjustment of the corresponding regional factor. In the request, the provider of the public sewerage service must present the documents and other elements of judgment that support it.

Article 2.2.9.7.7.5. *Processing of the request for the verification and adjustment of the calculation of the regional factor of the remuneration rate.* Requests for verification of the reasons that gave rise to non-compliance with the works included in the Sanitation and Discharge Management Plan (PSMV) for reasons not attributable to the public service provider, must be resolved by the environmental authorities in accordance with the principles of speed, efficiency and economy that govern the administrative action and in accordance with the procedures described in Law 1755 of 2015, in 1 year after its filing.

Once the request for verification of the reasons that gave rise to non-compliance with the works included in the Sanitation and Discharge Management Plan (PSMV) for reasons not attributable to the public sewerage service provider has been resolved favorably, the regional factor will be adjusted to one (1.00).

The environmental authority will carry out the respective invoicing in the terms of articles 2.2.9.7.5.7 and 2.2.9.7.5.8 of Decree 1076 of 2015. For specific cases in which the review has not been completed and that moment corresponds to the period in which Invoicing must be carried out, it will be advanced with a minimum rate while the verification of reasons is completed and the respective decision is adopted. In the event that the verification request is not resolved favorably, it will be settled with the value of the regional factor that corresponds to the year evaluated."

PARAGRAPH 1. The environmental authority will apply the adjustment of the regional factor to one (1.00) to the facts declared not attributable during the period subject to annual collection of the remuneration rate, including the entire period of the year 2016.

PARAGRAPH 2. The adjustment of the regional factor established in this decree will apply to unconsolidated obligations after the entry into force of article 228 of Law 1753 of 2015.

Article 2.2.9.7.7.6. ***Presentation of the Adjusted PSMV Sanitation and Spill Management Plan.*** Once the regional factor is adjusted to one (1.00) and in accordance with the reasons that were verified for these purposes, the public sewerage service provider must present the adjustment of the PSMV Sanitation and Discharge Management Plan to the environmental authority, including the annual charges and individual goal, for purposes of approval by the environmental authority.

The new approved annual charges included in the adjusted PSMV Sanitation and Spill Management Plan will replace the charges that were approved in the Agreement of the Board of Directors, and will be applicable for the evaluation of compliance with the annual charges of the public sewer service provider and for the determination of the corresponding regional factor. In any case, the five-year target load for the water body will not change.

The Director of the environmental authority will inform the Board of Directors, in its next session, about the load modifications of the public sewerage service provider.

Paragraph. The public sewer service provider whose request for verification of the reasons that gave rise to non-compliance with the PSMV Sanitation and Spill Management Plan is favorably resolved, will identify within the adjusted Plan the sanitation works that will be financed with the value of the reduction of the regional factor, which must be articulated and included in the Regulated Works and Investments Plan (POIR) of the provider.

CHAPTER 8

ACQUISITION AND MAINTENANCE OF PROPERTIES AND THE FINANCING OF SCHEMES OF PAYMENT FOR ENVIRONMENTAL SERVICES IN STRATEGIC AREAS THAT SUPPLY WATER TO THE AQUEDUCTS

Modified by art. 1, National Decree 1007 of 2018.

SECTION 1

ACQUISITION AND MAINTENANCE

Modified by art. 1, National Decree 1007 of 2018.

<The new text is as follows>

ARTICLE 2.2.9.8.1.1. Modified by art. 1, National Decree 1007 of 2018. *<The new text is as follows>* ***Object.*** The purpose of this decree is to regulate the payment incentive for environmental services, in accordance with the provisions of Decree-Law number 870 of 2017.

Likewise, what refers to payment for environmental services and the acquisition and maintenance of properties in strategic areas and ecosystems that deal with articles 108 and 111 of Law 99 of 1993, modified by articles 174 of Law 1753 of 2015 and 210 of Law 1450 of 2011, respectively.

The original text is as follows:

ARTICLE 2.2.9.8.1.1. Object. *The purpose of this chapter is to regulate article 111 of Law 99 of 1993, modified by article 210 of Law 1450 of 2011, in order to promote the conservation and recovery of areas of strategic importance for the conservation of water resources that They supply water to the municipal, district and regional aqueducts, through the acquisition and maintenance of said areas and the financing of payment schemes for environmental services.*

Paragraph. *For purposes of the provisions of this chapter, when areas of strategic importance are mentioned, it is understood that it refers to areas of strategic importance for the conservation of water resources that supply water to municipal, district and regional aqueducts.*

(Decree 953 of 2013, art. 1).

ARTICLE 2.2.9.8.1.2. Modified by art. 1, National Decree 1007 of 2018. *<The new text is as follows >* ***Scope.*** This chapter applies to environmental authorities, territorial entities and other public or private persons that promote, design or implement payment projects for environmental services financed or co-financed with public and private resources, or that carry out processes of acquisition and maintenance of farms. according to the norms indicated in the previous article.

The original text is as follows:

ARTICLE 2.2.9.8.1.2. Area of application. *This chapter applies to territorial entities, to irrigation districts that do not require an environmental license, and to environmental authorities.*

(Decree 953 of 2013, art. 2).

ARTICLE 2.2.9.8.1.3 . Modified by art. 1, National Decree 1007 of 2018. *<The new text is as follows>* ***Compliance with environmental obligations through payment for environmental services.*** The fulfillment of the environmental obligations imposed on public or private persons within the framework of the environmental license, permits, concessions, authorizations and other instruments of control and environmental management, through payment projects for environmental services, will be carried out in accordance with the regulations and authorizations that regulate the fulfillment of these obligations.

It corresponds to the competent environmental authority to carry out the evaluation and follow-up and monitoring regarding the application of the payment incentive for environmental services, as a measure for compliance with the imposed obligation.

The original text is as follows:

ARTICLE 2.2.9.8.1.3. Definitions. *For the purposes of this chapter, the following definitions are adopted:*

Environmental Authorities. *When in this chapter reference is made to the environmental authorities, it will be understood that it includes the Special called National Natural Parks of Colombia, the Regional Autonomous Corporations, the large urban centers referred to in article 66 of Law 99 of 1993 and the environmental public establishments contemplated in article 13 of Law 768 of 2002.*

Current Income. *For the purposes of the provisions of article 111 of Law 99 of 1993, modified by article 210 of Law 1450 of 2011, the departments and municipalities will dedicate a percentage not less than 1% of their total current income for the acquisition and maintenance of areas of strategic importance in order to conserve water resources or to finance payment schemes for environmental services in said areas.*

Payment for environmental services associated with water resources. *It is the incentive, in money or in kind, that the territorial entities may contractually recognize to the owners and regular possessors of properties located in the areas of strategic importance, temporarily, for a land use that allows the conservation or recovery of the natural ecosystems and consequently the provision and/or improvement of environmental services associated with water resources.*

Environmental services associated with water resources. *Are those services derived from ecosystem functions that generate benefits for the community, such as water regulation and erosion and sediment control, which*

allow the conservation of water resources that supply water to municipal, district and regional aqueducts. For the purposes of this standard, environmental services are understood as ecosystem services.

(Decree 953 of 2013, art. 3).

I RTICLE 2.2.9.8.1.4 . Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>*
Payment for Environmental Services. In accordance with the provisions of Decree-Law number 870 of 2017, the payment for environmental services constitutes the economic incentive in money or in kind that the interested parties of environmental services recognize to the owners, possessors or occupants in good faith exempt from guilt. for preservation and restoration actions in strategic areas and ecosystems, through the signing of voluntary agreements between those interested in environmental services and beneficiaries of the incentive.

The original text is as follows:

I RTICLE 2.2.9.8.1.4. Identification, delimitation and prioritization of areas of strategic importance. *For purposes of the acquisition of land or the implementation of payment schemes for environmental services by territorial entities, the environmental authorities must previously identify, delimit and prioritize the areas of strategic importance, based on the information contained in the plans of organization and management of hydrographic basins, environmental management plans for micro-basins, environmental management plans for aquifers or other environmental planning instruments related to water resources.*

In the absence of the planning instruments referred to in this article when the areas of strategic importance have not been identified, delimited and prioritized, the territorial entity must request the competent environmental authority to identify, delimit and prioritize said areas.

Paragraph. *The Ministry of Environment and Sustainable Development may issue guidelines that are required for the identification, delimitation and prioritization of strategic areas for the conservation of water resources.*

(Decree 953 of 2013, art. 4).

A RTICLE 2.2.9.8.1.5. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>*
Beneficiaries of the incentive. The owners, possessors or occupants of properties in strategic areas and ecosystems described in article 6 of Decree-Law number 870 of 2017 may be beneficiaries of the payment incentive for environmental services.

Paragraph 1. Among the beneficiaries of the incentive described in paragraphs a) and b) of article 6 of Decree-Law number 870 of 2017, there are those who are subject to restitution or the compensation instrument under the terms of Law 1448 of 2011.

Likewise, within the beneficiaries described in literal c) of article 6 of Decree-Law number 870 of 2017, there are those who are located in areas of protection and special environmental management - including the areas of the National System of Protected Areas. (Sinap), before the entry into force of Decree-Law number 870 of 2017. The environmental authorities and those who in any capacity manage any of the protected areas and strategic ecosystems, must incorporate within their management, the characterization of the beneficiaries of the incentive and the definition of applicable management plans or instruments in each case.

Paragraph 2. The owners, possessors and occupants of the properties that benefit from the incentive, must respect the regime of use and management of the strategic area or ecosystem in question.

Paragraph 3. For the purposes of the circumstances of preference provided for in paragraph 2 of article 6 of Decree-Law number 870 of 2017 related to the proprietors or occupants in good faith exempt from fault of small and medium property based on the level of vulnerability according to to the Sisbén indicators, the granting of the payment incentive for environmental services will take into account what is established in the Atlas of the Distribution of Rural Property of the Agustín Codazzi Geographical Institute, the national agricultural census or another source that meets the same purpose.

The implementation of the incentive may grant as a prerogative the circumstance that this class of beneficiaries are grouped in the various organizational forms established by law.

The original text is as follows:

A RTICLE 2.2.9.8.1.5. Selection of properties. *The territorial entities with the technical support of the environmental authority of their jurisdiction, must select within the areas of strategic importance identified, delimited and prioritized by the competent environmental authority, the properties to acquire, to maintain or to favor with the payment for services environmental.*

For the selection of the properties, the following criteria must be evaluated, without prejudice to other additional criteria that the Ministry of Environment and Sustainable Development may define through an administrative act:

1. Population supplied by the aqueducts benefited from the conservation of the strategic area within which the property is located.

2. Presence on the property of water currents, springs, outcrops and wetlands.

3. Importance of the property in the recharge of aquifers or water supply.

4. Proportion of covers and natural ecosystems with little or no intervention present on the property.

5. Degree of threat to natural ecosystems due to anthropogenic pressure.

6. Fragility of existing natural ecosystems.

7. Ecosystem connectivity.

8. Incidence of the property in the quality of the water received by the beneficiary aqueducts.

Paragraph. *The selection of properties by the irrigation districts must be carried out with the technical support of the environmental authority of their jurisdiction.*

(Decree 953 of 2013, art. 5).

SECTION two

ON THE ACQUISITION AND MAINTENANCE OF AREAS OF STRATEGIC IMPORTANCE

Modified by art. 1, National Decree 1007 of 2018.

<The new text is as follows>

ARTICLE 2.2.9.8.2.1. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Targeting strategic areas and ecosystems.*** The payment projects for environmental services will focus on the strategic areas and ecosystems identified in the Single Registry of Ecosystems and Environmental Areas (REAA) or in the Single National Registry of Protected Areas (RUNAP), without prejudice to being able to implement the incentive in any part of the national territory. In these strategic areas and ecosystems, for the purpose of applying the incentive, those that meet one of the following conditions will be predominantly served:

a) Strategic areas or ecosystems at risk of degradation of the natural cover, especially due to the expansion of the agricultural frontier, with emphasis on those located in municipalities prioritized for the post-conflict;

b) Degraded strategic areas or ecosystems and in land use conflict, with emphasis on those located in prioritized post-conflict municipalities.

Paragraph. When public or private persons intend to implement the incentive in areas of the national territory that are not included in the aforementioned registries, they must go to the environmental authority that has the area or ecosystem in its jurisdiction, to determine its viability and incorporation in the same. according to what the regulations establish for such purpose.

The original text is as follows:

ARTICLE 2.2.9.8.2.1. Procedure for the acquisition of prioritized properties. *The acquisition by direct and voluntary negotiation or by expropriation of real estate for the purposes set forth in article 111 of Law 99 of 1993, modified by article 210 of Law 1450 of 2011, will be governed by the procedure established in Law 388 of 1997 or the rule that modifies, adds, replaces or complements it.*

(Decree 953 of 2013, art. 6).

ARTICLE 2.2.9.8.2.2. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Modalities of payment for environmental services.*** The modalities of payment for environmental services refer to an environmental service that is sought to be maintained or generated through said payment.

In accordance with the provisions of literal b) of article 7 of Decree-Law number 870 of 2017, within the modalities of payment for environmental services that could be implemented, the following stand out:

a) Payment for environmental services of regulation and water quality: Corresponds to the payment for environmental services associated with water resources that allow the supply of water in terms of quantity or quality, to primarily satisfy human consumption, and also, other uses such as agriculture, energy generation, industrial use and the maintenance of ecosystem processes.

This modality of payment for water environmental services will be oriented primarily to strategic areas or ecosystems and properties with springs and bodies of water, or in aquifer recharge areas, which supply water from supply sources, especially from municipal, district and regional aqueducts, and districts. irrigation; likewise, the areas of importance for the regulation and buffering of extreme hydrometeorological and geological processes and phenomena with an incidence in natural disasters;

b) Payment for environmental services for the conservation of biodiversity: Corresponds to the payment for environmental services that allow the conservation and enrichment of the biological diversity that inhabit strategic areas and ecosystems.

Strategic areas and ecosystems and properties that provide or maintain the habitat of important or susceptible species for conservation and/or functional groups of species, or that correspond to distribution areas of species of importance, will be taken into consideration for the application of this modality. ecological, including endemic, threatened, migratory, or native species with cultural and socioeconomic value;

c) Payment for environmental services of reduction and capture of greenhouse gases: Corresponds to payment for environmental services of mitigation of greenhouse gas emissions. For the application of this modality, the strategic areas and ecosystems and properties whose vegetation cover fulfills an essential function in said mitigation will be taken into consideration, for which the information reported by the different available monitoring systems and the technical recommendations will be taken into account. regulations established by the competent environmental authorities;

d) Payment for cultural, spiritual and recreational environmental services: Corresponds to payment for environmental services that provide non-material benefits obtained from ecosystems, through spiritual enrichment, cognitive development, reflection, recreation and aesthetic experiences. For the application of this modality, the strategic areas and ecosystems and properties that, due to their geographical conformation, richness of species and scenic beauty, grant the aforementioned non-material benefits will be taken into consideration.

The original text is as follows:

ARTICLE 2.2.9.8.2.2. Maintenance of areas of strategic importance. *It refers to those activities directly developed in the properties acquired by the territorial entities for the conservation and recovery of the ecosystems present in them.*

Paragraph. *The competent environmental authorities will provide technical support to the territorial entities to define the maintenance activities required by the acquired properties, in accordance with their specificity.*

(Decree 953 of 2013, art. 7).

ARTICLE 2.2.9.8.2.3. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Selection and prioritization of properties.*** The public or private persons who design and implement payment projects for environmental services, in the modalities described in the previous article, will select, within the strategic areas and ecosystems referred to in article 2.2.9.8.2.1 , prioritizing the properties or part of your area that contain one or more of the following characteristics.

a) With a higher proportion of natural cover and risk of transformation due to the expansion of the agricultural frontier, preferably adjoining the most recently transformed properties, taking into account the provisions of paragraph 1 of article 2.2.9.8.2.4 of this Decree.

b) With potential for ecosystem connectivity with protected areas or in situ conservation strategies;

c) In which various environmental services concur as an expression of the richness of the biological diversity to be conserved.

Likewise, in the selection of the properties, the characteristics and environmental services of each modality of payment for environmental services will be taken into account. For this activity they will receive technical support from the competent environmental authorities when required.

The original text is as follows:

ARTICLE 2.2.9.8.2.3. Investment prioritization. *The territorial entities must invest, as a priority, the resources referred to in this chapter in the acquisition and maintenance of the properties located in the areas of strategic importance. The payment incentive for environmental services will apply temporarily while the territorial entity acquires the respective property located in said areas.*

(Decree 953 of 2013, art. 8).

ARTICLE 2.2.9.8.2.4. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Actions to recognize with the payment for environmental services.*** Are those actions referred to the destination of areas of the properties for preservation or restoration, which are recognized through the incentive of payment for environmental services, and with which they are intended to maintain or generate said services. For the purposes of this regulation, they are the following:

a) Action aimed at preservation subject to recognition of the payment incentive for environmental services. It is the action that recognizes the payment incentive for environmental services to owners, possessors or occupants for allocating areas of their properties to maintain natural coverage and biodiversity;

b) Action aimed at restoration subject to recognition of the payment incentive for environmental services. It is the action that recognizes the payment incentive for environmental services to the owners, possessors or occupants for allocating areas of their properties that have been degraded or deforested, so that the natural coverage and biodiversity are partially or totally restored.

Within the actions aimed at restoration, those that are carried out in productive systems are included, respecting the regime of use and management of the area or strategic ecosystem in question, ensuring the sustainability of these activities from the restoration according to the guidelines of the National Restoration Plan and for which they will also take into consideration the guidelines of the National Green Business Plan.

Paragraph 1. For the recognition of the incentive for action aimed at restoration, it will be required to prove that the selected properties were not covered by natural ecosystems in the last three (3) years, through information reported by the competent environmental authorities or other public entities, which It will be part of the documents that support the Agreements signed by the beneficiaries of the incentive.

Paragraph 2. The properties in projects of payment for environmental services will be considered as a priority for the implementation of restoration programs and technical assistance in accordance with the guidelines established in the National Restoration Plan.

Paragraph 3. In projects of payment for environmental services associated with restoration actions, the use of native species will be prioritized, according to the specificities in the territory, for which the competent environmental authorities will provide the required technical support.

A **RTICLE 2.2.9.8.2.5.** Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Estimation of the value of the Payment for Environmental Services incentive.*** To estimate the annual value per hectare of the incentive to be recognized, in money or in kind, in strategic areas and ecosystems, public or private persons who design and implement payment projects for environmental services must consider the following:

a) Estimate, as a reference value, the opportunity cost of the most representative agricultural production activities that are carried out in strategic areas and ecosystems

and that affect their natural coverage to a greater degree, through one of the following options:

1. The net economic benefits generated by the most representative agricultural production activities, or;

2. The value of the rent or rental of the land, for the aforementioned productive activities;

b) To determine the annual value of the incentive to be recognized per hectare, the lowest opportunity cost calculated from any of the aforementioned options will be selected;

c) Having as a limit the value obtained in the previous numeral, and in accordance with the principle of cost-effectiveness, the value will be determined so that, with the available resources, the incentive covers a greater amount of area. This resulting value will be the maximum value of the incentive to be recognized annually per hectare that will apply to all the properties that are part of the respective strategic area or ecosystem, whether the areas of the properties are destined for preservation or restoration.

Paragraph 1. The Ministry of Environment and Sustainable Development may issue technical guidelines for estimating the value of the incentive to be recognized, as well as for granting the incentive for restoration actions in productive systems in strategic areas and ecosystems.

Paragraph 2. In the case in which it is shown that it is not possible to obtain the information for estimating the opportunity cost of the areas where the incentive would be applied, the information available within the same area or strategic ecosystem or the closest equivalent may be used. near.

Paragraph 3. Payment projects for environmental services financed exclusively with private resources, not associated with compliance with environmental obligations, may apply a different methodology to estimate the value, but will assign the same annual value per hectare for all the properties that are part of the area or ecosystem. strategic. However, in the event that a project financed or co-financed with public resources is implemented in the same area or strategic ecosystem, the private project must apply the methodology established in this article to estimate the value of the incentive.

Paragraph 4. A payment for environmental services project may include different forms of payment for environmental services in the same area and strategic ecosystem, without implying that the estimated value is paid above or that the same environmental service is paid twice or more for any incentive. .

The original text is as follows:

*A **RTICLE 2.2.9.8.2.5. Investment of resources in areas located outside the jurisdiction.** Territorial entities may invest the resources referred to in article 111 of Law 99 of 1993, modified by article 210 of Law 1450 of 2011, outside their jurisdiction, provided that the area selected for purchase, maintenance or payment for services environmental issues is considered strategic and a priority for the conservation of water resources supplied by the respective aqueduct in accordance with the provisions of this chapter.*

(Decree 953 of 2013, art. 10).

A RTICLE 2.2.9.8.2.6. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Identification of financial sources and mechanisms for resource management.*** The sources indicated in articles 17 and 18 of Decree-Law number 870 of 2017 will be taken into account, which, with regard to the resources authorized by law, are articles 108 of Law 99 of 1993, modified by article 174 of Law 1753 of 2015, and 111 of Law 99 of 1993 modified by article 210 of Law 1450 of 2011.

The public or private persons that implement projects of payment for environmental services will establish the financial and operational mechanisms, technological platforms and support of the country's financial institutions so that, according to the particularities of each project and region, the articulation of resources is facilitated. from the different sources of financing and the project is developed in the most suitable, efficient and transparent ways for the provision of resources by the payers and the receipt of the same by the beneficiaries of the incentive.

The original text is as follows:

A RTICLE 2.2.9.8.2.6. Coordination of resources between territorial entities and other actors for the conservation of areas of strategic importance. *For purposes of the implementation of this chapter, the territorial entities, the environmental authorities and the other public entities, within the framework of their competences, may articulate for the acquisition and maintenance of properties. Likewise, in the development of payment schemes for environmental services, other private actors may also be involved.*

The departments will prioritize resources in areas of strategic importance that benefit the greatest number of municipalities and generate greater efficiency and impact of the investment.

(Decree 953 of 2013, art. 11).

ARTICLE 2.2.9.8.2.7. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Investment of resources in strategic areas and ecosystems located outside the jurisdiction.*** The territorial entities, environmental authorities and other public entities may invest resources outside their jurisdiction, provided that the area selected for the acquisition, maintenance or payment for environmental services is considered strategic for the conservation of the environmental services from which they benefit. respective jurisdiction.

These entities will advance investments preferably in coordination and co-financing to articulate the intervention in the territory and achieve greater economies of scale and efficiency in the conservation of environmental services in strategic areas and ecosystems.

The original text is as follows:

A RTICLE 2.2.9.8.2.7. Compulsory allocation of resources. *Given that the current revenues referred to in article 111 of Law 99 of 1993, modified by article 210 of Law 1450 of 2011, correspond to the budget of the municipalities, districts and departments, these entities will guarantee the inclusion of said resources within their respective development plans and annual budgets, individualizing the item allocated for this purpose.*

(Decree 953 of 2013, art. 12).

ARTICLE 2.2.9.8.2.8. ***Expenses associated with the purchase of land and payments for environmental services.*** With the resources allocated by the territorial entities for the purposes provided for in article 111 of Law 99 of 1993, the expenses directly associated with the fulfillment of said purposes, such as studies of titles, topographical surveys, commercial appraisals, expenses notarial and registry documents, and in the case of acquired properties, custody and administration thereof may also be included.

(Decree 953 of 2013, art. 13).

ARTICLE 2.2.9.8.2.9. ***Information reports.*** Within twelve (12) months from May 17, 2013, the territorial entities must submit to the competent environmental authority, a detailed inventory of the properties acquired and the payment schemes for environmental services implemented. Said inventory must be updated annually with a cut-off date of December 31 of each year.

The competent environmental authorities must send to the Ministry of Environment and Sustainable Development, no later than March 31 of each year, the previous consolidated information with a cut-off date of December 31 of the previous year, in accordance with the guidelines established by the Ministry of Environment and Sustainable development.

(Decree 953 of 2013, art. 14).

SECTION 3

GUIDELINES FOR THE IMPLEMENTATION, MONITORING AND FOLLOW-UP OF PAYMENT FOR ENVIRONMENTAL SERVICES PROJECTS

Modified by art. 1, National Decree 1007 of 2018.

<The new text is as follows>

ARTICLE 2.2.9.8.3.1. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Formalization of agreements.*** The granting of the payment incentive for environmental services will be formalized through a voluntary agreement that will be in writing and its content will correspond to what is established by civil and commercial regulations.

In any case, the agreements shall contain, at a minimum:

a) The term of duration may be up to five (5) years, renewable successively according to the evolution of the project and the resources available for the fulfillment of the object of the incentive;

b) The description and extension of the area and property object of the incentive for that period;

c) The agreed use of the land of the area object of the incentive;

d) The minimum conditions established for the management of the area that is not the object of the incentive, according to the regime of use established in the norms and the good environmental practices required;

e) The administration and custody actions in the areas covered by the incentive that the beneficiary must assume.

The selection process of the beneficiaries of the payment incentive for environmental services and subsequent signing of the agreement, will be subject to the provisions of this chapter.

Paragraph 1. The value of the agreed incentive, whether in money or in kind, will be supported by information, studies and documents that show how the value of the incentive was obtained, which will be an integral part of the agreement.

Paragraph 2. Those who implement the projects must monitor compliance with the stipulated obligations. In any case, prior to payment of the incentive, the agreed use of the land in the properties subject to the incentive will be verified.

ARTICLE 2.2.9.8.3.2. Modified by art. 1, National Decree 1007 of 2018. *<The new text is as follows>* ***Registration of projects.*** Public or private persons who design or implement payment projects for environmental services must register them with the environmental authority of the jurisdiction where the strategic area or ecosystem is located, presenting the following information:

a) Name of the project;

b) Type of project: voluntary or in compliance with environmental obligations;

c) Implementing entity;

d) Funding sources;

e) PSA project modality;

f) Direct beneficiaries of environmental services;

g) Location of the project: area and strategic ecosystem, department, municipalities and village;

h) Total area of the project under preservation and restoration (hectares);

i) Area of the properties that are part of the area and strategic ecosystem and that are the object of the incentive;

j) Value of the incentive to recognize ($/ha/year);

k) Method for estimating the value of the incentive (net benefit or rental value);

l) Value of the average cadastral appraisal per hectare;

m) Information on the selected properties, containing the cadastral certificate, address, real estate registration folio, public deed number and year;

n) Number of families benefiting from the incentive;

o) Duration of the Agreement (years);

p) Associated expenses;

q) Environmental authority of the jurisdiction where the strategic area or ecosystem and the property are located, and where the stakeholders of the environmental service are located.

ARTICLE 2.2.9.8.3.3. Modified by art. 1, National Decree 1007 of 2018. <*The new text is as follows*> ***Follow-up information reports.*** Public and private persons who implement payment projects for environmental services must submit to the competent environmental authority, information on the projects under design or implemented by December 31 of each year.

For the first report, they will include information on payment projects for environmental services implemented in the different previous years.

Likewise, the competent environmental authorities must send to the Ministry of Environment and Sustainable Development, no later than March 31 of each year, the previous consolidated information with a cut-off date of December 31 of the previous year.

The information referred to in this article, article 2.2.9.8.3.2 of this decree, and on the acquisition of properties referred to in articles 108 and 111 of Law 99 of 1993, will be reported in accordance with the guidelines established by the Ministry of Environment and Sustainable Development.

Paragraph. Resolution 1781 of 2014, which deals with the information that territorial entities and the competent environmental authorities must submit regarding payment for environmental services and acquisition of land within the framework of article 111 of Law 99 of 1993, will remain in force as long as it is not modified, supplement or replace.

ARTICLE 2.2.9.8.3.4. Modified by art. 1, National Decree 1007 of 2018. <*The new text is as follows*> ***Monitoring and follow-up.*** The Ministry of Environment and Sustainable Development, as part of the functions assigned by Decree-Law number 870 of 2017, and with the support of the competent environmental authorities, will monitor and follow up the National Payment for Environmental Services Program (PN PSA).), for which the records and information developed with this regulation and other pertinent information systems are essential.

For their part, the public and private persons who implement the payment projects for environmental services will carry out, in addition to what is established in article 2.2.9.8.3.1 of this decree, the monitoring and follow-up of the behavior of the environmental services associated with the use of the agreed land within the strategic area or ecosystem, with the technical elements available and the support of the environmental authorities.

The public and private persons that implement the payment for environmental services projects will provide the community related to and interested in the project, the information and training required according to local and regional particularities, promoting their active participation that contributes to the follow-up and control and the consolidation and sustainability of the incentive.

Likewise, these people, during the development of the projects, will facilitate the participation of the environmental authorities, and other regional and local actors, so that they take ownership of them, carry out the accompaniment of the projects and

become an instrument of participatory management. of the conservation of strategic areas and ecosystems in its jurisdiction.

ARTICLE 2.2.9.8.3.5. Modified by art. 1, National Decree 1007 of 2018. *<The new text is as follows>* ***Expenses associated with payments for environmental services and the acquisition of land.*** Expenses directly associated with the payment for environmental services and the acquisition of properties, related to monitoring and follow-up, title studies, topographical surveys, commercial appraisals and notary and registry expenses may be met. In the case of the acquired properties, the custody and administration of the same may also be included.

SECTION 4

INVESTMENTS ADDRESSED BY ARTICLES 108 AND 111 OF LAW 99 OF 1993, MODIFIED BY ARTICLES 174 OF LAW 1753 OF 2015 AND 210 OF LAW 1450 OF 2011, RESPECTIVELY

Modified by art. 1, National Decree 1007 of 2018.

<The new text is as follows>

ARTICLE 2.2.9.8.4.1. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Investments for payment for environmental services and the acquisition and maintenance of properties.*** The municipalities, districts and departments will make the investments with the percentage not less than 1% of current income established by article 111 of Law 99 of 1993, modified by article 210 of Law 1450 of 2011, subject to the provisions in this chapter.

Likewise, the environmental authorities in coordination and with the support of the territorial entities will carry out the investments referred to in article 108 of Law 99 of 1993, modified by article 174 of Law 1753 of 2015, within the framework of what is established in the this chapter.

Paragraph. The municipalities, districts and departments will incorporate the current income referred to in article 111 of Law 99 of 1993, modified by article 210 of Law 1450 of 2011, in their respective development plans and annual budgets, individualizing the items earmarked for payment for environmental services and the acquisition and maintenance of properties.

ARTICLE 2.2.9.8.4.2. Modified by art. 1, National Decree 1007 of 2018 *<The new text is as follows>* ***Acquisition and maintenance of properties.*** The procedure for the acquisition of properties will be governed by the provisions of Law 388 of 1997 or the rule that modifies, adds, replaces or complements it.

The acquisition of land by irrigation district construction and operation projects not subject to environmental license referred to in article 111 of Law 99 of 1993, will be carried out in strategic areas and ecosystems for the conservation of water resources. that supply them with water, determined by the competent environmental authorities.

The maintenance of properties refers to those activities directly developed in the properties acquired by the territorial entities for the preservation and restoration of the ecosystems present in them, for which the competent environmental authority will provide the technical support required by the territorial entity.

ARTICLE 2.2.9.8.4.3. Modified by art. 1, National Decree 1007 of 2018 <*The new text is as follows*> ***Transition.*** The processes of acquisition, maintenance of properties and implementation of payment for environmental services advanced prior to this decree will continue to be governed by the provisions provided at the time of their initiation, except in what corresponds to the extension of the agreements signed for the granting of the payment incentive for environmental services, which will be governed by the provisions of this chapter.

CHAPTER 9

FORESTRY INCENTIVE CERTIFICATE FOR CONSERVATION

SECTION 1

ARTICLE 2.2.9.9.1.1. ***Content*** **.** This chapter regulates the forestry incentive for conservation purposes established in Law 139 of 1994 and the paragraph of article 250 of Law 223 of 1995, for those areas where there are natural forest ecosystems, little or nothing intervened.

(Decree 900 of 1997, art. 1).

ARTICLE 2.2.9.9.1.2. ***Definitions*** **.** For the interpretation of the rules contained in this chapter, the following definitions are adopted:

Forest Conservation Incentive Certificate: It is a recognition for the direct and indirect costs incurred by an owner for conserving on his property little or no intervened natural forest ecosystems, whose value will be defined based on the direct and indirect costs for conservation and the availability of total resources for the incentive.

Wooded natural ecosystem: Concept that includes an ecological system little or not affected by man, composed predominantly of tree vegetation and biotic and abiotic elements of the environment that influence each other.

(Decree 900 of 1997, art. 2).

SECTION two

APPLICATION OF THE CIF FORESTRY INCENTIVE CERTIFICATE FOR CONSERVATION

ARTICLE 2.2.9.9.2.1. ***Areas subject to the incentive*** **.** The conservation CIF is granted to Natural Forest areas with little or no intervention located in the following areas:

1. Forest located above 2,500 meters above sea level

2. Forest whose plant succession is in a primary or secondary state and that is located on the margins of watercourses and wetlands.

3. Forest located in properties located within the System of National Parks or Regional Natural Parks, as long as they have been titled before the declaration of the area as a park and whose owners are not executing actions contravening the provisions established in the current regulations for the administration and management of these areas.

4. Forest found in the hydrographic basins that supply rural and municipal aqueducts.

The incentive will not be granted in areas owned by the nation, nor in those in which it is required by law to conserve the natural forest.

The competent environmental authority must inform the National Natural Parks of Colombia about the granting of the CIF of conservation in areas that integrate the system of national parks.

(Decree 900 of 1997, art. 3).

ARTICLE 2.2.9.9.2.2. *Requirements and procedure for the granting of the conservation CIF.* The granting of the CIF of conservation will be done prior to the fulfillment of the following requirements and procedure;

1. The request must be made before the environmental authority with jurisdiction in the area where the property is located.

a) This request must contain:

b) The name, identification and address of the applicant;

c) The real estate registration number of the property;

d) The description, alignment and extension of the natural forest ecosystem with little or no intervention.

2. The competent environmental authority will verify the boundaries of the property and will determine that within it there is one of the areas established in article 2.2.9.9.2.1, to be a beneficiary of the forestry incentive.

3. The competent environmental authority will define the amount of the incentive based on the methodology established in articles 2.2.9.9.3.1 to 2.2.9.9.3.5 of this chapter.

4. The competent environmental authority must have a budget availability certificate and obtain an authorization and budget availability certificate from Finagro.

5. Prior to the granting of the conservation GIF, a contract will be signed between the beneficiary of the conservation GIF and the competent environmental authority.

In accordance with the provisions of numeral 6 of article 5 of Law 139 of 1994, in said contract, in addition to the clauses referred to in Law 80 of 1993, the following will be established:

a) The conditions and obligations stipulated in the act of granting the conservation GIF;

b) Fines and pecuniary sanctions in case of partial or total breach of the obligations by the beneficiary, without prejudice to being able to demand full or partial reimbursement of the amount of the conservation GIF, according to the current minimum monthly salary on the date of return:

c) The guarantees that are considered essential.

In any case, the annual disbursement is subject to the corresponding budget availability.

6. The competent environmental authority will grant the conservation GIF through an administrative act, under the necessary conditions and obligations for the conservation of the ecosystem.

Paragraph 1. The forestry incentive certificate for conservation purposes will be granted for up to a maximum of 50 hectares of forest, without prejudice to the extension of the property where the forest is located and its total size.

Paragraph 2. The conservation GIF will be granted without prejudice to the provisions of article 5 of Decree-Law 150 of 1997.

(Decree 900 of 1997, art. 4).

ARTICLE 2.2.9.9.2.3. *Permitted Activities and Uses* . The development of the following activities in the forest object of the incentive will be allowed: basic and/or applied research, environmental education, passive recreation, technical and professional training in disciplines related to the environment and domestic use of the forest, as long as they do not imply an alteration significant resource.

(Decree 900 of 1997, art. 5).

ARTICLE 2.2.9.9.2.4. *Tracking* . The competent environmental authority will monitor the area under conservation in order to verify compliance with the obligations of the beneficiary of the conservation GIF.

(Decree 900 of 1997, art. 6).

SECTION 3

CALCULATION OF THE VALUE OF THE INCENTIVE

ARTICLE 2.2.9.9.3.1. *Base value of the forest conservation incentive certificate.* The base value of the forest conservation incentive certificate will be 7 current minimum monthly wages per hectare of forest and may be adjusted by the competent environmental authority, in accordance with the factors established in article 2.2.9.9.3.5 of this chapter, to obtain the full value of the incentive.

In the opinion of the competent environmental authority, the area classified as a natural forest ecosystem with little or no intervention may be increased, provided that there is budgetary availability for it.

In no case may the total area covered by the incentive exceed the maximum established in paragraph 1 of article 2.2.9.9.2.2 of this chapter.

(Decree 900 of 1997, art. 7).

ARTICLE 2.2.9.9.3.2. *Differential value of the certificate* . Up to 100% of the base value of the incentive will be granted for primary natural forest and up to 50% for secondary forest over ten years old.

(Decree 900 of 1997, art. 8).

ARTICLE 2.2.9.9.3.3. *Validity of the forest conservation incentive certificate* . The conservation GIF will be valid for up to ten (10) years.

(Decree 900 of 1997, art. 9).

ARTICLE 2.2.9.9.3.4. *Form of payment of the forest conservation incentive certificate.* The total value of the incentive will be paid in up to ten (10) annual installments, based on the current minimum monthly salary for the year of payment.

(Decree 900 of 1997, art. 10).

ARTICLE 2.2.9.9.3.5. *Adjustment of the base value taking into account regional conditions.* The regional environmental authorities will adjust the base value (VB) of the forestry incentive certificate, to calculate an adjusted value (VA), based on a regional adjustment factor (FAR). The adjusted value (VA) for each area is given by:

$$VA=VBxFAR$$

The regional adjustment factor will be established for each area, based on the product of a thermal floor factor and a property size factor, thus;

$$FAR=FPTxFTP$$

a) Thermal floor factor (FPT). It corresponds to the value assigned in table 1 according to the thermal floor range, expressed in meters above sea level, masl of the area for which each Regional Adjustment Factor (FAR) is defined.

Table 1: Thermal Floor Factors

Thermal Floor (PT) (masl)	Floor Factor Thermal (FTP)

0<PT <=1000	0.63
1000<PT<=2000	0.77
2000<PT<=2500	0.89
PT>2500	1.00

The competent environmental authority will define a thermal floor factor value for its jurisdiction as a weighted average of the factors assigned to each area likely to benefit from the conservation GIF, based on the values established in the table above.

b) Size factor (FT). Corresponds to the value in Table 2 according to the size of the property for which the Regional Adjustment Factor (FAR) is defined, expressed as a percentage.

Table 2: Farm Size Factors

farm size	Size Factor
(You have.)	(FT)
Less than 3 hectares	2.0
3_property_10	1.6
< property_20	1.4
20<Property_30	1.2
More than 30 hectares.	1.0

(Decree 900 of 1997, art. 11).

ARTICLE 2.2.9.9.3.6. *Compliance Policy.* The beneficiary will constitute an annual compliance policy, equivalent to 10% of the value of the incentive, as a guarantee of conservation of the ecosystem object of the forestry incentive, which will be renewable each year for the duration of the conservation GIF, in favor of the competent environmental authority. Notwithstanding the provisions of literal b) of numeral 6 of article 2.2.9.9.2.2 of this chapter, said policy will become effective in case of non-compliance with the established obligations, the felling of the respective forest, or the presentation of information false to obtain the incentive.

(Decree 900 of 1997, art. 12).

ARTICLE 2.2.9.9.3.7. *Distribution of incentives.* The Conpes will annually set the distribution of the available resources to grant the conservation GIF.

(Decree 900 of 1997, art. 13).

ARTICLE 2.2.9.9.3.8. *Origin of resources.* The resources of the conservation GIF will be those established in article 7 of Law 139 of 1994.

(Decree 900 of 1997, art. 14).

CHAPTER X

Compensatory rate for wildlife hunting

Added by art. 1, National Decree 1272 of 2016

<The added text is as follows>

SECTION 1

GENERAL DISPOSITION

Article 2.2.9.10.1.1. *Object.* The purpose of this chapter is to regulate the compensatory rate referred to in article 42 of Law 99 of 1993, for the hunting of native wildlife.

The native wild fauna includes those species, taxonomic subspecies, races or varieties of wild animals whose natural area of geographic dispersion extends to the national territory or jurisdictional waters, or is part of them, including the species or subspecies that temporarily migrate to them, and that I don't know found in the country as a voluntary or involuntary product of human activity.

Paragraph. The fishing resources referred to in Law 13 of 1990, or the one that modifies or replaces it, are not subject to the collection referred to in this chapter.

Article 2.2.9.10.1.2. ***Area of application.*** This chapter is addressed to the competent environmental authorities referred to in article 2.2.9.10.1.3, and to natural or legal persons who hunt native wildlife in the country, hereinafter called users.

The compensatory rate for scientific hunting includes (i) study permits for scientific research purposes referred to in article 2.2.1.5.1.1 and following of this decree (scientific hunting for commercial purposes); (ii) the permits for the collection of specimens of wild species of biological diversity for the purpose of non-commercial scientific research referred to in article 2.2.2.8.1.1 and following of this decree (non-commercial scientific hunting); and, (iii) study permits for the collection of specimens of wild species of biological diversity for the purpose of preparing environmental studies referred to in article 2.2.2.9.2.1 and following of this decree (scientific hunting for environmental studies) , or those that modify or replace them .

The competent environmental authorities must examine, in each specific case, whether the authorizations for hunting or gathering that are granted for wildlife are likely to directly and specifically affect ethnic communities, in which case, the performance of the duty of prior consultation.

Article 2.2.9.10.1.3. ***Active subject.*** The environmental authorities referred to in numeral 13 of article 31 and article 66 of Law 99 of 1993, article 13 of Law 768 of 2002, numeral 9 of article 2 of Decree Law 3572 of 2011 and article 124 of Law 1617 of 2013.

Article 2.2.9.10.1.4. ***Passive subject.*** All users who hunt native wildlife are required to pay the compensatory rate, in accordance with the provisions of article 42 of Law 99 of 1993.

Paragraph. The compensatory rate will be charged even to those natural or legal persons who hunt native wildlife without the respective environmental permits or authorizations, without prejudice to the preventive and punitive measures that may apply.

Likewise, the collection of the compensatory rate does not imply under any circumstances the legalization of the activity. For this purpose, the rate will be charged to those who are declared responsible for said environmental infraction within the respective environmental sanctioning process, by the environmental authority that so determines.

In the case of declarations of environmental administrative responsibility by the National Authority for Environmental Licenses (Anla) or the Ministry of Environment and Sustainable Development, or those who act in their stead, the collection will be made by the environmental authority of the area of jurisdiction of the place. occurrence of the events.

SECTION 2

CALCULATION OF THE RATE OF THE COMPENSATORY RATE FOR HUNTING WILDLIFE

Article 2.2.9.10.2.1. In accordance with the system and method defined by article 42 of Law 99 of 1993, the calculation of the compensatory rate for hunting wildlife is developed in Sections 3 and 4 of this decree.

Article 2.2.9.10.2.2. ***Compensatory fee for hunting wildlife.*** The rate of the compensatory rate for wildlife hunting for each species subject to collection, expressed in pesos, is made up of the product of the minimum base rate (MT) and the regional factor (FR), components that are developed in the following items, according to this expression:

TFSi = MT x RRi

Where:

TFSi: is the compensation rate for hunting wildlife for species i, expressed in pesos per specimen or sample.

TM: is the minimum base rate, in accordance with the provisions of article 2.2.9.10.2.3, expressed in pesos per specimen or sample.

FRi : is the regional factor determined for each species i in accordance with the provisions of article 2.2.9.10.2.4, dimensionless.

Paragraph. For purposes of this chapter, a wildlife specimen is any wild animal, living or dead, or any of its products, parts or derivatives; and the sample is the unit of collection or hunting of solitary or colonial organisms, which due to their small body size (microscopic or with a maximum body length of approximately 3 cm) and due to the nature of the capture method (non-selective), do not the number of individuals to collect or hunt is considered, so it only applies to certain species of invertebrates.

Article 2.2.9.10.2.3. ***Minimum fee.*** Taking into account the recovery costs of the wildlife resource as a basis for calculating its depreciation, in accordance with the guidelines and rules established by article 42 of Law 99 of 1993, the Ministry of Environment and Sustainable Development will issue the resolution through which will set the minimum base rate of the compensatory rate for wildlife hunting, which will be adjusted annually.

Article 2.2.9.10.2.4. ***regional factor.*** It is a multiplying factor that is applied to the minimum base rate and represents the social and environmental costs caused by the hunting of wildlife, as structuring elements of its depreciation, in accordance with the provisions of the third and fourth paragraphs of article 42 of the Law 99 of 1993.

This factor considers the biological conditions of the resource and its habitat, the anthropic pressure exerted on it, socioeconomic aspects and the type of hunting. The regional factor will be calculated by the competent environmental authority for each of the species subject to collection, according to the related habitat of the animal population, according to the following expression:

FR = (Cb + 4.5N) x Tc x Gt x V

Where:

FR: is the regional, dimensionless factor.

Cb: is the Biotic Coefficient that takes values between 1 and 5, in accordance with number 1 of the annex to this chapter.

N: is the nationality variable that takes a value of 0 for national users and 1 for foreigners.

Tc: corresponds to the variable that indicates the Type of hunting, and takes values between 0.1 and 1.2 in accordance with the table included in number 2 of the annex to this chapter.

Gt: corresponds to the trophic group, and takes values between 0.08 and 1.0 according to the table included in number 3 of the annex to this chapter.

V: corresponds to the Valuation Coefficient, and takes values between 0.01 and 20 in accordance with the provisions of article 2.2.9.10.2.7 of this chapter.

The following articles describe the Biotic Coefficient (Cb), the Trophic Group (Gt) and the Valuation Coefficient (V).

Article 2.2.9.10.2.5. ***Biotic coefficient.*** It is the factor that integrates three elements corresponding to: state of conservation of the species, its pressure for use and the state of conservation of the habitat of the hunted population. It is determined based on the categories established in numeral 1 of the annex to this chapter, and in accordance with the following:

1. **Conservation status of the species:** It is determined based on the categories defined in Resolution 192 of 2014 issued by the Ministry of Environment and Sustainable Development, or the regulation that modifies or replaces it, and the national Red Books.

2. **Pressure for use:** It is an indicator of the level of hunting exerted on the specimens of a certain species of wild fauna by the different types of hunting. It is determined according to information at the regional level on the uses of the species in studies published as a result of investigations, the official records of seizures of the last three years, and the appendices of the Convention on International Trade in Endangered Species of Fauna. and Wild Flora (Cites).

3. **Habitat conservation status:** Refers to the assessment made by the competent environmental authority of the quantity and quality of the habitat available for the populations of the species(s) being hunted. It is determined at the local level, through the concept of the competent environmental authority based on the best information available at a qualitative and/or quantitative level. For this, the following elements must be taken into account: i) that the habitat is adequate for the species, which must be determined based on knowledge of its habitat requirements; ii) habitat loss and its level of fragmentation, which evaluates its impact on the mortality of individuals once they migrate from one habitat patch to another; and iii) the dispersal capacity of the species, taking into account that if the species is highly mobile, it requires a greater amount of available habitat.

Paragraph 1. In the case of collection permits for non-commercial scientific research purposes and study permits for the preparation of environmental studies, the Biotic Coefficient (Cb) will take a value of one (1).

Paragraph 2. In the event that there is no information on the place of origin of the species(s) in the respective environmental sanctioning process, the variable "Habitat conservation status" will take the value of "Poorly conserved".

Article 2.2.9.10.2.6. ***Trophic group.*** This variable refers to the position that an organism of a species occupies in the food web, which is related to the diet or type of food it consumes, and considers whether it is invertebrate or vertebrate. The value of the trophic group (Gt) is determined from the categories established in number 3 of the annex to this chapter.

Paragraph. In the case of collection permits for non-commercial scientific research purposes and study permits for the preparation of environmental studies, a value of 0.15 for invertebrates and 0.8 for the Trophic Group (Gt) will be used for for vertebrates.

Article 2.2.9.10.2.7. ***Valuation coefficient.*** It is the factor that categorizes wildlife species taking into account intrinsic value, cultural importance and market value. The valuation coefficient (V) will take the following values according to the following categories:

1. *Charismatic large species:* those that, due to their characteristics, attract greater interest from society in their conservation, are generally in conflict with humans due to the loss and degradation of their habitats, and are of large body size. The value of V is equal to 20.

2. *Medium-sized charismatic species:* those that, due to their characteristics, attract greater interest from society in their conservation, are generally in conflict with humans due to the loss and degradation of their habitats, and are of medium body size. The value of V is equal to 10.

3. *Species with extensive local consumptive use and of high cultural importance.* The value of V varies between 0.01 and is less than 1.0.

4. *Other species.* The value of V is equal to 1.0.

The Ministry of Environment and Sustainable Development will establish by resolution the species of wildlife that will be included within the first three categories, as well as the value of the Valuation Coefficient corresponding to those species belonging to numeral 3 of this article.

Paragraph. In the case of collection permits for the purpose of non-commercial scientific research and study permits for the purpose of preparing environmental studies, the Valuation Coefficient (V) will take a value of one (1).

SECTION 3

CALCULATION OF THE AMOUNT OF THE COMPENSATORY RATE

Article 2.2.9.10.3.1. ***Calculation of the amount to pay.*** The amount to be paid by each user will depend on the rate of the compensatory rate for each species of wild fauna subject to collection, the number of specimens and/or samples, and the cost of implementation, in application of the guidelines and rules defined in the Article 42 of Law 99 of 1993, and which is expressed as follows:

$$MP = CI + \sum_{i=1}^{n} (TFS_i x ES_i)$$

Where:

MP: Total amount to pay, expressed in pesos.

CI: Cost of implementation, expressed in pesos.

TFSi: Rate of the compensation rate for wildlife hunting for the species i object of collection, in accordance with the provisions of article 2.2.9.10.2.2, expressed in pesos per specimen or sample.

Esi : Number of specimens and/or samples of the species and wild fauna to be charged, in accordance with the provisions of article 2.2.9.10.3.3.

n: Total wildlife species subject to collection.

Article 2.2.9.10.3.2. ***Implementation cost.*** The implementation cost (CI) is determined, taking into account the estimated minimum costs for the implementation of the compensatory rate for hunting wildlife, as part of the resource recovery costs. This value corresponds to $26,000, which will be adjusted annually with the consumer price index (IPC), determined by the National Administrative Department of Statistics (DANE).

Article 2.2.9.10.3.3. ***Information on the number of specimens and/or base samples for payment.*** The compensatory rate for hunting native wildlife will be charged by the number of specimens in terms of individuals, according to the amount hunted or collected, or the amount approved in the respective permit or license as established in this article.

It will be charged for the number of samples when the body size of the species is very small (microscopic or with a maximum body length of approximately 3 cm) and the capture method is not selective at the species level, as established in the paragraph of article 2.2.9.10.2.2. In arthropods that can be sampled by manual or direct capture, the number of individuals collected will be charged.

In the case of products, parts or derivatives, it will be charged on the number of individuals or samples approved or collected, and as long as their collection implies the capture of individuals.

Paragraph 1. In the case of permits or licenses for sport, control and promotion hunting, it will be charged based on the number of specimens approved in the respective permit or license. In the case of environmental licenses for commercial hunting, it will be charged according to the annual utilization quotas approved in the administrative act.

Paragraph 2 . In the case of study permits for scientific research purposes, individual permits for the collection of wild species for the purpose of non-commercial scientific research and study permits for the collection of specimens for the purpose of preparing environmental studies, it will be charged based on the number of specimens and/or samples of wildlife hunted or collected, according to the respective report submitted by the user in accordance with the provisions of the competent environmental authority

and the current regulatory framework. In the event that the user does not submit said report, it will be charged based on what is established in the respective permit.

Paragraph 3 . In the case of the framework collection permits referred to in article 2.2.2.8.2.1 and following of this decree, or the rule that modifies or replaces them, the number of specimens and/or samples will correspond to those reported in the semi-annual information presented. by the holder of the permit before the competent environmental authority referred to in article 2.2.2.8.2.4 of this decree. This information must indicate the number of specimens and/or samples collected by species in the corresponding period by project and teaching practice, relating the detailed geographical location and discriminated by jurisdiction of the competent environmental authorities, and the collection of the respective fee will be made annually. .

Paragraph 4. In the case of the scientific entities assigned and linked to the Ministry of Environment and Sustainable Development that carry out the collection of wild fauna specimens for the purpose of non-commercial scientific research within the framework of article 2.2.2.8.1.2 of this decree, the number of specimens and/or samples will correspond to those effectively hunted or collected as registered in the Biodiversity Information System of Colombia (SiB), in accordance with the provisions of paragraph 1 of the aforementioned article; This information must be reported at least annually to the competent environmental authority with the due supports, and the respective fee will be collected annually.

Paragraph 5° . In the case of users who do not have an environmental permit or license for hunting, the charge will be made based on the number of specimens and/or samples of wild fauna, alive or dead, indicated in the administrative act of declaration of respective environmental administrative responsibility . In the case of products or parts, it will be charged in accordance with the provisions of the administrative act, and based on the equivalent of these in number of individuals, according to information on carcass yield for meat, the average size of the brood for the case of eggs, or from the best information available for each species.

SECTION 4

FINAL PROVISIONS

Article 2.2.9.10.4.1. Form of Collection and Collection. The compensatory rate will be charged and collected by the competent environmental authority as follows:

1. By invoice, collection account or other document in accordance with tax and accounting regulations, with a frequency that may not exceed one (1) year.

2. The fee must be paid within sixty (60) calendar days following the issuance of the invoice, collection account or any document in accordance with tax and accounting regulations, and upon expiration of said term, the competent environmental authorities may collect the demandable credits in your favor through the coercive jurisdiction.

3. Users will have the right to file claims in relation to the collection of the fee before the competent environmental authority, which must be made within thirty (30) calendar days following the payment deadline established in the collection document. Once the claim has been submitted, the competent environmental authority must resolve it in accordance with the regulations that regulate the right of petition. Against the administrative act that resolves the claim, the resources provided for in the law proceed.

4. The competent environmental authority must keep a detailed account of the applications submitted, the process and the response given to the claims.

Paragraph. In the cases in which the National Authority for Environmental Licenses (ANLA) and the Ministry of Environment and Sustainable Development, or those acting in their stead, are competent to grant the permit or license for hunting, they must refer to the competent environmental authorities for the collection, the information related to the permit or license, as established in article 2.2.9.10.3.3.

Article 2.2.9.10.4.2. ***Collection destination.*** The proceeds from the compensatory rate for hunting wildlife will be used to protect and renew the wildlife resource, which includes activities such as the formulation and implementation of plans and programs for the conservation and sustainable use of wild animal species, the repopulation , population control, strategies for the control of illegal trafficking, the restoration of areas of faunal importance, among others, as well as the monitoring and preparation of basic and applied research studies, the latter being priorities for the purpose of investing in the rate , taking into account the guidelines of the Ministry of Environment and Sustainable Development.

To cover the costs of implementation and monitoring of the rate, the competent environmental authority may use up to 10% of the resources collected from the compensatory rate.

The competent environmental authorities must make the distributions in their budgets of income and expenses to which there is a place to guarantee the specific destination of the rate.

Article 2.2.9.10.4.3. ***Information report.*** The competent environmental authorities will report to the Ministry of Environment and Sustainable Development the information related to the application of the compensatory rate for hunting wildlife, in accordance with the regulations issued by this Ministry for this purpose.

This report must be submitted annually with the information corresponding to the period from January 1 to December 31 of the immediately preceding year, no later than April 30 of each year.

Paragraph. The competent environmental authority must annually make public the information regarding the annual investments made with the resources collected by the compensatory rate for hunting wildlife on the entity's website and in any other mass media.

Article 2.2.9.10.4.4. ***Continuity of actions.*** The administrative acts in which the obligation to replace the specimens has been established, as well as the environmental sanctioning processes initiated to determine compliance with it, issued before the entry into force of this addition, will continue in force until its fulfillment. or until the end of the respective process.

CHAPTER eleven

COMPENSATORY RATE FOR THE PERMANENT USE OF THE PROTECTIVE FOREST RESERVE BOSQUE EASTERN DE BOGOTÁ

Added by art. 1, National Decree 1648 of 2016.

<The added text is as follows>

SECTION 1

Object and scope of application

Article 2.2.9.11.1.1. ***Object.*** The purpose of this chapter is to regulate the compensatory rate referred to in article 42 of Law 99 of 1993, for the permanent use of the Bosque Oriental de Bogotá Protective Forest Reserve, of properties with buildings located in the Environmental Recovery Zone defined in Resolution 463 of 2005, issued by the Ministry of Environment, Housing and Territorial Development, today the Ministry of Environment and Sustainable Development, or the zoning category that takes its place.

Article 2.2.9.11.1.2. ***Area of application.*** This chapter applies to the environmental authority referred to in article 2.2.9.11.1.3 and to the owners, holders or holders of properties with buildings located in the Environmental Recovery Zone defined by Resolution 463 of 2005, issued by the Ministry of Environment. and Sustainable Development, or the zoning category that takes its place, in the Bosque Oriental Protective Forest Reserve of Bogotá.

Paragraph. For all purposes, this chapter will apply to properties with an altered area, with existing buildings as of April 14, 2005, taking into account the provisions of Resolution 463 of 2005, issued by the Ministry of Environment, Housing and Territorial Development. , today the Ministry of Environment and Sustainable Development, in its article 3, numeral 4 , literal e.

Article 2.2.9.11.1.3. ***Active subject.*** The Regional Autonomous Corporation of Cundinamarca, CAR, is competent to charge and collect the compensatory rate for the permanent use of the Eastern Forest Protective Forest Reserve of Bogotá, in accordance with the provisions of numeral 13 , article 31, of Law 99 of 1993 .

Article 2.2.9.11.1.4. ***Passive subject.*** All owners, possessors or holders of properties with buildings located in the Environmental Recovery Zone of the Bosque Oriental de Bogotá Protective Forest Reserve defined by Resolution 463 of April 14, 2005 issued today are required to pay the compensatory rate. Ministry of Environment and Sustainable Development, or the zoning category that takes its place, in accordance with the provisions of article 42 of Law 99 of 1993.

SECTION two

Compensatory Rate Definitions

Article 2.2.9.11.2.1. ***Definitions.*** For the application of this chapter, the following definitions are adopted:

Altered area: Land surface of a property that has been transformed and occupied with buildings, generating processes of fragmentation and deterioration of natural coverage.

Building: It is the union of construction materials adhered to the land, with a permanent character, whatever the elements that constitute it.

SECTION 3

Calculation of the rate of the compensatory rate

Article 2.2.9.11.3.1. In accordance with the system and method defined by article 42 of Law 99 of 1993, the calculation of the compensatory rate for permanent use with properties located in the Environmental Recovery Zone of the Bosque Oriental Protective Forest Reserve of Bogotá, is developed in subsequent articles.

Article 2.2.9.11.3.2. ***Rate of the compensatory rate (T):*** The rate of the compensatory rate for the permanent use of the Bosque Oriental de Bogotá Protective Forest Reserve, expressed in pesos per square meter, is made up of the product of the minimum rate (Tm), the perpetuity factor (***fp***) and the socioeconomic differential factor (***fdse***), components that are developed in the following articles according to the expression:

$$T = Tm \times fp \times fdse$$

Where:

Tm. Minimum rate: It is the rate in accordance with the provisions of article 2.2.3.11.3.3., expressed in pesos per square meter ($/m2).

fp: Perpetuity factor: Dimensionless coefficient, in accordance with the provisions of article 2.2.3.11.3.4.

fdse. Socioeconomic differential factor: Adimensional coefficient, in accordance with the provisions of article 2.2.3.11.3.5.

Article 2.2.9.11.3.3. ***Minimum rate (Tm):*** Taking into account the recovery, social and environmental costs, as the basis for calculating the depreciation of the tree cover of the Bosque Oriental de Bogotá Protective Forest Reserve, in accordance with the guidelines and rules established by article 42 of Law 99 of 1993. The minimum rate represents the unit costs of the activities necessary for ecological rehabilitation, considering the biophysical aspects of the Bosque Oriental Protective Forest Reserve of Bogotá.

The Ministry of Environment and Sustainable Development will establish by resolution the minimum rate (Tm) of the Compensatory Rate for the permanent use of the Bosque Oriental de Bogotá Protective Forest Reserve, which will be adjusted annually.

Article 2.2.9.11.3.4. ***Perpetuity factor (fp):*** Since the use of the reserve is permanent, the cost of ecological rehabilitation, per square meter, is deferred in perpetuity, through the current social discount rate for social investment projects in Colombia, twelve percent (0.12), defined by the National Planning Department, DNP.

Article 2.2.9.11.3.5. ***Socioeconomic Differential Factor (fdse):*** It is the coefficient that seeks to differentiate the payment of the Compensatory Rate of each property taking into account the socioeconomic stratum to which it belongs, according to the following table:

Stratum	Spread Factor Socioeconomic
1	0.07
two	0.12
3	0.21
4	0.26
5	0.64
6	1.12

To advance the collection in properties with an economic destination other than housing, which do not have socioeconomic stratification, a socioeconomic differential factor will be applied depending on the ownership of the property and the economic destination in which it is classified according to the Special Administrative Unit of Cadastre. district, as follows:

a) For properties owned by individuals that have economic destinations such as: punctual commerce, commerce in a shopping center, commerce in a commercial corridor, private recreational areas, private facilities, parking lots, properties with improvements, industrial properties and privately owned roads, the socioeconomic differential factor equivalent to stratum 6.

b) For properties owned by the State that have public economic uses, the socioeconomic differential factor equivalent to stratum 1 will be applied.

SECTION 4

Calculation of the amount of the compensatory rate

Article 2.2.9.11.4.1. ***Calculation of the amount to pay for the compensatory rate:*** The amount to be paid ***(MP)*** by taxpayers will depend on the altered area ***(Aa)*** and the rate of the compensatory rate ***(T)*** , in

application of the guidelines and rules defined in article 42 of Law 99 of 1993 and that are expressed like this:

MP = AaxT

Where:

MP: Amount to Pay, expressed in pesos ($).

Aa: Altered area, expressed in square meters (m2), in accordance with the provisions of article 2.2.9.11.2.1.

T: Rate of the compensatory rate, expressed in pesos per square meter ($/m2), in accordance with the provisions of article 2.2.9.11.3.2.

Paragraph. For properties that are under the horizontal property regime, the amount to be paid by each owner or possessor will be calculated based on the sum of the private altered area and the equivalent area by co-ownership coefficient of the common property.

SECTION 5

Collection of the compensatory rate

Article 2.2.9.11.5.1. ***Form of Collection and Collection:*** The compensatory rate must be collected by the Regional Autonomous Corporation of Cundinamarca, CAR, as follows:

1. By invoice, collection account or any other document in accordance with tax and accounting regulations, which may not exceed one (1) year, and must include a billing cut-off on December 31 of each year, collection per year expired.

2. The compensatory rate must be paid within sixty (60) calendar days, following the issuance of the invoice, collection account or any document in accordance with tax and accounting regulations, after which term, the Regional Autonomous Corporation of Cundinamarca , CAR may collect the required credits in its favor within the framework of the coercive collection established in Law 1437 of 2011.

3. Users will have the right to submit written claims in relation to the collection of the fee before the Regional Autonomous Corporation of Cundinamarca, CAR, which must be done within thirty (30) calendar days, following the

established payment deadline. in the billing document. Once the claim has been submitted, the CAR must resolve it in accordance with the regulations that regulate the right of petition. Against the administrative act that resolves the claim, the resources provided for in the law proceed.

The Regional Autonomous Corporation of Cundinamarca, CAR, must keep a detailed list of the applications submitted, the process and the responses given to the claims.

Article 2.2.9.11.5.2. ***Destination of the collection:*** The collections of the Compensatory Rate will be used for the protection and renewal of renewable natural resources in the Bosque Oriental Protective Forest Reserve of Bogotá in accordance with the provisions of the Management Plan of this reserve.

To cover the costs of implementing and monitoring the rate, the Regional Autonomous Corporation of Cundinamarca, CAR, may use up to 10% of the resources collected from the compensatory rate.

For the above, the Regional Autonomous Corporation of Cundinamarca, CAR, must make the distributions in its budget of income and expenses to which there is a place to guarantee the specific destination of the rate.

SECTION 6

Final provisions

Article 2.2.9.11.6.1. ***Information report:*** The Regional Autonomous Corporation of Cundinamarca, CAR, will report to the Ministry of Environment and Sustainable Development the information related to the application of the Compensatory Rate, in accordance with the guidelines that said ministry will issue for this purpose.

This report must be submitted annually with the information corresponding to the period from January 1 to December 31 of the immediately preceding year, no later than March 30 of each year.

The monitoring of the information will be carried out within the framework of the follow-up to the Management Plan of the Protected Forest Reserve Bosque Oriental de Bogotá prepared by the Regional Autonomous Corporation of Cundinamarca, CAR and adopted by the Ministry of Environment and Sustainable Development.

Article 2.2.9.11.6.2. ***Information required for the collection of the fee:*** The Regional Autonomous Corporation of Cundinamarca, CAR, must request from the pertinent authorities the latest information available on the properties and altered area to advance the collection of the compensatory rate that this chapter deals with.

CHAPTER 12

Added by art. 1, National Decree 1390 of 2018.

<The added text is as follows>

COMPENSATORY RATE FOR TIMBER USE IN NATURAL FORESTS

SECTION 1

General disposition

Article 2.2.9.12.1.1. ***Object*** **.** The purpose of this chapter is to regulate the compensatory rate referred to in article 42 of Law 99 of 1993, for timber harvesting in natural forests located on public and private domain lands.

Article 2.2.9.12.1.2. Area of application. This chapter applies to the competent environmental authorities referred to in article 2.2.9.12.1.3. and to natural and legal persons that take advantage of the timber forest resource in natural forests located on public and private domain lands in Colombian territory.

The competent environmental authorities must examine, in each case, whether the applications for permits or authorizations in the matter of timber harvesting are likely to directly and specifically affect ethnic communities, in which case prior consultation must be carried out.

Article 2.2.9.12.1.3. ***Active subject.*** The environmental authorities referred to in article 31 and article 66 of Law 99 of 1993, article 13 of Law 768 of 2002, numeral 9 of article 2 of Decree-Law number 3572 of 2011 and article 124 of Law 1617 of 2013.

Article 2.2.9.12.1.4. ***Passive subject.*** The holders of timber forest exploitation who cut down trees to obtain the timber resource in natural forests located on public and private domain lands are obliged to pay the Compensatory Rate for Timber Forest Use.

paragraph . The Compensatory Rate for Timber Forest Exploitation will be charged even to those natural or legal persons who carry out the felling of trees without the respective environmental permits or authorizations, without prejudice to the preventive and sanctioning measures that may apply.

Likewise, the collection of the fee does not imply in any circumstance the legalization of the activity. For this purpose, the rate will be charged to those who are declared responsible for said environmental infraction within the respective environmental sanctioning process, by the environmental authority that so determines.

In the case of the declaration of environmental administrative responsibility by the National Environmental Licensing Authority (ANLA) or the Ministry of Environment and Sustainable Development, or those who act in their stead, the collection will be made by the environmental authority of the area of jurisdiction of the place. occurrence of the events.

SECTION 2

Calculation of the rate of the Compensatory Rate for Timber Forest Exploitation

Article 2.2.9.12.2.1. ***Tariff of the Compensatory Rate for Timber Forest Exploitation (TAFM $_i$).*** The rate of the Compensatory Rate for Timber Forest Exploitation for each species subject to collection, expressed in pesos per cubic meter of standing wood ($/m ^{3}), is made up of the product of the minimum rate (MT) and the regional factor (FR), according to the expression:

$$TAFM_i = TM * FR_i$$

Where:

TAFM $_i$: It is the rate of the Compensatory Rate for Timber Forest Exploitation for species *i* , expressed in pesos per cubic meter of standing wood ($/m ^{3}).

***TM* :** It is the minimum rate, in accordance with the provisions of article 2.2.9.12.2.2., expressed in pesos per cubic meter of standing wood ($/m ^{3}).

***FR $_i$* :** It is the regional factor, determined for each species *i* , in accordance with the provisions of article 2.2.9.12.2.3., dimensionless.

Article 2.2.9.12.2.2. ***Minimum rate (MT).*** Taking into account the recovery costs of the timber forest resource, as a basis for calculating its depreciation, in accordance with the guidelines and rules established by article 42 of Law 99 of 1993, the Ministry of Environment and Sustainable Development will issue the resolution through which it will set the minimum rate of the Compensatory Rate for Timber Forest Exploitation, which will be adjusted annually.

Article 2.2.9.12.2.3. ***Regional factor (RF $_i$).*** It is a multiplier factor that is applied to the minimum rate and represents the social and environmental costs caused by timber forestry exploitation, as structuring elements of its depreciation, in accordance with the guidelines established in article 42 of Law 99 of 1993.

This factor considers the type of exploitation, the regional availability of forests, the category of species and the effects caused to the environment by the exploitation and extraction of wood.

The regional factor will be calculated by the competent environmental authority for each of the species subject to collection, based on the information available, within the framework of existing plans and programs, such as the Forest Management Plan or the Forest Exploitation Plan. , with the respective field verification, as the case may be, according to the following expression:

$$FR_i = (CUM + N) * \left(\frac{CDRB + CCE + CAA}{3} \right)$$

Where:

FR_i: It is the regional factor, for species *i* , dimensionless.

CUM: It is the Coefficient of Wood Use, dimensionless, in accordance with the provisions of article 2.2.9.12.2.4.

N: It is the nationality variable that takes the value of 0 for national users and 1 for foreigners, dimensionless.

CDRB: Is the Regional Forest Availability Coefficient, dimensionless, in accordance with the provisions of article 2.2.9.12.2.5.

CCE: Is the dimensionless Species Category Coefficient, in accordance with the provisions of article 2.2.9.12.2.6.

CAA: It is the dimensionless Environmental Impact Coefficient, in accordance with the provisions of article 2.2.9.12.2.7.

Article 2.2.9.12.2.4. ***Wood Use Coefficient (CUM).*** This coefficient depends on the kind of use of the resource, as follows:

USE CLASS	cum
isolated trees	0.5
Domestic	0.1
Persistent	1
Unique	1.25

Article 2.2.9.12.2.5. ***Forest Regional Availability Coefficient (CDRB).*** This coefficient is associated with the availability of forests that may be the subject of permits or authorizations for timber harvesting in the jurisdiction of the competent environmental authority.

The competent environmental authority will determine the Forest Regional Availability Coefficient in its respective jurisdiction, according to the following formula:

CDRB = 2 – CEB

Where:

CDRB: Forest Regional Availability Coefficient, dimensionless.

CEB: Forest Scarcity Coefficient, dimensionless.

For the purposes of this article, the Forest Scarcity Coefficient will be calculated using the following formula:

$$CEB = \frac{ATBN - ATAP}{ATJ}$$

Where:

CEB: Forest Scarcity Coefficient, dimensionless.

ATBN: Total Area of Natural Forests in the jurisdiction of the respective environmental authority, expressed in hectares.

ATAP: Total Area of Protected Areas registered in the Single National Registry of Protected Areas (RUNAP), in the jurisdiction of the respective environmental authority, expressed in hectares.

ATJ: Total area of the jurisdiction of the respective environmental authority, expressed in hectares.

Article 2.2.9.12.2.6. ***Species Category Coefficient (CCE).*** This coefficient makes it possible to classify and assess the species subject to timber harvesting, taking into account their biophysical characteristics, their socioeconomic aspects and the anthropic pressure exerted on the resource reflected in the threat level of each species. The values of the Coefficient will be assigned according to the category of each species, as follows:

SPECIES CATEGORY	ECC
Special	2.7
Special	1.7
Other species	1.0

Paragraph. The classification of timber forest species, in each of the categories covered by this article, must be carried out in accordance with the provisions of the table included in number 1 of the annex to this chapter. Said classification does not modify the regulations related to national or regional closed seasons.

Based on said classification, the Ministry of Environment and Sustainable Development may make the necessary adjustments, in the event that it is necessary to incorporate new species or that new technical information is available that requires the respective update of the table.

Article 2.2.9.12.2.7. *Environmental Affectation Coefficient (CAA).* This coefficient makes it possible to classify and assess the impact generated in the environment by forestry practices of logging and extraction of wood, as follows:

LEVEL OF IMPACT	CAA
very low	1.0
Bass	1.4
Medium	1.7
Tall	2.0
Very high	2.6

paragraph . The classification of the different forestry practices of logging and extraction of wood, associated with each of the permits or authorizations, must be carried out in accordance with the provisions of the table included in number 2 of the annex to this chapter.

Based on said classification, the Ministry of the Environment and Sustainable Development may make the necessary adjustments, in the event that it is necessary to incorporate new logging or extraction forestry practices or that new technical information is available that requires the respective updating of the table.

SECTION 3

Calculation of the amount to pay of the Compensatory Rate for Timber Forest Harvesting

Article 2.2.9.12.3.1. *Calculation of the amount to pay (MP).* The amount to be paid by taxpayers will depend on the rate of the Compensatory Rate for Timber Forest Exploitation, for each timber forest species subject to collection and the total volume granted in standing of these. The amount to be paid is expressed in pesos and is determined by the following mathematical expression:

$$MP = \sum(TAFM_i * Vop_i)$$

Where:

MP: Total amount to pay, expressed in pesos ($)

$TAFM_i$: Rate of the Compensatory Rate for Forest Harvesting

Timber for the species/object of collection, expressed in pesos per cubic meter of standing wood ($/m ^{3}).

Vop_i: Total volume granted on foot for the species *i* object of collection, expressed in cubic meters (m ^{3}).

SECTION 4

Collection of the Compensatory Rate for Timber Forest Exploitation

Article 2.2.9.12.4.1. ***Form of payment and collection.*** The Compensatory Rate for Timber Forest Exploitation will be charged and collected by the competent environmental authority as follows:

1. By invoice, collection account or other document, in accordance with current tax and accounting regulations, with a frequency that may not exceed one (1) year.

2. The Compensatory Rate for Timber Forest Exploitation must be paid within sixty (60) calendar days, following the issuance of the invoice, collection account or any document in accordance with tax and accounting regulations, and upon expiration of said term, the Competent environmental authorities may collect the required credits in their favor through coercive jurisdiction.

3. The owners of the exploitation will have the right to present claims in relation to the collection of the Compensatory Rate for Timber Forest Exploitation before the competent environmental authority, which must be made within thirty (30) calendar days following the established payment deadline. in the billing document. Once the claim has been submitted, the competent environmental authority must resolve it in accordance with the regulations that regulate the right of petition. Against the administrative act that resolves the claim, the resources provided for in the law proceed.

4. The competent environmental authority must keep a detailed account of the applications submitted, the process and the response given to the claims.

paragraph . In the cases in which the National Authority for Environmental Licenses (ANLA) and the Ministry of Environment and Sustainable Development or whoever acts in their stead, are competent to grant the permit, authorization or license for timber harvesting, they must refer to the competent environmental authorities for the collection, the information related to the permit, authorization or license.

Article 2.2.9.12.4.2. ***Collection destination.*** The collections of the Compensatory Rate for Timber Forest Exploitation will be allocated to the protection and renewal of forests, in accordance with the forestry plans and programs.

To cover the costs of implementation and monitoring of the rate, the competent environmental authority may use up to 10% of the resources collected from the Compensatory Rate for Timber Forest Exploitation.

The competent environmental authorities must make the distributions in their budgets of income and expenses to which there is a place to guarantee the specific destination of the rate.

SECTION 5

Final provisions

Article 2.2.9.12.5.1. ***Information report.*** The competent environmental authorities will report to the Ministry of Environment and Sustainable Development and the National Forest Information System (SNIF), the information related to the application of the Compensatory Rate for Timber Forest Exploitation, in accordance with the regulations that this Ministry will issue for this purpose. .

This report must be submitted annually with the information corresponding to the period from January 1 to December 31 of the immediately preceding year, no later than April 30 of each year.

Paragraph. The competent environmental authority must publish annually the information referring to the annual investments made with the resources collected by the Compensatory Rate for Timber Forest Exploitation on the entity's website and in any other mass media.

Article 2.2.9.12.5.2. ***Continuity of actions.*** For the liquidation and collection of the Compensatory Rate for Timber Forest Use corresponding to the current administrative acts that grant permits or authorizations for timber forest use, at the time of entry into force of this chapter, the competent environmental authority will proceed as follows way:

a) When the partial use of the volume of wood granted has already been carried out, the regime in force at the time of issuance of the administrative act will continue;

b) When the use of the granted volume of wood has not been carried out, the regimen that is most favorable to the holder of the permit or authorization for forest use must be applied.

TITLE 10

SANCTION REGIME

SECTION 1

IMPOSITION OF SANCTIONS

ARTICLE 2.2.10.1.1.1. ***Purpose and scope of application.*** The purpose of this decree is to point out the general criteria that the environmental authorities must take into account for the imposition of the sanctions enshrined in article 40 of Law 1333 of July 21, 2009.

(Decree 3678 of 2010, art. 1).

ARTICLE 2.2.10.1.1.2. ***Types of sanction.*** The environmental authorities may impose one or more of the following sanctions according to the characteristics of the offender, the type of infraction and its seriousness:

1. Daily fines of up to five thousand (5,000) current legal monthly minimum wages.

2. Temporary or permanent closure of the establishment, building or service.

3. Revocation or expiration of environmental license, authorization, concession, permit or registration.

4. Demolition of work at the expense of the offender.

5. Definitive confiscation of specimens, exotic wild species, products and by-products, elements, means or implements used to commit the infraction.

6. Restitution of specimens of species of wild fauna and flora.

7. Community work according to conditions established by the environmental authority.

Paragraph 1. Community work may only replace the fine when, in the opinion of the environmental authority, the offender's socioeconomic capacity warrants it, but it may be complementary in all other cases.

Paragraph 2. The imposition of sanctions does not exempt the offender from carrying out the works or actions ordered by the competent environmental authority, nor from restoring the affected environment, natural resources or landscape. These sanctions will be applied without prejudice to the civil, criminal and disciplinary actions that may take place.

Similarly, the environmental authority may require the alleged offender, during the sanctioning process, to process the environmental licenses, permits, concessions and/or authorizations required for the use, exploitation and/or affectation of natural resources, when there is place and without implying that its granting exempts it from liability.

Paragraph 3. In each penalty process, the competent environmental authority may only impose a main penalty, and if applicable, up to two accessory penalties.

(Decree 3678 of 2010, art. 2).

ARTICLE 2.2.10.1.1.3. ***Motivation of the process of individualization of the sanction.*** Any administrative act that imposes a sanction must be based on a technical report clearly stating the reasons for the time, manner and place that will give rise to the sanction, detailing the degree of environmental damage, the aggravating and/or mitigating circumstances and the socioeconomic capacity of the offender, so that the proper application of the criteria referred to in this regulation can be determined.

Likewise, and in the event that the infraction has generated environmental damage, the technical report must indicate the characteristics of the damage caused by the infraction.

(Decree 3678 of 2010, art. 3).

SECTION 2

CRITERIA

ARTICLE 2.2.10.1.2.1. ***Fines*** **.** The fines will be imposed by the environmental authorities when environmental infractions are committed, in the terms of article 5 of Law 1333 of 2009, and based on the following criteria:

B: Illicit profit

á: Temporality factor

i: Degree of environmental impact and/or risk assessment

A: Aggravating and mitigating circumstances Ca: Associated costs

Cs: Socioeconomic capacity of the offender Where

Illicit benefit: Consists of the gain or benefit obtained by the offender. This benefit can be made up of direct revenues, avoided costs, or savings from delays.

The illicit benefit is obtained by relating the gain or benefit resulting from the infringement with the probability of being detected.

Temporality factor: It is the factor that considers the duration of the environmental infraction, identifying whether it occurs instantaneously or continuously over time.

In those cases where the environmental authority cannot determine the start and end date of the infraction, said infraction will be considered as an instantaneous fact.

Degree of environmental affectation: It is the qualitative measure of the impact based on the degree of incidence of the alteration produced and its effects.

It is obtained from the assessment of the intensity, extension, persistence, recoverability and reversibility of the environmental impact, which will determine its importance.

Risk evaluation: It is the estimation of the potential risk derived from the violation of environmental regulations or administrative acts and that does not materialize in environmental impacts.

Mitigating and aggravating circumstances: The mitigating and aggravating circumstances are factors that are associated with the behavior of the offender, the degree of affectation of the environment or the area, according to its ecological importance or the value of the affected species, which are indicated. exhaustively in articles 6 and 7 of Law 1333 of July 21, 2009.

Associated costs: The associated costs variable corresponds to those expenditures incurred by the environmental authority during the sanctioning process and which are the responsibility of the offender in the cases established by law. These costs are different from those that are attributable to the environmental authority in the exercise of the police function established by Law 1333 of 2009.

Socioeconomic capacity of the offender: It is the set of qualities and conditions of a natural or legal person that allow establishing their capacity to assume a pecuniary sanction,

(Decree 3678 of 2010, art. 4).

ARTICLE 2.2.10.1.2.2. ***Temporary or permanent closure of the establishment, building or service.*** The temporary closure of the establishment, building or service will be imposed as a sanction by the environmental authorities for the existence of facts or conduct contrary to environmental provisions, in accordance with the following criteria:

a) Failure to comply with the terms and conditions imposed by the environmental authority in the preventive measures;

b) Repeated failure to comply with one or more corrective or compensatory measures imposed by the competent environmental authority to stop an impact on the environment;

c) Not having the establishment, building or service with the permits required by law or regulations for its construction or operation.

Paragraph 1. When the temporary closure is imposed, the environmental authority must determine in the administrative act that imposes the sanction the duration of the measure in time and/or, if applicable, the corrective measures and actions necessary to correct the irregularities that motivated said sanction. sanction.

Paragraph 2. Failure to comply with the measures and actions imposed by virtue of the temporary closure by the offender will lead to the definitive closure of the establishment, building or service, prior to the exhaustion of the respective sanctioning process, through which the offender is declared responsible. non-compliance with such measures.

Paragraph 3. Both the temporary and the definitive closure may be imposed for all or for a part or process of the establishment, building or service, when so determined. In one case or another, the sanctioned party may carry out what is necessary for the maintenance of the property,

(Decree 3678 of 2010, art. 5).

ARTICLE 2.2.10.1.2.3. ***Revocation or expiration of the license, concession, permit, registration, or other environmental authorizations.*** The revocation or expiration of the license, concession, permit, registration or other environmental authorizations defined in the law or in the regulations, will be imposed as a sanction by the authorities, in accordance with the following criteria;

a) Recidivism in non-compliance with the measures established in said environmental authorizations, as long as said non-compliance is serious.

(Decree 3678 of 2010, art. 6).

ARTICLE 2.2.10.1.2.4. *Demolition of work at the expense of the offender* . The demolition at the expense of the offender will be imposed as a sanction by the environmental authorities, in accordance with the following criteria:

a) The work does not have the permits required by law or regulations for its execution and this seriously affects the dynamics of the ecosystem.

b) The work is being carried out or has been carried out with the permits required for this purpose, but it does not fully comply with the parameters or conditions established by the environmental authority and is seriously affecting the dynamics of the ecosystem.

c) The work is located within a protected area defined in article 2.2.2.1.2.1. of this Decree, provided that this does not allow it.

However, the environmental authority may refrain from ordering the demolition if the execution of said sanction results in a greater impact on the ecosystem or the protected area.

Paragraph 1. In the administrative act that imposes the sanction of demolition, the technical parameters for its realization will be defined.

In the event that the offender does not carry out the demolition within the term established for this purpose, the environmental authority may carry it out and repeat against the offender, through the coercive jurisdiction, for the expenses that must be incurred.

2nd paragraph. The foregoing is without prejudice to the powers assigned on the matter to the territorial entities in Law 388 of 1997, modified by Law 810 of 2003, or the regulations that modify, replace or repeal them.

(Decree 3678 of 2010, art. 7).

ARTICLE 2.2.10.1.2.5. *Definitive confiscation of specimens of wild and exotic species, products and by-products of fauna and flora, elements, means or implements used to commit environmental infractions.* The definitive confiscation of specimens of wild and exotic species, products and by-products of fauna and flora, elements, means or implements used to commit environmental infractions, will be imposed as a sanction by the environmental authorities, in accordance with the following criteria:

a) The specimens have been obtained, are being moved, or transformed and/or marketed without the environmental authorizations required by law or regulations;

b) To prevent and/or correct an impact on the environment;

c) To correct a damage on the specimens.

Products, elements, means or implements, such as traps, weapons or cages, used for hunting and capturing fauna or those used to carry out illegal forest exploitation will also be subject to definitive confiscation.

The definitive confiscation of products, elements, means or implements used to commit other environmental infractions will proceed whenever the environmental authority finds that they have been used to carry out illegal activities.

The environmental authority that decrees the confiscation may dispose of the confiscated assets in some of the final disposal alternatives contemplated in articles 52 and 53 of Law 1333 of 2009 or may dispose of the assets for the use of the same entity or deliver them to public entities. that require them to facilitate the fulfillment of their functions, through inter-institutional agreements that allow verifying the correct use.

(Decree 3678 of 2010, art. 8).

ARTICLE 2.2.10.1.2.6. *Restitution of specimens of wild fauna and flora species.* The restitution of specimens of species of wild fauna and flora will be imposed as a sanction when,

after a technical study, the environmental authority determines that it can be reincorporated into its natural habitat in a satisfactory manner, in the terms established in Articles 52 and 53 of the Law 1333 of 2009.

(Decree 3678 of 2010, art. 9).

ARTICLE 2.2.10.1.2.7. *Community work* . Community work will be imposed as a sanction by the environmental authorities, for non-compliance with environmental regulations or administrative acts issued by the competent environmental authorities, provided that it does not cause serious damage to the environment.

Likewise, when the socioeconomic capacity of the offender warrants it in the opinion of the environmental authority, community work will be imposed as a substitute sanction for the fine.

(Decree 3678 of 2010, art. 10).

ARTICLE 2.2.10.1.2.8. *Methodology for the appraisal of fines* . The Ministry of Environment and Sustainable Development. It must develop and adopt a methodology through which the criteria for the appraisal of fines are developed, which will serve the environmental authorities for the imposition of said sanctions.

(Decree 3678 of 2010, art. 11).

TITLE eleven

BODY FOR VERIFICATION AND CHARACTERISTICS OF GHG EMISSIONS REDUCTIONS AND REMOVALS

Added by art. 3, National Decree 926 of 2017

<The added chapter is as follows>

CHAPTER 1

GHG EMISSIONS AND EMOTIONS REDUCTION VERIFICATION BODIES AND VERIFICATION DECLARATIONS

ARTICLE 2.2.11.1.1. *Verification bodies.* They are independent third parties that meet the requirements presented in Articles 2.2.11.1.2 and 2.2.11.1.3 of this decree, who will be in charge of verifying the emission reductions and GHG removals from the mitigation initiative. These organisms will be the ones issuing the verification declaration in order to demonstrate compliance with the characteristics presented in Article 2.2.11.2.1 of this decree.

ARTICLE 2.2.11.1.2. Modified by art. 1, National Decree 446 of 2020 *<The new text is as follows>* **V erification under international accreditation schemes** . For verifications carried out under international accreditation schemes, the verification body must issue a verification statement indicating that the GHG emission reductions or removals were generated in accordance with the methodology defined in ISO 14064-2:2006 and the results obtained in the verification carried out under standard 18014064-3 or those that adjust and update them.

The GHG emissions verification body must be accredited by the National Accreditation Body of Colombia - ONAC, or by a signatory member accreditation body of the International Accreditation Forum (IAF) that has in its offer of services the GHG Emissions Verification Body accreditation program under the requirements of ISO 14065. This last option will be valid until there is a Mutual Recognition Agreement (MLA) in accordance with the provisions of Decree 1595 of 2015.

PARAGRAPH 1. The owner of the initiative must receive a verification statement from an accredited verification or conformity assessment body in accordance with the provisions of this article.

The original text was as follows:

ARTICLE 2.2.11.1.2. Verification under international accreditation schemes. *For verifications carried out under international accreditation schemes, the verification body must issue a verification statement indicating that the GHG emission reductions or removals were generated in accordance with the methodology defined in ISO 14064-2:2006 and the results obtained in the verification carried out under the ISO 14064-3 standard or those that adjust and update them.*

The GHG emissions verification body must be accredited by the National Accreditation Body of Colombia (ONAC) or a signatory member accreditation body of the International Accreditation Forum (IAF) that has in its service offer the GHG emissions verification body accreditation program under the requirements of ISO 14065.

Paragraph 1. *The owner of the initiative must receive a verification statement from a verification or conformity assessment body, accredited as established in Decree 1595 of 2015, compiled in the Single Regulatory Decree of the Commerce, Industry and Tourism Sector, Decree 1074 of 2015.*

Paragraph 2. *When there is an IAF Mutual Recognition Agreement (MLA) for the GHG emission verification body accreditation program, the verifier must be accredited by ONAC or a signatory member accreditation body of said recognition agreement.*

Paragraph 3. *Verifications under international accreditation schemes carried out by a body accredited by the executive board of the clean development mechanism (CDM) as a designated operational entity (DOE) will only be valid until December 31, 2018. From now on, only the verifications carried out by accredited organizations will be accepted as established in this Article.*

ARTICLE 2.2.11.1.3. ***Verification under the clean development mechanism (CDM) of the UNFCCC.*** The verification body must issue a verification statement that responds to the methodology defined by the UNFCCC for the CDM or the one that adjusts and updates it.

The GHG emissions verification body must be accredited as a designated operational entity (DOE) by the executive board of the clean development mechanism (CDM) or whoever acts on its behalf.

Paragraph 1. For the clean development mechanism (CDM), the owner of the initiative must receive a verification statement which is equivalent to the verification report issued by the DOE or whoever acts on its behalf.

Paragraph 2. The verification report must be accompanied by the GHG emission reduction certificates (CERs), which express the number of tons of CO_2e that have been certified and will be used to demonstrate the neutralization of emissions.

ARTICLE 2.2.11.1.4 Added by art. 2, National Decree 446 of 2020 <*The added text is as follows*> The bodies accredited by the Executive Board of the Clean Development Mechanism (MOL) as a designated operational entity (DOE), may carry out validation and verification processes under the requirements of the ISO standard until December 31, 2020 14065, Chapter 7 and Section 1 of Chapter 8 of Title 1 of Part 2 of Book 2 of Sole Decree 1074 of 2015, or the regulations that modify or replace them.

Once this period has expired, only the verifications carried out by accredited bodies will be accepted as established in article 2.2.11.1.2 of this Decree

CHAPTER two

CHARACTERISTICS OF GHG EMISSIONS REDUCTIONS AND REMOVALS TO CERTIFY TO BE CARBON NEUTRAL

ARTICLE 2.2.11.2.1. ***Characteristics of GHG emission reductions and removals to certify to be carbon neutral*** . GHG emission reductions or removals eligible for carbon neutral certification must meet the following characteristics:

1. Come from a GHG mitigation initiative developed in the national territory.

2. Come from GHG mitigation initiatives formulated and implemented through certification programs or carbon standards, which must have a public registry platform for GHG emission reductions and removals.

3. Have been generated from the implementation of any of the following methodologies:

3.1. Methodologies of the CDM clean development mechanism.

3.2. Methodologies developed by certification programs or carbon standards, which must:

3.2.1. Have been publicly consulted and be verifiable by an independent third-party body accredited in accordance with the provisions of chapter 1 of this title.

3.2.2. Be issued by the UNFCCC, or be recognized by the National Government through the national standardization body, or meet the requirements for the registration of initiatives established by the REDD+ registry.

4. Not come from activities that are carried out by mandate of an environmental authority to compensate for the impact produced by the work or activity subject to an environmental authorization.

5. Be previously canceled within the certification program or standard of carbon of origin and be registered in the national registry for the reduction of greenhouse gas (GHG) emissions, created by Article 175 of Law 1753 of 2015 when this go into operation.

6. Be certified by the certification program or carbon standard.

Paragraph 1. Only GHG emission reductions and removals generated after January 1, 2010 may be submitted.

Paragraph 2. Projected GHG emission reductions or removals may not be used.

Paragraph 3. The certification program or carbon standard that does not have a registry platform, will have one (1) year from the entry into force of this title, to create and implement said registry. In any case, the certification program or carbon standard must generate a serial number for each of the tons of emission reductions or GHG removals.

Paragraph 4. Only GHG emission reductions and removals that have been generated from a GHG mitigation initiative implemented outside the national territory and that have been developed under the methodologies referred to in numeral 3.2 of this Article will be accepted . , from the entry into force of this title until December 31, 2017. In no case will GHG emission reductions or removals from CDM projects implemented outside the national territory be eligible.

Paragraph 5. The emission reductions or GHG removals generated from the implementation of voluntary REDD+ project methodologies or those that adjust and update them, may be eligible to certify to be carbon neutral. In all cases, they must comply with the characteristics defined in this title.

Paragraph 6. GHG emission reductions or removals generated by voluntary GHG mitigation initiatives may be eligible to certify to be carbon neutral, as long as they are verified in accordance with the methodology defined in ISO 14064-2:2006 or that to adjust and update it, through an accredited verification body in accordance with the provisions of Article 2.2.11.1.2 of this decree.

ARTICLE 2.2.11.2.2. ***Technical annex.*** Annex IV is added to the Single Regulatory Decree of the Environment and Sustainable Development Sector, 1076 of 2015".

BOOK 3

FINAL PROVISIONS

PART Yo

REPEALING AND VALIDITY

Article 3.1.1. ***Comprehensive Derogation.*** This decree fully regulates the matters contemplated in it. Therefore, in accordance with art. 3 of Law 153 of 1887, all provisions of a regulatory nature related to the Environment and Sustainable Development Sector that deal with the same matters are repealed, with the exception, exclusively, of the following matters:

1) The decrees related to the creation and conformation of intersectoral commissions, interinstitutional commissions, councils, committees, administrative systems and other matters related to the structure, configuration and conformation of the entities and organisms of the administrative sector are not covered by the previous repeal.

2) Nor are the decrees that develop framework laws covered by the above repeal.

3) Likewise, the regulations of a regulatory nature of this administrative sector that, at the date of issuance of this decree, are suspended by the Contentious-Administrative Jurisdiction, are excluded from this repeal, which will be compiled in this decree, in case of recovering its legal effectiveness.

The administrative acts issued based on the provisions compiled in this decree will maintain their validity and enforceability under the understanding that their legal foundations remain in this compilation decree.

ARTICLE 3.1.2 ***Validity*** **.** This decree is effective as of its publication in the Official Gazette.

PUBLISH AND ENFORCE.

Given in Bogotá DC, on May 26, 2015

JUAN MANUEL SANTOS CALDERON

GABRIEL VALLEJO LOPEZ

Minister of Environment and Sustainable Development

FOOTNOTES:

[2] Tariff items will be updated by the standard issued by the Ministry of Commerce, Industry and Tourism.

[3] Law 253 of 1996 approving the Basel Convention on the control of transboundary movements of hazardous waste and its disposal.

[4] Law 253 of 1996 approving the Basel Convention on the control of transboundary movements of hazardous waste and its disposal.

[5] Note that the corresponding section of list B ([B1160]) does not specify exceptions.

[6] This entry does not include remains of electrical power generation assemblies.

[7] The concentration level of polychlorinated biphenyls of 50mg/kg or more

[8] The level of 50 mg/kg is considered to be an international practical level for all wastes.

[9] "Expired" means not used within the period recommended by the manufacturer.

[10] An obsolete pesticide shall be understood as a pesticide that: a) Has been withdrawn from the market for health or environmental reasons; b) Has been prohibited or its registration has been canceled by decision of the competent authority; c) Has lost its control properties for the organisms intended and cannot be used for other purposes, nor can it be easily modified to return to usefulness; d) It has been contaminated with other products; e) It has degraded due to inadequate and prolonged storage, and cannot be used in accordance with the specifications and Instructions indicated on the label and, on

the other hand, cannot be reformulated; f) Has undergone chemical and/or physical changes that may cause phytotoxic effects on crops or represents an unacceptable danger to human health or the environment; g) Has suffered unacceptable loss of biological efficacy due to degradation of its active ingredient or other physical or chemical change; h) Its physical properties have changed and therefore it does not allow its application under normal conditions: i) Leftovers and remnants that are intended to be discarded.

[11] This section does not include wood treated with chemical preservatives

[12] “Expired” means not used during the period recommended by the manufacturer.

[13] CAS = Chemical Abstract Service

[14] If the concentrations of o-, p- and m-cresol cannot be differentiated, the total cresol concentration must be used and its control limit will be equal to 200 mg/L.

[15] The quantification limit is greater than the calculated control limit. Therefore, the quantification limit is taken as the control limit.

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Font; Subpart 261.24 of Title 40 of the Code of Federal Regulations of the United States of America

[17] The quantification limit is greater than the calculated control limit. Therefore, the quantification limit is taken as the control limit.