

# What are the main rules regulating the functions of the DFSAI?

The main instruments regulating the functions of the DFSAI are as follows:

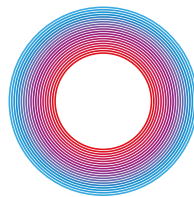
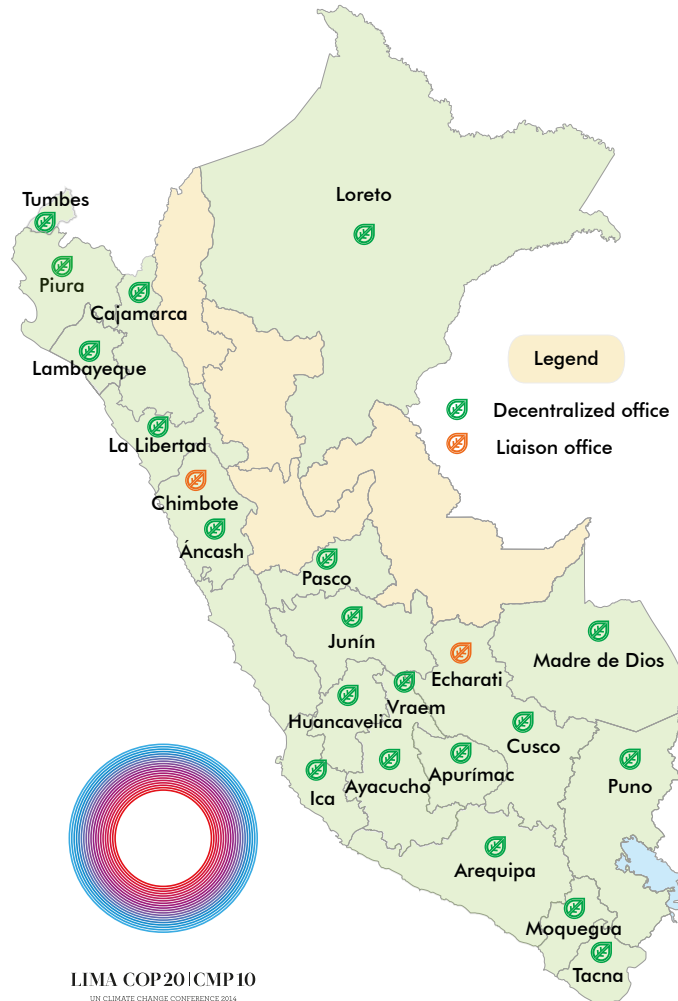
- Regulation for OEFA's Administrative Sanctioning Procedure approved by Board of Directors Resolution No. 012-2012-OEFA/CD
- Regulation for OEFA's Environmental Offenders Record approved by Board of Directors Resolution No. 016-2012-OEFA/CD
- Guidelines that establish criteria to qualify environmental offenders in the competence of OEFA as repeat offenders approved by Board of Directors' Presidency Resolution No. 020-2013-OEFA/PCD
- Methodology for the calculation of base fines and the application of aggravating and mitigating factors to be used in the graduation of sanctions, approved by Chairman of the Board Resolution No. 035-2013-OEFA/PCD
- Guidelines for the application of corrective measures under Item d) of Number 22.2 of Article No. 22 of Law No. 29325 - National System of Environmental Assessment and Enforcement Law
- General Rules for OEFA's sanctioning power approved by Board of Directors Resolution No. 038-2013-OEFA/CD
- Regulatory rules that facilitate the application of provisions in the Article 19 of the Law No. 30230, approved by Board of Directors Resolution No. 026-2014-OEFA/CD

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**ENFORCEMENT,  
 SANCTIONS AND  
 INCENTIVES  
 DIRECTORATE**

## Who are we?

The Enforcement, Sanctions and Incentives Directorate (DFSAI, by its initials in Spanish) is in charge of engaging punishment administrative procedures in first instance. Therefore, it is empowered to investigate environmental offending conducts and to impose corresponding sanctions and administrative measures.

## What do we do?

DFSAI has the following main functions:

- To investigate the commission of possible environmental offenses and to impose administrative measures and sanctions accordingly.
- To grant incentives to the supervised in the scope of its jurisdiction.
- To elaborate technical opinions regarding probable environmental offenses upon request of the Attorney General's Office.
- To manage the Environmental Offenders Record, the Administrative Acts Record and the Best Environmental Practices Record.



## What are the phases of the administrative sanctioning procedure (PAS, by its initials in Spanish)?

### Submission of charges

It begins with the submission of charges notification from OEFA to the supervised company under investigation.

### Presentation of discharges

The investigated company has a maximum of 15 working days to submit its defense and request a hearing if deemed appropriate.

### Evidentiary phase

The prosecuting authority has the faculty to order the evidence proceeding, ex officio or upon request of a party.

### Hearing

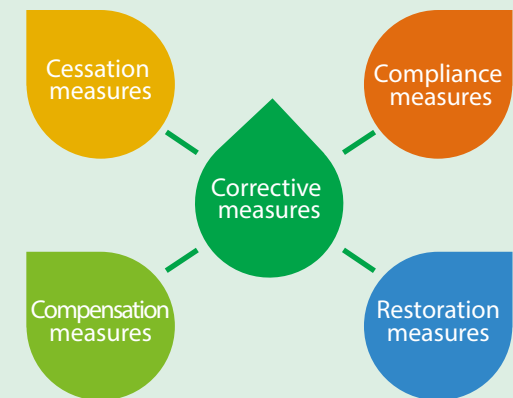
Ex officio or upon request of a party, the decision-making authority (DFSAI) can summon the parties to a hearing to present their supporting arguments.

### Final decision

The decision-making authority (DFSAI) shall issue the decision ending the administrative first instance by filing the case or determining the company's environmental offense. In the latter, DFSAI will issue a corrective measure, and only if the company does not comply with it DFSAI will impose a sanction.

## What is a corrective measure?

It is a provision issued by the DFSAI, in the framework of an administrative sanctioning procedure, to revert or reduce as much as possible the adverse effect that the offending conduct could have caused in the environment, the natural resources and people's health.



## What is a sanction and what kinds of sanctions exist?

The sanction is the legal consequence of the non-compliance with the obligation. It is imposed by the State and its purpose is to prevent new offenses and to persuade potential offenders to fulfill their duties.

The sanctions can be:

Monetary sanctions, like fines

Non-monetary sanctions, like warnings.