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Acronyms

EFA:

Environmental Enforcement Entity

OEFA:

Agency for Environmental Assessment and Enforcement

PLANEFA:

Annual Environmental Assessment and Enforcement Plan

SINEFA:

National Environmental Assessment and Enforcement System

PLANNING IN THE ENVIRONMENTAL ENFORCEMENT

Prepared by the Agency for Environmental
Assessment and Enforcement - OEFA

The purpose of this document is to promote the Guidelines for the Preparation, Approval and Assessment of the Annual Environmental Assessment and Enforcement Plan (PLANEFA) in charge of Environmental Enforcement Entities (EFA), approved by Decision of Board of Directors No. 004-2014-OEFA/CD.

The PLANEFA is important because it is a planning instrument that allows organizing and guiding the technical and planned execution of the assessment and supervision functions carried out by the EFA. In that sense, the planning within the Public Administration is an activity that has to be carried out with a year in advance of its execution; hence, it is necessary to have clear, precise, anticipated and opportune rules for the environmental enforcement may not be carried out

in a non-planned manner, as well as have logistical and human resources required for its execution with the pertinent technical rigour.

In the same manner, this document explains the importance of said planning instrument and mentions the public entities that are obliged to prepare, approve and execute said instrument. Furthermore, the elements to be taken into account by the EFA at the moment of elaborating its corresponding PLANEFA since 2015 are detailed.

It is important to mention that, during 2014, the OEFA is giving an intensive training to public officers in the implementation of the new guidelines for all of the EFA are able to properly prepare, approve, file and fulfill its PLANEFA in the year 2015.

The PLANEFA by the EFA

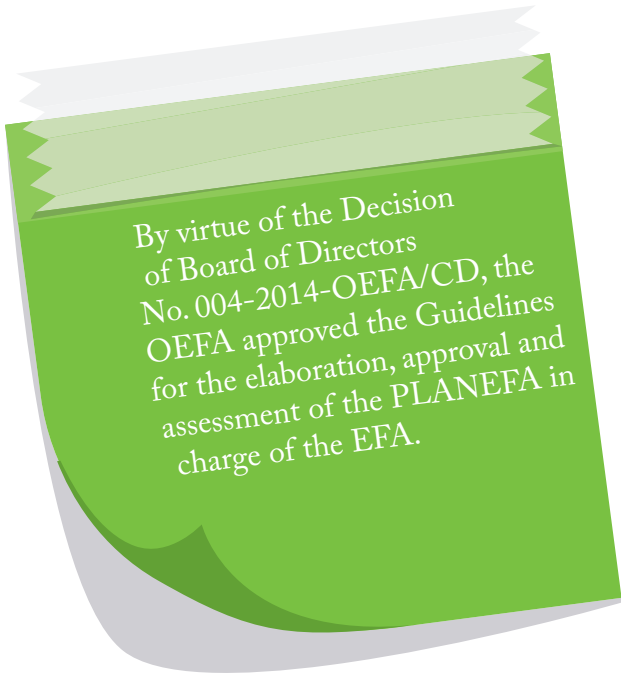

The PLANEFA
is an instrument of



in which each EFA plans the environmental enforcement actions, under their jurisdiction, which shall be **executed during the correspondent calendar year** in order to



the technical and planned execution of the assessment and supervision functions of said entity.



By virtue of the Decision of Board of Directors No. 004-2014-OEFA/CD, the OEFA approved the Guidelines for the elaboration, approval and assessment of the PLANEFA in charge of the EFA.

The compliance of these guidelines is mandatory by all the EFA (at national, regional and local level) related to the **ELABORATION, APPROVAL AND ASSESSMENT** of its pertinent PLANEFA since 2015.



What does the **environmental enforcement** mean?

It is the **CONTROL** action performed by a public entity in order to **verify the compliance with the environmental obligations to be controlled in charge of a company**, either natural person or legal entity under public or private law. It also covers the environmental enforcement actions that are exercised by the OEFA and the EFA according to their jurisdiction, and may be understood in a broad and strict sense.

Environmental Enforcement **in a broad sense:**

It covers the actions of **surveillance, control, monitoring, follow-up**, verification and other such actions that are set within the functions of assessment, supervision, enforcement and imposition of penalties **in order to ensure the compliance** with the environmental obligations to be controlled.

Environmental Enforcement **in a strict sense:**

It covers the power for investigating the commission of potential administrative offenses as well as **imposing penalties and corrective measures.**

What does the **EFA** mean?

The EFA are the **public entities** at national, regional or local level that are responsible for some or all of the **actions of environmental enforcement** in a broad sense.

The performance of the EFA is supervised by the OEFA.

National EFA:

Some ministries and public specialized technical agencies exercise the functions of environmental enforcement through their head offices, areas or environmental offices, or by the entity acting as such.

EXAMPLE OF COMPETENT

In the **AGRICULTURAL SECTOR**, the Ministry of Agriculture and Irrigation exercises the function of environmental enforcement of agricultural and agro-industrial projects and activities, as well as any other activity related to the renewable natural resources under the scope of its jurisdiction, through the General Bureau of Agricultural Environmental Matters.

Regional EFA:

The regional governments exercise functions of environmental enforcement through the areas of natural resources, energy, mining and hydrocarbons, environmental health, aquaculture and non-industrial fishing, among others.

Local EFA:

The province and district municipalities exercise the functions of environmental enforcement through the environmental organizational units, the enforcement areas, or by the entity carrying out these functions.

FUNCTIONS OF ENVIRONMENTAL ENFORCEMENT OF THE EFA

The regional governments, through their energy and mining areas, are responsible for carrying out the enforcement of environmental obligations in charge of the **ARTISANAL AND SMALL-SCALE MINERS**.

If the neighbors of a district complain about the production of **NOISES** generated by the development of economic activities in the community (discos, bars, restaurants, among others), the corresponding EFA that has to solve said complaint is the pertinent local government, which controls all the activities related to the production of smokes, gases, noises and other polluting elements.

Do the environmental enforcement actions **have to be planned** by the EFA?

Yes. The environmental enforcement actions are executed by the EFA through the planned activities which are included within the PLANEFA of each entity.

However, the execution of the environmental enforcement of each EFA is not limited to what its pertinent PLANEFA establishes due to the fact that the EFA can carry out additional activities that are not planned in the execution of its powers.

Environmental Enforcement by the EFA

Planned activities:

Included in the PLANEFA

Non-planned activities:

Depends on the existence of environmental complaints, emergencies, etc

Important facts about the **PLANEFA**

What is the **basis of** the PLANEFA?

The legal basis related to the PLANEFA is the following:

1

Ministry's Order
No. 247-2013-MINAM,
dated August 27, 2013, which
approves the "Common
System of Environmental
Enforcement".

2

Decision of Board of Directors
No. 004-2014-OEFA/CD,
dated January 24, 2014, which
approves the "Guidelines for
the Preparation, Approval and
Assessment of the Annual
Environmental Assessment and
Enforcement Plan".

3

Decision of Board of Directors
No. 016-2014-OEFA/CD,
dated April 15, 2014, which
approves the "Regulation for
Supervision of the Environmental
Enforcement Entities"

Who approves the PLANEFA of the EFA?

The PLANEFA is approved by an order issued by the Head of the EFA.

For instance:

Nacional EFA

Head of the EFA:

Minister, head, president, among others

Legal provision for approving the PLANEFA:

Ministry's Order, Head's Order, Decision of Board of Directors, among others

Regional EFA

Head of the EFA:

Regional president

Legal provision for approving the PLANEFA:

Regional Executive Order

Local EFA

Head of the EFA:

Province and/or district mayor

Legal provision for approving the PLANEFA:

Mayor's Order

Who elaborate the PLANEFA of the EFA?

The organizational units with powers in environmental enforcement, as well as the planning and budgetary bodies, have to take part in the elaboration process of the PLANEFA.



When **the PLANEFA** has to be approved?

The EFA will have to approve the PLANEFA during the first fifteen (15) calendar days of the month of December of the year prior to its execution.

What are the components of the PLANEFA?

The components of the PLANEFA are the following:

1 Plan of Environmental Assessment:

It involves the environmental monitoring and surveillance actions that will be carried out by the EFA as part of its powers.

2 Plan of Environmental Supervision:

It involves the planning of actions of follow-up and verification of the environmental obligations to be controlled in charge of the natural persons and legal entities.

What **criteria** have to be considered by the EFA **prioritize the environmental enforcement activities**?

The EFA, in order to prioritize the environmental enforcement activities contained in the PLANEFA, have to take into consideration, among others, the criteria detailed as follows:

- Risk of damage of the environmental components caused by the activities developed in the zone
- Risk of damage of the surrounding populations caused by the activities developed in the zone
- Environmental complaints received in the EFA regarding the activities developed in the zone
- Social-environmental problems caused by the activities developed in the zone
- Other reasons depending on the consideration of the EFA

¿When and how the EFA can **register** the PLANEFA?

The PLANEFA shall be registered within

10 working days following its approval using the computer application available in the official web page of the OEFA:

<http://www.publico.oefa.gob.pe/planefa>

In case the PLANEFA may not be registered using the computer application, the EFA may send the PLANEFA to the OEFA in a format other than the electronic.



The screenshot displays the OEFA (Organismo de Evaluación y Fiscalización Ambiental) website for PLANEFA registration. The header includes the OEFA logo and the text 'ORGANISMO DE EVALUACIÓN Y FISCALIZACIÓN AMBIENTAL'. To the right, the 'PLANEFA' logo is shown with the subtitle 'PLAN ANUAL DE EVALUACIÓN Y FISCALIZACIÓN AMBIENTAL'. The main content area features a grid of six small images depicting environmental activities: workers in safety gear, a person in a boat, a person in a field, a person in a boat, a person in a field, and a person in a boat. On the right side of the page, there is a login form with fields for 'Usuario' and 'Contraseña', and an 'Entrar' button. At the bottom of the page, the address 'Calle Manuel Gonzales Olaechea 247 Lima' and 'de Tecnologías de Información (OTT) | Copyright © 2013' are visible.

When and how **the execution of the PLANEFA** is reported?

Each EFA shall inform the execution of its PLANEFA in **the Annual Report of Environmental Enforcement Activities**, detailing the assessment and supervision actions included in its plan, as well as the execution of special or non-planned supervisions (based on environmental complaints, environmental emergencies, among others).

The EFA have to submit the Annual Report of Environmental Enforcement Activities within **30 working days** of the year ended.

Structure of the PLANEFA

ANNEX No. 1: PLANEFA

ANNUAL ENVIRONMENTAL ASSESSMENT AND ENFORCEMENT PLAN

- I. **INTRODUCTION.**- The reason for which the Annual Environmental Assessment and Enforcement Plan (PLANEFA) was prepared as an annual planning tool of the environmental enforcement actions of the entity will be explained.
- II. **OBJECTIVES OF THE PLAN.**- The purposes to be reached by the PLANEFA will be detailed.
- III. **LEGAL FRAMEWORK.**- The rules supporting the intervention of the environmental enforcement entity will be detailed.
- IV. **SITUATION STATUS.**- In this section, the diagnostic of the environmental problem, identified under the scope of intervention of the entity, will be described.
- V. **ORGANIZATIONAL STRUCTURE.**- In this section, the organizational unit or units developing environmental enforcement actions within the entity will be identified.
- VI. **DEVELOPMENT OF ENVIRONMENTAL ASSESSMENT AND SUPERVISION ACTIONS.**- In this section, the following information will be detailed:
 - Universe of companies: according to Format No. 1 (attached).
 - Annual Environmental Assessment Plan: the environmental assessment activities of the entity will be detailed according to Format No. 2 (attached).
 - Annual Environmental Supervision Plan: the environmental supervision activities of the entity will be detailed according to Format No. 3 (attached).
- VII. **ANNEXES.**- The Formats No. 1, No. 2 and No. 3 will be attached because they contain information about the environmental enforcement actions to be developed by the entity.



YEAR:

ENVIRONMENTAL COMPONENT TO BE EVALUATED						PERSON IN CHARGE
AIR (noise)	WATER (effluents, discharges)	SOIL	FLORA	FAUNA	OTHERS	

Indicate the environmental component to be evaluated (water, air, soil, flora, fauna, others).

Indicate the person in charge of monitoring the environmental quality (detail the corresponding EFA area).

ANNEX No. 2: ANNUAL REPORT OF ENVIRONMENTAL ENFORCEMENT ACTIVITIES

ENTITY:

I	SCHEDULED ACTIVITIES IN THE PLANEFA	SCHEDULED DATE FOR THE ACTIVITY	EXECUTION DATE
1			
2			
3			
4	<p>Indicate all the assessment and enforcement activities scheduled in the PLANEFA.</p>	<p>Indicate the starting and ending date of the monitor and vigilance activities, as well as the date of the supervision activities.</p>	<p>Indicate the date when the scheduled assessment and supervision activities were executed according to the PLANEFA.</p>
5			
II	NON-SCHEDULED ACTIVITIES IN THE PLANEFA	NUMBER OF REPORT	EXECUTION DATE
1			
2			
3			
4	<p>Indicate all the assessment and enforcement activities non-scheduled in the PLANEFA.</p>	<p>Indicate the number of report as a result of the non-scheduled assessment and supervision activities according to the PLANEFA (it is not necessary to attach the report).</p>	<p>Indicate the date when the non-scheduled assessment and supervision activities were executed according to the PLANEFA.</p>
5			



YEAR:

EXECUTED		NUMBER OF REPORT	REMARKS
YES	NO		

Indicate if the assessment and supervision activities have been executed. Therefore, mark with an “X” in the column “YES” or “NO”.

Indicate the number of report as a result of the assessment and supervision activities. If the OEFA deems necessary, the respective report will be requested.

Indicate important information about the execution of the PLANEFA that is not able to describe in any other segment. Likewise, if any assessment and supervision activity scheduled in the PLANEFA has not been executed, its non-compliance must be supported herein.

Legal basis

LAW No. 29325 - LAW ON THE NATIONAL ENVIRONMENTAL ASSESSMENT AND ENFORCEMENT SYSTEM, AMENDED BY LAW No. 30011

“Article No. 4 - Competent authorities

The following take part of the National Environmental Assessment and Enforcement System:

- a) The Ministry of Environment (MINAM)
- b) The Agency for Environmental Assessment and Enforcement (OEFA)
- c) The National, Regional or Local Environmental Enforcement Entities”

“Article No. 7 - National, Regional or Local Environmental Enforcement Entities

The National, Regional or Local Environmental Enforcement Entities are those entities having express power to develop functions of environmental enforcement; furthermore, they may exercise their powers regardless of the OEFA. These entities take part of the National Environmental Assessment and Enforcement System and support their performance with the rules of the said Law and other rules with regard to environmental matters, as well as the provisions issued by the OEFA as governing body of the abovementioned System.”

“Article No. 11 - General functions

(...)

11.2 The OEFA, acting in its capacity as governing body of the National Environmental Assessment and Enforcement System (SINEFA), exercises the following functions:

(...)

- b) Supervisory function of the national, regional and local environmental enforcement entities (EFA): it covers the power to monitor and verify the performance of the controlling functions that are within the jurisdiction of the national, regional and local environmental enforcement entities referred to in the Article No. 7.

The OEFA, in the exercise of its supervisory function, may establish the procedures for the submission of reports, technical papers and any information related to the compliance with the functions that are within the jurisdiction of the environmental enforcement entities (EFA).

The non-compliance with the abovementioned functions will constitute functional responsibility, which is reported to the corresponding body of the National Control System.”

COMMON SYSTEM OF ENVIRONMENTAL ENFORCEMENT, APPROVED BY MINISTRY'S ORDER No. 247-2013-MINAM

“Article No. 2 - Scope of application

2.1. The provisions of the Common System of Environmental Enforcement are applicable to:

- a) The national, regional or local EFA, this means, any public entity at national, regional or local level which has been conferred some or all of the actions of environmental enforcement in a broad sense, which is referred to in paragraph 2.2 of the rule in question.
- b) The Agency for Environmental Assessment and Enforcement (OEFA), both in its capacity as governing body of the SINEFA and in its functions of assessment, direct supervision, enforcement and imposition of penalties that are within its jurisdiction.

2.2. The environmental enforcement, detailed in this rule, covers the actions of environmental enforcement that are exercised by the OEFA and the EFA, according to their jurisdiction.

The environmental enforcement, in a broad

sense, covers the action of surveillance, control, monitoring, follow-up, verification, assessment, supervision, enforcement in a strict sense and other such actions, in order to ensure the compliance with the environmental obligations to be controlled and those derived from the exercise of the environmental enforcement.

The environmental enforcement, in a strict sense, covers the power to investigate the commission of potential administratively punishable offenses and impose penalties, subject to the beginning of the administrative procedure to impose penalties.

When in this rule is referred to the environmental enforcement, it shall be understood in a broad sense.

2.3. The environmental obligations to be controlled are established in the environmental legislation issued by the corresponding bodies of the authorities of the three levels of the government, in the environmental management instrument, and, likewise, in the orders and provisions issued by the EFA and the OEFA, among other sources of obligation. The obligations to make or not to make are the ones related to the protection of the environment, as well as the sustainable use of the natural resources, including the social-environmental aspects.

2.4. In order to ensure the constitutional right of any person to live in a balanced environment suitable for the development of their life, the compliance with the abovementioned environmental obligations to be controlled is

extended to those that do not have any permit, authorization and license for the exercise of the activities that are within the jurisdiction of the EFA and the OEFA.”

“Article No. 4 - Duty of the OEFA regarding the Common System of Environmental Enforcement

4.1. The OEFA is responsible for the management and supervision of the application of the Common System of Environmental Enforcement.

As the governing body of the SINEFA, the OEFA exercises the regulatory and supervision function of the EFA in compliance with Article No. 44 of the Law No. 29158, Organic Law on Executive Branch, and Article No. 11 of the Law No. 29325, Law on National Environmental Assessment and Enforcement System, amended by Law No. 30011.

4.2. According to the regulatory function, the OEFA regulates the exercise of environmental enforcement within the framework of the National Environmental Assessment and Enforcement System (SINEFA) and approves the corresponding rules to exercise the supervision function of the environmental enforcement entities, which are binding upon such entities in the three levels of the government.

4.3. Within the framework of the supervisory function of the environmental enforcement entities, the OEFA monitors and verifies the performance of the functions of environmental enforcement that are within the jurisdiction of the EFA, without prejudice of the paper corresponding to the agencies of the National Control System.”

“Article No. 5 - Regular exercise of the environmental enforcement

The EFA, for the regular exercise of the functions of environmental enforcement which are within their jurisdiction, shall comply, as minimum, with the following:

a) Approve or propose, as the case may be, the provisions that regulate the classification of applicable environmental penalties and offenses, according to the rule issued by the OEFA on this matter, observing the maximum amount of the fine which is established in Article No. 136 of the Law No. 28611, General Law on Environment.

In the absence of such rules, the EFA will apply, in a supplementary manner, the classification of general and transversal penalties and offenses, the methodology for the calculation of environmental fines and other supplementary rules regarding the matter approved by the OEFA.

The power to make the classification shall be exercised in compliance with the jurisdictions conferred, within the framework of the principles of legality and classification.

b) Approve the legal, operating, technical instruments and others required for the exercise of such functions.

c) Have the necessary technical equipment and go to accredited laboratories to properly execute the actions of environmental enforcement which are within their jurisdiction, as the case may be.

d) Have mechanisms to measure the effectiveness and efficiency of the exercise of

the environmental enforcement which are responsible for, within the framework of the indicators established by the OEFA, as well as others made for such purpose.

- e) Comply with the preparation, approval, execution and report of the Annual Environmental Assessment and Enforcement Plans referred to in this rule.
- f) Inform the OEFA on the exercise of their functions of environmental enforcement in compliance with the provisions issued by the OEFA for such purpose”

“Article No. 6 - Planned Exercise of Environmental Enforcement

6.1. The Annual Environmental Enforcement Plans (PLANEFA) are the planning instruments through which each EFA schedules the actions that are under its jurisdiction related to environmental enforcement to be executed during a tax year. The PLANEFA are prepared, approved and reported by the EFA, according to the directive established by the OEFA for such purpose.

6.2. The PLANEFA have to be prepared within the framework of the National Environmental Enforcement Plan (PLANFA), which is approved by the Order of Board of Director of the OEFA. The PLANFA is a two-year national instrument that serves for planning the aspects related to environmental enforcement and is set within the National Environment Policy, the National Environmental Action Plan, the National Environmental Action Agenda and the priorities of environmental policy

established by the Ministry of Environment.

6.3. Each EFA shall execute the activities detailed in its previously approved PLANEFA. In case the execution of the activities of the PLANEFA is not performed, this shall be reported to the OEFA through the corresponding Annual Report of Environmental Enforcement Activities detailing the reasons for said situation.

The regular exercise of the environmental enforcement in charge of each EFA is not limited to what is established in their corresponding PLANEFA.

6.4. The OEFA will yearly publish the consolidated report of execution and compliance with the activities planned by the EFA in their correspondent PLANEFA, without affecting its communication to the competent body of the National Control System, as well as the adoption of other legal actions that might exist.”

LESIGILATIVE DECREE No. 1101 - LEGISLATIVE DECREE THAT ESTABLISHES MEASURES FOR STRENGTHENING THE ENVIRONMENTAL ENFORCEMENT AS A MECHANISM TO COMBAT AGAINST THE ILLEGAL MINING

“Article No. 5 - Exercise of environmental enforcement of artisanal and small-scale mining activities

(...)

5.4. The report on the execution of the

activities contained its pertinent PLANEFA, which must be submitted to the OEFA, shall be quarterly and it will be performed according to the special format that will be prepared by the OEFA; this is without affecting the compliance with information confidentiality rule referred to in the Single Text of the Law on Transparency and Access to the Public Information, approved by Supreme Decree No. 043-2003-PCM. In this report the compliance with the planned actions as well as the results obtained in improving the quality of the environment as a result of such actions shall be informed.

(...)

5.6. The failure to comply with the submission of the report detailed in the previous item, as well the execution of the planned supervisions shall be reported to the Office of the Auditor General by the OEFA every six months in order to take the pertinent control measures.”

GUIDELINES FOR THE PREPARATION, APPROVAL AND ASSESSMENT OF THE ANNUAL ENVIRONMENTAL ASSESSMENT AND ENFORCEMENT PLAN (PLANEFA), APPROVED BY THE DECISION OF BOARD OF DIRECTORS No. 004-2014-OEFA-CD

“Article No 1 - Purpose

These guidelines regulate the preparation, approval and assessment of the Annual Environmental Assessment and Enforcement

Plan (PLANEFA) in charge of the environmental enforcement entities (EFA)".

"Article No 2 - Scope of application

These guidelines are binding upon all the EFA at national, regional and local level".

"Article No. 3 - Definitions

a) Environmental Enforcement: It is the control action performed by a public entity in order to verify the compliance with the environmental obligations to be controlled in charge of a company, either natural person or legal entity under public or private law. It also covers the environmental enforcement actions which are exercised by the OEFA and the EFA according to their jurisdiction, and may be understood in a broad and strict sense.

(i) Environmental enforcement in a broad sense: It covers the actions of surveillance, control, monitoring, follow-up, verification and other such actions that are set within the functions of assessment, supervision, enforcement and imposition of penalties in order to secure the compliance with the environmental obligations to be controlled.

(ii) Environmental enforcement in a strict sense: It covers the power for investigating the commission of potential administrative offenses, as well as imposing penalties and corrective measures.

b) b) Environmental Enforcement Entity (EFA): It is any public entity at national, regional or local level which has been conferred some or all of the environmental

enforcement actions in a broad sense. The environmental enforcement may be exercised by one or more organizational units of the EFA. Exceptionally, and pursuant to the legal provision, any agency of the entity that is empowered to perform the functions of environmental enforcement may be considered as EFA.

c) Annual Environmental Assessment and Enforcement Plan (PLANEFA): It is a planning instrument in which each EFA sets the actions of environmental enforcement that are within their jurisdiction, which will be executed during the corresponding calendar year. The regular exercise of the environmental enforcement in charge of each EFA is not limited to what is established in their pertinent PLANEFA".

"Article No. 4 - Approval of the PLANEFA

4.1 The PLANEFA is approved by the Head's Order of the EFA.

4.2 The organizational units with jurisdiction in environmental enforcement matters, as well as the planning and budgetary bodies will take part in the process to elaborate the project of the PLANEFA of the EFA in order to ensure the execution of the planned activities.

4.3 The EFA shall approve the PLANEFA within the first fifteen (15) days of December of the year prior to its execution.

4.4 The PLANEFA shall contain, as minimum, a diagnosis of the environmental problems that are limited to the scope of action of the corresponding EFA, the identification

of the organizational units in charge of the environmental enforcement as well as the detail of the environmental supervision and assessment actions to be executed by the EFA, in compliance with the Annex I of the Guidelines in question".

"Article No. 5 - Components of the PLANEFA:

The PLANEFA have the following components:

a) Environmental assessment plan: It covers environmental monitoring and surveillance actions which shall be executed by the EFA within the scope of their jurisdiction.

b) Environmental supervision plan: It includes the actions of monitoring and verification of environmental obligations to be controlled in charge of the natural persons or legal entities within the scope of their jurisdiction."

"Article No. 6 - Prioritization of the Activities

The activities of environmental enforcement to be considered within the PLANEFA of the EFA shall be prioritized taking into account, among others, the following criteria:

a) Risk of damage of the environmental components caused by the activities developed in the zone.

b) Risk of damage of the surrounding populations caused by the activities developed in the zone.

c) Environmental complaints received in the EFA regarding the activities developed in the zone.

- d) Social-environmental problems caused by the activities developed in the zone.
- e) Other reasons depending on the consideration of the EFA.”

“Article No. 7 - Registration of the PLANEFA

7.1 The PLANEFA of the EFA shall be registered using the computer application available in the Web Page of the OEFA (www.oefa.gob.pe) within ten (10) working days following its approval.

7.2 In case the PLANEFA may not be registered using the computer application authorized by the OEFA, the EFA may send the PLANEFA to the OEFA in a format other than the electronic, explaining the reasons why such planning instrument may not be registered”.

“Article No. 8 - Annual Report of Environmental Enforcement Activities

8.1 Pursuant to Article No. 6 of the Common System of Environmental Enforcement, approved by Ministry’s Order No. 247-2013-MINAM, the EFA shall yearly report to the OEFA on the execution of the monitoring and supervision actions contained in its PLANEFA, as well as the execution of special or not planned supervisions in case of environmental claims, environmental emergencies or other circumstances when necessary.

8.2 The EFA shall submit the Annual Report

of Environmental Enforcement Activities within thirty (30) working days of the calendar year ended in compliance with the Annex II of the Guidelines in question.

8.3 In case the execution of the evaluation and supervision planned in the PLANEFA is not performed, the pertinent EFA shall report to the OEFA the reasons proving such circumstance through the corresponding Annual Report of Environmental Enforcement Activities.

8.4 Without affecting the compliance with the submission of the Annual Report of Environmental Enforcement Activities, the OEFA, as governing body of the National Environmental Assessment and Enforcement System (SINEFA), and according to its supervisory function of the performance of the EFA, may require additional information related to the environmental enforcement actions carried out by the EFA”.

“SINGLE FINAL SUPPLEMENTARY PROVISION.- These Guidelines are binding upon all the environmental enforcement entities, with regard to the preparation, approval and assessment of their corresponding PLANEFA, from the year 2015”.

“SINGLE TEMPORARY SUPPLEMENTARY PROVISION.- For the preparation, execution and assessment of the PLANEFA corresponding to year 2014 will be necessary the Board for the Preparation, execution and assessment of

the Annual Environmental Assessment and Enforcement Plan of the entities that take part in the National Environmental Assessment and Enforcement System, approved by President’s Order of Board of Directors No. 070-2010-OEFA-PCD.”

REGULATION FOR SUPERVISION OF ENVIRONMENTAL ENFORCEMENT ENTITIES, APPROVED BY DECISION OF BOARD OF DIRECTORS No. 16-2014-OEFA-CD

“Article No. 3 - Definitions

For the purpose of this Regulation, it is necessary to establish the following definitions:

- (...)
- b) Environmental Enforcement Entity (EFA):
It is any public entity at national, regional or local level which has been conferred some or all of the environmental enforcement actions in a broad sense. Exceptionally, and pursuant to the legal provision, any agency of the entity that is empowered to perform the functions of environmental enforcement may be considered as EFA.
(...)”

“Article No. 6 - Conditions for the exercise of environmental enforcement functions in charge of the EFA

Pursuant to the Common System of Environmental Enforcement, the OEFA will verify the EFA comply, as minimum, with the following conditions for the regular exercise of the environmental enforcement functions which are within their jurisdiction:

(...)

- e) Comply with the preparation, approval, execution and report of their Annual Environmental Assessment and Enforcement Plan (PLANEFA), in compliance with the rule approved by the OEFA on this matter.
- f) Inform to the OEFA the actions of environmental enforcement performed in compliance with the established in this regulation.”

“Article No. 8 - Functions and powers of the OEFA related to the supervision of the EFA

The OEFA, within the scope of the supervision, may exercise the following functions and powers:

- a) Monitor and verify the performance of the environmental enforcement functions in charge of the EFA through supervisions made in their offices and/or facilities as well as make visits to the zones in which the environmental enforcement in charge of the EFA is made.
- b) Demand, if necessary, the presence of the person responsible for the area which performs the environmental enforcement

function of the EFA, or who acts as such, in the office and/or facility where the on-site supervision is made.

- c) Issue orders or provisions to the EFA and subsequently make the monitoring and control of their compliance.
- d) Request documents and/or access to the pertinent information for the exercise of its supervisory function of the EFA, setting a specific time to be submitted. The information and documentation submitted may be verified and reviewed by the OEFA.
- e) Systematize and integrate in an annual basis the information on the execution and compliance with the PLANEFA of each EFA.
- f) Provide technical assistance to the EFA with regard to the environmental enforcement functions which are within their jurisdiction
- g) Provide technical opinion with regard to the regulatory projects submitted for consideration by the EFA.
- h) Inform to the Office of the Auditor General on the compliance with the environmental enforcement functions in charge of the EFA.”

“Article No. 17 - Consolidated Annual Report

The OEFA will annually publish the consolidated report of execution and compliance with the planned activities by the EFA in their pertinent PLANEFA.”





Credits:

THE PLANNING IN THE ENVIRONMENTAL ENFORCEMENT

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- Team of the Department of Supervision to Entities of the Supervision Bureau
 - Team of the Office of Communications and Citizen Services
-



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This publication is printed at Cyclus Print Matt, on a paper fully made of recycled fibers, free of chlorine and optical brighteners, certified by NAPM (National Association of Paper Merchants). Furthermore, it has been made with Bio Energy (a non-polluting energy) and is certified by Ecoflower and Blue Engel who supervise the products are made under appropriate environmental conditions, in a socially responsible manner and with economically viable resources.

The benefits in using a paper fully made of recycled fibers have a lower impact on the ecosystem, equivalent to:

419 kg. of tree fiber not consumed
7 142 liters saved of water
2588 kg of solid waste not generated
51 kg of greenhouse gases avoided
658 kW/h of energy not consumed
508 km not covered in a standard car



Licens nr.: DK/11/1

OTRAS CERTIFICACIONES :

Licence 544.021	Nordic Swan
ISO9001	Quality management
EMAS, ISO1400	EU environmental management/certification scheme
DIN6738	Archive properties, LDK class 24-85 (> 200/g years)
EN71-3	Safety of toys, migration of certain elements



*Environmental enforcement
for change*

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