



GLF ESMS Annex D

## **LEGAL FRAMEWORK AND PERMITTING STRATEGY**

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## ACRONYMS

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CGREG	Galápagos Province Special Regime Governing Council ( <i>Consejo de Gobierno del Régimen Especial de Galápagos</i> )
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMAR	Eastern Tropical Pacific Marine Conservation Corridor. ( <i>Corredor Marino del Pacífico Este Tropical</i> )
COAM	Organic Environmental Code ( <i>Código Orgánico del Ambiente</i> )
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESMS	Environmental and Social Management System
FPIC	Free, Prior, and Informed Consent
GLF	Galápagos Life Fund
GMR	Galápagos Marine Reserve
GNP	Galápagos National Park
GNPD	Galápagos National Park Directorate
HMR	Hermandad Marine Reserve
IFC	International Finance Corporation
ILO	International Labour Organization
LOOTUGS	Organic Law of Territorial Planning, Land Use, and Management ( <i>Ley Orgánica de Ordenamiento Territorial, Uso y Gestión de Suelo</i> )
LOTRTA	Organic Law of Rural Lands and Ancestral Territories ( <i>Ley Orgánica de Tierras Rurales y Territorios Ancestrales</i> )
LOREG	Galápagos Special Regime Law ( <i>Ley de Régimen Especial para Galápagos</i> )
MAATE	<i>Ministry of Environment, Water and Ecological Transition (Ministerio de Ambiente, Agua y Transición Ecológica)</i>
PMA	Environmental Management Plan ( <i>Plan de Manejo Ambiental</i> )
PS	Performance Standard
RCOA	Regulation to the Organic Environmental Code ( <i>Reglamento al Código Orgánico Ambiental</i> )
RAEE	Directive on Extended Responsibility in the Integrated Management of Waste Electrical and Electronic Equipment ( <i>Instructivo de Responsabilidad Extendida en la Gestión Integral de Residuos de Aparatos Eléctricos y Electrónicos</i> )
RGDP	Hazardous and Special Wastes and Residues Generator register ( <i>Registro de generador de residuos y desechos peligrosos y especiales</i> )
SDG	Sustainable Development Goals
SIMAVIS	Visitor Management System ( <i>Sistema de Manejo de Visitantes</i> )
SUIA	Unified Environmental Management System ( <i>Sistema Unificado de Manejo Ambiental</i> )
UN	United Nations
UTM	Universal Transverse Mercator

## 1 LEGAL FRAMEWORK AND PERMITTING STRATEGY

Galápagos Life Fund (GLF) ensures that its operations and projects are fully compliant with the Constitution of the Republic of Ecuador and the relevant laws and regulations of the country, as well as those of the Galápagos Province Special Regime, when operating in the Galápagos Province. Additionally, GLF activities comply with international agreements, conventions, and other instruments Ecuador subscribes to, as well as good international practice. This Annex summarizes the legal framework and authorizations applicable for both GLF operations and projects<sup>1</sup>.

GLF operations/ activities and GLF-funded projects must comply with national laws related to environmental, social, public disclosure and engagement, occupational health and safety aspects, as well as legislation related to law enforcement in the conservation context of Ecuador and the Galápagos. Furthermore, GLF and all funded projects must comply with applicable conventions and treaties adopted by Ecuador. The applicable legislation shall be identified and acted upon by the grantees.

This section presents a summary of the key international instruments and multilateral agreements approved or ratified by Ecuador, or to which the country has adhered, that may be relevant to the operations and funding activities of the GLF. These are international conventions related to the conservation of marine biodiversity, the law of the sea, the protection of certain species, and respect for human rights and labour obligations, among other relevant aspects. Table 1 presents the instrument or agreement's name and the date of accession, ratification, or approval by Ecuador.

Table 1: Ratification/approval/accession of/to Multilateral Treaties on the part of Ecuador

INSTRUMENT	DATE	REMARKS
Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and The Caribbean.	2020	Integral Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
United Nations Convention on the Law of the Sea	2012	Integral text <a href="#">here</a> . Ratification Status <a href="#">here</a> .
<i>Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.</i>	2016	Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
Convention on the Protection of the Underwater Cultural Heritage	2006	Integral text <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
Convention on the Conservation of Migratory Species of Wild Animals	2004	Integral text <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	2004	Integral text <a href="#">here</a> . Ratification Status <a href="#">here</a> .

<sup>1</sup> The sources of information for this Annex include the United Nations Treaty Collection, various United Nations organizations, other multilateral organizations, several governmental organizations of Ecuador, the Environmental Legislation Manual for the countries of the Eastern Tropical Pacific marine conservation corridor – MarViva (2006), and the Legal Overview of the conservation trust funds FIAS/FEIG (2023), PACÍFICO (2022), and the CBF (2021).

INSTRUMENT	DATE	REMARKS
International Treaty on Plant Genetic Resources for Food and Agriculture	2004	Full Treaty available <a href="#">here</a> . Ratification Status available <a href="#">here</a> and <a href="#">here</a> .
Stockholm Convention on persistent organic pollutants	2004	Text and Annexes Revised 2019 <a href="#">here</a> Ratification Status <a href="#">here</a>
Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific	2001	Text <a href="#">here</a> Ratification Status <a href="#">here</a>
Inter-American Sea Turtle Convention	2000	Integral Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere	1944	Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
United Nations Framework Convention on Climate Change	1993	Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
Paris Agreement	2015	Full Treaty Available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
Kyoto Protocol	1997	Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	1993	Integral Text <a href="#">here</a> Ratification Status
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador"	1993	Text <a href="#">here</a> Ratification Status available <a href="#">here</a>
Convention on Biological Diversity	1992	Text <a href="#">here</a> . Ratification Status <a href="#">here</a> .
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2010)	2017	Text <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2000)	2003	Text of the Protocol available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
Convention on Wetlands of International Importance especially as Waterfowl Habitat	1991	Integral text <a href="#">here</a> Ratification Status <a href="#">here</a> .
Vienna Convention for the Protection of the Ozone Layer	1990	Full Treaty Available <a href="#">here</a> . Ratification Status <a href="#">here</a> .
Montreal Protocol on Substances that Deplete the Ozone Layer	1990	Full Treaty Available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
American Convention on Human Rights "Pact of San Jose, Costa Rica"	1977	Integral Text <a href="#">here</a> Ratification Status <a href="#">here</a>
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	1975	Integral Text <a href="#">here</a> . Full Treaty Available <a href="#">here</a> . Ratification Status <a href="#">here</a> .
The World Heritage Convention	1975	Integral Text <a href="#">here</a> . Ratification Status <a href="#">here</a> .
International Covenant on Economic, Social and Cultural Rights	1969	Text available <a href="#">here</a> Ratification Status available <a href="#">here</a>
ILO Core Conventions		
ILO – Minimum Age Convention (138)	2000	Text available <a href="#">here</a> . Ratification Status <a href="#">here</a> .
ILO – Worst Forms of Child Labour Convention, 1999 (182)	2000	Text available <a href="#">here</a> . Ratification Status <a href="#">here</a> .
ILO – Indigenous and Tribal Peoples Convention (169)	1998	Text available <a href="#">here</a> . Ratification Status <a href="#">here</a> .

INSTRUMENT	DATE	REMARKS
ILO – Freedom of Association and Protection of the Right to Organise Convention (87)	1967	Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
ILO – Abolition of Forced Labour Convention (105)	1962	Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
ILO – Discrimination (Employment and Occupation) Convention (111)	1962	Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
ILO – Forced Labour Convention (29)	1954	Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
ILO – Right to Organise and Collective Bargaining Convention (98)	1959	Full Treaty available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .
ILO – Equal Remuneration Convention (100)	1957	Text available <a href="#">here</a> . Ratification Status available <a href="#">here</a> .

## 1.1 ECUADOR'S OTHER RELATED INTERNATIONAL COMMITMENTS

Besides international treaties, there are other international instruments that, although non-binding, require compliance by Ecuador.

### THE SAN JOSÉ DECLARATION ON THE MARINE CONSERVATION CORRIDOR

Colombia, Costa Rica, Ecuador, and Panama have adopted the San José Declaration on the Eastern Tropical Pacific Marine Conservation Corridor (CMAR). This declaration is an excellent example of a regional mechanism for direction, coordination, and follow-up, particularly significant for GLF due to its commitment to marine conservation in the region. The CMAR extends from the Cocos Islands to Galápagos, Malpelo, Coiba, and Gorgona.

### THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

Ecuador has demonstrated its commitment to the United Nations Sustainable Development Goals (SDGs) by declaring the 2030 Agenda as a public policy of the National Government. The National Assembly has also adopted a resolution to implement the SDGs<sup>2</sup>. In 2018, Galápagos was selected as the first province to focus on achieving these goals. A participatory project involved multiple stakeholders to identify priority targets such as education, clean water, and conservation. As a result, the Galápagos 2030 Plan<sup>3</sup> was approved in early 2021. This plan emphasizes sustainable development, environmental care, and the population's well-being. GLF activities relate to SDG 14, which aims to preserve and sustainably use the ocean and its resources for sustainable development, particularly to the following targets:

- Target 14.1: Prevent and significantly reduce marine pollution of all kinds, particularly from land-based activities, including marine debris and nutrient pollution.
- Target 14.2: Sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and taking action for their restoration, to achieve healthy and productive oceans.

<sup>2</sup> Agenda 2030 and the Sustainable Development Goals. July 20, 2017.

<sup>3</sup> Galápagos Province Special Regime Governing Council CGREG – Sustainable Development and Territorial Planning (Land Management Plan) for the Special Regime of Galapagos 2030. Puerto Baquerizo Moreno, Galapagos, Ecuador. 2021.

- Target 14.4: Effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices, including in the exclusive economic zone, and implement science-based management plans, to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.
- Target 14.5: Conserve Coastal and Marine Areas. Conserve at least 10 percent of coastal and marine areas, consistent with national and international law and based on the best available scientific information (2020).
- Target 11.4: Strengthen and promote efforts to protect and safeguard the cultural and natural heritage of the Galápagos.

#### UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007, is another relevant instrument. Article 32 of the declaration states that it is the responsibility of states to consult and cooperate with indigenous peoples in good faith. This consultation should occur before approving any projects affecting their territories or resources. This principle is critical to safeguarding the rights of indigenous peoples concerning the development and exploitation of minerals, water, and other resources.

## 2 APPLICABLE LEGAL AND NORMATIVE FRAMEWORK IN ECUADOR

This section presents Ecuador's legal and regulatory framework applicable to GLF, which covers environmental protection, ecosystem conservation, biodiversity preservation in protected natural areas, natural resource management, and labour and human rights issues. This section has been structured around the Constitution of the Republic and the various laws and regulations that govern planning and management, environment, labour and working conditions, health, safety, and security of the workers and community, involuntary resettlement and restrictions to access to natural resources, biodiversity conservation, Indigenous Peoples, Free, Prior and Informed Consent (FPIC), and cultural heritage.

### 2.1 THE CONSTITUTION OF THE REPUBLIC

The Constitution of the Republic of Ecuador enshrines the right of the population to live in a healthy and ecologically balanced environment. It guarantees sustainability and "good living" or "sumak kawsay"<sup>4</sup>. Moreover, it declares the preservation of the environment, conservation of ecosystems, biodiversity, and the integrity of the country's genetic heritage as a matter of public interest. Additionally, it highlights the importance of preventing environmental damage and recovering degraded natural spaces<sup>5</sup>.

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<sup>4</sup> Article 14. The text of the Constitution is available [here](#).

<sup>5</sup> Article 14. The text of the Constitution is available [here](#).

The constitutional environmental precautionary principle states that, in case of doubt about the environmental impact of any action or omission, the state must take prompt and effective measures to prevent environmental damage. Moreover, liability for environmental damage is strict<sup>6</sup>.

The Constitution guarantees the right to work and ensures that employees are treated with dignity, receive fair pay and remuneration, and can engage in healthy and voluntary work. This includes all forms of work, whether self-employed or dependent and recognizes workers as productive members of society. The Constitution also prohibits all forms of discrimination, exploitation, slavery, servitude, and human trafficking. Moreover, it recognizes communes' collective land ownership as an ancestral form of territorial organization.

The Constitution recognizes the importance of preserving biodiversity and the integrity of its genetic heritage for the public interest. It emphasizes that the State is responsible for exercising sovereignty over the biodiversity and managing it with intergenerational responsibility. In addition, the Constitution mandates establishing a national system of protected areas to ensure biodiversity conservation and maintain ecological functions.

The province of Galápagos has a unique government structure established by the Constitution. Its planning and development must strictly follow the principles of conserving the state's natural heritage and promoting good living as determined by the law.

## 2.2 PLANNING AND MANAGEMENT LEGAL FRAMEWORK

### GALÁPAGOS SPECIAL REGIME LAW (LOREG)

The Special Regime Law for Galápagos is a legal framework that focuses on protecting the environment and conserving the natural heritage. It regulates various activities in the region in line with the objectives of GLF. Some critical aspects of the law include Special Regime Governance, Regulation of activities, Environmental Impact Assessment, Investigations and projects, and Inspection of environmental standards for vessels entering the Galápagos Marine Reserve (GMR) and Hermandad Marine Reserve (HMR).

GLF aligns its strategic plans with both national and provincial planning. The Creating Opportunities Plan 2021-2025<sup>7</sup> is an example of this alignment. This plan promotes using circular models that respect the carrying capacity of oceanic, coastal-marine, and terrestrial ecosystems. Doing so enables the recovery of these ecosystems while reducing pollution and pressure on natural and water resources.

The "Galápagos Plan 2030" focuses on governance, community, environment, and habitat. Each of these areas has its own set of strategic objectives, policies, and specific goals with corresponding projects for implementation. These projects aim to consolidate public administration, strengthen environmental governance, and improve the quality of life for the population while ensuring sustainability and conservation of Galápagos natural heritage.

According to the [General Regulation for the Application of the Organic Law](#) of the Special Regime of the Province of Galápagos, the Directorate of the Galápagos National Park (GNPD) or the entities

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<sup>6</sup> Article 396. The text of the Constitution is available [here](#).

<sup>7</sup> National Planning Secretariat. Opportunity Creation Plan, Ecuador's National Development Plan 2021–2025.



accredited to the Unified Environmental Management System is responsible for ensuring compliance with and implementation of environmental control mechanisms (Article 78).

The [Special Regime of Galapagos Plan](#), also known as Plan Galápagos 2030, is an initiative focused on sustainable development and territorial planning. Its goal is to ensure that the socio-ecosystem of the Galápagos province is appropriately governed and that its community, environment, habitat, and economy are well-managed. The plan covers social, natural, and financial capital and outlines strategies for sustained work up to 2030.

## 2.3 ENVIRONMENTAL LAWS AND REGULATIONS

### THE ORGANIC ENVIRONMENTAL CODE (COAM) AND OTHER REGULATIONS

The [Organic Environmental Code](#) (COAM) is a legal framework that regulates the environmental rights, duties, and guarantees outlined in the Constitution. It aims to ensure the sustainability, conservation, protection, and restoration of the environment. The COAM also establishes that every participant in the production, distribution, commercialization, and use of goods or services is responsible for preventing, avoiding, and repairing environmental impacts or damages caused or that could be caused. Additionally, it mandates that every actor maintain a permanent environmental control system.

According to the law, all works, projects, or activities must undergo an environmental impact assessment regardless of phase. The environmental impact is categorized as non-significant, low, medium, or high, and based on this, an environmental registration or license is needed.

The COAM defines environmental damage as any significant change in the environment that results in harmful effects on its components. This includes the impact on species and the alteration of ecosystem balance.

The COAM states that anyone who promotes an activity that has an impact or may have an impact on the environment, primarily through the use of hazardous or toxic substances, materials, residues, or wastes, is responsible for all stages of the activity until it is disposed of safely for human health and the environment (Article 9). The State must encourage the use of technologies that minimize risks of damage at all stages of productive activities (Article 9). When there is no scientific certainty about the impact or damage caused to the environment by a specific action or omission, the competent authorities of the State should take effective and timely measures to prevent, reduce, mitigate, or stop the impact (Article 9).

Article 9 of the law establishes that when a product or activity may cause environmental damage, the State authorities must require the promoter to comply with regulations and procedures to prevent or reduce the impact. This applies especially when there is scientific certainty about the damage that may be caused.

About the integrated management of waste and residues, the Law establishes that both natural and legal persons are responsible for natural or legal persons must be responsible for:

- i. The integrated management of waste and residues, giving priority to the elimination or final disposal closest to the source;

- ii. The minimization of sanitary and environmental risks, as well as phytosanitary and zoo sanitary risks;
- iii. The promotion of the development of the use and recovery of waste and residues, considering them as an economic good with a social purpose, through the establishment of tools and application mechanisms;
- iv. The promotion of research, development and use of the best available technologies that minimize impacts on the environment and human health, and
- v. Encouraging the application of good environmental practices, in accordance with advances in science and technology, in all phases of integrated waste management (art. 225).

Likewise, the COAM entrusts the National Environmental Authority with "establishing guidelines, directives, norms and control and monitoring mechanisms for the conservation, sustainable management and restoration of biodiversity and natural heritage" (art. 24).

The COAM grants the Agency for Regulation and Control of Biosecurity and Quarantine for Galápagos the authority to manage biosecurity, oversee the introduction of exotic species, regulate the movement and spread of exotic organisms, and contribute to the preservation of island and marine ecosystems, as well as the biodiversity of Galápagos province (Article 85). According to COAM, introducing exotic species into the national territory without administrative authorization constitutes a serious environmental administrative offence. Additionally, if such species harm biodiversity, it is considered a severe offence (Articles 317 and 318).

### 2.3.1 PROTECTED AREAS REGULATION UNDER THE COAM

The COAM specifies that every protected area must have management tools in place to control and reduce the impact of invasive alien species that have already been introduced and to prevent the introduction of new alien species. The use of chemicals that may harm human health, the environment and biodiversity is prohibited during the control activities of existing alien species in the National System of Protected Areas (Article 69).

Introducing alien species into the National System of Protected Areas is generally prohibited under COAM. However, some exceptions exist, such as when scientific and technical justification is proven through risk assessment and environmental impact assessment approved by the National Environmental Authority (Article 69). Hunting of exotic or invasive species is allowed within the National System of Protected Areas (Article 70).

The following categories form the National System of Protected Areas, according to COAM:

- National Park
- Wildlife Refuge
- Fauna Production Reserve
- National Recreation Area
- Marine Reserve

For its part, the [Regulation to the Organic Environmental Code](#) (the RCOA) states that projects, works, or activities included in the catalogue issued by the National Environmental Authority and that cause

environmental damage must be regularised through the Unified Environmental Information System (SUIA), which will automatically determine the type of environmental permit, which may be: Environmental Certificate, Environmental Registration or Environmental License<sup>8</sup>.

The RCOA mandates that projects with low environmental impact and risk (as defined by Articles 426, 428 to 430) must obtain an environmental registration. On the other hand, projects with medium or high environmental impact (as defined by Articles 426, 431 to 444) must acquire an environmental license and conduct an environmental impact study.

The [Ministerial Agreement No. 109 of MAATE](#) states that projects, works or activities with a non-significant environmental impact do not require regularization. Nevertheless, the Competent Environmental Authority can be requested to issue an environmental certificate (art. 5). It indicates that this type of project must observe good environmental practice guidelines issued by the Competent Environmental Authority according to the sector or activity (art. 5).

The [Unified Text](#) of Secondary Environmental Legislation regulates environmental certificates, registrations and licences.

The [Special Organic Law for the Conservation and Sustainable Development](#) of the Province of Galápagos regulates, among others, permitted and prohibited activities in the area. It delegates to the decentralized administrative unit in charge of the Natural Protected Areas of Galápagos the tasks of "prevention, early detection, monitoring, control and eradication of invasive species" (art. 21).

Article 76.3 of this regulation states that all agricultural activities in the Galápagos province must contribute to controlling introduced species and preventing their entry and dispersal. Inspection and quarantine actions will be given priority while also eradicating those species that exhibit aggressive behaviour and threaten the survival of native and endemic species on the island. It is considered a severe violation to introduce alien species to the islands without prior authorization from the decentralized administrative unit responsible for biosecurity and the control of introducing alien species to the Galápagos province as per Article 93.

For its part, the [General Regulations for the Implementation](#) of the Organic Law of the Special Regime of the Province of Galápagos establishes the functions of the Agency for Regulation and Control of Biosecurity and Quarantine for Galápagos, which include:

- Approve the biological control procedures in the province of Galápagos;
- Approve and evaluate the control, eradication, monitoring and surveillance plan using a system of prioritization of species, targets, sites, economic, ecological and social importance being implemented by public or private institutions;
- Establish monitoring and surveillance procedures, including notification or reporting of new species on the islands; and
- Approve the programme to eradicate alien plant and animal species in urban and rural areas (art. 83).

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<sup>8</sup> Glossary of terms. The text of the code is available [here](#).

The [Galapagos Protected Areas Management Plan](#) for Good Living is an essential reference for GLF despite having been formulated in 2014. Recognizing that the GNP and GMR are interdependent, the Plan covers both the GNP and the GMR and the so-called Human Space zone.

The objectives of the Management Plan are to reduce the accidental entry of introduced species and the distribution of potentially invasive species between islands. It also aims to contribute to the comprehensive restoration of ecosystems by incorporating recovery actions and monitoring and evaluating the functioning and capacity of ecosystems to generate services that contribute to the sustainability of the archipelago. Additionally, the initiative ensures the health and welfare of Galápagos ecosystems and humans through epidemiological surveillance. Lastly, it promotes coordination and cooperation mechanisms between the competent institutions in managing invasive species in Galápagos.

The Management Plan includes, among other aspects, provisions relating to the rational use of ecosystem services and biodiversity for conservation and development, the management of public use through the Visitor Management System (SIMAVIS), and provisions on permits for research and scientific activities as well as permit concessions for other types of activities.

The [Resolution on Monitoring and Control of Introduced Species](#) establishes the list of introduced species in the Galápagos Islands that must be monitored, controlled and eradicated. The [Preventive Directive for the Introduction of Species in Galapagos](#) establishes that all vessels entering the GMR or moving between islands that comprise it must comply with the protocols for fumigation, disinfection, disinsectization, rat extermination and hull cleaning issued by the Executive Directorate of the Agency for Regulation and Control of Biosecurity and Quarantine for Galápagos (art. 82).

Finally, [Resolution No. 28](#) of the GNPD establishes the conditions for entry of vessels to the GMR. Vessels must have functional insect trapping systems, protective film or certified dark glass on exterior windows, and exterior lights that are yellow or orange with low intensity. Incandescent or fluorescent lights are not permitted. Additionally, vessels must have black and grey water management systems, bilge water management systems, and measures to minimize atmospheric emissions. A management system for hazardous and non-hazardous waste and residues must also be adopted.

### **2.3.2 WASTE, RESIDUES AND OTHER PRODUCTS MANAGEMENT**

The [Law on the Marketing and Use of Pesticides](#) primarily regulates the actions of individuals or organizations involved in producing, distributing, importing, marketing, and formulating pesticides or similar products. It also states that it is the employer's responsibility to ensure the safety and well-being of personnel involved in handling pesticides and related products (Article 23). The Law prohibits the aerial application of pesticides and associated products that are highly toxic or hazardous to humans, animals, or crops (Article 23).

The Ministerial Agreement (A.M 142) categorizes chemical substances and waste as hazardous or special for their proper handling, transportation, storage, and disposal in line with environmental regulations. Fishing and using boats, ships, or fibres can generate hazardous or special waste. Annexes B and C list hazardous and special waste, respectively. It is essential to consult the annexes for waste or residues generated by GLF projects that are not listed in the table.

The directive for the integrated management of agricultural plastic waste sets out provisions for all those involved in the manufacturing, representation, registration, formulation, importation, and packaging of agricultural products. Article 2 of the directive emphasizes that the marketing, distribution, and final use of agricultural products are also responsibilities that fall within the scope of the implementation and execution of integrated management plans for agricultural plastic waste.

The Directive for the Integrated Management of Used Batteries lays out guidelines for all individuals and organizations involved in the manufacturing, whether natural or legal, public or private, national or foreign. Article 2 of this directive states that all parties must develop and implement integrated management plans for used batteries.

The Directive for the integrated management of used lead acid batteries outlines provisions for managing used lead acid batteries in Ecuador. It extends the responsibility for their management to all actors involved in their production, importation, commercialization, distribution, final use, and environmental management when they become special hazardous waste.

The Directive on Responsibility for the Management of Used Lubricating Oils expands the responsibility of producers, traders, distributors, and end-users to manage lubricating oil products, base oils, or regenerated base oil in an environmentally safe way. These include various oils used in engines, industrial machines, hydraulics, transmission, cutting, and heat transfer fluids. After use, both the products and their empty containers become hazardous waste.

The Directive on Extended Responsibility in the Integrated Management of Waste Electrical and Electronic Equipment (RAEE) provides clear guidelines and responsibilities for all individuals, businesses, and organizations involved in the manufacture, import, marketing, distribution, use, and final disposal of electrical and electronic equipment. The objective of this directive is to ensure environmentally responsible management of RAEE, including the proper collection, transportation, treatment, recycling, and final disposal of such waste.

## 2.4 LABOUR AND WORKING CONDITIONS AND COMMUNITY HEALTH AND SAFETY

The [Labour Code](#) regulates labour conditions and benefits, establishes equal pay for the same work (art. 79) and prohibits work for minors under 15 years of age (art. 134), among many other measures.

According to the [Children and Adolescents Code](#), policies, plans, programs, and protective measures should be implemented to eliminate the employment of children and adolescents who are under fifteen years of age. In addition, it is the responsibility of the family to contribute towards achieving this objective (Article 83).

According to the [Organic Health Law](#), employers are required to safeguard the health of their employees by providing them with adequate information, protective gear, suitable clothing, and a safe working environment. The goal is to prevent, minimize, or eliminate risks, accidents, and illnesses that may occur in the workplace (Article 118). The Ministry of Public Health is responsible for regulating, monitoring, and taking necessary measures to ensure that environmental conditions do not pose any risks or cause any harm to human health (Article 6).

### 2.4.1 INVOLUNTARY RESETTLEMENT AND RESTRICTIONS TO ACCESS TO NATURAL RESOURCES

The Organic Law of Rural Lands and Ancestral Territories (LOTRTA) outlines the process for defining and allocating territories in ancestral possession. Article 80 of this law specifies that the National Agrarian Authority or the governing body of habitat and housing, as applicable, will conduct a technical assessment to verify the historical, anthropological, socioeconomic, regulatory, and cultural foundations supporting the request. If communal lands or territories in ancestral possession are legalized in protected areas, State Forest heritage, or public protective forests and vegetation, the National Environmental Authority will allocate and define them in coordination with the National Agrarian Authority or the governing entity of habitat and housing.

The Organic Law of Territorial Planning, Land Use, and Management (LOOTUGS) defines the principles, provisions, and procedures to regulate territorial planning, land use, and management in Ecuador. This law promotes equitable and sustainable territorial development while ensuring citizen participation in the territory's planning and management processes. The law's primary objectives include protecting the environment, conserving natural resources, preventing risks, planning land use, and promoting territorial equity.

The legal and regulatory guidelines refer to the provisions of the Organic Law of Public Procurement, General Regulations, and other related regulations that determine compensation. These regulations state that such payments will be processed before a civil judge and that the affected party may challenge only the established price, not the administrative act itself. Regarding granting adequate compensation, equivalent to the replacement cost for asset losses, the framework outlines that any evaluation must strictly comply with the Organic Law of Public Procurement and its General Regulations. This evaluation should be based on the appraisal conducted by the Municipality's Management of Appraisals and Cadastres, where the assets in question are located.

### 2.4.2 BIODIVERSITY CONSERVATION

The Fisheries and Fisheries Development Law of Ecuador establishes that the National Environmental Authority, in collaboration with the governing body, will identify special areas within fragile ecosystems to guarantee the sustainable use and conservation of hydrobiological resources and ecosystems. In addition, they will be responsible for developing and implementing plans and projects aimed at conserving and recovering these resources, ensuring citizen participation in their execution (art. 101).

On the other hand, it points out that fishing activity can only be carried out using fishing gear and gear authorized by the governing body. This entity can define the technical characteristics and conditions of use and assembly of said gear and gear, adapting them to the different types of fishing (art. 105).

The [Organic Law of the Special Regime of the Province of Galapagos](#) outlines the permitted and prohibited activities in the Protected Natural Areas of Galápagos. The law also establishes the duties and responsibilities of the administrative unit in charge of managing these areas, which include ensuring compliance with the law and regulations, managing the National Park and the Marine Reserve, developing policies and management plans, approving annual operational plans, and enforcing the policies established for these protected areas (article 21).

The COAM has entrusted the National Environmental Authority to establish guidelines and standards for biodiversity conservation. The state guarantees biodiversity protection and promotes natural resource conservation and sustainable use. Policies, strategies, and actions are essential for the comprehensive management of natural resources and ecosystem protection.

Citizen participation and cooperation should be the basis for biodiversity conservation. The management tools for each protected area should establish measures to control and mitigate invasive exotic species. Chemical products harmful to human health, the environment, and biodiversity are prohibited in the control activities of exotic species.

The Galápagos region is subject to special regulations aimed at conserving, managing, and protecting its marine wildlife and protected areas sustainably. It is necessary to follow the specific provisions contained in the regulations and what is provided in the code itself to ensure environmental protection in this unique and ecologically significant area (article 262).

The [General Regulations](#) for the LOREG outline how the administration and management of the protected natural areas in the province of Galápagos should be carried out. This is done through management plans that align with the province's Plan for Sustainable Development and Territorial Planning. The goal is to ensure a comprehensive and coordinated approach to natural resource management.

The Galápagos Protected Areas Management Plan outlines various measures to conserve and preserve the biodiversity. These measures include implementing sustainable management strategies for terrestrial and marine ecosystems, protecting endemic and endangered species, restoring degraded habitats, regulating human activities to minimize environmental impacts, and promoting environmental education and community participation in the conservation of the archipelago.

### **2.4.3 INDIGENOUS PEOPLES AND FREE, PRIOR, AND INFORMED CONSULTATION**

The Constitution of Ecuador guarantees the right to Free, Prior and Informed consultation to communes, communities, indigenous nationalities, Afro-Ecuadorian people, and Montubio peoples. This is mandatory when there are plans for prospecting, exploitation, and commercialization of non-renewable resources that may affect them environmentally or culturally. These communities are entitled to participate in the profits of these projects and receive compensation for any social, cultural, and environmental damages they cause. The competent authorities must carry out the consultation in a timely manner. Before adopting any measures that may affect their collective rights, Free, Prior and Informed consultation is also required. The Organic Law of Citizen Participation guarantees their right to prior, free, and informed consultation regarding non-renewable resource activities in their territories. It also states that the responsible state entity must carry out the consultation.

The Constitution establishes that any state decision or environmental authorization must be consulted with the community. This consultation process is different from the Free, Prior and Informed Consultation that must be carried out with indigenous communities. It must be carried out in any project likely to have a medium or high environmental impact. The state entity responsible for exercising as an environmental authority must conduct this consultation. The Regulations to the Organic Code of the Environment regulate the process. The Ombudsman's Office provides support and surveillance during the consultation. The Constitutional Court requires this consultation to be carried



out in good faith before the project. The Escazú Agreement rules and the jurisprudence on prior consultation must also be considered. Moreover, the community must be informed widely and in a timely manner.

The COAM guarantees citizen participation through environmental consultations for projects that may impact the environment, including both strategic and non-strategic sectors. It is guided by equality, non-discrimination, inclusion, interculturality, good faith, legality, legitimacy, representativeness, maximum publicity, and transparency. This consultation applies to environmental regularization projects and those with high and medium impact in various sectors, including projects with low environmental impact in sectors such as hydrocarbons and mining (Article 462; Article 463).

The COAM also requires that if the citizen participation process for environmental consultation is carried out in territories of communes, communities, peoples, and indigenous nationalities, the communication materials or supplies delivered by the operator must be translated into the language of the communes, indigenous communities, peoples, and nationalities (Article 470).

[Ministerial Agreement No. 61](#) – Reform of Book VI of the Unified Text of Secondary Environmental Legislation establishes that Social Participation is governed by the principles of legitimacy and representativeness and is defined as an effort of the State Institutions, citizens and the subject of control interested in carrying out a project, work or activity. Social participation is mandatory to obtain an environmental license (art. 44).

#### **2.4.4 CULTURAL HERITAGE**

The [Cultural Heritage Law](#) defines the Cultural Heritage of the State as movable and immovable archaeological monuments such as ceramics, metals, stones, or any other materials that belong to the pre-Hispanic and colonial era, ruins of fortifications, buildings, cemeteries, and archaeological sites in general. It also includes human remains, flora, and fauna related to the same periods, as well as works of nature that have been highlighted by man's intervention or that have scientific interest in studying flora, fauna, and paleontology.

The Law prohibits the adulteration of the state's cultural heritage. It establishes that if objects of this nature are found during the construction or demolition of a building, they must be reported to the Institute of Cultural Heritage. Work on the site where the discovery has been verified must be suspended until further notice.

### **3 FINDINGS OF GAP ANALYSIS: BETWEEN INTERNATIONAL STANDARDS AND NATIONAL AND LOCAL REGULATORY FRAMEWORK**

This section presents a summary gap analysis between the international standards of reference adopted by GLF (see Annex C of ESMS) and the Ecuadorian legal and regulatory framework. It is intended to underpin the Principle of Compliance with the Most Stringent Standard, which says that if multiple relevant national or international regulations or standards equally apply to the same activity or project, GLF will adhere to the more stringent one. This gap analysis was undertaken in June 2024.



## MANAGING ENVIRONMENTAL AND SOCIAL RISK AND IMPACTS

**Summary:** Even though Ecuadorian law only requires an Environmental Impact Assessment (EIA) and not an Environmental and Social Impact Assessment (ESIA) as mandated by IFC PS No. 1 for some projects, it's important to note that the Ecuadorian EIA already encompasses an assessment of the project's social aspects. Additionally, it has specific public consultation requirements, making it somewhat assimilable to an ESIA.

**No significant gaps were identified in evaluating and managing environmental and social risks and impacts.**

The right to live in a healthy and ecologically balanced environment is one of the fundamental rights enshrined in the COAM. This right includes a responsibility for every work, project or activity in all phases to undergo an environmental impact evaluation procedure. The environmental impact is classified as non-significant, low, medium or high, and depending on the level of impact, an environmental registration or license will be necessary. The SUIA will automatically determine the type of environmental permit to be granted. For activities with low environmental impact (low risk), just an environmental registration is necessary, while for those activities with a medium or high environmental impact, an environmental license and an environmental impact study are required<sup>9</sup>.

GLF and grantees proposing projects should be aware that the time necessary for projects categorized as medium or high impact and requiring an Environmental Licensing process to achieve their environmental license can take up to two years from registering the project in the Unified Environmental Information System (SUIA) until the issuance of the final permit.

It is important to note that projects, works, or activities that do not have a significant environmental impact do not require regularization. In such cases, the Competent Environmental Authority will issue an environmental certificate<sup>10</sup>. However, these projects must follow the good environmental practice guidelines the Competent Environmental Authority issued based on their sector or activity<sup>11</sup>. These permits are regulated by Executive Decree 3516, which establishes the Unified Text of Secondary Environmental Legislation<sup>12</sup> and Ministerial Agreement No. 109 of the Ministry of the Environment<sup>13</sup>. Once the environmental permit is obtained, the holder must comply with all the obligations contained in the permit and environmental regulations. In Galápagos, compliance verification and execution of environmental control mechanisms are the responsibility of the GNPD or entities accredited by the Single Environmental Management System, as stipulated by the LOREG<sup>14</sup>.

Although no significant gaps were found in relation to efficiency in resource use and pollution control and prevention, it is essential to consider that the resources used for the execution of GLF-funded projects (such as fishing boats, vessels, and field and office equipment) can generate waste classified

<sup>9</sup> Articles 431 and 432 of the Regulations to the Environmental Organic Code. The text is available [here](#).

<sup>10</sup> Article 5 of the Ministry Agreement N. 109 – MAATE. The text is available [here](#).

<sup>11</sup> Ib. Idem. The text is available [here](#).

<sup>12</sup> The text is available [here](#).

<sup>13</sup> The text is available [here](#).

<sup>14</sup> Article 78, Galápagos Province Special Regime Organic Law. The text is available [here](#).

as hazardous and/or *special*. Therefore, their disposal must be carried out in accordance with current regulations to prevent water and soil contamination.

#### LABOUR AND WORKING CONDITIONS

**Summary:** Although the national labour laws do not mandate a Complaints Management Mechanism for employees, IFC PS 2 requires it. Therefore, GLF and the Grantees must ensure that such a mechanism is readily available to their employees.

**Although some gaps regarding labour and working conditions (as outlined below in this section) were established, none of them are significant.**

National legislation does not mandate the presence of a Complaints Management Mechanism for the grantee's employees, as stipulated by IFC PS 2. Therefore, GLF must enforce compliance with this requirement, along with adherence to national labour legislation and Galápagos -specific regulations.

National legislation is not entirely in accordance with Convention 87. According to the ILO Commission of Experts on the Application of Conventions and Recommendations, some regulations in Ecuador do not comply with these conventions. It is noted that statements are contrary to the Convention:

- To require a minimum of 30 employees from the same company to form an association<sup>15</sup>.
- To require the members of a Union board to be Ecuadorian.
- To not allow the right of re-election of the directors of workers' and employers' organizations.
- To limit the right of workers' unions and public servants' associations to organize strikes and formulate their action plan to a certain extent<sup>16</sup>.
- To impose that the labour sector be represented only by one organization when the Convention favours union pluralism<sup>17</sup>.

The Labour Code establishes equal pay in article 79: "Equal work corresponds to equal remuneration, without discrimination based on birth or age, sex, ethnicity, color, social origin, language, religion, political affiliation, economic position, sexual orientation, health status, disability, or difference of any other kind. Furthermore, specialization and practice in the execution of the work will be taken into account for the purposes of remuneration<sup>18</sup>."

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<sup>15</sup> Observation of the Committee of Experts on the Application of Conventions and Recommendations on Convention 87 regarding Ecuador (2014), available [here](#), and Observation of the Commission of Experts on the Application of Conventions and Recommendations on Convention 87 regarding Ecuador (2021), available [here](#).

<sup>16</sup> 2014 observation of the Committee of Experts on the Application of Conventions and Recommendations on Convention 87 regarding Ecuador, available [here](#).

<sup>17</sup> 2014 observation of the Committee of Experts on the Application of Conventions and Recommendations on Convention 87 regarding Ecuador, available [here](#), and 2016 Observation of the Committee of Experts on the Application of Conventions and Recommendations on Convention 87, available [here](#).

<sup>18</sup> Article 79 of the Labor Code of Ecuador. The full text of the code is available [here](#).

According to the ILO Committee of Experts, Article 79 of the Labor Code is more restrictive than Article 1 of the Convention. The former states that equal work means equal pay, whereas the latter refers to work of equal value. The Commission believes that the concept of work of equal value is at the heart of the fundamental right to equal pay between men and women and the promotion of equality. This is because the concept includes work that may be different in nature but is of equal value.

Hence, the Commission has requested that the State amend the article to fully include the principle of equal pay for work of equal value in Ecuadorian legislation<sup>19</sup>.

GLF should require the adoption of a general principle of equal remuneration for work of equal value for men and women, in addition to compliance with national labour legislation and specific legislation for Galápagos.

#### COMPENSATIONS FOR RESTRICTIONS TO ACCESS TO NATURAL RESOURCES

**Summary:** There are differences between the national legislation and the IFC PS 5 regarding compensation for restricting access to natural resources. Grantees are required to adhere to the guidelines outlined in IFC PS 5 and fully meet the performance standard requirements. This includes considering assistance and compensation for population groups with legal property titles, those in the process of acquiring them, and those who lack ownership titles but are still considered affected and in need of aid. Grantees must also calculate the asset's value using its commercial value without deductions and at present value as per the international standard rather than the cadastral value per Ecuadorian legislation.

In Ecuador, no legislation specifically includes compensation for communities or individuals affected by access restrictions to natural resources. However, when conservation measures such as the declaration of certain reserves that include total restriction (no-take zones) are implemented, compensation and mitigation mechanisms are necessary to address the negative impacts on income and subsistence. These mechanisms may include alternative development programs, economic compensation, employment opportunities, or social investment projects for affected communities. The environmental authorities usually coordinate these actions with other government entities and civil society organizations. However, if someone wanted to compare the compensation measures established for cases of replacement of property or land affected by administrative measures, differences would be found between national and international standards.

One of the main differences between national and international standards is how they assess the value of an asset. The national standard uses cadastral value, while the international standard uses commercial value without deductions and at present value. Additionally, the national standard only considers population groups with legal property titles or those in the process of acquiring them as eligible for assistance. This leaves out those who lack ownership titles but are still considered affected and in need of aid. Conversely, the international standard recognizes compensation for all three categories of people.

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<sup>19</sup> 2013 observation of the Committee of Experts on the Application of Conventions and Recommendations on Convention 100 regarding Ecuador, available [here](#).

#### INDIGENOUS PEOPLES AND FREE, PRIOR, AND INFORMED CONSENT

Ecuador has ratified the American Convention on Human Rights and accepted the jurisdiction of the Inter-American Court of Human Rights. As a result, Ecuador is bound to comply with the Court's jurisprudence, which has played a crucial role in safeguarding the rights of indigenous peoples, especially their right to prior, free and informed consultation. The Inter-American Court has established three guarantees concerning prior consultations with indigenous peoples:

- Carrying out consultations in good faith, using culturally appropriate procedures to reach an agreement<sup>20</sup>.
- The abstention from issuing any concession until the State approves an Environmental Impact Study.
- The granting of reasonable benefits to indigenous communities in relation to the plan carried out within their territory<sup>21</sup>.

The court has established that prior consultation is unnecessary for activities to improve or maintain existing works that do not involve new projects<sup>22</sup>. However, it has also emphasized that if an activity poses a significant risk of environmental damage, an environmental impact study must be conducted<sup>23</sup>. These studies should be carried out by independent entities under the State's supervision, covering the accumulated impact and promoting the participation of the interested parties. Moreover, it is crucial to respect the traditions and culture of indigenous peoples during these processes.

## 4 PERMITTING STRATEGY

In Ecuador, the MAATE issues three types of environmental administrative permits or authorizations for all projects, works, and activities based on their environmental impact. Galápagos falls under the jurisdiction of the Competent Environmental Authority, which is the DPNG. To obtain any environmental permit, you must follow a strategy based on the impact category determined according to the National Classification of Economic Activities<sup>24</sup>.

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<sup>20</sup> Inter-American Court. Case of Indigenous Communities Members of the Lhaka Honhat Association (Our Land) v. Argentina. Merits, Reparations and Costs. Judgment of February 6, 2020. Series C No. 400, para. 174.

<sup>21</sup> IHR Court. Op. Cit. Ib idem.

<sup>22</sup> IHR Court. Op. Cit, § 179.

<sup>23</sup> IHR Court. Environment and Human Rights (State obligations about the environment in the framework of the protection and guarantee of the rights to life and personal integrity - interpretation and scope of Articles 4(1) and 5(1), about Articles 1(1) and 2 of the American Convention on Human Rights.). Advisory opinion OC-23/17 (15/11/2017). Serie A No. 23, paragraph 160.

<sup>24</sup> INEC – CIUU - National Classification of Economic Activities. 4<sup>th</sup> Revision. 2012.

## 4.1 ENVIRONMENTAL PERMITTING STRATEGY

GLF-funded projects will implement the following permitting strategy to secure their environmental certificate, register or license where necessary.

NEGLIGIBLE IMPACT	
PERMIT	PROCEDURE
Environmental Certificate	<ul style="list-style-type: none"> <li>User registration in the SUIA</li> <li>UTM System Geographic coordinates</li> <li>A manual of best environmental practices and an Intersection Certificate will be created.</li> </ul> <p>If the project does not overlap with any registered protected areas under the National System of Protected Areas, State Forest Heritage, Forests, and Protective Vegetation, the process is immediate and free of charge.</p>
LOW IMPACT	
PERMIT	PROCEDURE
Environmental Register	<ul style="list-style-type: none"> <li>User registration in the SUIA</li> <li>Completion of the form.</li> <li>Obtention of the Intersection Certificate after inputting the geographic coordinates in the UTM System.</li> <li>Proposal for an Environmental Management Plan appropriate to identified environmental aspects and impacts.</li> <li>Payment of administrative service fees (in this case it is US \$ 180.00).</li> <li>In case the project generates hazardous or special waste, the Hazardous and Special Wastes and Residues Generator register (RGDP) must be secured in parallel, and administrative service fees of US \$180.00 must be paid.</li> <li>After these steps, permit obtention should be immediate.</li> </ul> <p>After obtaining the Environmental Permit, it is mandatory to comply with the Environmental Compliance Reports, Annual Hazardous Waste Declarations (if applicable), Environmental Training established in the Environmental Management Plan (EMP), and Environmental Monitoring Reports (if applicable) throughout the operational life of each project.</p>
MEDIUM TO HIGH IMPACT	
PERMIT	PROCEDURE
Environmental License	<ul style="list-style-type: none"> <li>User registration in the SUIA</li> <li>Completion of the form.</li> <li>Obtention of the Intersection Certificate after inputting the geographic coordinates in the UTM System.</li> <li>An EIA is a mandatory process that must be conducted either before the start of operations (Ex Ante) or after the project is already in operation (Ex Post). The purpose of this assessment is to provide a detailed analysis of the project's activities, including an evaluation of the environmental impacts of the project on the site and surrounding areas. It also includes a situational diagnostic to identify and assess any potential environmental risks associated with the project.</li> </ul>

	<ul style="list-style-type: none"><li>• Proposal for an Environmental Management Plan outlining measures to prevent, avoid, mitigate, control, correct, compensate, restore, and repair negative environmental impacts of project, work or activity.</li><li>• Citizen Participation Process Report prepared by EIA consultant and MAATE facilitator.</li><li>• Before the Environmental License is issued, the system requests the cancellation of the service fee and the submission of a policy that guarantees compliance with the Environmental Management Plan. The payment of the fee will depend on the total project cost or the previous year's operation cost (if it is an already running activity). The fee calculation is based on 1 x 1000 of the total project cost or 1 x 1000 of the last year of operation cost, whichever is applicable.</li></ul> <p>In case the project generates hazardous or special waste, the RGDP must be secured in parallel, and administrative service fees of US \$180.00 must be paid.</p> <p>It's worth noting that all administrative authorizations remain valid from the time of issuance until the project, work or activity comes to an end. Once the Environmental Permit has been obtained, it is necessary to submit Environmental Compliance Reports, Environmental Compliance Audits, Action Plans (if applicable), Annual Hazardous Waste Declarations (if applicable), carry out Environmental Training mentioned in the EMP and submit Environmental Monitoring Reports (if applicable) during the operational life of the project</p>
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## 4.2 ENVIRONMENTAL AUTHORIZATION PROCEDURE IN THE SUIA

The following is the SUIA authorization procedure for GLF-funded projects.

ACTION	ACCESS	DESCRIPTION
User Registration	<p>Go to webpage:  <a href="http://suia.ambiente.gob.ec">http://suia.ambiente.gob.ec</a></p> <p>Create a username and password to access the system for the project, work, or activity being regulated.</p>	<p>To create a user, it is necessary to have the identification number or RUC of the natural and/or legal person in charge of executing the project(s) to be regularized, as well as an email address where notifications from the system will be received.</p>
Project Registration	<p>To access the system, enter your username and password. Then, select the appropriate option from "New Project" or "Project in Operation".</p> <p>Fill out the form as requested by the system. Afterward, verify all the registered information. If there are any errors, you can modify the information.</p> <p>Finally, select "Finish" and accept the changes.</p> <p>The actions of downloading documentation, accepting responsibility, and submitting will appear in the task tray.</p>	<p>To register a project, work, or activity in the system, it is necessary to have UTM geographic coordinates in the WGS 84 zone. If the project, work, or activity is classified as medium or high impact, the provided preliminary information will be validated by the competent entity in charge of the environmental regulation process. Therefore, it must comply with the environmental regularization process for this category. If the project requires obtaining an environmental license, the following minimum requirements must be met:</p> <ol style="list-style-type: none"> <li>1. Review of the environmental diagnosis and preliminary information by the entity (the task appears once the registration of the preliminary information is completed).</li> <li>2. If a Forest Inventory or Hazardous Waste Generator Registry is not required, the process can proceed by uploading the environmental impact study.</li> <li>3. The Environmental Impact Study will be reviewed and once a favourable technical pronouncement is issued, the citizen participation process will commence.</li> <li>4. Application for Environmental Facilitator.</li> <li>5. Development of the citizen participation process.</li> <li>6. Once the fees are paid and the guarantees or policies are delivered, the environmental license will be issued.</li> </ol> <p>To access the Environmental License, it is mandatory to hire an environmental consultant accredited by the National Environmental Authority. The consultant will be responsible for preparing and submitting all the required documentation and ensuring that the project complies with all relevant environmental regulations.</p>