

GUIDELINES FOR THE FORMULATION, APPROVAL, MONITORING AND EVALUATION OF THE COMPLIANCE OF THE ANNUAL PLAN FOR THE EVALUATION AND ENVIRONMENTAL AUDITING – PLANEFA

Article 1.- Object

The purpose of this standard is to establish the guidelines that guide and facilitate the Environmental Enforcement Entities (EFA) the formulation, approval, monitoring and evaluation of compliance with the Annual Plan for Environmental Assessment and Control (Planefa).

Article 2.- Purpose

The purpose of this standard is the following:

- 2.1 Establish a uniform structure for the formulation of the Plan in which environmental control actions are scheduled under prioritization criteria previously determined by the EFA.
- 2.2. Facilitate the incorporation of the actions and goals programmed in the Plan to the Institutional Operative Plan (POI) of each entity.
- 2.3. Carry out an adequate follow-up to the fulfillment of the environmental control actions programmed in the Plane.
- 2.4. Carry out an evaluation of the results of the environmental control actions programmed in the Plane by the EFA.

Article 3.- Scope of application

The application of the guidelines is mandatory for EFA at the national, regional and local levels, as appropriate

Article 4.- Definitions

For the purposes of this standard, the following definitions are considered:

a) Environmental Enforcement Entity (EFA): Public entity of national, regional or local scope that has been assigned some environmental control functions in accordance with current regulations. The environmental control is exercised by the organic units of the EFA. Exceptionally, and by legal provision, EFA may be considered that entity's line agency that is authorized to perform environmental control functions.

b) Environmental evaluation: It includes the actions of surveillance, control and monitoring, in order to determine the quality of the environmental components, that an EFA carries out within its area of competence.

c) Environmental oversight: This includes the functions of environmental assessment and supervision, as well as the exercise of sanctioning powers, aimed at ensuring compliance with environmental auditable obligations established in environmental legislation, commitments derived from environmental management instruments and / or in the administrative measures dictated by the EFA. For optimum performance, the approval of the required regulatory instruments must be met as foreseen in the annex to these guidelines.

d) Sanctioning power: Faculty to investigate the commission of possible sanctionable administrative infractions, which may result in the imposition of sanctions for non-compliance with environmental obligations that can be audited. Additionally, it includes the issuance of corrective, precautionary and other administrative measures in accordance with the Law.

e) Organ: It is the unit of organization of the first and second organizational level in an organic structure.

f) Annual Plan for Environmental Assessment and Control (Planefa): Instrument through which each EFA plans the environmental control actions of its competence to be carried out during the following calendar year, which are prioritized following the criteria established in article 7 of these guidelines.

g) Environmental supervision: Set of actions developed to verify compliance with the environmental obligations required of those managed. It includes the stages of planning,

execution and results. It may also include the issuance of administrative measures in the field of supervision.

h) Organic Unit: It is the organizational unit of the third organizational level in which an organ is disaggregated.

Article 5.- Formulation process of the Planefa

5.1. The elaboration of the Plan is made considering the sectoral, territorial and institutional plans.

5.2. The Plan is formulated in a coordinated manner by the bodies of the EFA that exercise the environmental control actions and the body in charge of the planning and budget functions.

5.3. The activities planned in the Plan are included in the POI during the year prior to its execution, in order to ensure the financing of the actions and programmed goals.

5.4. The budget for environmental control activities by the EFA includes the costs associated with the hiring of personnel for the development of environmental control, field actions, the acquisition of materials and equipment, the calibration of these, the analysis of Samples in accredited laboratories and other similar ones necessary for the execution of environmental control actions.

Article 6.- Structure and content of the Planefa

The structure of the Plane is the following:

a) Introduction

b) Organic Structure. The competent bodies of the environmental control within the EFA are expressly described, defining their competences and derived functions, according to the Organization and Functions Regulation of each entity, to the provisions of the Sole Order Text of Law N ° 27444, Law of the General Administrative Procedure, approved by Supreme Decree N ° 006-2017-JUS, and other rules of internal organization.

c) Legal Framework. The normative instruments that regulate the exercise of their functions are specified.

d) Situational status:

a. Evaluation: It implies the evaluation of the Plan of the previous year, making an analysis of the results achieved in its execution, specifying the constraints faced, as well as the factors that facilitated or not, compliance with the environmental control actions. The aforementioned evaluation of results is carried out whenever the EFA has presented the Plan of the previous year.

b. Environmental problem: Contains the main environmental problems detected, according to the competences of the EFA.

e) Objectives. This section details the achievements that you intend to obtain with the execution of the Plane. To do this, the objectives respond to the warning warnings when determining environmental problems. The objectives should be framed in the national, regional, local or sectoral policies, as appropriate, as well as in the institutional strategic objectives that respond to the identified environmental problem.

f) Programming of actions for the Environmental Control. It details the environmental control activities that must be carried out during the year following the approval of the Plan, in accordance with the prioritization criteria of these guidelines. The Plan must meet the objectives outlined in the previous item.

g) Annex. Format for the planning of activities, which should contain the physical and financial goals of the EFA, as well as the inventory and implementation plan of legal instruments.

Article 7.- Prioritization criteria for environmental control actions

For the prioritization of the actions in the Plan, the following criteria are considered, as appropriate:

- a) Risk of damage to the environment and / or its components, to the health or life of people due to activities under the competence of the EFA.
- b) Presence of socio-environmental conflicts.
- c) Environmental complaints.
- d) Presence of protected natural areas and / or buffer zones
- e) Economic activities with a greater number of sanctions and / or administrative measures imposed.
- f) Managed not previously audited.

Without prejudice to the aforementioned criteria, EFAs may consider additional technical criteria linked to the characteristics of the economic activity subject of environmental assessment or supervision. The programming of normative instruments is carried out as foreseen in the annex of these guidelines.

Article 8.- Approval and modification of the Planefa

- 8.1. The Plan is approved by Resolution of the holder of the EFA.
- 8.2. The EFA approves the Plan, at most, until the fifteenth (15) day of the month of March of the year prior to its execution.
- 8.3. If the POA of the EFA is modified, the Plan may be modified accordingly. For its modification, the same formality is followed as for its approval.

Article 9.- Virtual Registry of the Planefa

- 9.1. The EFA Plan must be registered within ten (10) business days after its approval, in the computer application available on the Institutional Portal of the OEFA (www.oefa.gob.pe/aplicativos/planefa).
- 9.2. If it is not possible to register the Plan through the application, the EFA must send the Plan to the nearest OEFA headquarters, stating the reasons for which it could not register said instrument, within the period established for that purpose. The OEFA body responsible for monitoring the respective EFA will be responsible for registering the Plan in the computer application referred to in numeral.

Article 10.- On compliance with environmental control actions

- 10.1. In accordance with the provisions of Article 6 of the Common Regime of Environmental Enforcement, approved by Ministerial Resolution No. 247-2013-MINAM, the EFA must report annually to the OEFA on the execution of the environmental control actions scheduled in the Plan, as well as those actions derived from the exercise of the sanctioning authority for the execution of the Plan, the execution of special or unscheduled supervision in cases of environmental complaints, environmental emergencies or other circumstances that merit it.
- 10.2. For purposes of the provisions of the preceding paragraph, each EFA reports quarterly on the computer application available on the Institutional Portal of the OEFA the environmental enforcement actions carried out, so that, with the delivery of the last quarterly report of the year, the Computer application automatically generates the Annual Report.
- 10.3. The reports are presented within ten (10) business days after the quarter in which the programmed actions were executed, and serve as input to the OEFA to carry out the follow-up actions to the compliance of the Plan by the EFA.
- 10.4. If it is not possible to register the quarterly report by the computer application, the EFA must present the information to the nearest OEFA headquarters, stating the reasons for which it could not register said report, being the OEFA body in charge of monitoring of the respective EFA responsible for its registration.
- 10.5. The EFA must comply with the actions envisaged in the Plan, without restricting or conditioning the possibility of carrying out complementary activities to ensure the efficiency and effectiveness of environmental control actions. In case of fortuitous circumstances or force

majeure that prevent the EFA from complying with the environmental control actions contained in the Plan, it must inform and support said circumstances to the OEFA in the corresponding quarterly report.

10.6. The OEFA, as the governing entity of the National Environmental Assessment and Enforcement System and by virtue of its supervisory function of the EFA's performance, is authorized to request additional information related to the environmental control actions carried out by the EFAs. In addition, the OEFA reports to the Office of the Comptroller General of the Republic the unjustified breach of the environmental control actions contained in the Plan by each EFA.

Article 11.- Indicators to measure the effectiveness and results of the exercise of environmental control

The OEFA verifies that the EFA have indicators that allow measuring the effectiveness of the exercise of the environmental control under their charge, within the framework of the indicators established by the OEFA, such as the reduction of risks and the prevention of damages in the face of the problem environmental that has been identified, to increase social welfare.

In a supplementary way, the EFAs will use the indicators that for such effects the OEFA approves in their respective Plan.

Article 12.- Integration of information

In order to comply with these Guidelines, the EFAs must have systematized and updated information to make it available to the SINEFA entities and the National Environmental Management System, and help with their articulation, in order to ensure the harmonious exercise of the environmental control and the coordinated and efficient intervention of the same.

The OEFA will implement the necessary computer support for the systematization, integration and dissemination of information.

FINAL SUPPLEMENTARY PROVISION

UNIQUE.- Strengthening capabilities

The Subdirectorate for Strengthening Capacities in Environmental Enforcement and the Subdirectorate for Monitoring Environmental Enforcement Entities of the Policy and Strategies in Environmental Enforcement Division, in coordination with the Coordination of Decentralized Offices, execute training activities in environmental control and provide technical assistance to the EFA on the Planefa.

TRANSITORY SUPPLEMENTARY PROVISION

UNIQUE.- About the approval of the Plan for the year 2019

Exceptionally, for the formulation of the Plan of the year 2019, the EFA can choose between the structure approved by the Resolution of the Directive Council No. 004-2014-OEFA / CD, or the structure approved by the present Guidelines.