

Guatemala

Country: [Guatemala](#) [1]

EIA Law: Decreto Número 68-86 Ley de Protección y Mejoramiento del Medio Ambiente

Law Link: [Link](#) [2]

EIA Regulations: Acuerdo Gubernativo 431-2007, Reglamento de Evaluación, Control y Seguimiento Ambiental

Regulations Link: [Link](#) [3]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: Projects classified in the lower impact category only need to present an Evaluación Ambiental Inicial or Autoevaluation (the document presented for screening and scoping in the full EIA process). The authority will issue its authorization on the basis of this document. EIA Regulations, Article 32

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: The authority makes screening decisions on the basis of an Initial Environmental Assessment (Evaluación Ambiental Inicial) document. EIA Regulations, Article 15

Criteria for Screening: List or appendix of project or activity types

Possible impact to, or adjacent to, a protected area

Criteria for Screening Detail: EIA Regulations, Article 12; Acuerdo Gubernativo No 134-2005, Article 1

Who Prepares EIA: Project Proponent (with or without contractor)

Who Pays for EIA: Project Proponent

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: EIA Regulations, Article 82

Conflict of Interest: No

Terms of Reference: Yes

Terms of Reference Detail: EIA Regulations, Articles 30 and 31

Days for Decision Maker Review: 30-90 days (depending on project classification)

Automatic Approval: Yes

Automatic Approval Detail: The developer has to request this type of approval, and the project must not produce environmental harm, must not pose a high environmental risk and must not be considered as environmental unfeasible. In such cases the Ministry will issue a "Conditioned" authorization, which it can revoke or suspend if the project produces environmental damages. EIA Regulations, Article 100

Written Decision: Yes

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: EIA Regulations, Article 25

Expiry of Decision: Variable (specified in authorization)

Expiry of Decision Detail: EIA Regulations, Article 49

Financial Assurances or Bond: Yes

Financial Assurances Detail: EIA Regulations, Article 63. Only projects under category "C", which do not present a full EIA are exempted from this requirement. EIA Regulations, Article 64.

Interdisciplinary Team: No

Interdisciplinary Team Detail: This criteria is not addressed in the EIA law or regulations

Range of Alternatives: Yes

Range of Alternatives Detail: The EIA must present the practical alternatives to the proposed action. EIA Regulations, Article 15

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Social impacts

Cultural impacts

Economic impacts

Mitigation: Yes

Mitigation Detail: EIA Regulations, Article 17

Monitoring Plans: Sometimes

Monitoring Plans Detail: The authority has discretion to decide whether to require a monitoring plan to be prepared. EIA Regulations Article 22.

Public Notice of Draft EIA: Yes

Draft EIA Available: Yes

Draft EIA Available Detail: EIA Regulations, Article 75

Draft EIA Locations: Agency or ministry office

Local government office

Public Notice of Final EIA: No

Final EIA Available: No

Final EIA Locations: Not Available

Availability of Reference Studies: No

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: The Ministry provides notice of its decision to people who presented comments. EIA Regulations, Article 78. The Ministry's EIA website has a "status" label which shows which projects have been approved. The Regulations do not declare whether public notice of decisions must be provided generally (e.g. to members of the public who did not submit comments).

Public Scoping: Yes

Public Scoping Detail: EIA Regulations, Articles 72, 75

Public Review of TOR: No

Public Participation Opportunities: Scoping

Review of draft EIA

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Yes

Public Meetings Detail: EIA Regulations, Article 74

Public Input at Meeting: Yes

Public Input at Meeting Detail: EIA Regulations, Article 74

Criteria to Hold Public Meeting: Public meeting and/or hearing is automatically required

Public Comments on Draft EIA: Yes

Public Comments on Draft EIA Detail: EIA Regulations, Articles 74 & 76

Public Comments on Final EIA: No

Response to Public Comments: Yes

Response to Public Comments Detail: The Authority must take into account comments with sound legal, scientific or technical basis. It will notify its decision to the people who sent comments. EIA Regulations, Article 78 as reformed by Acuerdo Gubernativo No 89-2008.

http://www.marn.gob.gt/sub/portal_sao/documents/leyes/gub-89-08.pdf

Facilitation of Public Participation: Yes

Facilitation of Public Participation Detail: EIA documents must be translated into local languages. EIA Regulations, Article 75

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: This topic is not discussed in the EIA law or regulations, but may be governed by the General Administrative Process Act. The Act recognizes the right of administrative review for involved parties inside an administrative process and for interested parties. It is possible that affected communities and individuals who commented on a project would be considered "interested parties." See Articles 10 and 22 of the Act. <http://www.marn.gob.gt/aplicaciones/normas10g/pdf/125.pdf>

Citizen Judicial Review: No

Project Monitoring: Yes

Project Monitoring Detail: The Ministry can require a monitoring plan or it can carry out independent monitoring activities. EIA Regulations, Articles 22 and 24 .

Enforceability of EIA Detail: Unclear. The EIA regulations only establish that the public can participate during the operational phase of a project. It does not define this participation in detail. EIA Regulations, Article 73.

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Days for Public to Review Draft EIA: 20 days

Modified: June 8th, 2020

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Links

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