

# Legal 500

## Country Comparative Guides 2025

Peru

Environment

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This country-specific Q&A provides an overview of environment laws and regulations applicable in Peru.

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## Peru: Environment

### 1. What is the environmental framework and the key pieces of environmental legislation in your jurisdiction?

The basis of environmental regulations in Peru is found in the Political Constitution of Peru, which recognizes the right of every person to enjoy a balanced and adequate environment for the development of their life. Based on this fundamental principle, various laws have been enacted to establish guidelines and procedures for environmental protection and natural resource management.

- Law No. 28611, General Environmental Law.
- Legislative Decree No. 757, Framework Law for the Growth of Private Investment.
- Law No. 27446, Environmental Impact Assessment System Law.
- Supreme Decree No. 019-2009-MINAM, Regulation of Law No. 27446.
- Legislative Decree No. 1013, Law on the Creation, Organization, and Functions of the Ministry of Environment.
- Law No. 28245, Framework Law of the National Environmental Management System.
- Supreme Decree No. 014-2024-PCM, Regulation of Law No. 28245, Framework Law of the National Environmental Management System.
- Law No. 29338, Water Resources Law and its Regulation approved by Supreme Decree No. 001-2010-AG.
- Law No. 29325, National Environmental Evaluation and Control System Law.
- Law No. 26834, Natural Protected Areas Law.
- Law No. 29763, Forestry and Wildlife Law.
- Supreme Decree No. 012-2017-MINAM, Criteria for the Management of Contaminated Sites.
- Legislative Decree No. 1278, Comprehensive Solid Waste Management Law (LGIRS) and its regulation, Supreme Decree No. 014-2017-MINAM.
- Supreme Decree No. 009-2019-MINAM, Special Regime for the Management and Handling of Waste Electrical and Electronic Equipment (WEEE).
- Board of Directors Resolution No. 00007-2021-OEFA-CD, Classification of Infractions and Scale of Sanctions for Non-Compliance in the Management of WEEE.
- Law No. 29662, Law Prohibiting Amphibole Asbestos and Regulating the Use of Chrysotile Asbestos.
- Supreme Decree No. 028-2014-SA, Regulation of Law No. 29662.
- Legislative Decree No. 1570, Comprehensive Chemical Substances Management Law.
- Law No. 27345, Law for the Promotion of Efficient Energy Use.
- Supreme Decree No. 053-2007-EM, Regulation of Law No. 27345.
- Law No. 30754, Framework Law on Climate Change.
- Supreme Decree No. 013-2019-MINAM, Regulation of Law No. 30754.
- Supreme Decree No. 004-2016-EM, Approves Measures for Efficient Energy Use.
- Ministerial Resolution No. 186-2016-MEM-DM, Criteria for the Preparation of Energy Audits in Public Sector Entities.
- Supreme Decree No. 007-2016-MINAM, National Strategy on Forests and Climate Change.
- Supreme Decree No. 012-2024-MINAM, National Policy: National Strategy on Climate Change to 2050.

### 2. Who are the primary environmental regulatory authorities in your jurisdiction? To what extent do they enforce environmental requirements?

Peru has various authorities responsible for environmental management and the protection of natural resources:

- Ministry of Environment (MINAM): Promotes the conservation and sustainable use of natural resources, ensuring environmental quality and the well-being of people.
- National Environmental Certification Service for Sustainable Investments (SENACE): Evaluates the environmental feasibility of the most complex investment projects, ensuring they are carried out sustainably.
- Environmental Evaluation and Control Agency (OEFA): Supervises and controls compliance with environmental regulations in the country, ensuring sustainable economic activities.
- National Service of Natural Protected Areas by the State (SERNANP): Ensures the conservation of Natural Protected Areas (ANP) and their biological diversity.
- National Water Authority (ANA): Manages and protects the country's water resources, attached to

the Ministry of Agriculture and Irrigation.

- National Forestry and Wildlife Service (SERFOR): Promotes the sustainable management of wild flora and fauna, under the Ministry of Agrarian Development and Irrigation.

In Peru, several entities are responsible for enforcing environmental requirements:

- OEFA: Supervision and control of productive and extractive activities.
- ANA: Administration and control of water resource management.
- SENACE: Evaluation and certification of environmental studies for complex projects.

The Ministry of Environment coordinates with these entities to establish environmental policies and ensure comprehensive environmental protection.

### 3. What is the framework for the environmental permitting regime in your jurisdiction?

There is extensive environmental regulation for specific permits in sectors such as mining, hydrocarbons, industry, agriculture, and transportation, regulated by sectoral authorities such as MINEM, PRODUCE, and MIDAGRI. The cross-sectoral regulations include: i) enabling titles related to water resources issued by ANA; ii) sustainable management permits for flora and fauna issued by SERFOR; iii) permits for the conservation of protected natural areas issued by SERNANP; and iv) Certificate of Non-Existence of Archaeological Remains (CIRA) issued by the Ministry of Culture.

Additionally, the framework for obtaining environmental management instruments in Peru is mainly regulated by Law No. 27446 and its regulation. This regulation establishes procedures and requirements for the evaluation and authorization of projects with environmental impacts, allowing the appropriate environmental management instrument (IGA) to be obtained according to the magnitude of the impacts.

### 4. Can environmental permits be transferred between entities in your jurisdiction? If so, what is the process for transferring?

Regarding the possibility of transferring environmental permits, given the vast array of these permits and their regulation by different norms and entities, some of them can indeed be transferred. This is the case with the CIRA, where it is expressly established that this will occur if the

rights and obligations are transferred to a third party or if there is a sale, merger, split, among others.

On the other hand, the Enabling Titles issued by the National Water Authority (ANA), which have specific conditions, do not allow their transfer. The established procedure in the regulations issued by this Authority must be followed to regain the status of holder of the mentioned permits.

Finally, it should be noted that, in the case of Environmental Management Instruments, these can be transferred from one holder to another due to the transfer of the productive or extractive activity, with the sole condition of notifying the competent environmental authorities about this change and attaching the document that validates it (purchase-sale contract, assignment of rights, among others). Thus, the new holder assumes all the obligations contained in the mentioned document.

### 5. What rights of appeal are there against regulators with regards to decisions to grant environmental permits?

Natural or legal persons who apply for environmental permits have the right to challenge the decisions of all governmental authorities, since environmental permits are administrative acts governed by the provisions of the General Administrative Procedure Law, Law No. 27444.

They have the administrative remedies established therein to challenge the decisions of the authorities: reconsideration or appeal.

### 6. Are environmental impact assessments (EIAs) for certain projects required in your jurisdiction? If so, what are the main elements of EIAs (including any considerations in relation to biodiversity or GHG emissions) and to what extent can EIAs be challenged?

In Peru, Environmental Impact Assessments (EIA) are mandatory for projects that may generate environmental impacts, regulated by Law No. 27446 and its regulation. These assessments ensure the sustainability and minimization of environmental and social impacts of the projects. There are three main types of environmental studies according to the magnitude of the project and its impacts:

1. Environmental Impact Declaration (DIA): For projects with minor impacts.

2. Semi-Detailed Environmental Impact Study (EIA-sd): For projects with moderate impacts.
3. Detailed Environmental Impact Study (EIA-d): For projects with significant impacts.

The studies are evaluated by competent entities, such as SENACE for complex projects and other sectoral entities (MINEM, MIDAGRI, PRODUCE) for smaller projects **Main Elements of an EIA:**

1. **Project Description:** Details of the project, including location, design, technology, schedule, and alternatives.
2. **Impact Identification and Assessment:** Evaluation of potential environmental impacts, both positive and negative.
3. **Mitigation Measures:** Actions and strategies to prevent, reduce, control, or compensate for negative impacts.
4. **Public Participation:** Consultation and participation of the local community and interested stakeholders.

#### Appeal Mechanisms:

- **Complaint:** Submit a complaint to the entity that issued the EIA, explaining the reasons for disagreement.
- **Public Participation:** Express concerns and present arguments against the EIA during the evaluation process.
- **Administrative Remedies:** File an administrative appeal with the corresponding entity according to Law No. 27444.

### 7. What is the framework for determining and allocating liability for contamination of soil and groundwater in your jurisdiction, and what are the applicable regulatory regimes?

**Soil:** Supreme Decree No. 011-2017-MINAM establishes the Environmental Quality Standards (ECA) for Soil, defining the maximum permissible levels of chemical substances. Obligations include monitoring, identifying contaminated sites, and implementing remediation plans when necessary.

**Water:** Supreme Decree No. 004-2017-MINAM establishes the ECA for water, modifying and eliminating some values and parameters, while maintaining others. The Water Resources Law (Law No. 29338) prohibits the discharge of untreated wastewater. The National Water Authority (ANA) authorizes treated discharges, ensuring their compliance with the ECA and Maximum Permissible Limits (LMP).

Responsibilities are assigned according to the sector, such as mining or hydrocarbons. Supreme Decree No. 039-2014-EM establishes that the holders of activities in these sectors are responsible for any action that exceeds the current LMP and ECA. Violations are sanctioned by the competent environmental oversight authority.

### 8. Under what circumstances is there a positive obligation to investigate land for potential soil and groundwater contamination? Is there a positive obligation to provide any investigative reports to regulatory authorities?

According to Supreme Decree No. 012-2017-MINAM, the obligation to investigate land for possible soil and groundwater contamination is triggered under various specific circumstances:

1. **Potentially Contaminating Projects or Activities:** Activities involving the use, handling, storage, transportation, production, emission, or disposal of hazardous chemical substances (art. 3).
2. **Projects in Areas with Previous Contaminating Activities:** Evaluation of contaminated sites within the direct influence area of the project as part of the baseline (art. 10).
3. **Closure or Abandonment of Operations:** Comprehensive evaluation to determine the presence of contaminated sites (art. 12).
4. **Incidents or Contingencies:** New evaluation if the measures in the Contingency Plan are insufficient (art. 11, inc. 2).
5. **Oversight by Competent Authorities:** Evaluation of a site if indications of possible contamination are identified during oversight functions (art. 11, inc. 3).

**Obligation to Provide Reports** It is mandatory to submit investigation reports to regulatory authorities:

- **Contaminated Sites Identification Report:** Systematizes and documents the results of the identification phase (art. 6).
- **Characterization Study:** Defines the magnitude of the contamination and the remediation measures (art. 7).
- **Remediation Plan:** Must be approved by the corresponding authority and communicated to the environmental oversight entity (art. 8).

These reports are fundamental to ensuring proper environmental management and protecting health and the natural environment.

## 9. If land is found to be contaminated, or pollutants are discovered to be migrating to neighbouring land, is there a duty to report this contamination to relevant authorities?

In Peru, there is no explicit obligation to report soil contamination or the migration of contaminants to neighbouring lands to the authorities. However, Supreme Decree No. 0122017-MINAM establishes the Criteria for the Management of Contaminated Sites, which include three evaluation phases: identification, characterization, and the development of a remediation plan.

1. **Identification Phase:** Consists of preliminary evaluation and identification sampling to determine the existence of a contaminated site.
  - **Preliminary Evaluation:** Investigation of historical backgrounds and potentially contaminating activities, as well as field inspections.
  - **Identification Sampling:** Soil sampling and comparison with Environmental Quality Standards (ECA).
2. **Contaminated Sites Identification Report (IISC):** Documents the results of the evaluation and confirms the existence of the contaminated site. This report must be submitted to the competent authority, which can be a national, regional, or local government entity responsible for issuing environmental certification within the SEIA framework.

Although there is no explicit obligation to report contamination, it is considered implicit in the obligation to submit the IISC, which implies communicating the existence of a contaminated site to the competent authority.

## 10. Does the owner of land that is affected by historical contamination have a private right of action against a previous owner of the land when that previous owner caused the contamination?

According to Article IX of Law No. 28611, General Environmental Law, the party responsible for environmental degradation, whether a natural or legal person, must take measures to restore, rehabilitate, or repair the damage. If this is not possible, they must compensate for the environmental damage, without prejudice to the corresponding administrative, civil, or criminal liabilities.

Article 113 of the same law establishes the obligation of every person to contribute to the recovery of environmental quality. This regulatory framework creates

a general obligation to protect and restore the environment, but also highlights the relevance of civil law in actions between private parties.

The Peruvian legal system recognizes different regimes of liability: administrative, criminal, and civil. Civil liability focuses on the repair of damages, imposing on the responsible party the obligation to compensate the affected party. In situations involving relationships between private parties (current and previous owners), the action shifts to the civil domain.

## 11. What are the key laws and controls governing the regulatory regime for waste in your jurisdiction?

The regulatory regime for waste in Peru is composed of various norms to ensure proper, efficient, and sustainable management, protecting public health and the environment.

### Main Norms:

- Legislative Decree No. 1278: Approves the Comprehensive Solid Waste Management Law (LGIRS) and its regulation, Supreme Decree No. 014-2017-MINAM.
- Special Regime for the Management and Handling of Waste Electrical and Electronic Equipment (WEEE): Supreme Decree No. 009-2019-MINAM.
- Board of Directors Resolution No. 00007-2021-OEFA-CD: Classification of infractions and scale of sanctions for non-compliance in the management of WEEE.

### Key Controls:

- **Waste Classification:** Hazardous and non-hazardous, and municipal and non-municipal (art. 31 LGIRS).
- **Waste Management:** Mechanisms and operations such as transportation, storage, recovery, and final disposal (art. 32 LGIRS).
- **Waste Management Instruments:** National Plan for Comprehensive Solid Waste Management (PLANRESS) (art. 9 LGIRS Regulation).
- **Oversight and Supervision:** Conducted by MINAM, OEFA, and Environmental Oversight Entities (EFA) (art. 130 LGIRS Regulation).

## 12. Do producers of waste retain any liabilities in respect of the waste after having transferred it to another person for treatment or disposal off-site

### (e.g. if the other person goes bankrupt or does not properly handle or dispose of the waste)?

According to Legislative Decree No. 1278 and its regulation, generators, operators, or any person handling waste outside municipal management are responsible for proper management and any environmental impact they may cause.

#### Obligations of Non-Municipal Waste Generators (Art. 48 LGIRS Regulation):

1. **Proper Waste Management:** Generators must manage waste in accordance with regulations regarding its treatment, handling, and disposal.
2. **Waste Record:** Maintain an internal record of waste generation and management, including quantity, minimization measures, and management.
3. **Contracting Authorized Companies (EO-RS):** Generators must contract authorized and trained solid waste operating companies for proper waste management outside their facilities.

#### Principle of Shared Responsibility (Art. 5 LGIRS):

- Comprehensive waste management is a shared social responsibility among generators, waste operators, and municipalities.
- The generator's responsibility persists even after delivering the waste to the EO-RS.

#### Joint Liability (Art. 58 LGIRS):

- If the EO-RS improperly manages the waste and causes environmental impact, the generator is jointly liable for the environmental impacts.
- The generator must take corrective measures, such as environmental restoration of the affected area.
- If an operator detects non-compliance by an EO-RS, they must report it to the competent authorities.

### 13. To what extent do producers of certain products (e.g. packaging/electronic devices) have obligations regarding the take-back of waste?

Supreme Decree No. 009-2019-MINAM and its complementary provisions approved by Supreme Decree No. 035-2021-MINAM establish a set of special regulations for the management and handling of WEEE, with the aim of protecting the environment and human health.

#### Responsibilities and Obligations of Producers:

1. **Definition of Producers:** Natural persons or private entities engaged in commercial activities related to EEE, including manufacturers, assemblers, or importers (art. 9 RMGRAEE).
2. **Extended Responsibility:** Producers assume responsibility for EEE throughout its entire lifecycle, including the post-consumption stage.
3. **WEEE Management Systems:**
  - **Individual System:** Producers establish their own system.
  - **Collective System:** A group of producers operates a shared system.
4. **WEEE Management Plan:** Submitted to MINAM for approval, includes collection systems and accessible return points for consumers.
5. **Management of Transport and Final Disposal:** Producers manage the transport and final disposal of WEEE to treatment or final disposal facilities.
6. **Regulatory Compliance:** Ensure that all phases (collection, transport, treatment, and final disposal) are carried out in accordance with the special WEEE regime, avoiding negative impacts on the environment and public health.

### 14. What are the duties of owners/occupiers of premises in relation to asbestos, or other deleterious materials, found on their land and in their buildings?

Law No. 29662 and its regulation, approved by Supreme Decree No. 028-2014-SA, regulate the removal, transportation, and final disposal of chrysotile asbestos in Peru. Asbestos is considered a non-municipal hazardous waste due to its risks to public health and the environment. Although the regulations do not clearly specify the obligations of property owners with asbestos, it is inferred that they must initiate removal if the material poses a danger. This removal must be carried out by a Solid Waste Service Provider Company (EPS-RS) and comply with the regulations of the National Health Authority and the Ministry of Transport and Communications (MTC). In summary, property owners must hire specialized companies to ensure proper asbestos management.

### 15. To what extent are product regulations (e.g. REACH, CLP, TSCA and equivalent regimes) applicable in your jurisdiction? Provide a short, high-level summary of the relevant provisions.

In Peru, the regulation of hazardous substances and chemical products has evolved to protect public health

and the environment. Although international regulations such as REACH, CLP, and TSA do not apply in the country, there is the Comprehensive Chemical Substances Management Law approved by Legislative Decree No. 1570.

#### Key Provisions of the Law:

1. **Coordinated Participation:** Promotes collaboration among competent entities, chemical substance users, and the public.
2. **Principle of Transparency:** Users are responsible for information about the hazards associated with substances, and citizens have the right to access this information.
3. **Protection of Health and the Environment:** Directs management towards the safety of people and the preservation of the environment.
4. **Classification and Labeling:** Based on the UN Globally Harmonized System (GHS), with approval from the Ministry of Health (MINSA).
5. **National Chemical Substances Registry (RENASQ):** Mandatory registration to systematize information on manufactured or imported chemical substances.
6. **Environmental Management Measures:** Incorporation of specific measures in environmental management instruments for hazardous substances.
7. **Risk Assessment:** Evaluation process submitted to MINSA for approval.
8. **Lifecycle Management:** Prioritizes the prevention and minimization of waste, its recovery, and final disposal in accordance with national and international regulations.

#### 16. What provisions are there in your jurisdiction concerning energy efficiency (e.g. energy efficiency auditing requirements) in your jurisdiction?

Law No. 27345, enacted on September 8, 2000, declares the promotion of Efficient Energy Use (EEU) in Peru as a matter of national interest. This law aims to ensure energy supply, protect consumers, promote economic competitiveness, and reduce the negative environmental impact associated with energy use. To regulate the law, Supreme Decree No. 053-2007-EM was issued, modified by Supreme Decree No. 011-2021-EM, detailing provisions to promote efficient energy use.

The Ministry of Energy and Mines, in coordination with Regional Governments, develops Sectoral Programs, the Referential Plan for Efficient Energy Use, and the national inventory of energy resource potential. Additionally, it organizes the National Awards for Efficient Energy Use

and establishes requirements for the certification of energy auditors. Ministerial Resolution No. 038-2009-MEM-DM approves energy consumption indicators by sectors and defines the corresponding monitoring methodology. Supreme Decree No. 004-2016-EM promotes efficient energy use in the public sector through efficient technologies, and Ministerial Resolution No. 186-2016-MEM-DM defines criteria for energy audits in public entities.

Overall, this regulatory framework reflects a comprehensive commitment to the rational use of energy, ensuring its future availability and promoting economically and environmentally sustainable development.

#### 17. What are the key policies, principles, targets, and laws relating to the reduction of greenhouse gas emissions (e.g. emissions trading schemes) and the increase of the use of renewable energy (such as wind power) in your jurisdiction?

In Peru, the regulatory framework on climate change includes Law No. 30754 and its Regulation (Supreme Decree No. 013-2019-MINAM), which coordinate mitigation and adaptation measures to climate change. The law promotes forest conservation, waste management, and the use of renewable energies, as well as periodically updating the national GHG inventories. The National Competitiveness and Productivity Plan 2024-2030 (Supreme Decree No. 203-2024-EF) and the National Strategy on Forests and Climate Change (Supreme Decree No. 007-2016-MINAM) are also key measures to reduce emissions and promote sustainability.

#### 18. Does your jurisdiction have an overarching "net zero" or low-carbon target and, if so, what legal measures have been implemented in order to achieve this target.

Peru has committed to achieving carbon neutrality in alignment with the Paris Agreement. The National Climate Change Strategy (ENCC) 2050, approved by Supreme Decree No. 012-2024MINAM, establishes a comprehensive framework to achieve this goal, guiding public management towards sustainable development and strengthening climate change adaptation.

#### 19. Are companies under any obligations in your

**jurisdiction to have in place and/or publish a climate transition plan? If so, what are the requirements for such plans?**

N/A

**20. To what extent does your jurisdiction regulate the ability for products or companies to be referred to as "green", "sustainable" or similar terms? Who are the regulators in relation to greenwashing allegations?**

The Environmental Advertising Guide, published by INDECOPI on October 18, 2023, establishes clear criteria for the use of terms such as "sustainable products" and "eco-friendly, green, or ecological products." INDECOPI oversees and sanctions greenwashing, defined as advertising that misleadingly induces consumers to believe in the environmental safety of products. The legal framework includes Legislative Decree No. 1044 and Law No. 29571, which consider false or misleading claims about the environmental attributes of a product as acts of deception.

**21. Are there any specific arrangements in relation to anti-trust matters and climate change issues?**

In Peru, Law No. 30754, Framework Law on Climate Change, and its Regulation (Supreme Decree No. 013-2019-MINAM) establish the legal framework for comprehensive climate change management. However, there is still no specific regulation governing the interaction between antitrust policies and climate change, unlike the European Union, where sustainability criteria have been integrated into competition regulations. This represents an opportunity for future legal reforms in Peru that would allow cooperation between companies in sustainable initiatives without contravening antitrust provisions

**22. Have there been any notable court judgments in relation to climate change litigation over the past three years?**

In recent years, Peru has recorded several climate litigation cases. Between 2019 and 2021, six active cases were created in the region, and at the national level, two cases stand out: Colegio de Sociologist del Perú vs. Law No. 31973, and youth vs. the Peruvian State, both of which remain without a final judgment to date. In 2023,

the Institute for Legal Defense of the Environment and Sustainable Development (IDLADS Peru) filed a lawsuit against the Ministry of Environment for non-compliance with climate obligations, resulting in a historic ruling that ordered the creation of a guarantee fund with priority for indigenous peoples.

**23. In light of the commitments of your jurisdiction that have been made (whether at international treaty meetings or more generally), do you expect there to be substantial legislative change or reform in the relation to climate change in the near future?**

Peru has ratified international treaties such as the Paris Agreement (2015), committing to reduce its greenhouse gas emissions. Law No. 30754 establishes the basis for adaptation and mitigation policies for climate change, although its implementation faces challenges such as budgetary limitations and lack of intersectoral coordination. The National Climate Change Strategy 2050 and policies for the transition to renewable energies represent promising advances but are still insufficient to generate significant structural change in the short term. In the future, the focus is expected to be on improving the implementation of existing regulations and creating incentives for key sectors, influenced by international pressure and growing public awareness.

**24. To what extent can the following persons be held liable for breaches of environmental law and/or pollution caused by a company: (a) the company itself; (b) the shareholders of the company; (c) the directors of the company; (d) a parent company; (e) entities (e.g. banks) that have lent money to the company; and (f) any other entities? Transactions**

The General Environmental Law (Law No. 28611) establishes environmental liability as a fundamental principle, ensuring that any entity causing environmental damage must take measures for its restoration, rehabilitation, or repair. According to Article 74, the operator is responsible for emissions, effluents, and other negative impacts resulting from its activities, covering risks to environmental damage caused by action or omission.

Administrative liability, determined by competent bodies such as the National Water Authority and the Environmental Assessment and Enforcement Agency, is

independent of civil or criminal liability arising from the facts, allowing multiple procedures for the same act. The liability regime falls on the operator, who must bear the costs of preventing and mitigating the damage.

Additionally, the law contemplates joint liability among operators of infringing activities and professionals responsible for the poor preparation or application of environmental management instruments (Article 140). In administrative proceedings, shareholders, directors, and/or the parent company are not liable for environmental non-compliance, as this responsibility lies with the operator

**25. To what extent can: (a) a buyer assume any pre-acquisition environmental liabilities in an asset sale/share sale; and (b) a seller retain any environmental liabilities after an asset sale/share sale in your jurisdiction?**

Article IX of the General Environmental Law (LGA) establishes that the party responsible for environmental degradation must take the necessary measures for its rehabilitation or degradation. The operator is responsible for compensating the damages caused, without transferring this obligation to its shareholders.

Based on the principle of environmental liability, the responsibility for damages remains with the operator who performed the act or omission, even if the ownership of the activity or the environmental management instrument is transferred. The parties in the transaction can determine who assumes the costs of the remediation measures, but this does not affect the liability of the polluting operator.

Although environmental regulation does not require the specific disclosure of environmental information in asset, share, or company transactions, the Civil Code establishes that contracts must follow the rules of good faith. Therefore, the obligation to disclose relevant environmental information arises from the principle of contractual good faith.

**26. What duties to disclose environmental information does a seller have in a transaction? Is environmental due diligence commonplace in your jurisdiction?**

See question above.

**27. What environmental risks can be covered by insurance in your jurisdiction, and what types of environmental insurance policy are commonly available? Is environmental insurance regularly obtained in practice?**

Currently, Peruvian environmental regulation does not establish conditions or guidelines for environmental insurance. However, Article 147 of the General Environmental Law (LGA) stipulates that the responsible party must carry out the remediation of the damage, restoring the situation to its state prior to the harmful event and providing economic compensation.

According to Article 148, in the case of high-risk environmental activities, the competent sectoral authority may establish a guaranteed system to cover compensation for environmental damage. Operators of activities with high environmental impact must guarantee the costs of closure and post-closure measures, constituting guarantees in favor of the competent authority according to the Financial System and Insurance System Law.

Once the rehabilitation measures are completed, the authority releases the guarantees. In the mining sector, Law No. 28090 establishes that the operator of the mining activity must constitute guarantees in favor of the Ministry of Energy and Mines or the competent Regional Government to cover the costs of environmental rehabilitation and mitigation in the closure and post-closure stages.

**28. To what extent are there public registers of environmental information kept by public authorities in your jurisdiction? If so, what is the process by which parties can access this information?**

Environmental authorities must maintain a record of all information related to projects that impact environmental components, and the permits issued. According to the Consolidated Text of Law No. 27806, the general procedure for accessing public information is detailed in Article 11, indicating that the request must be addressed to the designated official or the immediate superior.

The Authority has 10 business days to respond to the request, which can be reduced to 2 days in justified cases. If the entity does not address the request, the applicant may appeal to the National Authority for Transparency and Access to Public Information. If the entity does not have the information but knows its

location, it must redirect the request to the corresponding entity.

This right has exceptions, such as information reserved for preventing and suppressing crime and confidential information protected by banking, tax, commercial, industrial, technological, and stock market secrecy.

### **29. To what extent is there a requirement on public bodies in your jurisdiction to disclose environmental information to parties that request it?**

According to Article 32 of Law No. 28245, public administration entities must facilitate direct and personal access to the environmental information requested from them that falls within their competence or processing, ensuring the normal development of their activities.

Every person has the right to request and receive information about the state and management of the environment and natural resources, in accordance with the Constitution, Law No. 27806, and current legal provisions, without the need to invoke a special interest to justify their request.

### **30. Are entities in your jurisdictions subject to mandatory greenhouse gas public reporting requirements?**

N/A

### **31. Have there been any significant updates in environmental law in your jurisdiction in the past three years? Are there any material proposals for significant updates or reforms in the near future?**

In the past three years, the main environmental regulations in Peru, such as the General Environmental Law, the SEIA Law, and the SNGA Law, have not been updated. However, after 12 years, the Environmental Regulation for the agricultural sector was issued on June 9, 2024, updating the standards that regulate the environmental management of this important sector in Peru.

There are significant environmental bills, such as the Supreme Decree proposed by Ministerial Resolution No. 00440-2024-MINAM, which approves the Climate Financing Strategy to implement adaptation and mitigation measures. This bill seeks to ensure the implementation of effective measures to address climate challenges and reduce associated damages and losses, promoting a coordinated and sustainable response at all levels.

Another relevant bill is the Supreme Decree that approves the Regulation of Law No. 32106, the Environmental Emergency Declaration Law, published by Ministerial Resolution No. 00015-2025-MINAM. This bill aims to strengthen the functionality and efficiency of the Environmental Emergency Declaration (DEA) and improve the response capacity to environmental emergencies, ensuring coordinated and efficient action by all involved parties.

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