

Legal update

Recent news in the Environmental sector

July 2018

New regulation on efficient use and saving of water

On June 28, 2018, the Ministry of Environment and Sustainable Development (MADS) issued Decree 1090 that regulates the Efficient Use and Water Saving Program, set forth in the Decree of the Environment and Sustainable Development Sector – No. 1076 of 2015, which is part of the National Policy for the Integrated Management of Water Resources (PNGIRH) set out by the Government in 2010. Decree 1090 applies to environmental authorities, users that request water concessions and territorial entities responsible for the implementation of programs and projects aimed at the efficient use of water.

Among other aspects, Decree 1090 provides that as of the second semester of 2018, those who make requests for water concessions or environmental licenses that imply the concession of water must submit a Program for Efficient Use and Saving of Water to the competent environmental authority of Water (known as PUEAA in Spanish). The latter must include plans and actions aimed at minimizing water consumption, reducing waste or optimizing the amount of water to be used in a project, work or activity through practices such as reuse, recirculation, use of rainwater, water loss control or the reconversion of technologies.

On the other hand, it establishes that the territorial entities must incorporate into their Development and Territorial Ordinance Plans, programs aimed at the efficient use and saving of water within the framework of the PNGIRH and of the environmental planning instruments.

Furthermore, according to Decree 1090 a transition regime must be adopted, depending on whether a certain project, work or activity initiated the respective procedures to obtain the water concession or the establishment of the environmental license before June 28, 2018.

Moreover, the projects and activities that are in process of authorization before the corresponding environmental authority will be governed by the regulations in force at the time of the request for the water concession or environmental license, and will continue their processing in accordance with such rules. However, the relevant applicant can comply with the provisions of Decree 1090 unilaterally. Likewise, in the event that the owner of the concession or environmental license intends to renew or modify the concession, it must comply with the provisions of Decree 1090 of 2018.

For the time being, the MASD must establish the structure and content of the PUEAA. Additionally, the environmental authorities must define the technical criteria for those users who have a flow for the development of their activity qualified as "low", which will require a simplified PUEAA.

Please do not hesitate to contact us if you have questions or comments on the document. With pleasure we will be attentive to discuss and review the topics that they consider appropriate.

For further information, please contact one of the following lawyers:

> Luis Carlos Neira	Bogotá	+57 1.746.6070	luiscarlos.neira@nortonrosefulbright.com
> Pablo Jaramillo	Bogotá	+57 1.746.6074	pablo.jaramillo@nortonrosefulbright.com
> Inés Elvira Vesga	Bogotá	+57 1.746.4657	ines.vesga@nortonrosefulbright.com
> Mariana Gutiérrez	Bogotá	+57 1.746.6770	mariana.gutierrez@nortonrosefulbright.com

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