

**PROVINCIAL DECENTRALIZED AUTONOMOUS GOVERNMENT OF EL ORO
ENVIRONMENTAL MANAGEMENT SECRETARIAT**

Official Letter No. GADPEO-SGA-2020-0252-OF

Machala, January 3, 2020

Subject: Approval of the Environmental Compliance Audit of the project: "**CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLIVAR,**" corresponding to the period from April 2018 to March 2019.

To
Alfredo Jurado Von Buchwald
General Manager
Yilport Terminal Operations YILPORTECU S.A.
Machala.

Dear Sir,

It is hereby indicated: In the official letter No. YPTO-GG-0008-2020, dated January 16, 2020, is established compliance with the environmental fee payments to obtain the approval of the Environmental Audit of Fulfillment of the project: "**CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLIVAR,**" located in the Machala canton.

In the aforementioned official letter are attached the electronic receipts of: For the deposit of 900.00 USD corresponding to the rate of 10% of the cost of the Audit and PMA; and for the deposit of 320.00 USD regarding the Environmental Monitoring and Control Fee of the project. The documents above have been sent according to official letter No. GADPEO-SGA-2019-2860-OF, dated December 26, 2019, following the provisions of Article 2 of Ministerial Agreement 083-B, dated July 08 of 2015.

With this information, I inform that this Secretariat APPROVES the Environmental Compliance Audit of the project: "**CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLIVAR,**" corresponding to the period from April 2018 to March 2019, in accordance with current environmental regulations.

It is also indicated that the provisions of the Approved Environmental Management Plan must be strictly complied with, for which the Environmental Management Secretariat of the Autonomous Decentralized Provincial Government of El Oro, as the Environmental Authority for Responsible Enforcement, will be in charge of controlling and monitoring the project: "**CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF**

**PROVINCIAL DECENTRALIZED AUTONOMOUS GOVERNMENT OF EL ORO
ENVIRONMENTAL MANAGEMENT SECRETARIAT**

PUERTO BOLÍVAR"; Likewise, the next Audit must be submitted in the month of April 2022, in accordance with the provisions of the second paragraph of article 493 of the Regulations to the Organic Code of the Environment, published in the Official Registry 507, of June 12, 2019.

Without further ado, I remain at your disposal.

Sincerely,

[signature]
Mario León Valarezo
**General Coordinator of the
Secretariat of Environmental Management**

Seal of the PROVINCIAL
DECENTRALIZED AUTONOMOUS
GOVERNMENT OF EL ORO – EL
ORO PREFECTURE
ENVIRONMENTAL MANAGEMENT
SECRETARIAT

EXECUTIVE SUMMARY

Puerto Bolívar is located on the South American coast, south of Ecuador, in the parish of Puerto Bolívar in the canton of Machala, province of El Oro, and is the second port of the Republic for cargo movement within the National Port System.

By Executive Decree N0674 of May 12, 2015, the delegation of the private initiative for the management of the port public service of Puerto Bolívar was authorized on an exceptional basis by the President of the Republic through contractual modality. With this provision, by official document APPB-CG – 0257 dated June 5, 2015, the General Management appointed the Technical Commission to carry out the public tender procedure for the "DESIGN, FINANCING, EXECUTION OF ADDITIONAL WORKS, EQUIPMENT, OPERATION, AND MAINTENANCE OF THE PORT TERMINAL OF PUERTO BOLÍVAR." Following the negotiation and award report dated February 22, 2016, the award resolution was made to the company YILPORT HOLDING NV, which was issued by Administrative Resolution N0 31 -2016 dated February 24, 2016.

The nature of the signed contract involves a Delegation to the private sector of the management of the port public service of the Port Authority of Puerto Bolívar (APPB), under the modality of a private Public Association in accordance with the applicable law, through which APPB acts as a delegating entity and YILPORT TERMINAL OPERATIONS (YILPORTECU) S.A. operates as a Private Manager, which will be in force for a regular period of 50 years. The YILPORTECU Development Plan plans to transform Puerto Bolívar into a modern port facility, not only for current traffic but to incorporate new bulk traffic (cereals, clinker, coal, minerals, among others) and containers. To this end, YILPORTECU will carry out the development of a new network of port infrastructures and facilities and their related auxiliary services such as cold storage and facilities for reception, storage, and delivery of bulk cargo. Also, the dock area will be designed to accommodate vessels of maximum size operating in the region, with 16.5 m of draft and lengths of more than 400 m. This aspect of the design is critical for the terminal to be competitive in the environment. The final product will be that the Port Terminal of Puerto Bolívar becomes an exemplar and leader handling more than five types of goods with dedicated equipment.

Based on this award, YILPORT HOLDING NV carries out the Environmental Impact Study of the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR, OPERATED BY YILPORT TERMINAL OPERATIONS YILPORTECU S.A." details the control measures applied through the Environmental Management Plan designed for this purpose.

By Resolution No. GADPEO-2018-009363-SUIA, of April 03, 2018, the Provincial Government

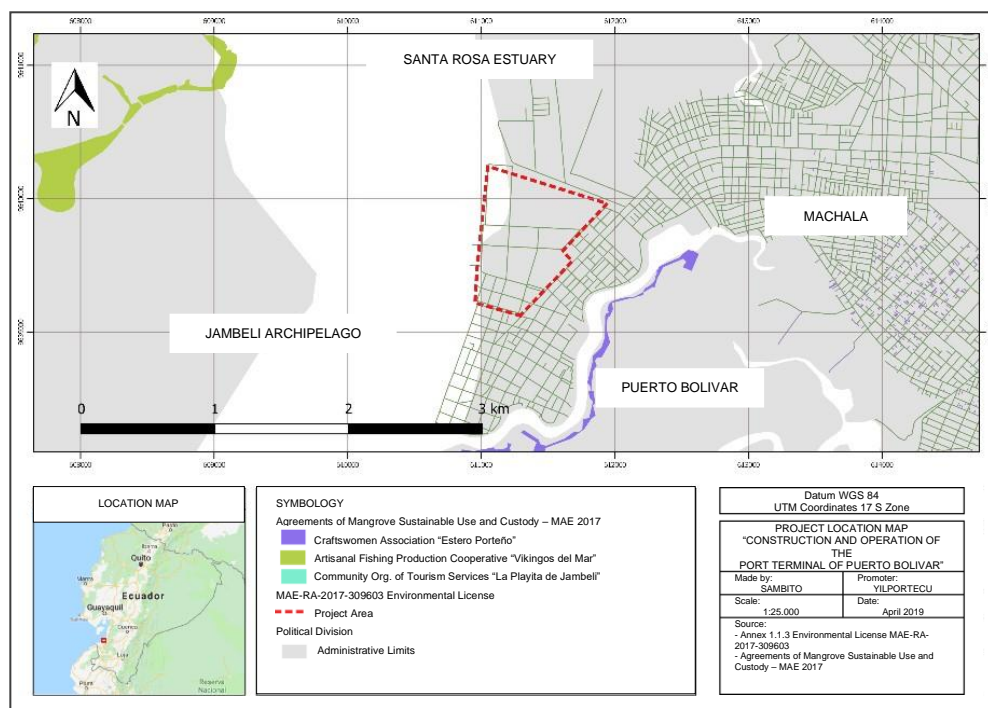
of El Oro awards, in favor of the company YILPORT TERMINAL OPERATIONS (YILPORTECU S.A.), the Environmental License for the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR, OPERATED BY YILPORT TERMINAL OPERATIONS YILPORTECU S.A."

To date, the construction of the infrastructure included in the Environmental License has not begun (construction of Pier No. 6, new courtyards, cold warehouse or refrigerator plant, cellars for storage and distribution of grains, among other minor works) since the company is still in the execution of required administrative processes, and the necessary engineering studies. However, construction projects are expected to start in May 2020.

In accordance with the obligations outlined in its Environmental License, and in terms of the applicable Environmental Regulations, the Promoter shall submit the Environmental Compliance Audit for the period from April 03, 2018, to April 03, 2019, once the Terms of Reference (TDR's) for it have been approved by the Environmental Responsible Application Authority (AAR).

Based on the approved Terms of Reference, notified by Official Document No. GADPEO-SGA- 2019-0890- dated May 06, 2019 – Environmental Audit of compliance with the phase of operation of the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR, OPERATED BY YILPORT TERMINAL OPERATIONS YILPORTECU S.A.," is carried out during the period from April 03, 2018, to April 03, 2019.

Figure 1 Project Location



Produced by: ECOSAMBITO C.LTDA.
Location: Puerto Bolívar, Machala – El Oro
Date: May 2019

The objectives of the Audit were determining the current state of the environment surrounding the project's area of influence; evaluating the abiotic, biotic, socio-environmental conditions and the environmental impacts that have occurred in the areas of influence of the project, by the effect of the dredging and deposit works high seas; verifying the compliance with the conditions of the Environmental License granted by the Ministry of the Environment, for the execution of the project; verifying compliance with the Environmental Management Plan, as well as the environmental legislation in force; and recommending environmental actions and measures to be adopted in the future, through the updating of the Environmental Management Plan.

New services

To expand its service offering for the importing and exporting sector, Yilport is developing new services; some require the purchase of machinery and management equipment detailed in the Report, including, in addition to the projects specified within the initial EIA, the development of services for the mining sector and the management of bulk loads. In the first phase (2019-2021), the export of sealed containerized copper concentrate is expected, i.e., container handling in a usual manner, with the required prevention measures. It is also considered the option to handle *big bags* of material and be placed in containers.

In a second phase (2020 onwards), it is planned to implement rotary container technology that will allow bulk loading on bulk vessels by means of a holding head or *spreader* that enables the container to be turned into the vessel's hold. It has a mist system that emits jets of water particles to prevent dust generation into the environment.

The first phase is estimated to mobilize 136,092 metric tons of concentrate, representing a monthly load of approximately 12,000 metric tons. In contrast, in the second phase (from 2022), an increase to 360,000 metric tons per year is expected, representing a monthly load of 30,000 metric tons.

In both cases, containerized cargo and *retainer*, providing the services described, does not require additional infrastructure at the terminal but will use the available storage yards.

The Prevention and Mitigation Plan, part of the proposed updated Management Plan, sets out additional measures to prevent or mitigate potential impacts that might arise in incidents.

Updating the Environmental Management Plan

It is proposed, taking into account the results of the compliance evaluations and the applicable technical standards, updating the Management Plan according to the model shown in Table

9-1. It identifies and establishes specific plans, programs, and actions or measures for implementing the Management Plan, the person responsible for its performance, compliance indicators, means of verification, and the frequency of its implementation.

For PMA updating, the following points have also been taken into account:

- Eliminate redundant measures between different plans and/or programs;
- Reduce specific measures that have their legal regulations (e.g., related to occupational safety and health); the provisions of the Art.435 Environmental Management Plan of the Environmental Organic Code Regulations, issued on May 21, 2019, are also considered.
- Update the frequency of execution of measures based on the results achieved.
- Extensive application of measures from the construction phase to all contractors in general
- It includes specific measures to be applied for bulk handling
- It includes Rehabilitation Plan for affected areas (remediation and/or compensation).
- Optimize plan content.

The total value of the updated PMA has been estimated at one hundred thirty-seven thousand six hundred US dollars (00/100). For this evaluation, no costs associated with constructive projects considered part of the budget have been taken into account.

Conclusions

Based on the results of the different compliance evaluations carried out in the framework of this Environmental Audit, we can conclude that YILPORTECU performs adequate management of its obligations and responsibilities in environmental matters, in compliance with its Environmental License and Management Plan, as well as in the applicable environmental regulations; achieving on average 97.6 % of conformities or compliances (C).

The non-conformities established while becoming targets to be met through the implementation of the proposed Action Plan, represent on average only 2.4% of the total criteria assessed. For established non-conformities, an Action Plan is designed to allow its implementation in a timely manner, and some measures are already in development.

Considering that the operation of a port terminal requires a portfolio of smaller to larger construction projects within its facilities, an Environmental Management Plan has been developed that integrates the preventive measures necessary during the execution of the same, which is also applicable to all contractors who carry out activities within the Terminal.

Also, taking into account the need to develop new specialized services for foreign trade, specific measures for impact prevention have been integrated during the management of solid bulk loads, such as cereals, grains, mineral concentrates, among others, it also includes specific measures for the management of wastes that may be generated from this management.

Recommendations

It is recommended that the implementation of the updated Environmental Management Plan be carried out in accordance with the established terms of the scope of the measures, and their frequency and/or execution time, mainly with those temporary limited to the months of execution of construction activities since, in case of a breach or omission in these, it will not be possible to resolve it in the future. Project management should avoid falling into violations and/or changes in the approach of the project with Environmental License, and recidivism in omissions and/or non-conformities, in order to be able to execute the scheduled activities.

Finally, a precise mechanism for communication with stakeholders in the project's area of influence should be established, allowing a flow of information of interest to the parties while channeling any doubt, observation and/or claim carried out by the social actors perceiving negative impacts on their environment as a result of the execution of the project.

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'
– APRIL 2018 - 2019

[YILPORT Logo –
PUERTO BOLIVAR]

SAMBITO - Total
Environmental Solutions
Logo

**ENVIRONMENTAL
AUDIT OF THE
PROJECT
'CONSTRUCTION
AND OPERATION
OF THE PORT
TERMINAL OF
PUERTO BOLÍVAR,
OPERATED BY
YILPORT
TERMINAL
OPERATIONS
YILPORTECU S.A.'
MAE-RA-2017-
309603'**

**Period:
April 2018 –
April 2019**

ANNEXES

**Including
Observations
from the
GADPEO-SGA
CA-2019-08-21-
0664-IT
Technical
Report**

**Made for: DECENTRALIZED AUTONOMOUS
PROVINCIAL GOVERNMENT OF EL ORO.**

**Environmental Consultant
Ecosambito C. Ltda. MAE-
SIA-0026-CC**

Content

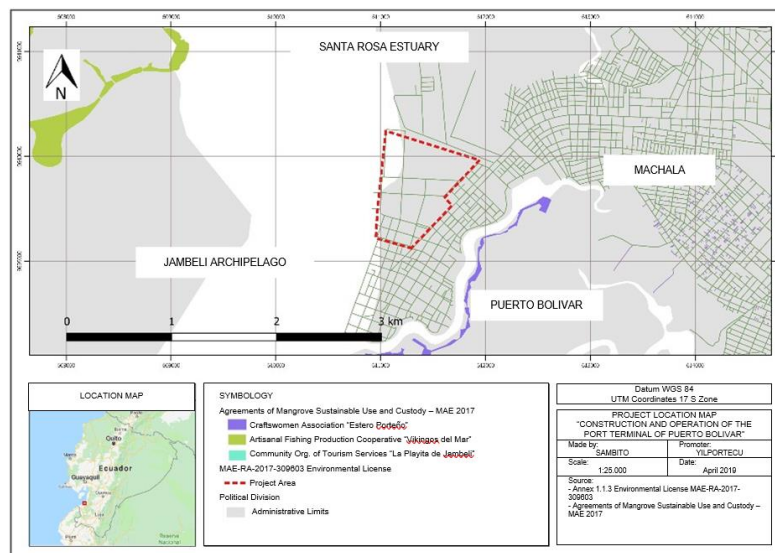
1	DATA SHEET	1-5
---	------------------	-----

1 DATA SHEET

CONTROL SUBJECT INFORMATION	
Company	YILPORT TERMINAL OPERATIONS YILPORTECU S.A.
RUC	0992982047001
Legal Representative	Alfredo José Jurado Von Buchwald
Classification	Activities to operate terminal facilities, such as ports
Address	Av.. Bolívar M. Vargas s/n. Puerto Bolívar Port Authority Building.
Telephone	+593 995083333
Type of company	Public-Private Partnership

PROJECT DATA	
Project Name	Environmental Audit of the project 'CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR, OPERATED BY YILPORT TERMINAL OPERATIONS YILPORTECU S.A.'
Environmental License	<ul style="list-style-type: none">• MAE-RA-2017-309603• GADPEO-SGA-CA-2019-08-21-0664-IT Technical Report
Project Phase	Construction and operation
CCAN Code	CONSTRUCTION AND OPERATION OF COMMERCIAL PORTS
Audited Period	April 2018 – April 2019.
Technical Lead	Jaime Vanegas
Location	Parish of Puerto Bolívar, Machala – El Oro

Location map



Coordinates

Universal Transverse Mercator Projection U.T.M.
World Geodetic Reference System WGS 84 - Zone 17 South

Points	Latitude (X)	Length (Y)
1	611290	9639124
2	610952	9639220
3	610966	9639464
4	611047	9640244
5	611941	9639964
6	611608	9639609
7	611680	9639532
8	611290	9639124

ENVIRONMENTAL CONSULTANT INFORMATION

Consultant	ECOSAMBITO C. LTDA.
RUC	0992260378001
Registration No.	MAE-SUIA-0026-CC
Address	Av. De las Americas. No. 406. Simon Bolivar Convention Center. Office 19
Contact e-mail	tfernandez@sambito.com.ec
Contact phone	+593 4 292 56 10

MEMBERS OF CONSULTING TECHNICAL TEAM		
Name	Task	Responsibility Signature
Tania Fernandez	Project management. Evaluation of the Environmental Management Plan	[signature]
Fabrizzio Tapia	Description of the project activities. Compliance Assessments Identification and evaluation of findings.	[signature]

RESPONSIBILITY SIGNATURES	
[signature]	José Javier Guarderas General Manager ECOSAMBITO C. LTDA.

YILPORT TERMINAL OPERATIONS RESPONSIBILITY SIGNATURES

[signature]

Alfredo Jose Jurado Von Buchwals
Legal Representative

YILPORT TERMINAL OPERATIONS (YILPORTECU) S.A.

CHAPTER 2. INTRODUCTION, OBJECTIVES AND SCOPE

Content

2	BACKGROUND.....	2-3
2.1	OBJECTIVES.....	2-5
2.1.1	AUDIT GENERAL OBJECTIVE.....	2-5
2.1.2	SPECIFIC OBJECTIVES.....	2-5
2.2	SCOPE	2-5

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'
– APRIL 2018 - 2019

[YILPORT Logo –
PUERTO BOLIVAR]

2 BACKGROUND

Puerto Bolívar is located on the South American coast, south of Ecuador, in the parish of Puerto Bolívar in the canton of Machala, in El Oro's province, and is the second port of the Republic for cargo movement within the National Port System.

By Executive Decree N0674 of May 12, 2015, the delegation of the private initiative for the management of the port public service of Puerto Bolívar was authorized on an exceptional basis by the President of the Republic through contractual modality. With this provision, by official APPB-CG – 0257 dated June 5, 2015, the General Management appointed the Technical Commission to carry out the procedure of public tender for the "DESIGN, FINANCING, EXECUTION OF ADDITIONAL WORKS, EQUIPMENT, OPERATION, AND MAINTENANCE OF THE PORT TERMINAL OF PUERTO BOLÍVAR."

Following the negotiation and award report dated February 22, 2016, the award resolution was made to the company YILPORT HOLDING NV, which was issued by Administrative Resolution N0 31 -2016 dated February 24, 2016.

The nature of the signed contract involves a Delegation to the private sector of the management of the port public service of the Port Authority of Puerto Bolívar (APPB), under the modality of a private Public Association following the applicable law, Through which APPB acts as a delegating entity and YILPORT TERMINAL OPERATIONS (YILPORTECU) S.A. operates as a Private Manager, which will be in force for a regular period of 50 years. The YILPORTECU Development Plan plans to transform Puerto Bolívar into a modern port facility, not only for current traffic but to incorporate new bulk traffic (cereals, clinker, coal, minerals, among others) and containers. To this end, YILPORTECU will develop a new network of port infrastructures and facilities and their corresponding auxiliary services such as cold storage and facilities for reception, storage, and delivery of bulk cargo. Also, the dock area will be designed to accommodate vessels of maximum size operating in the region, with 16.5 m of skates and lengths of more than 400 m. This aspect of the design is critical for the terminal to be competitive in the environment.

The Development Plan will be carried out in phases that would respond to different scenarios of merchandise growth and commitments. In its final development phase, YILPORTECU proposes a terminal with specific areas dedicated to container, solid bulk, and general cargo traffic, serving the Ecuadorian Industry, Commerce, and Society in general.

The total investment of the Puerto Bolívar project is estimated at seven hundred and fifty million US dollars (USD\$ 750 million) in infrastructure and equipment distributed in the 5 phases during the concession years.

The final product will be that the Port Terminal of Puerto Bolívar becomes an exemplar and leader handling more than five types of goods with dedicated equipment.

Under the Fourteenth Ninth Clause of the Grant Agreement, the Private Manager (YPH) must prepare and supply all studies and documents necessary to obtain the Environmental License and other legal qualifications for the projects to be carried out by concession. Based on this award, YILPORT HOLDING NV carries out the Environmental Impact Study of the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR, OPERATED BY YILPORT TERMINAL OPERATIONS YILPORTECU S.A.," which details the control measures applied through the Environmental Management Plan designed for this purpose.

By Resolution No. GADPEO-2018-009363-SUIA, of April 03, 2018, the Provincial Government of El Oro grants, in favor of the company YILPORT TERMINAL OPERATIONS (YILPORTECU S.A.), Environmental License for the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR, OPERATED BY YILPORT TERMINAL OPERATIONS YILPORTECU S.A.," in which the technical and legal conditions that the Project Promoter must fulfill are specified in accordance with the provisions of the environmental legislation in force.

To date, the construction of the infrastructure included in the Environmental License has not begun (construction of Pier No. 6, new courtyards, cold warehouse or refrigerator plant, cellars for storage and distribution of grains, among other minor works) since the company is still in the execution of required administrative processes, and the carrying out of the necessary engineering studies. However, construction projects are expected to start in June 2019.

In accordance with the obligations set forth in its Environmental License, and in accordance with the applicable Environmental Regulations, the Promoter shall submit the Environmental Compliance Audit for the period from April 03, 2018, to April 03, 2019, once the Terms of Reference (TDR's) for the Terms of Reference have been approved by the Environmental Responsible Application Authority (AAR).

Based on the Approved Terms of Reference, notified by Official No. GADPEO-SGA-2019-0890-OF of May 06, 2019, Environmental Audit of compliance with the phase of operation of the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR, OPERATED BY YILPORT TERMINAL OPERATIONS YILPORECU S.A.," is carried out during the period from April 03, 2018, to April 03, 2019.

2.1 OBJECTIVES

2.1.1 OVERALL OBJECTIVE OF THE AUDIT

To prepare the Environmental Audit for the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR, OPERATED BY YILPORT TERMINAL OPERATIONS YILPORECU S.A.," located in the Machala canton of the Province of El Oro, for the period from April 2018 to April 2019.

2.1.2 SPECIFIC OBJECTIVES

The specific objectives of the Environmental Compliance Audit are:

- i. Determine the current state of the environment surrounding the project's area of influence.
- ii. Evaluate the abiotic, biotic, environmental partner conditions and environmental impacts that have occurred in the project's areas of influence.
- iii. Verify compliance with the Environmental License conditions granted by the Provincial Government of El Oro to execute the project.
- iv. Verify compliance with the Environmental Management Plan, as well as the environmental legislation in force.
- v. Recommend environmental actions and measures to be adopted for efficient environmental management in the future through the updating of the Environmental Management Plan.

2.2 SCOPE

Based on the Approved Terms of Reference, notified by Official No. GADPEO-SGA-2019-0890-OF of May 06, 2019, the Environmental Audit will be carried out in compliance with the phase of operation of the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR, OPERATED BY YILPORT TERMINAL OPERATIONS YILPORTECU S.A.," in the period from April 03, 2018, to April 03, 2019.

The Audit will be based primarily on determining the level of compliance with the Environmental Management Plans, current environmental regulations, and compliance with the obligations of the Environmental License, leading to first identifying all breaches and weaknesses in compliance with laws, procedures, and presentation of environmental information, which will serve as the basis for considering the update or addendum to the Environmental Management Plan to be following the current status of the project and the processes to be developed in the next stage.

CHAPTER 3. BUFFER AREA

Content

3	AREA OF INFLUENCE.....	3-3
3.1	DIRECT INFLUENCE AREA (AID)	3-3
3.1.1	<i>Abiotic criteria</i>	3-3
3.1.2	<i>Biotic criteria</i>	3-3
3.1.3	<i>Socio-economic criteria</i>	3-4
3.2	INDIRECT INFLUENCE AREA (AII)	3-4
3.2.1	<i>Abiotic criteria</i>	3-4
3.2.2	<i>Biotic criteria</i>	3-5
3.2.3	<i>Socio-economic criteria</i>	3-5

INDEX OF FIGURES

Figure 3-1	Map of Direct (AID) and Indirect (IIA) Influence Area Project	3-6
------------	---	-----

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'
– APRIL 2018 - 2019

[YILPORT Logo –
PUERTO BOLIVAR]

3 AREA OF INFLUENCE

The definition of the area of influence will consider criteria of abiotic, biotic, and socioeconomic order that may be affected by the activities developed by the port terminal's construction and operation.

3.1 Direct Area of Influence (AID)

When we speak of a direct area influence, we refer to the spaces surrounding the Project area, where both the social and environmental components can be affected, with different levels of significance, by each of the activities carried out during the stages of project implementation.

On the above criteria, the project's AID is defined as the specific area of project execution, including the access channel, piers, courtyards, buildings, and roads.

3.1.1 Abiotic criteria

There are three general criteria under which the direct area of influence was determined, these are:

- 1. Regarding the soil.** It is considered AID to the surface where the different infrastructures needed for the project's operation are installed, being the access channel, piers, courtyards, buildings, and roads.
- 2. Regarding air quality and noise.-** The use of machinery and equipment could have an effect on the surrounding environment because sound pressure levels can be captured by a receiver at a distance of approximately 1,000 m vector distance, according to the progress of the project, so it has been considered as a direct influence area 1,000 meters round.
- 3. Regarding water.-** The main channel of access to the Santa Rosa Estuary, where the project operates.

3.1.2 Biotic criteria

The development of project activities does not involve vegetation-based activities; However, being very close to mangrove areas, especially the area under the Sustainable Use Agreement and Custody of the Port Association, will occasionally be found mangrove seedlings (propagules) that have become entrenched

on the beach line of the Port Terminal, and it should be carefully transplanted when possible. It has been considered an area of influence of the biotic component that corresponds to the 1,000 m around the project according to the project's progress.

3.1.3 Socio-economic criteria

In social terms, the social area of influence is not limited to the project's exact location. Still, it extends to the service interaction sites required by the project activities, for example, the requirement for labor and inputs. Under this perspective, the project involves the parishes of Jambelí and Puerto Bolívar corresponding to Santa Rosa and Machala's cantons in El Oro province.

It must also be recognized that there is a population adjacent to the area occupied by the project, both to the northeast (Puerto Bolívar), to the north-northeast with Liceo Naval and the Virgen del Cisne neighborhood, and the settlement adjacent to the walls of pools 1 and 2 of the sediment pool area – as to the south and east, urban areas of Puerto Bolívar.

3.2 Indirect area of influence (All)

For the delimitation of the indirect area of influence, it is considered the area that can be impacted by the development of the project's activities with a lesser degree of affectation (positive or negative).

Given the degree of intervention presented by the study area, the main component by which it is feasible to define the All is the socioeconomic component, given that its effects may manifest outside the AID, as a result, mainly, of the recruitment of labor from the sector during the development of the project.

The indirect area of influence corresponds to the political-administrative boundaries of the Puerto Bolívar parish, Jambelí parish, canton Machala, and canton Santa Rosa; according to the following criteria:

3.2.1 Abiotic criteria

There are three general criteria under which the direct area of influence was determined, these are:

1. Regarding the soil.- All is considered an area of 2 km around the AID, which involves the Puerto Bolívar parish of in the canton Machala and part of the Jambelí parish in the canton Santa Rosa, both of El Oro province.

2. Regarding noise and air quality.- The use of machinery and equipment could affect the surrounding environment, either as noise and vibration or in combustion gases.

3. Regarding water. The Santa Rosa estuary is considered the body of water where navigation activities are carried out and receive the potential impacts of port activity. However, it should be taken into account that, being a body of water for public use and where essential rivers flow from the province, it is subject to the influence of all the anthropic activities that are carried out even within the cantons and province, mainly metal and non-metallic mining, aquaculture and banana production.

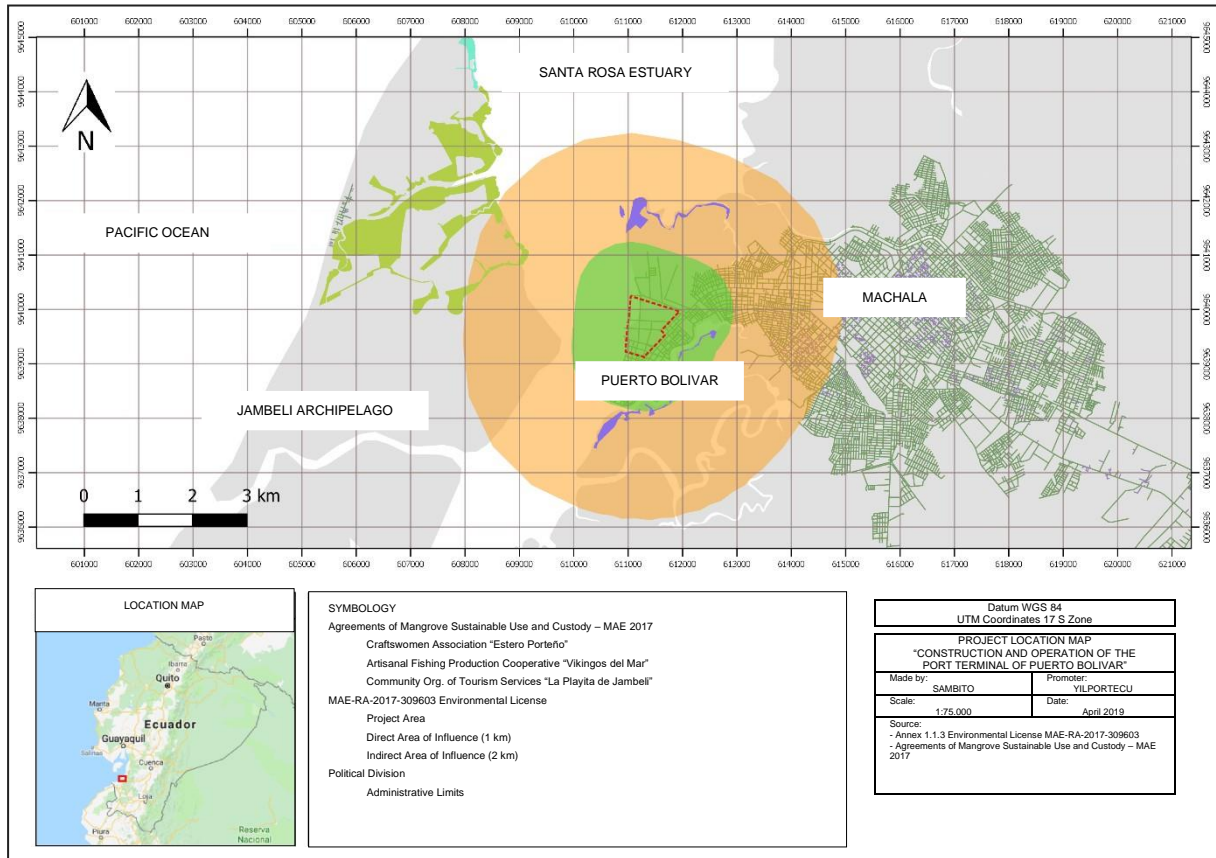
3.2.2 Biotic criteria

Considering the mobility of biological species, the IIA is extended to 2,000 m., around the direct area of influence for this component. The primary consideration will be given to mangrove species and associated fauna existing north and west of the port terminal.

3.2.3 Socio-economic criteria

It is related to the administrative-political division; in this case, according to the project's location, it corresponds to the parishes Jambelí and Puerto Bolívar of the cantons Santa Rosa and Machala, respectively. Also, El Oro's province will be considered within the AII because the project, in the economic aspect, involves productive activities throughout the province.

Figure 3-1 Map of Direct (AID) and Indirect (All) Area of Influence the project



Produced by: ECOSAMBITO C.LTDA.
Location: Puerto Bolívar, Machala – El Oro
Date: April 2019

CHAPTER 4. LEGAL FRAMEWORK

Content

4	APPLICABLE LEGAL FRAMEWORK	4-3
4.1	CONSTITUTION OF THE REPUBLIC OF ECUADOR	4-3
4.2	INTERNATIONAL TREATIES AND CONVENTIONS	4-6
4.2.1	INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973- MARPOL	4-7
4.2.2	UNITED NATIONS CONVENTION ON THE LAW OF THE SEA	4-16
4.2.3	LONDON CONVENTION: CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTERS, 1972	4-17
4.2.4	BASEL CONVENTION	4-19
4.2.5	STOCKHOLM CONVENTION	4-19
4.2.6	ROTTERDAM CONVENTION	4-19
4.2.7	AGENDA 21	4-20
4.2.8	CONVENTION ON BIOLOGICAL BIODIVERSITY	4-20
4.2.9	KYOTO PROTOCOL	4-20
4.2.10	FRAMEWORK CONVENTION ON CLIMATE CHANGE	4-20
4.3	LAWS	4-21
4.3.1	ORGANIC CODE OF THE ENVIRONMENT	4-21
4.3.2	ORGANIC WATER RESOURCES LAW. USES AND USE OF WATER	4-25
4.3.3	ORGANIC HEALTH LAW	4-32
4.3.4	HEALTH CODE: OFFICIAL REGISTRATION 158 OF FEBRUARY 8, 1971.	4-34
4.3.5	GENERAL PORT LAW	4-35
4.3.6	COMPREHENSIVE PENAL CODE	4-36
4.3.7	ORGANIC CODE OF TERRITORIAL ORGANIZATION, AUTONOMY, AND DECENTRALIZATION (COOTAD)	4-38
4.3.8	CONSOLIDATED TEXT OF SECONDARY LEGISLATION OF THE MINISTRY OF ENVIRONMENT (TULSMA).	4-38
4.4	MINISTERIAL AGREEMENTS	4-39
4.4.1	MINISTERIAL AGREEMENT 061	4-39

4.4.2	MINISTERIAL AGREEMENT 103	4-50
4.4.3	MINISTERIAL AGREEMENT 097-	4-53
4.4.4	MINISTERIAL AGREEMENT-026	4-53
4.4.5	MINISTERIAL AGREEMENT 109	4-54
4.5	REGULATIONS	4-55
4.5.1	OCCUPATIONAL SAFETY AND HYGIENE REGULATIONS.....	4-55
4.5.2	WORKERS' SAFETY AND HEALTH REGULATIONS AND IMPROVEMENT THE WORKING ENVIRONMENT OF THE MINISTRY OF LABOR AND EMPLOYMENT	4-55
4.5.3	GENERAL REGULATIONS OF THE CULTURAL HERITAGE LAW	4-55
4.6	TECHNICAL STANDARDS	4-56
4.6.1	STANDARD INEN ISO 3864:2013. GRAPHIC SYMBOLS, SAFETY COLORS AND SAFETY SIGNS 4-56	
4.6.2	INEN 2841 STANDARD ENVIRONMENTAL MANAGEMENT. COLOR STANDARDIZATION FOR DEPOSIT CONTAINERS AND TEMPORARY STORAGE OF SOLID WASTE.....	4-56
4.7	OTHER LEGAL BODIES	4-57
4.8	INSTITUTIONAL FRAMEWORK	4-57
4.8.1	MINISTRY OF THE ENVIRONMENT OF ECUADOR.....	4-57
4.8.2	DECENTRALIZED AUTONOMOUS PROVINCIAL GOVERNMENT OF EL ORO	4-57
4.8.3	ASSISTANT SECRETARY FOR PORTS AND MARITIME AND RIVER TRANSPORT	4-57

4 APPLICABLE LEGAL FRAMEWORK

Environmental compliance audit shall be conducted on the basis of the following legal instruments:

4.1 CONSTITUTION OF THE REPUBLIC OF ECUADOR

Approved by the National Constituent Assembly and the approved referendum, which is published in the Official Register No,449 on Monday, October 20, 2008.

Title II: RIGHTS

CHAPTER II: RIGHTS OF GOOD LIVING

Article 13.- Individuals and communities have the right to secure and permanent access to healthy, sufficient, and nutritious food, preferably produced at the local level and in correspondence with their diverse cultural identities and traditions. The Ecuadorian State will promote food sovereignty.

Article 14.- The population's right to live in a healthy and ecologically balanced environment, which guarantees sustainability and good living, *sumak kawsay*, is recognized. The preservation of the environment, the conservation of ecosystems, biodiversity, and the integrity of the country's genetic heritage, the prevention of environmental damage, and the recovery of degraded natural spaces are declared to be of public interest.

Article 15.- The State will promote, in the public and private sectors, the use of environmentally clean technologies and low-impact, non-polluting alternative energy.

Article 32.- Health is a right guaranteed by the State, whose realization is linked to the exercise of other rights, including the right to water, food, education, physical culture, work, social security, healthy environments, and others that support good living.

CHAPTER VII: NATURE RIGHTS

Article 71.- Nature or *Pacha Mama*, where life is reproduced and performed, has the right to respect its existence and the maintenance and regeneration of its life cycles, structure, functions, and evolutionary processes. Any person, community, people, or nationality may require the public authority to fulfill the rights of nature.

Article 72.- Nature has the right to restoration. This restoration will be independent of the obligation of the State and natural or legal persons to compensate individuals and collectives who depend on the affected natural systems.

Article 73.- The State shall apply preventive and restrictive measures for activities that may lead to the extinction of species, destruction of ecosystems, or permanent alteration of natural cycles.

CHAPTER IX: RESPONSIBILITIES

Article 83.- These are the duties and responsibilities of Ecuadorians, without prejudice to others provided for in the Constitution and the law:

- Defend the territorial integrity of Ecuador and its Natural Resources;
- Respect the rights of nature, preserve a healthy environment, and use natural resources in a rational, sustainable, and sustainable manner.

Title VI: GOOD LIVING REGIME

CHAPTER I. INCLUSION AND EQUITY

Article 389.- The State shall protect individuals, communities, and nature from the harmful effects of natural or anthropic disasters through risk prevention, disaster mitigation, recovery, and improvement of social, economic, and environmental conditions, to minimize the vulnerability condition.

The decentralized national risk management system consists of all public and private institutions' risk management units at the local, regional and national levels. The State shall exercise the rectory through the technical body established by law. It will have as its main functions, among others:

1. Identify existing and potential risks, internal and external, that affect the Ecuadorian territory.
2. Generate, democratize access and disseminate sufficient and timely information to manage risk adequately.
3. Ensure that all public and private institutions must incorporate risk management in their planning and management in a cross-cutting manner.
4. Strengthen citizens' and public and private entities' capacities to identify the risks inherent in their respective fields of action, report on them, and incorporate measures to reduce them.
5. Articulate the institutions to coordinate actions to prevent and mitigate risks and confront them, recover and improve conditions prior to the occurrence of an emergency or disaster.
6. Carry out and coordinate the actions necessary to reduce vulnerabilities and to prevent, mitigate, address and recover possible adverse effects from disasters or emergencies on the national territory.
7. Ensure adequate and timely financing for the system's functioning and coordinate international cooperation aimed at risk management.

Article 390. The risks will be managed under the principle of subsidiary decentralization, which will involve the institutions' direct responsibility within their geographical scope. Where their risk management capabilities are insufficient, the bodies with the greater territorial scope and more outstanding technical and financial capacity will provide the necessary support with respect to their authority in the territory and without relieving them of their responsibility.

CHAPTER I. BIODIVERSITY AND NATURAL RESOURCES

SECTION ONE: NATURE AND ENVIRONMENT

Article 395.- The Constitution recognizes the following environmental principles:

1. The State shall ensure a sustainable model of development, environmentally balanced and respectful of cultural diversity, that preserves biodiversity and the capacity for natural regeneration of ecosystems and provides the satisfaction of present and future generations' needs.
2. Environmental management policies will be implemented in a cross-cutting manner And shall be of mandatory compliance by the State at all its levels and by all natural persons or

legal entities in the national territory.

3. The State shall ensure the active and permanent participation of affected individuals, communities, peoples, and nationalities in the planning, executing, and controlling any activity that generates environmental impacts.

4. In the event of doubt about the scope of the environmental legal provisions, they shall apply in the most favorable sense to the protection of nature.

Article 396.- The State shall adopt appropriate policies and measures to avoid negative environmental impacts, where there is the certainty of damage. Suppose there is no scientific evidence of the damage. In that case, the State shall take effective and timely protective measures in case of doubt about the environmental effects of any action or omission. Liability for environmental damage is objective. Any damage to the environment, in addition to the corresponding sanctions, will also entail an obligation to restore ecosystems comprehensively and to compensate affected individuals and communities.

Each of the actors involved in the processes of production, distribution, marketing, and use of goods or services will assume direct responsibility to prevent any environmental impact, mitigate and repair the damage it has caused, and maintain a system of permanent environmental control. Legal actions to prosecute and punish for environmental damage will be imprescriptible.

Article 397. In case of environmental damage, the State shall act immediately and in a subsidiary, manner to guarantee ecosystems' health and restoration. In addition to the corresponding sanction, the State shall repeat against the operator of the activity that produced the damage the obligations that lead to integral reparation, under the conditions and procedures established by law. The responsibility will also lie with the servers or servers responsible for environmental control. To guarantee the individual and collective right to live in a healthy and ecologically balanced environment, the State undertakes to:

1. Allow any natural or legal person, collectivity or human group, to exercise the legal actions and to turn to the judicial and administrative organs, without prejudice to their direct interest, to obtain from them effective protection in environmental matters, including the possibility of requesting precautionary measures that allow the threat or environmental damage to the matter of litigation to cease. The burden of proof on the absence of potential or actual harm shall be on the activity manager or the respondent.
2. Establish effective mechanisms for preventing and controlling environmental pollution, the recovery of degraded natural spaces, and the sustainable management of natural resources.
3. Regulate the production, import, distribution, use, and final disposal of toxic and hazardous materials for people or the environment.
4. Ensure the intangible nature of protected areas in such a way as to ensure the conservation of biodiversity and the maintenance of ecological functions of ecosystems. The management and administration of protected natural areas will be the responsibility of the State.
5. Establish a national system of prevention, risk management, and natural disasters based on the principles of immediacy, efficiency, precaution, responsibility, and solidarity.

Article 398.- Any state decision or authorization that may affect the environment shall be consulted with the community, to which it shall be informed widely and in due course. The subject of consultation shall be the State. The law shall regulate prior consultation, citizen participation, deadlines, the issue consulted, and the assessment criteria and objection to the activity submitted for consultation. According to the criteria established in international human rights law and instruments, the State shall assess the community's opinion. Whether the consultation process

results in majority opposition, the decision to execute the project or not shall be taken by duly motivated resolution of the corresponding superior administrative body following the law.

Article 399.- The integral exercise of the State guardianship over the environment and the citizenry's responsibility in its preservation will be articulated through a decentralized national system of environmental management, which will be responsible for the defense of the environment and nature.

SECTION TWO: BIODIVERSITY

Article 400.- The State shall exercise sovereignty over biodiversity, whose administration and management will be carried out with inter-generational responsibility. The conservation of biodiversity and all its components, mainly agricultural and wild biodiversity, and its genetic heritage are declared to be of public interest.

Article 402.- The granting of rights, including intellectual property rights, on derived or synthesized products obtained from collective knowledge associated with national biodiversity is prohibited.

Article 403.- The State shall not commit itself to cooperation agreements or agreements that include clauses that undermine the conservation and sustainable management of biodiversity, human health, and collective and nature rights.

SECTION THREE: CULTURAL HERITAGE AND ECOSYSTEMS

Article 404.- The natural heritage of the unique and invaluable equator includes, among others, physical, biological, and geological formations whose environmental, scientific, and cultural value o landscape requires its protection, conservation, recovery, and promotion. Its management shall be subject to the principles and guarantees enshrined in the Constitution. It shall be carried out following the territorial order and ecological zoning, in accordance with the law.

Article 405.- The national system of protected areas will ensure biodiversity conservation and the maintenance of ecological functions. The system will be integrated into the other state, autonomous decentralized, community, and private systems, and the State will exercise its stewardship and regulation. The state will allocate the economic resources necessary for the financial sustainability of the system and will encourage the participation of the communities, peoples, and nationalities that have ancestrally inhabited the protected airlines in their administration and management.

Article 406.- The state will regulate conservation, management, and sustainable use, recovery, and limitations of the domain of fragile and threatened ecosystems; among others, moors, wetlands, cloud forests, dry and humid tropical forests and mangroves, marine and coastal ecosystems.

SECTION SIX: WATER

Article 411.- The State shall guarantee the conservation, recovery, and integral management of water resources, watersheds, and ecological flows associated with the hydrological cycle. Any activity that may affect the quality and quantity of water, and the balance of ecosystems, especially in water sources and recharge areas, shall be regulated. The sustainability of ecosystems and human consumption will be a priority in the use and use of water.

Article 412.- The water management authority shall be responsible for its planning, regulation, and control. This authority will cooperate and coordinate with the one responsible for environmental management to ensure water management with a systemic eco-approach.

4.2 INTERNATIONAL TREATIES AND CONVENTIONS

4.2.1 INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM VESSELS, 1973- MARPOL

Article. 3.- Scope:

1) This Convention shall apply to:

- a) Vessels entitled to fly the flag of a Party to the Convention; and
- b) Vessels without the right to fly the flag of a Party operate under a State Party's authority.

2) Nothing in this Article shall be construed as repealing or extending the Parties' sovereign rights under international law to the seabed and its subsoil adjacent to its coasts for the purposes of exploration or exploitation of their natural resources.

3) This Convention shall not apply to warships or auxiliary naval units or to vessels which, being owned or operated by a State, only provide non-commercial governmental services for the time being. However, each Party shall take care to take appropriate measures to ensure that, within the reasonable and practicable, such vessels owned or operated by the State shall act in accordance with the purpose and purpose of this Convention, without prejudice to the operations or operational capabilities of such vessels.

Article 4.- Transgressions

1) Any violation of this Convention's provisions, wherever it occurs, shall be prohibited and shall be sanctioned by the legislation of the administration of the vessel concerned. If the administration, after being informed of a violation, considers that there is sufficient evidence to initiate proceedings regarding the alleged breach, it will cause such proceedings to be initiated as soon as possible in accordance with its legislation.

2) Any violation of the provisions of this Convention within the jurisdiction of any Party to the Convention shall be prohibited and shall be sanctioned by that Party's laws. Whenever such transgression occurs, that Party shall take one of the following two measures:

- a) To have proceedings initiated, following its legislation, or
- b) To provide the ship's administration with all information and evidence that comes to its power that a transgression has occurred.

3) Where information or evidence concerning any breach of this Convention by that vessel is provided to the Management of a vessel, the administration shall immediately inform the Party which has provided the information or evidence to it and the Organization of the measures it takes.

4) The sanctions provided for in the legislation of a Party pursuant to this Article shall be sufficiently severe to deter this Convention's breach. The severity of the sanction will be the same wherever the transgression occurs.

Article 5.- Certificates and special rules on vessel inspection

1) Subject to paragraph 2 of this Article, any certificate issued under the authority of a Party to the Convention in accordance with the rules shall be accepted by the other Parties and deemed to be so valid, For all purposes provided for in this Convention, such as certificates issued by themselves.

2) Any vessel obliged to hold a certificate in accordance with the rules shall, while in ports or terminals offshore under the jurisdiction of a Party, be subject to the inspection of officials duly authorized by that Party. Such assessment shall be limited to checking that a valid certificate is on board unless there are clear grounds for thinking that the condition of the vessel or its equipment does not correspond substantially to the details of the certificate. In such a case, or if it turns out that the ship does not have a valid certificate, the Party which carried out the inspection shall take the necessary measures so that the vessel does not go to sea until it can do so without unreasonable threat of damage to the marine environment. However, that Party may give the vessel permission to leave the port or terminal offshore in order to go to the nearest appropriate repair yard.

3) Where a Party denies a foreign vessel entry into ports or terminals offshore under its jurisdiction, or in any way acted against such vessel on the grounds that it does not comply with the provisions of this Convention, That Party shall immediately inform the consul or diplomatic representative of the Party whose flag the vessel has the right to fly or, if this is not possible, the administration of the vessel concerned. Before refusing entry or acting in any way, the Party may request a consultation with the vessel's administration. The administration shall also be informed when it is found that a vessel does not carry a valid certificate following the standard provisions.

4) Concerning vessels of States not a party to the Convention, the Parties shall apply to the extent necessary for this Convention's provisions to ensure that such containers are not treated more favorably.

Article 6.- Detection of and compliance with violations of the Convention.

1) The Parties to the Convention shall cooperate in any management leading to the detection of violations and compliance with the provisions of this Convention by making use of any appropriate and practicable measures of environmental detection, monitoring, and control, as well as adequate methods of information transmission and accumulation of evidence.

2) Any vessel to which this Convention applies may be subject to inspection, at any port or terminal offshore from a Party, By officials who name or authorize that Party in order to verify whether the vessel made any discharge of harmful substances in violation of the rules. If the inspection indicates that there has been a violation of this Convention, the administration shall be informed for appropriate action.

3) Any Party shall provide the administration with evidence, if any, that a vessel has discharged harmful substances or effluents containing such substances in violation of the rules.

Where possible, the competent authority of that Party shall notify the master of the vessel of the transgression charged to him.

4) Upon receipt of the evidence referred to in this Article, the administration shall investigate the matter and may request from the other Party to provide more or better evidence of the alleged violation. If the administration considers that there is sufficient evidence to initiate proceedings in respect of the alleged violation, it will cause such proceedings to be initiated as soon as possible in accordance with its legislation. The administration shall immediately transmit to the Party which has reported the alleged violation and to the Organization, news of the action taken.

5) Each Party may also carry out an inspection of a vessel to which this Convention applies

when the vessel enters the ports or terminals offshore under its jurisdiction if it has received from any other Party a request for investigation together with sufficient evidence that that vessel has made a discharge of harmful substances anywhere, or effluents containing such substances, the report of the investigation shall be transmitted both to the requesting Party and to the administration, so that appropriate measures may be taken under this Convention.

Article 7.- Unnecessary delays to vessels

- 1) Every effort shall be made to prevent the vessel from being subjected to unnecessary immobilization or delay by means of measures taken in accordance with Articles 4, 5, and 6 of this Convention.
- 2) Where a vessel has suffered unnecessary immobilization or delay due to measures taken in accordance with Articles 4, 5, and 6 of this Convention, it shall be entitled to be compensated for any damage or injury you have suffered.

Article 8.- Reports on events related to harmful substances

- 1) The event shall be reported and without delay applying the provisions of Protocol I to this Convention as far as possible.
- 2) Any Party to the Convention shall:
 - a. Take the necessary steps for an official or competent body to receive and process all reports relating to events;
 - b. Notify the Organization, giving it full details of such arrangements to bring them to the attention of the other Parties and Member States of the Organization.
- 3) Whenever a Party receives a report pursuant to this Article, it shall transmit it without delay to:
 - a. The Management of the vessel concerned;
 - b. Any other State that may be affected.
- 4) Any Party to the Convention undertakes to instruct its maritime inspection vessels and aircraft and other competent services to communicate to its authorities any events referred to in Protocol I to this Convention. If it deems it appropriate, such Party shall transmit a report to the Organization and to any other interested Party.

Article 11.- Communication of information

- 1) The Parties to the Convention undertake to communicate to the Organization:
 - a. The text of laws, ordinances, decrees, regulations, and other instruments promulgated concerning the various matters within the scope of this Convention;
 - b. A list of non-governmental bodies authorized to act on their behalf concerning the project, construction, and equipment of vessels intended to transport harmful substances, following the rules;
 - c. Samples, in sufficient numbers, of certificates issued following the rules;
 - d. A list of the reception facilities, including their location, capacity, available equipment, and other characteristics; e. Official reports or summaries of official reports

disclosing the results of the application of this Convention; and f. An annual statistical report, as standardized by the Organization, on sanctions imposed for violations of this Convention.

2) The Organization shall notify the Parties of any communication it receives under this Article and shall circulate among the Parties any information communicated to it under paragraph 1 (b) to (f) of this Article.

Article 12.- Claims suffered by vessels

1) The Administrations undertake to investigate any incident involving any of their vessels subject to the provisions of the rules if such incident has caused significant harmful effects on the marine environment.

2) The Parties to the Convention undertake to inform the Organization of the results of such investigations. They consider that this information will contribute to the determination of which amendments to this Convention are to be made.

Article 13.- Signature, ratification, acceptance, approval, and adhesive:

1) This Convention shall be open for signature at the Organization's headquarters from January 15, 1974, until December 31, 1974, and shall remain open for adhesive after that period. States may participate in this Convention by (a) unreserved signature as to ratification, acceptance, or approval; or (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or (c) adhesive.

2) Ratification, acceptance, approval, or adhesive shall be effected by means of an instrument to that effect with the Secretary-General of the Organization.

3) The Secretary-General of the Organization shall inform all States that have signed or acceded to this Convention of any signature or deposit of any new instrument of ratification, acceptance, approval, or adhesive and the date of such deposit.

1978 PROTOCOL TO THE INTERNATIONAL CONVENTION ON THE PREVENTION OF POLLUTION FROM SHIPS, 1973 MARPOL

Article 3.- Communication of information

The text of Article 11 1(b) of the Convention shall be replaced by the following:

" a list of appointed inspectors or recognized organizations authorized to act on their behalf in the management of project, construction, equipment and operation issues relating to vessels intended to transport harmful substances, In accordance with the rules to distribute such list to the Parties for the information of their officials. The administration shall notify the Organization of the specific powers it has assigned to the appointed inspectors or recognized organizations, and of the conditions under which authority has been delegated."

Art.- 6.- Amendments

The procedures set out in Article 16 of the Convention with respect to amendments to the Articles, to an Annex, and to an Appendix to an Annex to the Convention shall apply respectively to amendments to the Articles, to the Annex, and to an Appendix to the Annex to this Protocol.

Item 7.- Claim

1. This Protocol may be claimed by a Party to This Protocol in any

time after five years from the date on which the Protocol entered into force for that Party.

2. The denunciation shall be effected by depositing an instrument of denunciation with the Secretary-General of the Organization.

3. Denunciation shall take effect twelve months after receipt by the Secretary-General of the Organization of the notification or after the expiration of any more extended period set out in the report.

Article 8.- Depositary

1. This Protocol shall be deposited with the Organization's Secretary-General (hereinafter referred to as the depositary).

2. The depositary:

a. Shall inform all States which have signed or acceded to this Protocol of:

- each new signature and each new deposit of the instrument of ratification, acceptance, approval or adhesive, which is being produced and the date on which they occur;
- the date of entry into force of this Protocol; - any deposit of an instrument of denunciation of this Protocol and the date on which that instrument was received, and the date on which the denunciation takes effect;
- any decision made pursuant to Article II (1) of this Protocol;

b. It shall transmit authentic certified copies of this Protocol to all States which have signed or acceded to it.

3. As soon as this Protocol enters into force, the depositary shall transmit a certified authentic copy thereof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

AMENDMENTS TO THE ANNEX TO THE 1978 PROTOCOL TO THE INTERNATIONAL CONVENTION ON THE PREVENTION OF POLLUTION FROM SHIPS, 1973

- Small island developing States may meet the requirements of paragraphs 1 to 3 of this rule through regional arrangements when, due to the unique circumstances of these States, such agreements are the only practical means of meeting such requirements. Parties participating in a regional agreement shall develop a regional plan for reception facilities, taking into account the Organization's guidelines.

- The Governments of the Parties participating in the agreement shall consult with the Organization for distribution to the Parties to this Convention:

1. The manner in which the guidelines are taken into account in the regional plan for reception facilities;

2. The details of the regional waste reception centers of the vessels identified; and

3. The details of ports with only limited facilities.

4. Small island developing States will be able to meet the requirements in paragraph 4 of

this rule through regional agreements when, due to the unique circumstances of these States, such agreements are the only practical means of meeting such requirements. Parties participating in a regional agreement shall develop a regional plan for reception facilities taking into account the guidelines developed by the Organization.

- The Governments of the Parties participating in the agreement shall consult with the Organization for distribution to the Parties to this Convention:

1. The manner in which the guidelines are taken into account in the regional plan for reception facilities;
2. The details of the regional waste reception centers of the vessels identified; and
3. Details of ports with limited facilities only.

- Small island developing States may meet the requirements of paragraphs 1, 2, and 4 of this rule through regional arrangements when, due to the unique circumstances of these States, such agreements are the only practical means of meeting such requirements. Parties participating in a regional agreement shall develop a regional plan for reception facilities taking into account the guidelines developed by the Organization.

- The Governments of the Parties participating in the agreement shall consult with the Organization for distribution to the Parties to this Convention:

1. The manner in which the guidelines are taken into account in the regional plan for reception facilities;
2. The details of the regional waste reception centers of the vessels identified; and
3. The details of ports with only limited facilities.

- Small island developing States may meet the requirements of paragraph 1 of this rule through regional arrangements when, due to the unique circumstances of these States, such agreements are the only practical means of meeting such requirements. Parties participating in a regional agreement shall develop a regional plan for reception facilities, taking into account the Organization's guidelines.

- The Governments of the Parties participating in the agreement shall consult with the Organization for distribution to the Parties to this Convention:

1. The manner in which the guidelines are taken into account in the regional plan for reception facilities;
2. The details of the regional waste reception centers of the vessels identified; and
3. Details of ports with limited facilities only.

4. The following new paragraph 2bis is added to rule 8 of Annex V:1

- Small island developing States will be able to meet the requirements of paragraphs 1 and 2.1 of this rule through regional agreements where, due to the unique circumstances of these States, such agreements are the only practical means of meeting such requirements. Parties participating in a regional agreement shall develop a regional plan for reception facilities, taking into account the Organization's guidelines.

- The Governments of the Parties participating in the agreement shall consult with the Organization for distribution to the Parties to this Convention:

1. The manner in which the guidelines are taken into account in the regional plan for reception facilities;
2. The details of the regional waste reception centers of the vessels identified; and
3. Details of ports with limited facilities only.

**AMENDMENTS TO THE ANNEX TO THE 1978 PROTOCOL TO THE INTERNATIONAL CONVENTION
ON THE PREVENTION OF POLLUTION FROM SHIPS, 1973.
RESOLUTION MEPC 238 (65) adopted on May 17**

- Rule 6

The current text of the last sentence of paragraph 3.1 is replaced by the following: "Such organizations, including classification societies, shall be authorized by the administration in accordance with the provisions of this Convention and with the Code for Recognized Organizations (OR Code), which consists of Part 1 and Part 2 (the provisions of which shall be deemed mandatory) and Part 3 (The provisions of which will be considered as recommendations), adopted by the Organization by Resolution MEPC,237(65), as may be amended by the Organization, provided that:

1. Amendments to Part 1 and Part 2 of the OR Code shall be adopted, entered into force, and take effect in accordance with the provisions of Article 16 of this Convention concerning the amendment procedures applicable to this Annex;
2. The Committee adopts amendments to Part 3 of the OR Code on the Protection of the Marine Environment in accordance with its Rules of Procedure; and
3. Any amendments mentioned in .1 and .2, adopted by the Maritime Safety Committee and the Marine Environment Protection Committee, are identical and enter into force or become effective simultaneously, as appropriate."

Amendments to Annex II of the MARPOL Convention

- Rule 8

The current text of paragraph 2.2 is replaced by the following:

"Such organizations, including classification societies, shall be authorized by the administration following the provisions of this Convention and with the Code for Recognized Organizations (OR Code), which consists of Part 1 and Part 2 (the provisions of which shall be deemed mandatory) and Part 3 (The provisions of which will be considered as recommendations), adopted by the Organization by Resolution MEPC,237(65), as may be amended by the Organization, provided that:

1. Amendments to Part 1 and Part 2 of the OR Code shall be adopted, entered into force, and take effect in accordance with the provisions of Article 16 of this Convention concerning the amendment procedures applicable to this Annex;
2. The Committee adopts amendments to Part 3 of the OR Code on the Protection of the Marine Environment following its Rules of Procedure; and
3. Any amendments mentioned in .1 and .2 adopted by the Maritime Safety Committee and the Marine Environment Protection Committee are identical and enter into force or become effective simultaneously, as appropriate."

**AMENDMENTS TO THE ANNEX TO THE 1978 PROTOCOL TO THE INTERNATIONAL CONVENTION
ON THE PREVENTION OF POLLUTION FROM SHIPS, 1973.**

RESOLUTION MEPC,246 (66) adopted on April 04, 2014

Rule 1

- 35 Audit is the systematic, independent, and documented process for obtaining audit evidence and objectively evaluating it to determine the extent to which the audit criteria are met.
- 36 Audit Plan means the Plan Audits of IMO Member States established by The Organization taking into account the guidelines developed by the Organization.*
- 37 Implementation Code means the Code for the Implementation of IMO Instruments (Code III), adopted by the Organization in Resolution A.1070(28).
- 38 Auditing standard means the Code for Implementation."

Rule 44: Scope of application

- The Parties shall use the provisions of the Code for implementation in the exercise of the obligations and responsibilities set out in this Annex.

Rule 45: Verification of compliance

- Each Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.
- The Secretary-General of the Organization shall be responsible for administering the Audit Plan, based on the Organization's guidelines.*
- Each Party shall be responsible for facilitating the conduct of audits and the implementation of a program of measures to address the findings, based on the guidelines developed by the Organization.
- The Audit of all Parties shall: Be based on a general timetable established by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization

The following text is added at the end of **Rule 1**:

- 18 Audit is the systematic, independent, and documented process for obtaining audit evidence and objectively evaluating it to determine the extent to which the audit criteria are met.
- 19 Audit Plan means the Plan Audits of IMO Member States established by The Organization taking into account the guidelines developed by the Organization.*
- 20 Implementation Code means the Code for the Implementation of IMO Instruments (Code III), adopted by the Organization by Resolution A. 1070 (28).
- 21 Auditing standard means the Code for Implementation.

Rule 19: Scope of application

- The Parties shall use the Code's provisions for implementation in the exercise of the obligations and responsibilities set out in this Annex.

Rule 20: Verification of compliance

- Each Party shall be subject to periodic audits by the Organization following the audit standard to verify compliance with this Annex implementation.

- The Secretary-General of the Organization shall be responsible for administering the Audit Plan, based on the Organization's guidelines.
- Each Party shall be responsible for facilitating the conduct of audits and implementing a program of measures to address the findings, based on the guidelines developed by the Organization.
- Audit of all Parties:
 1. It shall be based on a general timetable established by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
 2. It shall be carried out at regular intervals, taking into account the guidelines developed by the Organization.

Rule 10: Scope of application

- The Parties shall use the provisions of the Code for implementation in the exercise of the obligations and responsibilities set out in this Annex.

Rule 11: Verification of compliance

- Each Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.
- The Secretary-General of the Organization shall be responsible for administering the Audit Plan, based on the Organization's guidelines.
- Each Party shall be responsible for facilitating the conduct of audits and implementing a program of measures to address the findings, based on the guidelines developed by the Organization.*
- Audit of all Parties:
 1. It shall be based on a general timetable established by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
 2. It shall be carried out at regular intervals, taking into account the guidelines developed by the Organization.

Rule 15: Scope of application

- The Parties shall use the provisions of the Code for implementation in the exercise of the obligations and responsibilities set out in this Annex.

Rule 16: Verification of compliance

- Each Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.
- The Secretary-General of the Organization shall be responsible for administering the Audit Plan, based on the Organization's guidelines.*
- Each Party shall be responsible for facilitating the conduct of audits and implementing a program of measures to address the findings, based on the Organization's guidelines.
- Audit of all Parties:
 1. It shall be based on a general timetable established by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and

2. It shall be carried out at regular intervals, taking into account the guidelines developed by the Organization.

4.2.2 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

To adopt the United Nations Convention on the Law of the Sea (CONVEMAR) with the Declaration of Ecuador at the time of accession to the United Nations Convention on the Law of the Sea. Given and signed at the National Assembly's headquarters, located in the Metropolitan District of Quito, province of Pichincha, on the twenty-two days of the month of May, two thousand twelve and published in Official Register Supplement 715 of June 01, 2012.

- **Article 1.-** Ratify accession to the United Nations Convention on the Law of the Sea (Convemar), signed on December 10, 1982, with the Declaration of the National Assembly

PART II THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE SECTION 1. GENERAL PROVISIONS

- **Article 2.-** Legal regime of the territorial sea, of the airspace above the territorial sea, and its bed and subsoil
1. The sovereignty of the coastal State extends beyond the territory of its internal waters and, in the archipelagic State, from its archipelagic waters to the adjacent strip of sea designated by the name of the territorial sea. 2. This sovereignty extends to airspace over the territorial sea, as well as to the bed and subsoil of that sea. 3. Sovereignty over the territorial sea is exercised according to arrangement To this Convention and other rules of international law

SECTION 2. LIMITS OF THE TERRITORIAL SEA

- **Article 3.-** Width of the territorial sea. Every State has the right to establish the width of its territorial sea up to a limit not to exceed 12 nautical miles measured from baselines determined in accordance with this Convention.

- Item 10.- Bays

1. This Article refers only to bays whose coasts belong to a single State.

2. For this Convention's purposes, a bay is any well-determined recess whose inland penetration, in relation to the width of its mouth, is such that it contains waters enclosed by the coast and constitutes more than a mere inflection of it. However, the recess shall not be considered a bay if its surface is not equal to or greater than that of a semicircle with the diameter of that recess's mouth.

3. For the purposes of its measurement, the surface of a recess is the one between the low line following the coast of the recess and a line linking the low lines of its natural entry points.

When, due to the existence of islands, a recess has more than one entry, the semicircle will be drawn by taking as diameter the sum of the lengths of the lines that close all entries. The surface of the islands within a recess shall be considered to be within the total surface of the recess.

4. If the distance between the low-seas lines of a bay's natural entry points does not exceed 24 nautical miles, a demarcation line may be drawn between the two low-water lines, and the waters thus enclosed shall be considered inland waters.

- **Article 11.- Ports.** For the purposes of the territorial sea's delimitation, the permanent port constructions furthest from the coast that forms an integral part of the port system are considered part of it. Offshore facilities and artificial islands will not be regarded as permanent port buildings.

- **Article 12.- Anchorages.** The anchorages normally used for loading, unloading, and anchoring vessels, which would otherwise be located in whole or in part outside the general outline of the outer boundary of the territorial sea, are covered by the territorial sea.

4.2.3 LONDON CONVENTION: CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATERIALS, 1972

- **Article 1.-** Contracting Parties shall promote individually and collectively the effective control of all sources of pollution of the marine environment, And undertake in particular to take all possible measures to prevent pollution of the sea by the dumping of wastes and other substances that may constitute a danger to human health, damage biological resources and marine life, reduce the possibilities of recreation or hinder other legitimate uses of the sea.

- **Article 2.-** The Contracting Parties shall, following the provisions of the following Articles, take effective measures individually, according to their scientific, technical, and economic capacity, and collectively, to prevent pollution of the sea caused by dumping, and harmonize their policies in this regard.

- **Article 3.-** For this Convention:

1. A) Dumping means:

- Any deliberate disposal in the sea of waste or other material from ships, aircraft, platforms, or other constructions at sea;

- Any deliberate sinking of ships, aircraft, platforms, or other constructions at sea.

b) Dumping does not include:

- The disposal at sea of wastes and other materials that are incidental to or derived from the normal operations of ships, aircraft platforms, or other constructions at sea and their equipment, except wastes and other materials transported by ships, aircraft platforms, or other structures at sea operating for the purpose of eliminating such materials or resulting from the treatment of such wastes or other materials on such vessels, aircraft, platforms or constructions;

- The placement of materials for a purpose other than that of their mere evacuation. Provided that such placement is not contrary to the objectives of this Convention.

c) The provisions of this Convention shall not cover the disposal of wastes or other materials directly derived from the exploration, exploitation, and related treatment, off the coast, or related to the seabed mineral resources.

2. Ships and aircraft are vehicles that move through water or air of any kind. This expression includes vehicles moving on an air mattress and floating vehicles, whether or not self-propelled.

3. Sea means all sea waters that are not inland waters of the states.

4. Wastes or other materials mean materials and substances of any kind, form, or nature.

5. Special permission means permission by specifically granting after upon request and

compliance with Annex II and Annex III.

6. A general permit shall mean a permit granted previously and following Annex III.

7. The Organization shall mean the organization designated by the Contracting Parties following Article XIV(2).

- Article 4.

1. In accordance with the provisions of this Convention, the Contracting Parties shall prohibit the dumping of any wastes or other matters in any form or condition, except as specified below:

- a) Dumping of wastes or other materials listed in Annex I is prohibited;
- b) A special prior permit is required for the dumping of wastes or other materials listed in Annex II;
- c) An initial general permit is required for the dumping of all other wastes or materials.

2. Permits shall be granted only after careful consideration of all factors listed in Annex III, including prior studies of the dumping site's characteristics, as provided for in Sections B and C of that Annex.

3. Nothing in this Convention may be construed to prevent a Contracting Party from prohibiting, as far as that Party is concerned, the dumping of wastes or other materials not mentioned in Annex I. The Party concerned shall notify such measures to the Organization.

The London Convention aims to promote effective control of all sources of pollution of the marine environment and the adoption of all possible measures to prevent pollution of the sea by dumping of wastes and other materials. There are currently 87 state parties to the Convention, including Spain, and the Secretariat of the Convention is hosted by the International Maritime Organization, based in London.

Unlike the OSPAR and Barcelona Conventions, the London Convention deals only with discharges from ships and not those arriving at sea from land.

The "Protocol on the London Convention" was adopted in 1996 to modernize the Convention, which entered into force in March 2006. The 72 Convention establishes a list of substances and products that cannot be dumped into the sea, but, following the new Protocol, the procedure referred to as the "reverse list" is established, i.e., prohibited dumping into the sea of all wastes with the sole exception of those included in the list in Annex I to the Protocol.

Therefore, only the following materials are susceptible to spillage:

- 1. Dredging material
- 2. Sewage sludge
- 3. Dumping of fish discards or materials resulting from the fish handling operations
- 4. Ships and platforms, or other constructions at sea
- 5. Inert inorganic geological materials

6. Organic matter of natural origin

7. Harmless bulky objects generated in isolated facilities (such as small islands) without the possibility of other disposal options Subsequently, in 2007, amendments were approved to include a new category of material susceptible to dumping to the sea, the CO₂ flows for sequestration in underwater geological structures.

This amendment protocol also contains the advances and requirements that have their origin at the Rio de Janeiro Conference (1992) and the precautionary and polluter-pays principles and banning incineration at sea and the export of waste.

Within the Protocol's scope, "General Guidelines" and "Specific Guidelines" have been drafted for some of the wastes that are allowed to be discharged. They detail the procedures for waste assessment, landfill site selection, monitoring, characterization procedures, etc.

4.2.4 BASEL CONVENTION

Subparagraph a) of Article 4, paragraph 2 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Disposal provides that each Party shall take appropriate measures to minimize the generation of hazardous wastes and other wastes therein, taking into account social, technological and economic aspects.

Subparagraph b) of Article 4, paragraph 2 of the Basel Convention, provides that each Party shall take appropriate measures to establish adequate disposal facilities for the environmentally sound management of hazardous wastes and other wastes, regardless of where their disposal takes place, which To the extent possible, it shall be located within it; Subparagraph c) of Article 4, paragraph 2 of the Basel Convention, It states that each Party shall ensure that persons involved in the management of hazardous wastes and other wastes within it take the necessary measures to prevent such management from resulting in and, in the event of pollution, to minimize its impact on human health and the environment.

4.2.5 STOCKHOLM CONVENTION

- **Article 1** Each Part:

a) It shall prohibit and/or take the necessary legal and administrative measures to eliminate: (i) their production and use of chemicals listed in Annex A subject to the provisions contained in that Annex; and (ii) their imports and exports of chemicals listed in Annex A following the provisions of paragraph 2.

b) It shall restrict the production and use of chemicals listed in Annex B following the Annex provisions.

- **Article 2.-** literal a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases

4.2.6 ROTTERDAM CONVENTION

- **Article 1.-** The objective of this Convention is to promote the shared responsibility and joint efforts of Parties in the field of international trade in certain hazardous chemicals

in order to protect human health and the environment from possible harm and to contribute to Their environmentally sound use, facilitating the exchange of information on their characteristics, establishing a national decision-making process on their import and export, and disseminating those decisions to the Parties.

4.2.7 AGENDA 21

The United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992, adopted Agenda 21, which consists of a comprehensive set of action plans on sustainable development to be implemented by countries in the twenty-first century. The Rio Declaration, the Declaration on Forest Principles, and the United Nations Framework Conventions on Biological Diversity, Climate Change, and Desertification were also adopted at the Conference.

4.2.8 CONVENTION ON BIOLOGICAL BIODIVERSITY

The Convention is the first comprehensive global agreement to address all aspects of biological diversity: genetic resources, species, and ecosystems. For the first time, recognizing that biodiversity conservation is "a common concern of humanity" and an integral part of the development process.

The Convention on Biological Diversity's objectives are "the conservation of biodiversity, the sustainable use of its components and the fair and equitable sharing of the benefits resulting from the utilization of genetic resources."

4.2.9 KYOTO PROTOCOL

The Kyoto Protocol on climate change is an international agreement aimed at reducing emissions of six global warming-provoking gases: Carbon dioxide (CO₂), methane gas (CH₄), and nitrous oxide (N₂O), as well as three fluorinated industrial gases: Hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF₆), in a percentage of about 5 percent, in the period 2008 to 2012, compared to emissions in 1990.

4.2.10 FRAMEWORK CONVENTION ON CLIMATE CHANGE

The United Nations Framework Convention on Climate Change (UNFCCC) was adopted in New York on May 09, 1992, and entered into force on March 21 1994.

It allows, among other things, to strengthen public awareness, on a global scale, of the problems related to climate change.

In 1997, governments agreed to incorporate an addendum to the treaty, known as the Kyoto Protocol, which has stronger (and legally binding) measures.

In 2006, this Protocol was amended at Nairobi to the United Nations Framework Convention on Climate

Change, and a new protocol was planned to be adopted in 2009 in Copenhagen, which had to be delayed and moved to Mexico in 2010.

The objective of the Convention is to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference in the climate system and within a sufficient time to allow ecosystems to adapt naturally to climate change, ensuring that food production is not threatened and allowing economic development will continue in a sustainable manner.

In defining this objective, it is important to highlight two aspects:

- 1) The concentration levels of GEI considered dangerous anthropogenic interference in the climate system are not determined, thus recognizing that there was no scientific certainty at the time as to what should be understood by non-hazardous levels.
- 2) The fact that climate change is already inevitable is suggested, and therefore, preventive actions (to curb climate change) and adaptation to new climate conditions should be addressed.

4.3 LAWS

4.3.1 ORGANIC CODE OF THE ENVIRONMENT

Published in RO, Supplement No. 983 of April 12, 2017, entered into force 12 months after it was published in the R.O. It repeals THE ENVIRONMENTAL MANAGEMENT LAW. It aims to "guarantee the right of people to live in a healthy and ecologically balanced environment, as well as to protect the rights of nature for the realization of good living or sumak kawsay."

The provisions of this Code regulate the rights, duties, and environmental guarantees contained in the Constitution, as well as the instruments that strengthen its exercise, which shall ensure the sustainability, conservation, protection, and restoration of the environment, without prejudice to other laws on the subject which guarantee the same purposes.

TITLE II.

ENVIRONMENTAL RIGHTS, DUTIES, AND PRINCIPLES

Article 5. – The right of the population to live in a healthy environment. The right to live in an ecologically balanced, healthy environment includes:

6. The prevention, control, and integral repair of environmental damage;
7. The obligation of any work, project, or activity, in all its phases, to be subject to the environmental impact assessment procedure;
8. The development and use of environmentally clean and healthy practices and technologies, as well as non-polluting, renewable, diversified, and environmentally-friendly alternative energies;
12. The implementation of adaptation plans, programs, actions, and measures to increase resilience and reduce environmental, social, and economic vulnerability to climate variability and impacts of climate change and the implementation of them to mitigate their causes.

TITLE III.

ENVIRONMENTAL LIABILITY REGIME

Article 10. – Environmental responsibility. The State, natural and legal persons, as well as communes, communities, peoples, and nationalities, shall have a legal obligation to respond for any environmental damage or impacts they have caused, following the environmental standards and principles outlined in this Code.

Article 11. – Objective responsibility. Following the environmental principles and guarantees outlined in the Constitution, any natural or legal person who causes environmental damage shall have objective responsibility, even if there is no fault, fault, or negligence.

Operators of works, projects, or activities shall maintain a permanent environmental control system and implement all necessary measures to prevent environmental damage, especially in activities that generate the greatest risk of causing them.

CHAPTER III.

ENVIRONMENTAL REGULARIZATION

Article 172.- Purpose. Environmental regularization aims to authorize the execution of public, private, and mixed projects, works, and activities, depending on the particular characteristics of these projects and the magnitude of their environmental impacts or risks.

The environmental impact shall be classified as non-significant, low, medium, or high for such effects.

The Single Environmental Information System will automatically determine the type of environmental permit to be granted.

Article 185.- of the issuance of administrative authorizations. Projects, works, or activities that require administrative authorizations shall make the payments that apply for administrative services.

Once the competent Environmental Authority verifies that the requirements set out in this Code and other secondary regulations have been met, the corresponding administrative authorization shall be issued.

The competent Environmental Authority shall notify the operator of the projects, works, or activities with the issuance of the corresponding administrative authorization, in which the conditions to which the project, work or activity will be submitted, during all phases of the project, as well as the legal and regulatory powers for the operation.

The National Environmental Authority and the competent environmental authorities shall keep an updated record of the Single Environmental Information System's administrative authorizations. This record will be public, and any person will be able to access this information and the studies that were used to issue the authorizations.

ENVIRONMENTAL AUDITS

Article 205.- Periodicity of environmental audits. The operator must submit environmental audits when the competent Environmental Authority considers it necessary in accordance with the standard issued for the purpose.

The competent Environmental Authority shall conduct random inspections to verify the results of environmental audits.

Depending on the audit review or the inspection results, a new regulatory compliance check may be made available in the current environmental management plan, administrative authorizations, and environmental regulations.

COMPREHENSIVE MANAGEMENT OF HAZARDOUS AND SPECIAL WASTES AND WASTES

Article 237.- Administrative authorization for the generator and manager of hazardous and special wastes.

All generators and managers of hazardous and special wastes and residues must obtain administrative authorization in accordance with the procedures and requirements established in the secondary standard.

TITLE IV

INFRACTIONS AND PENALTIES

CHAPTER I

ENVIRONMENTAL ADMINISTRATIVE INFRACTIONS

Art. 316.- Minor infractions. The following shall be considered minor infractions:

1. The initiation of a project, work, or activity categorized as low impact without administrative authorization;
2. Failure to comply with the obligations contained in the administrative authorization or environmental management plan, when they are not classified as serious or very serious;
3. Failure to submit environmental audits and monitoring reports;
4. The generation of waste or special waste without administrative authorization;
5. Failure to comply with the obligation to submit integral management programs for expired stocks and empty containers of chemical substances;
7. Failure to comply with health measures regarding plant propagation means defined by the National Authority of Agriculture, Livestock, Aquaculture, and Fisheries.

Art. 317.- Serious infringements. The following infractions shall be considered serious and the following penalties shall be applied, in addition to the economic fines:

6. Failure by the professionals with an official endorsement to act in the National Environmental Authority is any irregular act that affects natural forests' sustainability. For this infraction, the sanction contained in numeral 4 of article 320 may be applied, as appropriate;
7. Failure to comply with the National Environmental Authority's provisions for the means of conservation and ex-situ management that affects wildlife or the population's safety. For this infraction, the sanctions contained in numerals 2 and 4 of article 320 shall be applied, as appropriate;
8. Failure to comply with the norms of management, conservation, and other tools for protected areas, which alters their functions and affects biodiversity. For this infraction, the sanction contained in numeral 2 of article 320 shall be applied, as appropriate;
10. Failure to comply with the biosecurity norms defined by the National Environmental Authority that affect wildlife and the conservation and sustainable use of biodiversity. For this infraction, the sanctions contained in numerals 2 and 4 of article 320 shall be applied, as appropriate;
13. The initiation of a project, work, or activity is categorized as causing medium impact without administrative authorization. For this infraction, an economic fine will be applied;
14. Failure by the operator of the work, project, or activity to inform within 24 hours to Competent Environmental Authority about emergency situations, accidents, and incidents that have caused or could cause environmental damage. For this infraction, the sanction contained in numeral 4 of article 320 shall be applied, as appropriate;
15. Not having the administrative authorization when there is an obligation to obtain it to manage hazardous chemical substances and the generation of hazardous waste. For this infraction, the sanction contained in numeral 4 of article 320 shall be applied, as appropriate;
16. Failure to comply with the environmental management plan in which the Competent Environmental Authority's corrective measures have not been applied. For this infraction, the sanction contained in numeral 5 of article 320 shall be applied, as appropriate;

17. Non-compliance with technical standards in the integral management of chemical substances, residues, and wastes. For this infraction, the sanction contained in numeral 4 of article 320 shall be applied, as appropriate;

19. Partial non-compliance with the measures of integral remediation of environmental damages to which the responsible operator was obliged. For this infraction, the sanction contained in numeral 4 of article 320 shall be applied, as appropriate;

20. The impediment to the execution of the integral remediation plan. For this infraction, the sanction contained in numeral 2 of article 320 shall be applied, as appropriate;

21. Impeding the control and follow-up of the Competent Environmental Authority. For this infraction, an economic fine shall apply; and,

22. Failure to comply with the provisional measures dictated by the Competent Environmental Authority. For this infraction, an economic fine shall apply.

Art. 318.- Very serious infringements. The following infractions shall be deemed as very serious and shall be subject, in addition to the economic fine, to the following:

1. The harvesting, possession, use, transportation, mobilization, storage, processing, and commercialization of timber and non-timber forest products of native species in a threatened, conditioned, or restricted category without administrative authorization. For this infraction, the sanction contained in numeral 2 of article 320 shall be applied, as appropriate;

3. Irregular settlement that affects biodiversity within protected areas or National Forest Heritage areas. For this infraction, the sanction contained in numeral 7 of article 320 shall be applied, as appropriate;

4. Burning, destroying, or affecting the natural forest ecosystem and fragile ecosystems such as moorlands, wetlands, mangroves, moretals, marine, and coastal marine ecosystems. For this infraction, the sanction contained in numeral 2 of article 320 shall be applied, as appropriate;

5. The provision of incorrect information or information that does not correspond to the truth of the facts or persons in the process of obtaining an administrative authorization or for compliance with the control and follow-up mechanisms that lead the Competent Environmental Authority to errors. For this infraction, the sanction contained in numeral 5 of article 320 shall be applied, as appropriate;

7. The introduction into the national territory of exotic species in any form that affects biodiversity and does not have administrative authorization. For this infraction, the sanction contained in numeral 2 shall be applied, as appropriate;

11. Non-compliance with permissible limits on discharges, discharges, and emissions. For this infraction, the sanction contained in numeral 4 of article 320 shall be applied, as appropriate;

12. The initiation of a project, work, or activity is categorized as causing high impact without administrative authorization. For this infraction, the sanction contained in numeral 4 of article 320 shall be applied, as appropriate;

13. Abandonment of infrastructure or closure of activities without the approval of the competent environmental authority. For this infraction, an economic fine will be applied;

15. The introduction, importation, use, or possession of prohibited chemical substances. For this infraction, in addition to the economic fine, the [penalty corresponding to the] destruction of the products will be applied; and,

16. The export of residues or hazardous wastes without the authorizations granted by the National Environmental Authority. For this infraction, an economic fine shall apply.

Art. 319.- Special infractions regarding the responsible management of urban fauna. The following shall be considered infractions in the responsible management of urban fauna:

1. Failure to comply with the obligations and responsibilities concerning the animals;

2. Executing prohibited acts against animals; and,

3. Obstructing or impeding the surveillance and control work of the competent authorities.

DEROGATORY PROVISIONS

FIRST. - The Codification of the Environmental Management Law is hereby repealed.

SECOND. - The Law for the Prevention and Control of Environmental Contamination is hereby repealed.

4.3.2 ORGANIC LAW ON WATER RESOURCES. WATER USES AND MANAGEMENT.

- **Article 1.- Nature.** Water resources are part of the natural patrimony of the State. They shall be of its exclusive competence, which shall be exercised concurrently between the Central Government and the Decentralized Autonomous Governments, in accordance with the Law.

Water is a strategic national patrimony of public use, inalienable, imprescriptible, unseizable, and essential for life, a vital element of nature and essential to guarantee food sovereignty.

- **Article 2.- Scope of application:** The present Organic Law shall be applicable throughout the national territory; the persons, nationals, or foreigners who are in it are subject to its rules.

- **Article 3.- Purpose of the Law.** The purpose of this Law is to guarantee the human right to water as well as to regulate and control the authorization, management, preservation, conservation, restoration, of water resources, use and exploitation of water, comprehensive management, and its recovery, in its different phases, forms, and physical states, in order to guarantee the *sumak kawsay* or good living and the rights of nature established in the Constitution.

- **Article 4.- Principles of the Law.** This Law is based on the following principles:

- a) The integration of all waters, be they surface, subway, or atmospheric waters, in the hydrological cycle with the ecosystems;
- b) Water, as a natural resource, must be conserved and protected through sustainable management that guarantees its permanence and quality;
- c) Water, as a public good, is inalienable, imprescriptible, and unseizable;
- d) Water is a national and strategic patrimony at the service of the needs of citizens and an essential element for food sovereignty; consequently, any type of private property over water is prohibited;
- e) Access to water is a human right;
- f) The State guarantees equitable access to water;
- g) The State guarantees comprehensive, integrated, and participatory water management; and,
- h) Water management shall be public or communal domain.

- **Article 5.- Strategic sector.** Water constitutes a national patrimony, of which the State shall have strategic decision-making and control powers through the Single Water Authority. Its management shall be oriented to the full exercise of rights and the public interest, given its decisive social, community, cultural, political, environmental, and economic influence.

- **Article 6.- Prohibition of privatization.** All forms of privatization of water are prohibited; due to its importance for life, the economy, and the environment; therefore, it cannot be the object of any commercial agreement with any government, multilateral entity or private national or foreign company. No form of appropriation or individual or collective possession of water, whatever its state, shall be recognized. Consequently, it is prohibited:

- a) Any delegation to the private sector of water management or of any of the powers constitutionally or legally assigned to the State through the Single Water Authority or the Decentralized Autonomous Governments;

- b) The indirect management, delegation, or outsourcing of the provision of public services related to the full water cycle by private initiative;
- c) Any commercial agreement that imposes a profit-based economic regime for water management;
- d) Any form of commercialization of environmental services over water for profit;
- e) Any form of agreement or cooperation agreement that includes clauses that undermine conservation, sustainable water management, biodiversity, human health, the human right to water, food sovereignty, human rights, and the rights of nature; and,
- f) The granting of perpetual or indefinite authorizations for the use or exploitation of water.

- **Article 7.- Activities in the strategic water sector.** The provision of the public water service is exclusive of the public or communal domain. Exceptionally, the private initiative and the popular and solidarity economy may participate in the following cases:

- a) Declaration of emergency adopted by the competent authority, in accordance with the legal system; or,
- b) Development of sub-processes of the administration of the public service when the competent authority does not have the technical or financial conditions to do so. The maximum term will be ten years, subject to audit.

- **Article 8.- Integrated management of water resources.** The Single Water Authority is responsible for the integrated and comprehensive management of water resources with an eco-systemic approach and employing river basin or systems of river basins, which shall be coordinated with the different government levels according to their areas of competence.

A river basin is understood as the territorial unit delimited by the dividing line of its waters that drain superficially towards a common channel, including in this space, populations, infrastructure, conservation and protection areas, and productive zones.

When groundwater limits do not coincide with the dividing line of surface waters, such delimitation shall include the projection of groundwater recharge flowing into the superficially-delimited basin.

The Single Water Authority will approve the specific delimitation of the river basins and their possible grouping for planning and management purposes and the allocation of groundwater to the corresponding basin.

The comprehensive and integrated water resources management shall be a transversal axis of the decentralized national system of participatory planning for development.

- **Article 9.- Guarantee of rights and public policies.** In an equitable and solidary manner, the State shall allocate the public budget for the execution of policies and provision of public services in accordance with the Law.

- **Article 57.-Definition.** The human right to water is the right of all persons to access clean, sufficient, safe, acceptable, accessible, and affordable water for personal and domestic use in good quantity, quality, continuity, and coverage. This right includes access to environmental sanitation that ensures human dignity and health, avoids contamination, and guarantees water supplies' quality for human consumption.

The human right to water is fundamental and inalienable. No person may be deprived, excluded, or deprived of this right.

The exercise of the human right to water shall be sustainable so that future generations may exercise it. The Single Water Authority shall define quality water reserves for the human consumption of present and future generations. It shall be responsible for executing policies related to the effective enforcement of the human right to water.

- **Article 58.- Enforceability of the human right to water.** Individuals, communities, peoples, nationalities, collectives, and communes may demand compliance with and observance of the human right to water from the corresponding authorities, which shall attend to their requests in a prioritized and progressive manner. The authorities that fail to comply with the exercise of this right shall be subject to sanctions in accordance with the law.

- **Article 59.- Vital quantity and minimum tariff.** The Single Water Authority shall establish, following national and international standards and guidelines, the vital amount of water per person, to meet their basic needs and domestic use, access to which constitutes the essential content of the human right to water.

The vital quantity of raw water intended for processing for human consumption is free of charge as a guarantee of the human right to water. When it exceeds the minimum vital quantity established, the corresponding tariff will be applied. The vital quantity of water processed per person will have a tariff that guarantees the service provisions' sustainability.

- **Article 60.- Free access to and use of water.** The human right to water implies free access to and use of surface water or groundwater for human consumption, provided that it is not diverted from its course or polluted with waste, does not have any alteration as to its quality, or significantly decreased quantity. Also, provided it does not affect third parties' rights and follows the National Environmental Authority and the Single Water Authority's limits and parameters. The Single Water Authority shall keep a record of the use of groundwater for human consumption.

CHAPTER III

RIGHTS OF NATURE

- **Article 64.- Conservation of water.** Nature or Pacha Mama has the right to water conservation with its properties as an essential support for all life forms. In the conservation of water, nature has the right to:

- a) The protection of its sources, catchment areas, regulation, recharge, upwelling, and natural watercourses, in particular, snow-capped mountains, glaciers, moors, wetlands, and mangroves;
- b) The maintenance of the ecological flow as a guarantee for the preservation of ecosystems and biodiversity;
- c) The preservation of the natural dynamics of the integral water cycle or hydrological cycle;
- d) The protection of watersheds and ecosystems from all contamination; and,
- e) The restoration and recovery of ecosystems from the effects of imbalances caused by water pollution and soil erosion.

- **Article 65.- Integrated water management.** Water resources shall be managed in an integrated and comprehensive manner, with an eco-systemic approach that guarantees biodiversity, sustainability, and preservation according to the provisions of the Regulations of this Law.

CHAPTER V

COLLECTIVE RIGHTS OF COMMUNES, COMMUNITIES, PEOPLES, AND NATIONALITIES

- **Article 71.- Collective rights over water.** The communes, communities, indigenous peoples and nationalities, Afro-Ecuadorian and Montubio people from their cosmovision, enjoy the following collective rights over water:

- a) To conserve and protect the water that flows through their lands and territories in which they inhabit and develop their collective life;
- b) To participate in the use, usufruct, and community management of water that flows through their lands and territories and is necessary for the development of their collective life;
- c) To conserve and protect their water management practices in direct relation to the right to health and food;

- d) To maintain and strengthen their spiritual relationship with water.
- e) To safeguard and disseminate their collective knowledge, sciences, technologies, and ancestral knowledge about water;
- f) To be consulted in a mandatory prior, free, informed manner and within a reasonable time about any relevant regulatory decision or state authorization that may affect the management of water flowing through their lands and territories;
- g) To participate in the formulation of environmental impact studies on activities that affect ancestral uses and forms of water management in their lands and territories;
- h) To have access to an accurate, complete, and timely information of water; and,
- i) Participation in the social control of any public or private activity susceptible to generate impact on the ancestral uses and forms of water management in their properties and territories. The communes, communities, peoples, and nationalities shall exercise these rights through their representatives under the Constitution's terms and the law.

- **Article 72.- Participation in water conservation.** The communes, communities, peoples, and nationalities have the right to demand that the State, through its institutions, articulate policies and programs for the conservation, protection, and preservation of the water that flows through their lands and territories. The exercise of this right shall not prevail nor imply any impairment of the State's powers over water.

- **Article 73.- Use, usufruct, and community management of water.** The communes, communities, peoples, and nationalities have the right to participate in the use, usufruct, and community management of the water flowing through their lands and territories to strengthen their identity, culture, traditions, and rights in accordance with the legal system. For this purpose, through the representatives of their organizations and in accordance with this Law, they shall participate in the comprehensive planning and community management of the water flowing through their lands and territories, as well as form part of the organizations that are established in the basins in which their lands and territories are located.

- **Article 74.- Conservation of water management practices.** The application of traditional forms of management of the hydrological cycle, practiced by communes, communities, indigenous peoples and nationalities, Afro-Ecuadorian and Montubio peoples and nationalities is guaranteed, and their own forms, uses, and customs for the internal distribution and distribution of authorized water flows are respected.

CHAPTER VI. PREVENTIVE SAFEGUARDS.

Section One. Ecological Flow and Water Protection Areas.

- **Article 76.- Ecological flow.** For the purposes of this Law, ecological flow is the quantity of water, expressed in terms of magnitude, duration, time, and frequency of the specific flow and the quality of water expressed in terms of range, frequency, and duration of the concentration of parameters required to maintain an adequate level of health in the ecosystem.

In coordination with the National Environmental Authority, the Single Water Authority shall establish by means of regulations the criteria, parameters, and methodologies for the determination of the ecological flow according to the conditions and characteristics of the water bodies, which shall be considered within the national water planning.

- **Article 73.- Use, usufruct, and community management of water.** The communes, communities, peoples, and nationalities have the right to participate in the use, usufruct, and community management of the water flowing through their lands and territories to strengthen their identity, culture, traditions, and rights per the legal system.

For this purpose, through the representatives of their organizations and under this Law, they shall participate in the comprehensive planning and community management of the water flowing through their lands and territories, as well as form part of the organizations that are established in the basins in which their lands and territories are located.

- **Article 74.- Conservation of water management practices.** The application of traditional forms of management of the hydrological cycle, practiced by communes, communities, indigenous peoples and nationalities, Afro-Ecuadorian and Montubio peoples and nationalities is guaranteed, and their forms, uses, and customs for the internal distribution and distribution of authorized water flows are respected.

- **Article 78.- Water protection areas.** Water protection areas are territories with water sources that are declared to be of public interest regarding their maintenance, conservation, and protection. These sources supply water for human consumption or guarantee food sovereignty. Therefore, they shall be part of the National System of Protected Areas.

Following a technical report issued by the National Environmental Authority and in coordination with the Decentralized Autonomous Governments within the scope of their competencies, the Single Water Authority shall establish and delimit the water protection areas necessary for the maintenance and conservation of the public water domain.

The State shall regulate the use of water protection areas to ensure their adequate management. The protection regime established for water protection areas shall respect the spiritual uses of peoples and nationalities. This Law's Regulations shall determine the procedure for establishing these water protection areas, provided they are not wetlands, forests, and protective vegetation.

When land use affects the protection and conservation of water resources, the Single Water Authority in coordination with the Decentralized Autonomous Governments and territorial districts, shall establish and delimit water protection areas to prevent and control water pollution on riverbanks, river beds, lakes, lagoons, reservoirs, estuaries, and groundwater.

SECTION TWO. SECTION TWO.

OBJECTIVES OF PREVENTION AND CONTROL OF WATER POLLUTION.

- **Article 79. Objectives of prevention and conservation of water.-** The Single Water Authority, the National Environmental Authority, and the Decentralized Autonomous Governments shall work in coordination to meet the following objectives:

a) Guarantee the human right to water for good living or *sumak kawsay*, the recognized rights to nature and the preservation of all forms of life, in a healthy, ecologically balanced, and pollution-free environment;

Preserve the quantity of water and improve its quality;

b) Preserve water quantity and improve its quality;

c) Control and prevent the accumulation in soil and subsoil of toxic substances, wastes, spills, and other elements capable of contaminating surface or groundwater;

d) Control activities that may cause degradation of water and related aquatic and terrestrial ecosystems and, when degraded, provide for their restoration;

e) Prohibit, prevent, control, and sanction water pollution by dumping or depositing solid, liquid, and gaseous wastes; organic, inorganic compounds or any other toxic substance that alters water quality or affects human health, fauna, flora, and the balance of life;

f) Guarantee the integral conservation and care of the delimited water sources and the balance of the hydrological cycle; and,

g) Avoid the degradation of the ecosystems related to the hydrological cycle.

- **Article 80.- Discharges: prohibitions and control.** Discharges of wastewater directly or indirectly into the public water domain are considered discharges. The direct or indirect discharge of wastewater or waste products, sewage, untreated sewage, and leachate, which may pollute the public domain's waters, is prohibited.

The National Environmental Authority will exercise the control of discharges in coordination with the Single Water Authority and the Decentralized Autonomous Governments accredited in the single environmental management system.

It is the autonomous municipal governments' responsibility to treat sewage and solid waste to prevent water pollution under the law.

- **Article 81.- Administrative authorization for discharges.** The authorization for discharges shall be included in the environmental permits issued for such purpose.

The parameters of water quality and the procedure for granting, suspending, and reviewing the authorization shall be regulated or accredited by the National Environmental Authority in coordination with the Single Water Authority.

The Decentralized Autonomous Governments within the scope of their competence and jurisdiction shall issue the administrative discharge authorization provided for in this Law subject to the National Environmental Authority's public policies.

- **Article 82.- Citizen Participation and Oversight.** Individuals, peoples, nationalities, and social groups may carry out oversight processes, observatories, and other mechanisms for social control over water quality and pollution prevention and control plans and programs according to the Law.

CHAPTER VII: STATE OBLIGATIONS REGARDING THE RIGHTS OF HUMANS TO WATER. SECTION ONE: OBLIGATIONS AND PROGRESSIVITY

- Obligations of co-responsibility - The State, at its different levels of government, is co-responsible with users, consumers, communes, communities, peoples, and nationalities for the fulfillment of the following obligations:

- a) Reduce unsustainable extraction, diversion, or damming of water flows;
- b) Prevent, reduce and revert water pollution
- c) Monitor and protect declared water reserves of optimum quality;
- d) Contribute to the analysis and study of water quality and availability;
- e) Identify and promote technologies to improve water use efficiency;
- f) Reduce water wastage during catchment, transportation, and distribution;
- g) Adopt measures for the restoration of degraded ecosystems;
- h) Support projects for the capture, storage, management, and rational, efficient, and sustainable use of water resources; and,
- i) Develop and promote training, scientific and technological research in the water sector.

SECTION TWO. USES OF WATER.

- **Article 86.- Water and priorities.** In accordance with the constitutional provision, the order of priority among the different uses or functions of water is:

- a) Human consumption;
- b) Irrigation to guarantee food sovereignty;
- c) Ecological flow; and,
- d) Productive activities.

Water for irrigation to ensure food sovereignty includes animal watering, aquaculture, and other domestic agricultural and livestock food production activities according to the Regulations of this Law.

- **Article 87.- Types and terms of authorizations.** The granting, suspension, or cancellation of authorizations is the responsibility of the Single Water Authority. Authorizations, according to the nature of their purpose, are classified as follows:

1. Authorizations for water use. It is the administrative act issued by the Single Water Authority by means of which it favorably accepts a request submitted by individuals or legal entities for the use of a water flow intended for human consumption or irrigation to ensure food sovereignty. This also includes the watering of animals and aquaculture production activities in a manner and under the conditions provided for in this Law.

2. Authorizations for the productive use of water. It is the administrative act issued by the Single Water Authority, through which it favorably responds to an application submitted by natural or legal persons for the productive use of a water flow intended for any of the economic uses in the manner and under the conditions provided for in this Law.

- **Article 88.- Use.** The use of water is understood as its utilization in basic activities indispensable for life, such as human consumption, irrigation, aquaculture, and animal watering, to guarantee food sovereignty under the terms established in the Law.

- **Article 89.- Authorization of use.** The use of water as defined in the preceding article shall be subject to the respective authorization granted in accordance with this Law, its Regulations, and water planning. The authorization for water use for human consumption and irrigation for food sovereignty, animal watering, and aquaculture confers to the user thereof, in an exclusive manner, the capacity for the collection, treatment, conduction, and use of the water flow to which the authorization refers.

- **Article 90.- Conditions for granting water use authorizations.** Prior to the granting of authorizations for the use of water, the Single Water Authority shall verify compliance with the following conditions:

a) That the order of priority established in the Constitution and this Law be respected;

b) That the availability of water of sufficient quality and quantity be certified. With respect to water quality, the Single Water Authority will implement the certification processes progressively;

c) That the Single Water Authority previously approve the studies and hydraulic infrastructure projects necessary for its use;

d) That the beneficiary be responsible for the prevention and mitigation of the environmental damage caused, and undertake to contribute to the proper management of the authorized water; and,

e) That the term for the use of water be immediate or within a determined time for the purpose for which it was authorized according to the respective technical report.

- **Article 91.- Recreational and sports use.** Recreational events and aquatic competitions that do not imply water use shall not require prior authorization from the Single Water Authority.

- **Article 92.- Cultural and sacred practices.** The Sole Water Authority shall guarantee the integrity and permanence of the places where communes, communities, peoples and nationalities traditionally practice water rites, cultural and sacred values.

Together with the communes, the Single Water Authority, communities, peoples, and nationalities shall carry out and keep duly updated a participatory and comprehensive National Inventory of sacred places and water rituals.

The administration and conservation of sacred sites concerning water shall be carried out by the entities or organizations of peoples and nationalities in whose lands or territories they are located, with the support of national programs and projects of public agencies and Decentralized Autonomous Governments, in accordance with the Constitution and their rights.

4.3.3 ORGANIC HEALTH LAW

Published in the Official Gazette No. 423 of December 22, 2006.

CHAPTER III: RIGHTS AND DUTIES OF INDIVIDUALS AND THE STATE CONCERNING HEALTH

- Art. 7 literal c) refers to people's right to live in a healthy environment, ecologically balanced and free of contamination.

BOOK II: ENVIRONMENTAL HEALTH AND SAFETY. COMMON PROVISION

- Art. 95.- The national sanitary authority shall coordinate with the MAE the basic rules for preserving the environment in matters of human health.

SOLE TITLE: CHAPTER I. WATER FOR HUMAN CONSUMPTION

- Art. 96.- states the obligation of every natural or legal person to protect every aquifer, water source or basin that serves to supply water for human consumption and prohibits any activity that may contaminate said water source.

CHAPTER II: COMMON, INFECTIOUS, SPECIAL WASTES, AND IONIZING AND NON-IONIZING RADIATION

- **Art. 103.-** It is prohibited that any person, natural or legal, discharge or deposit sewage and wastewater without the appropriate treatment, as provided for in the corresponding regulation, in rivers, seas, canals, ravines, lagoons, lakes, and other similar sites. Its use in animal husbandry or agricultural activities is also prohibited.

Infectious, special, toxic, and hazardous waste must be technically treated before disposal, and the final deposit will be made in special sites established for this purpose by the country's municipalities.

For the disposal of domestic waste, the provisions established for this purpose shall be complied with.

The health authorities, in coordination with the municipalities, will be responsible for enforcing these provisions.

- **Art. 104.-** Every industrial, commercial, or service establishment has an obligation to install systems for the treatment of contaminated water and toxic waste produced due to its activities. The health authorities, in coordination with the municipalities, shall be responsible for enforcing this provision.

CHAPTER III: AIR QUALITY AND NOISE POLLUTION

- **Art. 111.-** refers to air quality and noise pollution and provides that the national health authority shall coordinate with the MAE all types of emanations that affect the respiratory, auditory, and visual systems to avoid air and noise pollution affects human health.

- **Art. 113.** All labor, productive, industrial, commercial, recreational and amusement activities, housing, and other facilities and means of transportation must comply with the provisions of the respective rules and regulations on prevention and control to avoid noise pollution that affects human health.

CHAPTER V: OCCUPATIONAL HEALTH AND SAFETY

- **Art. 117.-** establishes that the national health authority, in coordination with the Ministry of Labor and Employment and the Ecuadorian Institute of Social Security, shall establish occupational health and safety standards to protect workers' health.

- **Art. 118.** Employers shall protect their workers' health, providing them with sufficient information, protective equipment, appropriate clothing, safe working environments to prevent, reduce or eliminate risks, accidents, and occupational diseases.

- **Art. 119.-** Employers have an obligation to notify the competent authorities of work accidents and occupational diseases, without prejudice to the actions taken by both the Ministry of Labor and Employment and the Ecuadorian Institute of Social Security.

- **Art. 120.** In coordination with the Ministry of Labor and Employment and the Ecuadorian Institute of Social Security, the national health authority shall monitor and control working conditions so that they are not harmful or unhealthy during periods of pregnancy and lactation of working women.

Employers have an obligation to comply with the regulations and adapt pregnantly and breastfeeding women's work activities.

BOOK III: SANITARY SURVEILLANCE AND CONTROL

- **Art. 129.-** Compliance with the sanitary surveillance and control regulations is mandatory for all public and private institutions, organisms, and establishments that carry out production, importation, exportation, storage, transportation, distribution, commercialization, and sale of products for human use and consumption.

- **Art. 130.-** The establishments subject to sanitary control must have a permit granted by the national sanitary authority. The operation permit shall be valid for one calendar year.

- **Art. 132.-** The activities of surveillance and sanitary control include the control of quality, safety, and security of processed products for human use and consumption, as well as the verification of compliance with the technical and sanitary requirements in the establishments dedicated to the production, storage, distribution, commercialization, import and export of the indicated products.

SOLE TITLE: CHAPTER I: SANITARY REGISTRATION

- **Art. 137.-** Processed foods, food additives, medicines in general, nutraceutical products, biological products, natural processed products for medicinal use, homeopathic medicines and dental products; medical devices, biochemical and diagnostic reagents, hygienic products, pesticides for domestic and industrial use, manufactured in the national territory or abroad, are subject to sanitary registration to obtain authorization for their import, export, commercialization, dispensation, and sale, including those received as donations.

- **Art. 138.-** The national sanitary authority, through its competent organism, Dr. Leopoldo Izquieta Pérez National Institute of Hygiene and Tropical Medicine, which will exercise its functions in a deconcentrated form, will grant, suspend, cancel or re-register the sanitary registration certificate, previous compliance with the procedures, requirements, and terms indicated in this Law and its regulations, according to the guidelines and norms issued by the national sanitary authority, which will establish the payment of an amount for the inscription and re-registration of the said sanitary registration certificate. These payments will be aimed at institutional development, including a national program of quality control and post-registration safety as a priority.

- **Art. 139.-** The sanitary registration shall be valid for five years, counted from the date of its issuance. Any change in the condition in which the product was approved in the sanitary registration must be notified obligatorily to the national sanitary authority through the Dr. Leopoldo Izquieta Pérez Institute of Hygiene Tropical Medicine and, will be subject to the procedure indicated by the law and its regulations.

- **Art. 140.-** The import, export, commercialization, and sale of processed products for human use and consumption with no sanitary registration is prohibited, except for the exceptions foreseen in this Law.

- The sanitary registration shall be suspended or canceled by the national sanitary authority through the Dr. Leopoldo Izquieta Pérez National Institute of Hygiene and Tropical Medicine, at any time if it is proven that the product or its manufacturer does not comply with the requirements and conditions established in this Law and its regulations or when the product could cause damage to health, and the other sanctions indicated in this Law shall be applied.

In all cases, the holder of the registration or the responsible person, whether natural or legal, shall fully compensate any damage caused to third parties, without prejudice to other legal actions that may be applicable.

- Art. 142. Through its competent bodies, the national sanitary authority shall periodically carry out post-registration controls of all products subject to sanitary registration by taking samples for quality and safety control analysis, whether in the sites of manufacturing, storage, transport, distribution, or sale. Also, it shall provide

CHAPTER II: FOOD

- **Art. 145.-** It is the responsibility of producers, retailers, and other agents involved during the production-consumption cycle to comply with the standards established in this Law and other provisions in force to ensure the quality and safety of food for human consumption.

- **Art. 146.-** In the matter of food, the following is prohibited:

- a) The use of additives to dissimulate, mitigate or correct technological deficiencies as regards the production, handling, or preservation to highlight the food's characteristics fraudulently;
- b) The use, importation, and commercialization of raw materials that are not suitable for human consumption;
- c) The addition of harmful substances that make the food dangerous or potentially harmful to the health of consumers;
- d) The use of raw materials and products treated with ionizing radiation or that have been genetically modified in the preparation of infant formulas and baby food;
- e) Processing and handling of food in unhygienic conditions;
- f) The use of packaging that does not comply with the technical specifications approved for that effect;
- g) The offer of processed food with names, marks, graphics, or labels that make false claims or omit data in such a way as to confuse or mislead the consumer;
- h) The storage of raw materials or processed food in premises in which harmful or dangerous substances are found; The storage of raw materials or processed food in premises in which harmful or dangerous substances are found;
- i) Any form of falsification, contamination, alteration or adulteration, or any procedure that produces the effect of rendering them harmful or dangerous to human health; and,
- j) The exhibition and sale of products whose shelf life has expired.

- **Art. 147.** In coordination with the municipalities, the national health authority shall establish health education programs for producers, handlers, and consumers of food, promoting hygiene, individual and collective health, and environmental protection.

- **Art. 152.** In coordination with the competent bodies, the national health authority shall establish and implement an integrated national system to guarantee food safety.

In conclusion, the Organic Health Law provides for inter-institutional coordination between the sanitary and environmental authorities at the national level to prevent the contamination of resources and, in turn, avoid any attempt against human health.

4.3.4 HEALTH CODE: OFFICIAL REGISTRY NO. 158 OF FEBRUARY 8, 1971.

This document "prohibits the discharge of untreated solid, liquid or gaseous waste; harmful and undesirable substances that pollute or affect water quality; excrete, sewage, industrial waste in any watercourse for domestic or agricultural use, industrial discharges into public sewers without the corresponding permit. Art. 12, 17, 25, and 28. Articles 03, 04, 06, 06, 07, 08, 10 and 11 also apply.

- **Art. 6.-** the Health Code determines that environmental sanitation is the best set of activities dedicated to condition and control the environment in which manhood lives to protect their health.

- **Art. 12.-** No person may dispose of solid, liquid, or gaseous waste into the air, soil or water, without prior treatment to make them harmless to health.
- **Art. 17.-** No one may discharge, directly or indirectly, harmful or undesirable substances in such a way as to contaminate or affect the sanitary quality of the water and obstruct, totally or partially, the supply routes.
- **Art. 25.-** Excrete, sewage, industrial waste may not be discharged, directly or indirectly, into streams, rivers, lakes, irrigation ditches, or any watercourse for domestic, agricultural, industrial, or recreational use unless previously treated by methods that make them harmless to health.
- **Art. 29.-** The possession, production, importation, sale, transportation, distribution, use, and disposal of toxic substances and products of a corrosive or irritating, inflammable or oxidizing, explosive or radioactive nature, which constitute a danger to health, must be carried out under sanitary conditions that eliminate such risk and be subject to the control and requirements of the pertinent regulations.
- **Art. 35.-** It is incumbent upon the owner of a property or the person responsible for the occupation of a public road or site to remove or destroy scrap, debris, useless objects, or any heap of undesirable materials.
- **Art. 56.-** Workplaces must meet the hygiene and safety conditions for their personnel. The health authority shall also provide for the adoption of the appropriate sanitary measures to benefit the workers employed during the construction of a work.
- **Art. 59.-** The owners or possessors of open or closed places, to which people have habitual access, shall maintain them in conditions that avoid the existence or reproduction of arthropods, rodents, ophidians, and other animals species that act as transmitting agents of diseases or that are harmful to manhood. The health authority will provide instructions for the use of means and the opportunity to fulfill this obligation. Scientific experimentation centers and other establishments that have the corresponding permit are exempted.

4.3.5 GENERAL PORT LAW

- **Art. 1.-** All maritime and fluvial port facilities in Ecuador and activities related to their operations carried out by organizations, entities, and natural or legal persons shall be governed by the provisions contained in this Law.
- **Art. 2.-** The functions of planning, direction, coordination, orientation, and control of the national shipping and port policy shall be exercised through the following Organisms:
 - a) National Council of the Merchant Marine and Ports.
 - b) Directorate of the Merchant Marine and Coastline.
 - c) Port Entities.

Note: Art. 11 of the D.E. 1111 (R.O. 358, 12-VI-2008) prescribes the substitution of any reference to the General Directorate of the Merchant Marine and Coastline - DIGMER, for the "Undersecretariat of Ports and Maritime and Fluvial Transport." However, since a decree cannot introduce reforms to hierarchically superior regulations, we have maintained this provision's original text.

- **Art. 3.-** (Reformed by Art. 28 of Law 12, R.O. 82-S, 9-VI-1997).

82-S, 9-VI-1997) The National Council of the Merchant Marine and Ports shall be composed of the following members: the Minister of National Defense, who shall preside over it; the Commandant General of the Navy; the Ministers or Undersecretaries of Foreign Affairs, Public Works, Finance, Foreign Trade, Industrialization, and Fishing; the President or Technical Director of the National Board of Planning and Economic Coordination; the Chief of the First Naval Zone and the Director of Maritime Development of the Navy. The Director of the Merchant Marine and Coastline shall be part of the Council as an Advisor with informative voice but without a vote.

- **Art. 4.-** The National Council of the Merchant Marine and Ports is the highest advisory body of the Government as regards shipping and port matters and has the following attributions:

- a. Approve the port entities' tariff regulations and the changes or modifications that may be submitted to its consideration.
- b. Decide on the convenience of establishing new ports, according to national interests, considering the areas of influence, the National Transportation Policy, and the Development Plan.
- c. Authorize the use for commercial purposes, of ports or maritime or fluvial facilities, by natural or legal private or public persons.
- d. Know and approve the National Port System's annual schedule, which must be submitted by the Directorate of the Merchant Marine and Coastline until December 31 of each year.
- e. Arrange for studies and projections on the influence of port facilities on the National Transportation System.
- f. Approve the General Investment Plan of the National Port System and annual budgets of the port entities, which shall be submitted for consideration by the Merchant Marine and Coastline Directorate no later than December 31 of each year.
- g. Know and issue opinions on the report of Activities of the National Port System submitted by the Directorate of Merchant Marine and Coastline in the first quarter of each year.
- h. Determine the jurisdiction of the Port Entities.
- i. Submit to the President of the Republic the proposal in a slate, from among the members of which the President of the Republic will elect the Chairman of the Board of Directors of each of the Port Entities.
- j. Any other duties conferred by the Law or the Regulations.

- **Art. 6.-** The Directorate of the Merchant Marine and Coastline shall have within its organization, the National Ports Department, which shall be in charge of the study and analysis of port activities in administrative, operational, exploitation, construction, and improvement of Ecuadorian commercial ports, and the technical, administrative bodies that may be necessary for the fulfillment of its mission.

Note: Art. 11 of the D.E. 1111 (R.O. 358, 12-VI-2008) prescribes the substitution of any reference to the General Directorate of the Merchant Marine and Coastline - DIGMER, for the "Undersecretariat of Ports and Maritime and Fluvial Transport". However, since a decree cannot introduce reforms to hierarchically superior regulations, we have maintained this provision's original text.

4.3.6 COMPREHENSIVE ORGANIC CRIMINAL CODE

CHAPTER FOUR: CRIMES AGAINST THE ENVIRONMENT AND NATURE OR PACHA MAMA.

SECTION ONE. CRIMES AGAINST BIODIVERSITY.

- **Article 245.-** Invasion of areas of ecological importance.- The individual who invades the areas of the National System of Protected Areas or fragile ecosystems shall be punished with imprisonment from one to three years.

The maximum penalty shall be applied when:

1. As a consequence of the invasion, serious damage is caused to biodiversity and natural resources.
2. The invasion is promoted, financed, or directed by taking advantage of individuals under deceit or false promises.

- Article 247.

Crimes against wild flora and fauna: The individual who hunts, fishes, captures, collects, extracts, possesses, transports, traffics, benefits from, exchanges, or commercializes specimens or their parts, their constituent elements, products, and derivatives, of flora or wild terrestrial, marine or aquatic fauna, of threatened, endangered and migratory species, listed at a national level by the National Environmental Authority as well as international instruments or treaties ratified by the State, will be punished with imprisonment from one to three years.

The maximum penalty shall be applied if any of the following circumstances take place:

1. The act is committed in a period or zone of seed production or reproduction or incubation, nesting, birth, breeding, or growth of the species.
2. The act is committed within the National System of Protected Areas.

Only subsistence hunting, fishing or capture of wildlife, traditional medicine practices, as well as the domestic use and consumption of wood by the communities in their territories, whose purposes are not commercial or for-profit, are exempted from this provision. This must be coordinated with the National Environmental Authority.

SECTION TWO

CRIMES AGAINST NATURAL RESOURCES

- **Article 251.- Crimes against water.-** The individual who, in contravention of the regulations in force, pollutes, depletes or alters the bodies of water, streams, water sources, ecological flows, natural upwelling or underground waters of the hydrographic basins and, in general, the hydrobiological resources or discharges matter into the sea, causing serious damage, shall be sanctioned with a prison sentence of three to five years.

The maximum penalty shall be imposed if the infraction is perpetrated in the National System of Protected Areas or if the infraction is perpetrated for profit or with methods, instruments or means that result in extensive and permanent damage.

- **Article 252.- Crimes against the soil.-** The individual who, in contravention of the regulations in force, concerning land and environmental management plans, changes the use of forest soil or soil intended for the maintenance and conservation of native ecosystems and their ecological functions, affects or damages their fertile layer, causes erosion or desertification, causing serious damage, shall be punished with imprisonment of three to five years.

The maximum penalty shall be imposed if the infraction is perpetrated in the National System of Protected Areas or if the infraction is perpetrated for profit or with methods, instruments or means that result in extensive and permanent damage.

- **Article 253.- Air pollution.-** The individual who, in contravention of the regulations in force or by not adopting the measures required by the regulations, pollutes the air, the atmosphere or other components of the airspace at levels that result in serious damage to natural resources, biodiversity and human health, shall be punished with imprisonment for a term of one to three years.

- **Article 254.- Prohibited or unauthorized management of products, residues, wastes or hazardous substances:** The individual who, contrary to the provisions of the regulations in force, develops, produces, possesses, disposes of, burns, markets, introduces, imports, transports, stores, deposits or uses products, residues, wastes, and chemical or hazardous substances, and thereby causes serious damage to biodiversity and natural resources, shall be punished with deprivation of liberty for a term of one to three years. The following crimes shall be punished with deprivation of liberty for three to five years in the case of:

1. Chemical, biological or nuclear weapons.
2. Prohibited chemicals and agrochemicals, highly toxic persistent organic pollutants and radioactive substances.
3. Dissemination of diseases or pests.

4. Technologies, experimental biological agents, or genetically modified organisms that are harmful and detrimental to human health or threaten biodiversity and natural resources.

If death is produced as a consequence of these crimes, such action will be punished with imprisonment of sixteen to nineteen years.

- **Art. 255 - Falsehood or concealment of environmental information.-** The individual who issues or provides false information or conceals information that supports the issuance and granting of environmental permits, environmental impact studies, environmental audits and diagnoses, forest exploitation permits or licenses, which cause the environmental authority to commit an error, shall be punished with imprisonment from one to three years.

The maximum penalty shall be imposed if the public servant, due to his or her functions or due to taking advantage of his or her capacity as a public servant or his or her responsibilities to exert control, processes, issues or approves with false information environmental permits and others documents mentioned in this article.

4.3.7 ORGANIC CODE OF TERRITORIAL ORGANIZATION, AUTONOMY, AND DECENTRALIZATION (COOTAD).

- **Article 136.- Subsection two.-** It is the responsibility of the provincial decentralized autonomous governments to govern, direct, order, arrange or organize environmental management, the defense of the environment and nature, within the scope of their territory; these actions shall be carried out within the framework of the decentralized national system of environmental management and in accordance with the policies issued by the national environmental authority. To grant environmental licenses, they must be accredited as the environmental enforcement authority responsible for their control.

4.3.8 UNIFIED TEXT OF SECONDARY LEGISLATION OF THE MINISTRY OF ENVIRONMENT (TULSMA).

PRELIMINARY TITLE OF THE BASIC ENVIRONMENTAL POLICIES OF ECUADOR

- **Art. 1.-** The following basic environmental policies of Ecuador are hereby established: Basic environmental policies of Ecuador

1. Recognize that the fundamental principle that should transcend the set of policies is the commitment of society to promote development towards sustainability. Ecuadorian society should permanently observe the concept of minimizing negative environmental risks and impacts while maintaining the social and economic opportunities of sustainable development.

2. Recognize that sustainable development can only be achieved when the three elements: social, economic, and environmental, are treated harmoniously at every moment and for every action. Every inhabitant in Ecuador and its public and private institutions and organizations should, at every moment, conduct every action in a way that simultaneously tends to be socially fair, economically profitable, and environmentally sustainable.

3. Recognizing that environmental management corresponds to everyone at every moment of life and that no one can replace the responsibility of each person in the management of the environment in their field of action: Through the coordination of the Ministry of the Environment, in order to ensure due to national coherence, the entities of the public and private sectors in Ecuador, without prejudice to the fact that each one shall manage its specific area, shall contribute, within the framework of the present policies, to identify, for each case, the specific policies and strategies, the necessary orientations and guidelines in order to guarantee adequate environmental management by all, permanently aimed at achieving sustainable development, as well as to collaborate in the necessary aspects to ensure that each inhabitant of Ecuador adapts his or her conduct to this purpose.

4. Recognizing that the environment has to do with everything and is present in every human action: The

environmental considerations must be explicitly present in all human activities and in every field of action of public and private entities, particularly as an obligatory and indissoluble part of decision making; therefore, environmental issues should not be considered in any case as an independent sector separated from social, economic, political, cultural and, in general, any other kind of considerations. This is without prejudice to the fact that, for purely methodological reasons, analyses and training on so-called "environmental issues" should be carried out.

5. Recognizing that each issue related to environmental management has several important stakeholders, directly linked or with particular interests in them: Environmental management in Ecuador will be based basically on solidarity, co-responsibility, cooperation and coordination among all the inhabitants of Ecuador, aimed at guaranteeing sustainable development, based on balance and harmony between the social, economic and environmental aspects.

Similar criteria will guide Ecuador in its relations with other countries and peoples of the world so that the activities carried out within its jurisdiction and competence or outside of it do not harm other States and areas without jurisdiction, nor is it harmed by the actions of others.

Its decision to promote the rational and sustainable co-management of shared resources with other countries should be particularly mentioned.

6. Recognizing that, notwithstanding the necessary and advisable complements and legal and institutional systematizations, there are sufficient laws and institutions in Ecuador to carry out and maintain adequate environmental management, but that the laws and regulations are only partially complied with and that many institutions are going through crises in several orders: its decision to resort to the rational and sustainable co-management of shared resources with other countries.

BOOK IV

BIODIVERSITY

CHAPTER VII: PROHIBITIONS

- **Art. 103.-** It is forbidden, on any day or time of the year, to hunt the species, birds, or mammals, which compose the wild fauna and which are listed in Annex 1 of the present Title, classified as threatened or in danger of extinction. Likewise, hunting is not allowed in determining areas or zones and during the duration of the prohibitions.

- **Art. 109.-** It is prohibited to disturb and attempt against the life of wild animals in the whole country, with the exceptions foreseen in this regulation.

- **Art. 110.-** It is prohibited to collect eggs, capture or seize neonates and young of wild animals, without the corresponding authorization.

- **Art. 114.-** All kind of hunting is prohibited in the National Patrimony Areas, such as: National Parks, ecological reserves, wildlife refuges, existing biological reserves and those that may be created in the future.

4.4 MINISTERIAL AGREEMENTS

4.4.1 MINISTERIAL AGREEMENT 061

REFORM TO BOOK VI OF THE UNIFIED TEXT OF SECONDARY LEGISLATION OF THE MINISTRY OF THE ENVIRONMENT (TULSMA)

BOOK VI ON ENVIRONMENTAL QUALITY

TITLE I PRELIMINARY PROVISIONS

- **Art. 1 SCOPE.-** This book establishes the procedures and regulates the activities and public and private responsibilities in environmental quality matters. Environmental quality is understood as the set of characteristics of the environment and nature, including air, water, soil, and biodiversity, in relation to

soil and biodiversity, regarding the absence or presence of harmful agents that may affect the maintenance and regeneration of the vital cycles, structure, functions, and evolutionary processes of nature.

- **Art. 2 PRINCIPLES.**- Without prejudice to those principles contained in the Constitution of the Republic of Ecuador and the laws and secondary regulations of any hierarchy governing the matter, the principles contained in this Book are of obligatory application and constitute the conceptual elements that originate, sustain, govern and inspire all decisions and public and private activities of natural and legal persons, peoples, nationalities, and communities regarding the management of environmental quality, as well as the responsibility for environmental damages.

For the application of this Book, the administrative authorities and judges shall observe the principles of environmental legislation and, in particular, the following:

- **Preventive.** Through its institutions and bodies and, in accordance with the public powers assigned by law, the obligation of State to adopt timely policies and measures to avoid negative environmental impacts when there is the certainty of damage.

- **Precautionary.**- The obligation of the State, through its institutions and bodies and, under public powers assigned by law, to adopt effective and timely protective measures when there is a danger of serious or irreversible damage to the environment, even when there is doubt about the environmental impact of an action or omission, or when there is no scientific evidence of damage. The precautionary principle is applied when it is necessary to decide between alternatives in a situation where technical and scientific information is insufficient, or there is a significant level of doubt in the conclusions of the technical-scientific analysis. In such cases, the precautionary principle requires that the decision that has the least risk of causing, directly or indirectly, damage to the ecosystem.

- **The individual that pollutes pays.**- All individuals who conduct activities involving environmental risk have an obligation to internalize environmental costs, assuming the costs of pollution prevention and control as well as those necessary to restore ecosystems in case of environmental damage, taking due account of the public interest,

the rights of nature and the right to live in a balanced environment. The principle mentioned above is also applied in sanctioning procedures or the determination of administrative or tax payment obligations.

- **Correction of the root cause:** the Controlled Subjects have an obligation to adopt all pertinent measures to avoid, minimize, mitigate and correct environmental impacts from the origin of the productive process. This principle shall be applied in projects and in addition to management plans or of any nature provided for in this Book.

- **Co-responsibility in environmental matters:** When compliance with environmental obligations corresponds to several persons jointly, there shall be shared responsibility for the infractions committed in the case and for the penalties imposed.

- **From the cradle to the grave.** The Controlled Subjects' responsibility covers integral, shared, and differentiated manner all the phases of integral management of hazardous chemical substances and the adequate management of waste, hazardous and/or special waste from its generation to its final disposal.

- **Strict liability.**- Liability for environmental damage is strict.

Any damage to the environment, in addition to the corresponding sanctions, will also imply the obligation to fully restore the ecosystems and compensate the affected individuals and communities.

- **Extended producer and/or importer responsibility.**- Producers and/or importers have responsibility for the product throughout its entire life cycle, including the impacts inherent to the selection of materials, the production process, as well as the use and final disposal thereof after their useful life.

- **Best available technology.**- Any activity that may produce an environmental impact or risk must be carried out efficiently and cost-effectively,

that is, using the most appropriate technical procedures available to prevent and minimize the environmental impact or risk.

- **Primary Remediation.**- The obligation to fully restore ecosystems when any damage is made to the environment, without prejudice to the corresponding sanctions. The aim of this is to return to the initial condition or the state before the damage.

TITLE III: UNIFIED ENVIRONMENTAL MANAGEMENT SYSTEM

CHAPTER I

INSTITUTIONAL REGIME

- **Art. 6 General Obligations.**- All new works, activities, or projects, and any expansion or modification thereof that may cause environmental impact shall be subject to the Unified Environmental Management System, in accordance with the provisions of the applicable legislation, this Book, and the administrative and technical regulations issued for such purpose.

All actions related to environmental management shall be planned and executed based on the principles of sustainability, equity, social participation, validated representativeness, coordination, precaution, prevention, mitigation and remediation of negative impacts, co-responsibility, solidarity, cooperation, waste minimization, reuse, recycling and utilization of waste, conservation of resources in general, use of clean technologies, environmentally responsible alternative technologies, good environmental practices and respect for cultures and traditional practices and ancestral possessions. Likewise, the environmental impacts of any product, industrialized or not, during its life cycle shall be considered.

- **Art. 7 Competence of environmental impact assessment.**- The National Environmental Authority is responsible for the environmental impact assessment process, which may be delegated to the Autonomous Decentralized Provincial, metropolitan and/or municipal Governments through an accreditation process in accordance with the provisions of this Book.

The environmental impact assessment process is an environmental administrative authorization whose scope and nature depend on the management tool used in each case.

Both the environmental authorization and the environmental impact assessment tools are described in this book.

CHAPTER II: UNIFIED ENVIRONMENTAL INFORMATION SYSTEM.

- **Art. 12.-** Unified Environmental Information System (SUIA): It is the computerized tool of mandatory use for the entities that make up the National Decentralized Environmental Management System; it shall be administered by the National Environmental Authority and shall be the only online means used to carry out the entire environmental regularization process, following the principles of speed, simplification of procedures and transparency.

- **Art. 14.-** On the regularization of the project, work, or activity: The projects, works, or activities included in the catalog issued by the National Environmental Authority shall be regularized through the SUIA, which shall automatically determine the type of environmental permit: Environmental Registration or Environmental License.

CHAPTER III. CHAPTER III.

ENVIRONMENTAL REGULARIZATION.

- **Art. 21 General objective.**- To authorize the execution of public, private, and mixed projects, works, or activities, according to their particular characteristics and the magnitude of the environmental impacts and risks.

- **Art. 22 Catalog of projects, works, or activities.**- It is the list of projects, works, or activities required to be regularized through the environmental permit according to the magnitude of the impact and risk generated to the environment.

- **Art. 25 Environmental License.**- This is the environmental permit granted by the Competent Environmental Authority through the SUIA, and is mandatory

for those projects, works or activities considered of medium or high impact or risk. The Controlled Subject shall comply with the obligations arising from the environmental permit granted.

CHAPTER IV. ENVIRONMENTAL STUDIES.

Art. 27 Objective.- Environmental studies serve to guarantee an adequate and well-founded prediction, identification, and interpretation of the environmental impacts caused by projects, works or activities existing or being developed in the country, as well as the technical suitability of the control measures for the management of their environmental impacts and risks; the environmental study shall be carried out technically, and according to the scope and depth of the project, work or activity, following the requirements foreseen in the applicable environmental regulations.

Art. 28 Environmental impact assessment.- The environmental impact assessment is a procedure that allows predicting, identifying, describing, and evaluating the potential environmental impacts that a project, work or activity may cause to the environment to determine the most effective measures to prevent, control, mitigate and compensate the negative environmental impacts, framed within the provisions of the applicable environmental regulations.

For the evaluation of environmental impacts, the relevant environmental variables of the area are observed; among these, the following can be mentioned:

- a) Physical (water, air, soil, and climate);
- b) Biotic (flora, fauna, and their habitats);
- c) Socio-cultural (archeology, socio-economic organization, among others);

Access to environmental information is guaranteed to civil society and public officials of projects, works or activities that are in process or have environmental licensing.

Art. 29 Individuals in charge of the environmental studies.- The environmental studies of the projects, works or activities shall be carried out under the responsibility of the regulated party, according to the applicable environmental guidelines and regulations. Such party shall be responsible for the truthfulness and accuracy of their contents.

The environmental studies of the environmental licenses shall be carried out by consultants endorsed by the Competent Authority, which shall periodically evaluate, together with other competent entities, the consultants' technical and ethical capacities to carry out such studies.

Art. 30 Terms of reference.- These are preliminary standardized or specialized documents that determine the content, scope, focus, methods, and techniques to be applied in the preparation of environmental studies. The terms of reference for completing an environmental study shall be found online through the SUIA for the sponsor of the project, work, or activity; the Competent Environmental Authority shall focus the studies based on the activity to be regulated.

Art. 31 Project description and analysis of alternatives.- Projects or activities requiring environmental licenses shall be described in detail to predict and evaluate their potential or real impacts.

In evaluating the project or work, the environmental, social, and economic components must be fairly evaluated; such information will complement the viable alternatives for the analysis and selection of the most adequate one.

The non-execution of the project will not be considered as an alternative in the analysis.

- **Art. 32 Environmental Management Plan.** The Environmental Management Plan consists of several sub-plans, depending on the activity or project's characteristics.

The Environmental Management Plan shall contain the following sub-plans, with their respective programs, budgets, responsible parties, means of verification, and schedule.

- a) Impact Prevention and Mitigation Plan;
- b) Contingency Plan;

- c) Training Plan;
- d) Occupational Health and Safety Plan;
- e) Waste Management Plan;
- f) Community Relations Plan;
- g) Rehabilitation Plan for Affected Areas;
- h) Area Abandonment and Delivery Plan;
- i) Monitoring and Follow-up Plan.

In the case of Environmental Impact Studies for activities in operation (EsIA Ex Post), in addition to the plans above, an action plan shall be included to correct the non-conformities (NC) found during the process.

- **Art. 33 Scope of environmental studies.**- Environmental studies shall cover all phases of the life cycle of a project, work, or activity, except when, due to the nature and characteristics of the activity and based on environmental regulations, different phases are established, and within these, different stages of their execution.

- **Art. 35 Ex Post Environmental Studies (EsIA Ex Post).**- These are environmental studies that have the same purpose as the ex ante studies and that allow the regularization in environmental terms of the execution of a work or activity in operation, following the provisions of this legal instrument.

- **Art. 36 Observations to the environmental studies.**- During the review and analysis of the environmental studies, before the favorable pronouncement, the Competent Environmental Authority may request, among others:

- a) Modification of the proposed project, work, or activity, including the corresponding alternatives;
- b) Incorporation of alternatives not initially foreseen in the environmental study, as long as they do not substantially change the nature and/or dimension of the project, work, or activity;
- c) Making corrections to the information presented in the environmental study;
- d) Carrying out complementary or new analyses.

The Competent Environmental Authority will review the environmental study, issue one-time observations, notify the proponent to accept its observations, and based on these responses; the Competent Environmental Authority may require additional information from the proponent for final approval. If these observations are not absolved in the second review cycle, the process shall be archived.

- **Art. 37 - Favorable pronouncement of environmental studies.**- If the Competent Environmental Authority considers that the environmental study submitted satisfies the requirements and complies with the requirements outlined in the applicable environmental regulations and the pertinent technical norms, it shall issue a favorable pronouncement through an official letter.

- **Art. 38 Creation of the policy or guarantee of faithful compliance with the Environmental Management Plan.**- The environmental regularization for projects, works or activities that require environmental licenses shall include, among other conditions, the establishment of a policy or guarantee of faithful compliance with the Environmental Management Plan, equivalent to one hundred percent (100%) of its cost, to account for possible non-compliance thereof, related to the execution of the licensed activity or project, whose endorsement shall be in favor of the Competent Environmental Authority.

This guarantee or policy will not be required when the executors of the project, work, or activity are public sector entities or companies whose subscribed capital belongs, at least two-thirds, to public law entities or private law entities with a social or public purpose. However, the executing entity shall be administratively and civilly liable for the full and timely compliance with the Environmental Management Plan of the licensed project, work or activity and for the contingencies that may cause environmental damage or affect third parties, in accordance with the provisions of the applicable regulations.

- **Art. 39 Issuance of environmental permits.-** Projects, works, or activities that require environmental permits, in addition to the favorable pronouncement, shall make the corresponding payments for administrative services, according to the requirements foreseen for each case.

The projects, works, or activities that require an environmental license shall deliver the guarantees and policies established in the applicable environmental regulations; once the Competent Environmental Authority verifies this information, it shall proceed with the corresponding environmental license issuance.

- **Art. 40 Resolution.-** The Competent Environmental Authority shall notify the controlled subjects of the projects, works, or activities with the issuance of the Resolution of the environmental license, which shall clearly detail the conditions to which the project, work, or activity shall be subject, during all its phases, as well as the legal and regulatory faculties for the operation of the project, work or activity: it shall contain:

- a) The legal considerations served as the basis for pronouncement and approval of the environmental study.
- b) The technical considerations on which the Resolution is based;
- c) The considerations regarding the Social Participation Process, according to the applicable environmental regulations;
- d) The approval of the corresponding environmental studies, granting of the environmental license and conditions regarding the suspension and/or revocation of the environmental license in case of non-compliance;
- e) The obligations to be complied with during all phases of the project's life cycle, work, or activity.

- **Art. 41 Environmental permits for activities and projects in operation (ex-post studies).** Projects, works, or activities in operation that must obtain an environmental permit following this Book's provisions shall begin the regularization process as of the date of publication of this Regulation in the Official Gazette.

- **Art. 42 Registration of environmental permits.-** The National Environmental Authority shall keep a record of the environmental permits granted at the national level through the SUIA.

- **Art. 43 Closure of operations and abandonment of the area or project.-** The Controlled Subjects that for any reason require the closure of operations and/or abandonment of the area, shall execute the closure and abandonment plan as approved in the respective Environmental Management Plan; additionally, they shall submit Environmental Reports, Environmental Audits, or other documents in accordance with the guidelines established by the Competent Environmental Authority.

CHAPTER V

SOCIAL PARTICIPATION

- **Art. 44 Social participation.-** It is governed by the principles of legitimacy and representativeness. It is defined as the State Institutions' effort, the citizenship, and the controlled subject interested in carrying out a project, work, or activity.

The Competent Environmental Authority will inform the population about the possible implementation of activities and/or projects and the possible expected socio-environmental impacts and the relevance of the actions to be taken. The purpose is to gather their opinions and observations and incorporate those technically and economically feasible into the Environmental Studies.

Social participation is mandatory in the process of obtaining an environmental license.

- **Art. 45 Participation Mechanisms.-** These are the procedures applied by the Competent Environmental Authority to make Social Participation effective.

For the application of these mechanisms and the systematization of their results, actions shall be executed in accordance with the provisions of the Instructions issued by the National Environmental Authority on this regard.

The mechanisms of social participation shall be defined considering: the level of impact generated by the project and the level of conflict identified; and if applicable, they shall generate greater spaces for participation.

- **Art. 46 Timing of participation.-** Social Participation shall be carried out during the review of the environmental study, in accordance with the procedure established in the regulations issued for this purpose and shall be carried out in a mandatory manner by the Competent Environmental Authority in coordination with the sponsor of the activity or project, taking into account the particularities of each case.

CHAPTER VI: INTEGRAL MANAGEMENT OF NON-HAZARDOUS SOLID WASTE AND HAZARDOUS AND/OR SPECIAL WASTE.

- **Art. 47 National Priority.-** The Ecuadorian State declares as a national priority and public interest and subject to State protection; the integral management of non-hazardous solid waste and hazardous and/or special waste. The public interest and state guardianship on the matter implies the assignment of the management role and guardianship in favor of the National Environmental Authority for the issuance of policies on the integral management of non-hazardous solid waste, hazardous and/or special waste.

It also implies the extended and shared responsibility of the whole society to contribute to sustainable development through a set of national intersectoral policies, in all management areas, as defined and established in this Book and particularly in this Chapter. The comprehensive regime is complemented by the set of public policies, institutional framework, and specific regulations applicable at the national level. By virtue of this declaration, both the policies and the regulations contained in the pertinent legislation, as well as those contained in this Book and in the technical norms derived from it, shall be executed with priority at a national level; noncompliance shall be sanctioned by the National Environmental Authority, according to the sanctioning procedure established in this Book.

SECTION I. INTEGRAL MANAGEMENT OF NON-HAZARDOUS SOLID WASTES AND/OR RESIDUES.

- **Art. 55 Integral management of non-hazardous solid wastes and/or residues.-** Integral management constitutes the set of regulatory, operative, economic, financial, administrative, educational, planning, monitoring and evaluation actions and provisions, which aim at ensuring that non-hazardous solid have the most favorable means of disposal from the technical, environmental and socioeconomic point of view, according to their characteristics, volume, origin, treatment costs, possibilities of recovery and use, commercialization or finally their final disposal. It is aimed at the implementation of the solid waste management phases. These are the minimization of waste generation, separation at the source of generation, storage, collection, transportation, collection and/or transfer, treatment, use, and final disposal. Appropriate waste management contributes to reducing the environmental impacts associated with each of the waste management stages.

- **Art. 56 Technical Standards.-** The National Environmental Authority shall establish the technical standards for the integral management of non-hazardous solid waste and/or residues in all its phases.

PARAGRAPH I. GENERATION.

- **Art. 60 Generator.-** Every generator of non-hazardous solid waste and/or residues must:

a) Be responsible for their management until they are delivered to the collection service and deposited in authorized sites determined by the competent authority.

b) Take measures to reduce, minimize and/or eliminate their generation at the source of generation by optimizing the waste generating processes.

c) Separate and classify at the source of generation as established in the specific regulations.

d) Temporarily store waste in technical conditions established in the regulations issued by the National Environmental Authority.

e) Large generators such as industry, commerce, and services must have adequate and technically constructed facilities for the temporary storage of non-hazardous solid waste, with easy accessibility for their transfer.

f) Large generators such as industry, commerce, and services must keep a monthly record of the type and quantity or weight of waste generated.

g) Large generators such as industry, commerce, and services must deliver the non-hazardous solid waste already classified to environmental managers authorized by the National Environmental Authority or Accredited Responsible Enforcement Authority for their approval to guarantee its use and/or correct final disposal, as the case may be.

h) The Autonomous Decentralized Municipal Governments must make an annual declaration of the generation and management of non-hazardous waste and/or residues to the National Environmental Authority or the responsible Environmental Enforcement Authority for approval.

i) Place the containers at the collection site according to the established schedule.

- **Art. 61 Prohibitions.**- Liquid, pasty or viscous substances, excrement, or hazardous or special handling waste must not be disposed of in the containers destined for the collection of non-hazardous solid waste.

PARAGRAPH II. SEPARATION AT THE SOURCE OF GENERATION.

- Art. 62 Separation at the source of generation - The generator of non-hazardous solid waste must separate it at the source of generation, classifying it according to the Integrated Waste Management Plan, as established in the applicable environmental regulations.

PARAGRAPH III. TEMPORAL STORAGE.

- **Art. 63 Temporary urban storage.**- The parameters for the temporary storage of classified non-hazardous solid waste are established, without prejudice to others established by the National Environmental Authority, according to the following:

a) Non-hazardous solid waste shall be temporarily disposed of in closed containers or garbage cans (with lids), identified, classified, in order, and if possible, with a plastic cover inside.

b) Containers for the temporary storage of non-hazardous solid waste should comply at least with the following: be covered and adequately placed, have adequate capacity according to the volume generated, be made of resistant materials, and be classified according to the type of waste.

c) Temporary storage of non-hazardous waste shall be carried out under the conditions established in the INEN technical standard.

- **Art. 65 Prohibitions.**- Bags and/or containers with solid waste shall not remain on public roads and sites on days and schedules different from those established by the collection service.

SECTION II. COMPREHENSIVE MANAGEMENT OF NON-HAZARDOUS SOLID WASTE AND HAZARDOUS AND/OR SPECIAL WASTE.

- **Art. 78 Scope.**- This Chapter regulates the phases of management and the mechanisms for the prevention and control of contamination by hazardous and/or special wastes in the national territory, following the procedures and technical standards outlined in the applicable regulations and in the International Agreements related to this matter, signed and ratified by the Ecuadorian State.

Within this framework, the present normative body regulates in a differentiated manner the phases of the integral management and administrative and technical regulations thereof. Without prejudice to the state guardianship regarding the environment, all citizens, especially the sponsors of hazardous and/or special waste management, are responsible for collaborating in their respective fields of action, with safety measures and control of such materials. When risks are managed under the principle of subsidiary decentralization, it will imply the institutions' direct responsibility within their geographical scope. When their risk management capacities are insufficient, the authorities with a larger territorial scope and greater technical and financial capacity will provide the necessary support concerning their authority in the territory without releasing them of their responsibility.

- **Art. 79 Hazardous waste.**- For the purposes of this Book, the following shall be considered as hazardous waste:

a) Solid, pasty, liquid, or gaseous wastes resulting from a process of production, extraction, transformation, recycling, use, or consumption and which contain any substance having corrosive, reactive, toxic, inflammable, biological-infectious and/or radioactive characteristics, which represent a risk to human health and the environment in accordance with the applicable

applicable legal provisions; and,

b) Those that are included in the national lists of hazardous wastes, unless they do not have any of the characteristics described in the previous numeral. These lists will be established and updated by ministerial agreements.

To determine if a waste should or should not be considered hazardous, the characterization of the waste shall be carried out according to the technical standards established by the National Environmental Authority and/or the National Authority of Normalization or, in its absence, by internationally accepted technical standards, expressly accepted by the National Environmental Authority.

The management of hazardous wastes containing radioactive material, whether of natural or artificial origin, shall be regulated and controlled by the National Electricity and Renewable Energy Authority's specific regulations or the one that replaces it. This does not exempt the generator of waste from providing information on the environmentally adequate management of these wastes to the National Environmental Authority or the need to have the corresponding environmental permit under the regularization process established in this Book.

- **Article 80 Special wastes.**- For the purposes of this Book, the following shall be considered as special wastes:

a) Waste that, is not dangerous but because of its nature, can impact the environment or health due to the volume in which it is generated and/or difficult degradation, and for which a system of recovery, reusing and/or recycling must be implemented to reduce the amount of waste generated, should be adequately managed and disposed of. The oversaturation of municipal sanitary landfills should be avoided;

b) Waste with substances containing corrosive, reactive, toxic, flammable, biological-infectious and/or radioactive elements that do not exceed the concentration limits established in the national environmental regulations or, otherwise, the applicable international regulations.

c) Waste included in the national list of special wastes. These lists will be established and updated by ministerial agreements.

To determine whether or not a kind of waste should be considered special, the characterization of the waste must be carried out according to the technical standards established by the National Environmental Authority and/or the National Standardization Authority or, otherwise, by internationally accepted technical standards.

- **Art. 81 Obligatory nature.**- All natural or legal persons, public or private, national or foreign, that within the national territory participate in any of the phases and activities of hazardous and/or special waste management, under the terms of the preceding articles in this Chapter, are subject to compliance with and application of the provisions of this section.

It is the obligation of all natural or legal persons, public or private, national or foreign, that are involved in one, several or all phases of the integral management of hazardous and/or special wastes, to ensure that the personnel in charge of the management of these wastes have the necessary training and the appropriate protective equipment, to protect their health.

PARAGRAPH IV: NATIONAL MARITIME AND FLUVIAL TRANSPORTATION.

- **Art. 120 Obligatory nature.-** Whoever transports hazardous and/or special wastes by sea or river in the national territory, must obtain an environmental permit from the National Environmental Authority, under the procedures established for this purpose. The personnel in charge of the operation of maritime and fluvial transportation of hazardous and/or special materials must be trained in the subject; the training must be through courses endorsed by the National Directorate of Aquatic Spaces or the one that replaces it, and/or the International Maritime Organization.

The Controlled Subjects must comply with the applicable provisions that regulate the transportation of dangerous goods by water, established in the International Maritime Dangerous Goods Code (IMDG) for each substance, material or article that may be transported, international conventions to which Ecuador is a party, as well as the applicable national and international maritime regulations in force.

- **Art. 121 Coordination.-** For the purposes of control and compliance with the requirements established for the transportation of hazardous materials, the National Environmental Authority shall coordinate actions with the National Directorate of Aquatic Spaces or the one that replaces it and other local and national authorities competent in maritime and river transportation, for which purpose the pertinent mechanisms shall be established.

CHAPTER VIII: QUALITY OF BIOTIC AND ABIOTIC ELEMENTS

- **Art. 192 Obligation.-** All natural or legal persons, public or private, community or mixed, national or foreign, are under the obligation to observe the regulations contained in this Book, prior to the development of a work or activity or project that may negatively alter the biotic and abiotic components with the purpose of preventing and minimizing the impacts of said work, activity or project is under their responsibility, or when a third party executes it.

- **Art. 194 Evaluation, control, and follow-up.-** The National Environmental Authority, the Environmental Authorities of Application responsible or the entities of the Decentralized National Environmental Management System, within the framework of their competencies, shall evaluate and control the quality of the biotic and abiotic components using the environmental control and follow-up mechanisms established in this Book, following the technical regulations issued for such purpose.

- **Art. 195 Responsibility.-** The Competent Environmental Authority shall, in no case, be responsible for emissions, discharges, and spills that contain different components or that do not comply with the established limits reported by the Controlled Subject, who shall be liable as regards the administrative, civil or criminal sphere.

In addition to the administrative, civil or criminal penalties for non-compliance with applicable environmental regulations, non-compliance with contingency measures for the cleanup, remediation, and restoration of a contaminated area that, in turn, becomes a source of contamination of the environment, may lead to environmental liabilities. The responsibility will fall on the individual or individuals who generated the pollution, on the Control Entity that does not take immediate corrective measures, and on the individual who prevents the application of the pertinent corrective measures, as the case may be.

- **Art. 196 - Authorizations for emissions, discharges, and spills.-** The Controlled Subjects shall comply with this Book and its technical standards. Likewise, they shall obtain the corresponding environmental administrative authorizations from the Competent Environmental Authority.

In no case shall the Competent Environmental Authority grant environmental administrative authorizations when the emissions, discharges, and spills exceed the permissible limits or the corresponding quality criteria established in this Book, in the technical standards, or the applicable annexes.

In case the activity exceeds the permissible limits, it shall be subject to the sanctioning procedure established in this Book.

No discharge, whether of sewage or industrial waste, will be authorized on water bodies with a minimum annual flow that cannot support the discharge, i.e., because it exceeds the carrying capacity of the body of water. The Single Water Authority shall establish the determination of the carrying capacity of the water body in coordination with the National Environmental Authority.

- **Art. 199 Contingency plans.**- Contingency plans shall be implemented, maintained, and evaluated periodically through drills. The drills shall be documented, and their records shall be available to the Competent Environmental Authority. The lack of records shall constitute evidence of non-compliance with this provision. The execution of contingency plans must be immediate. In case of delay, it shall be considered an aggravating factor when resolving the administrative procedure.

SECTION II: QUALITY OF BIOTIC ELEMENTS

- **Art. 202 Biotic components.**- These are understood as the flora, fauna, and other living organisms in their different organization levels. According to the area and characteristics of the regulated activity, the environmental quality will be evaluated and controlled additionally, by means of biotic studies through the tools established in the existing environmental regulation and control mechanisms, the scope and focus of the studies of the biotic component will be determined in the corresponding Terms of Reference.

- **Art. 203 Minimization of impacts.**- For those projects that directly or indirectly affect areas with primary vegetation cover, native forests, protected areas, sensitive ecosystems, all existing national and international technological alternatives shall be analyzed in order to minimize impacts; the analysis of alternatives shall mainly consider the environmental aspect.

Whenever it is required to install oil and gas pipelines, mineral pipelines, flow lines, electric transmission lines, heliports and/or carriageable accesses in areas with primary forests, protected forests and, due to an exception and within limitations established in the Constitution, in protected areas, the planning of the rights of way must include, among others, the following provisions:

- a) Avoid logging of large trees, sensitive species, endangered species, and sensitive sites.
- b) Use a single right-of-way that includes: carriageway access, electric transmission lines, flow lines, oil pipelines, gas pipelines, mineral pipelines, or pipelines for transporting other materials.
- c) The maximum logging allowed on average for the right of way is ten (10) meters wide, and construction technology must be applied to minimize logging.

PARAGRAPH I: WATER

- **Art. 209 Water quality.** The physical, chemical, and biological characteristics make up water composition and make it suitable to satisfy the population's health, welfare, and ecological balance. The evaluation and control of water quality shall be carried out with analytical procedures, sampling, and monitoring of discharges, disposals, and receiving bodies of water. These guidelines are detailed in Annex I. In any case, the Competent Environmental Authority may order the Controlled Subject responsible for discharges and spills to carry out sampling of its discharges and the receiving bodies of water.

Any anthropic activity shall be carried out with the necessary preventive actions to avoid altering and ensure the quality and quantity of water in the water basins, the modification of the physical-chemical and biological composition of water sources due to discharges and liquid spills, or waste disposal in general or other negative actions on its components. These actions shall be penalized with corresponding penalties as per the case in question.

PARAGRAPH II: SOIL

- **Art. 212 Soil Quality.**- To carry out an adequate characterization of this component in environmental studies, as well as an adequate control, sampling, and monitoring, the following methodologies established in Annex II and other corresponding regulations shall be executed and enforced.

The Competent Environmental Authority and the entities of the Decentralized National System of Environmental Management, within the framework of their competencies, shall carry out soil quality control following the technical standards issued for this purpose. They are soil quality standards, physicochemical and biological characteristics that establish the soil's composition and make it acceptable to ensure the population's ecological balance, health, and welfare.

PARAGRAPH III: SEDIMENTS

- **Art. 215 Sediment Quality.**- Sediments may be of natural origins, such as those existing in the sea, the beds of lakes and lagoons, rivers, streams, and other water bodies, whether from permanent or temporary flows; or they may be of industrial origins, such as those coming from treatment plants, storage tanks or others. To evaluate environmental quality through sediment analysis, sampling, and monitoring of the areas directly influenced by the regulated activity must be carried out, following the protocols established by the National Environmental Authority and, if they do not exist, internationally accepted protocols should be followed.

- **Art. 216 Technical Standards.**- The National Environmental Authority or the entities of the National Decentralized Environmental Management System, within the framework of their competencies, shall issue technical standards to monitor sediment quality through the corresponding legal figure.

- **Art. 217 Evaluation, monitoring, and control.**- Without prejudice to applying the control mechanisms established in this Book, the National Environmental Authority shall evaluate and control environmental quality through sediment analysis or shall order the Controlled Subjects to carry out the pertinent studies.

- **Art. 218 Treatment of contaminated sediments.**- It shall be carried out through procedures accepted by the Competent Environmental Authority and according to what is established in the technical sediment standard and the hazardous waste regulations, as the case may be.

CHAPTER X

ENVIRONMENTAL MONITORING AND CONTROL

Art. 255 Obligatory nature and frequency of monitoring and periodicity of monitoring reports. The Controlled Subject is responsible for the permanent monitoring regarding the compliance with the obligations arising from the corresponding environmental permits and the technical instrument that serves as its foundation, placing particular emphasis on the emissions, discharges, and spills in the receiving bodies of water. The sources, cesspools, resources, and parameters to be monitored, as well as the frequency of the monitoring samples and the periodicity of the monitoring reports, will be included in the respective Environmental Management Plan and will be determined according to the activity, the magnitude of the environmental impacts and socio-environmental characteristics of the surroundings.

As a minimum requirement, the Controlled Subjects will report to the Competent Environmental Authority once a year, based on biannual sampling, in addition to what is established in the sectorial regulations; in all cases, the details of the execution and presentation of the monitoring will be described in the corresponding Environmental Monitoring Plans.

4.4.2 MINISTERIAL AGREEMENT 103

INSTRUCTIONS REGARDING THE REGULATIONS FOR THE APPLICATION OF THE MECHANISMS OF SOCIAL PARTICIPATION ESTABLISHED IN EXECUTIVE DECREE 1040

CHAPTER I: DEFINITION AND SCOPE OF APPLICATION OF THE SOCIAL

PARTICIPATION PROCESS (PPS).

- **Article 1.-** Social Participation Process shall be understood as the actions through which the Competent Environmental Authority shall inform the population about the possible implementation of projects, works, or activities, as well as the possible expected socio-environmental impacts and the relevance of the actions to be taken, to gather their opinions and observations, and incorporate those that are technically and economically viable into the Environmental Studies.

- **Article 2.-** The Social Participation Process (PPS) shall be mandatory for all projects, works, or activities that require an Environmental Study for their regularization. Through the Unified Environmental Information System, the National Environmental Authority shall determine the Social Participation procedure to be applied, which may be carried out with or without a Socio-environmental Facilitator according to the level of impact of the project, work, or activity.

- **Article 3.-** The National Environmental Authority shall be in charge of the institutional control and administration of the Social Participation Processes (PPS) in those projects or activities in which it intervenes as competent authority.

If there are duly accredited Responsible Environmental Enforcement Authorities, they will be in charge of applying these instructions. In both cases, the Environmental Study shall be published in the Unified Environmental Information System, where the public's observations shall also be registered.

- **Article 4.-** Without prejudice to other mechanisms established in the Constitution of the Republic of Ecuador and the Law, the following mechanisms and definitions shall be taken into account for the adequate application of this instrument:

1) Public Presentation Assembly (PPA): Central act of the Social Participation Process that convenes all the actors related to the project. The Impact Study and the Environmental Management Plan of the project, work or activity are presented in a didactic manner and adapted to the local socio-cultural conditions. The assembly generates a space for dialogue

where concerns about the project are answered and observations, criteria and recommendations are received from the participants.

2) Informational Meetings (IM): In the IMs, the sponsor will inform about the main characteristics of the project, its foreseeable environmental impacts, and the respective mitigation measures in order to clarify questions and doubts about the project and to receive comments and criteria from participants.

3) Public Information Centers (PIC): The Impact Study and Environmental Management Plan, as well as didactic and visualized documentation, will be made available to the public in an easily accessible location; personnel familiar with the project, work, or activity must be present in order to be able to explain its contents. The Information Centers

may be fixed or variable.

4) Website: Mechanism through which any interested party can access information on the project, work or activity online. The website address will be widely disseminated.

5) Social Participation Procedure: The National Environmental Authority will determine through the Unified Environmental Information System (SUIA), the procedure to be applied according to the level of impact that the project, work or activity may generate.

6) Participatory Workshops: To complement and reinforce the effect of the IMs, workshops may be held to allow the sponsor to identify perceptions and local development plans to insert its proposal for mitigating and/or compensatory measures in its Environmental Management Plan, according to the reality of the environment where the development of the activity, work, or project is proposed.

7) Socio-environmental Facilitator: Freelance Professional, under no employment relationship with a public or private institution, that the Ministry of Environment recognizes to be qualified and able to be in charge of the organization, coordination, and conduction of the Social Participation Processes; the management of discussion groups and the systematization, analysis and interpretation of social dialogue processes among different stakeholders: companies, local governments, the State, and the private sector.

8) Area of Social Direct Influence: Space resulting from the direct interactions of one or several elements of the project, work or activity with one or several elements of the social context where it will be implemented. The direct relationship between the project, work, or activity and the social environment is established in at least two levels of social integration: individual units (farms, houses, land, and their corresponding owners) and first and second order social organizations (communes, neighborhoods, associations of organizations and communities).

Provided the definitive location of the project's elements and/or activities is subject to factors external to those considered in the Study or other subsequent technical and/or environmental aspects, duly substantiated justifications must be presented for evaluation and validation of the Competent Environmental Authority. In this case, the determination of the area of direct influence will be made at least at the level of first and second order social organizations.

9) Area of Indirect Social Influence: Socio-institutional space resulting from the project's relationship with the political-territorial units where the project, work, or activity is developed: parish, canton and/or province. The reason for the relationship is the role of the project, work, or activity in the local, territorial planning. Although it is based on the political-administrative location of the project, work, or activity, there may be other territorial units that are relevant to the socio-environmental management of the project, such as indigenous territorial districts, protected areas and associations.

Chapter III: SOCIAL PARTICIPATION PROCESS WITHOUT SOCIO-ENVIRONMENTAL FACILITATOR.

- **Article 27.-** The social participation process without a socio-environmental facilitator shall be carried out through the publication of the Environmental Study on the Website of the Unified Environmental Information System; if there is a Web portal, it shall also be published online on the proponent's page. The observations, comments, and comments from the public will be collected on the SUIA page, and they will be incorporated in the Environmental Studies when they are technically and economically feasible.

The proponent shall upload to the SUIA website the Environmental Study of the project, work or activity with all its annexes, and the executive summary thereof, which shall describe in understandable and simple language the main characteristics of the project, work or activity, its impacts and proposed Environmental Management Plan.

- **Article 28.-** Once the Environmental Study, its annexes, and the executive summary have been published online, the proponent of the project, work, or activity shall inform the population about it through the following means:

- 1) Publication in a mass media with coverage in the areas of influence of the project, work or activity (press, radio, or television).
- 2) Informative posters located in the area of implementation of the project, work or activity, on the billboards of the sectional governments and in the places of greatest public affluence in the communities involved.
- 3) Written communications addressed to the social participation subjects indicated in the Regulations for the Application of the Social Participation Mechanisms established in the Environmental Management Law. These shall be attached to the Environmental Study's executive summary, applying the principles of legitimacy and representativeness. For the issuance of such communications, the following will be considered:
 - a) Authorities of the central government and sectional governments related to the project, work or activity;
 - b) Members of the community, indigenous, Afro-Ecuadorian, and gender organizations with legal standing and duly representation; and,

c) People living in the area of direct influence where the project, work or activity involving environmental impact will be carried out.

The communication will include an extract of the project, work, or activity, and the Website address where the Environmental Study and the executive summary will be published. In the case of projects, works, or activities to be developed in areas with the presence of communities of indigenous peoples and nationalities, the communication of the Social Participation Process must be made in Spanish and in the languages of the communities residing in the Area of Direct Influence of the project, work or activity. Likewise, an extract of the project, work, or activity translated into the language of the nationalities must be attached to the written communications.

The means of verification regarding the call shall be submitted by the proponent so that they may be reviewed by the competent Environmental Authority, who shall verify that call has been carried out in accordance with the provisions of these Instructions. The publication of the Environmental Study will be for 7 days from the date of communication to the social stakeholders of the project, work, or activity, period during which the observations, comments, and recommendations of the citizenship will be received online.

- Article 29.- The competent Environmental Authority, considering the level of impact of the project, work or activity, may additionally order the proponent, through the SUIA, to hold an Informative Meeting in the area of influence of the project, which shall be carried out under the supervision of the Competent Environmental Authority.

The social stakeholders related to the project, work, or activity shall be summoned to the meeting in accordance with Art. 29 of this instrument. The information about the place and date of the Informative Meeting shall be included in the means by which the call was made, as established in the aforementioned article.

The sponsor of the project, work, or activity shall submit to the competent Environmental Authority the report from the Informative Meeting, including the questions forum and the systematization of the observations, comments, and suggestions of the community, as well as all supporting documentation that allows verifying compliance with this social participation mechanism: minutes of the meeting, a record of attendees, photographic record, at least.

- **Article 30.-** The competent Environmental Authority, during the review of the Environmental Study, shall verify that the criteria, observations, and recommendations received, which are technically and economically feasible, are considered by the sponsor of the project, work, or activity and included in the Environmental Study with the corresponding technical support.

4.4.3 MINISTERIAL AGREEMENT 097 A

It issues the Annexes of the Unified Text of Secondary Legislation of the Ministry of Environment.

- **Article 1.-** Annex 1, regarding the Environmental Quality Standard and Effluent Discharge of Water Resources, is hereby approved.

- **Article 2.-** Annex 2, regarding the Environmental Quality Standard for the Soil Resource and Remediation Criteria for Contaminated Soil, is hereby approved.

- **Article 3.-** Annex 3, regarding the Standard for Air Emissions from Fixed Sources, is hereby approved.

- **Article 4.-** Annex 4, regarding the Environmental Air Quality Standard or Emission Level, is hereby approved.

- **Article 5.-** Expand Annex 5, regarding the Maximum Noise Emission Levels and Methodology for Fixed and Mobile Sources and Maximum Vibration Emission Levels and Measurement Methodology.

4.4.4 MINISTERIAL AGREEMENT-026

Procedure for Registration of Generators of Hazardous Waste R.O. 334, of May 12, 2008 mentions the procedures for the registration of hazardous waste generators, hazardous waste management prior to environmental licensing, and the transportation of hazardous materials.

4.4.5 MINISTERIAL AGREEMENT 109 Modification to Ministerial Agreement 061

Art. 27. - Substitute the second paragraph of Article 264 with the following.

"Environmental Audits shall be prepared by consulting firms or individual accredited consultants, based on the respective terms of reference approved according to the type of audit.

In addition to the prohibition determined in article 206 of the Organic Environmental Code, the audits may not be carried out by the same operator, its contractors, subcontractors or personnel under an employment relationship".

Art. 28.- After article 264, an article is hereby incorporated, with the following content:

"Art (...) - Review of Terms of Reference.- Once the documentation and the information submitted by the operator has been analyzed, the Competent Environmental Authority shall approve, observe or reject it within a maximum term of forty-five (45) days.

After the operator submits the responses to the observations, the Competent Environmental Authority will have a term of thirty (30) additional days to pronounce on the response submitted by the operator.

Suppose the observations are not resolved or submitted within the determined time. In that case, the Competent Environmental Authority shall archive the file and shall order the operator to submit new terms of reference within a term of 15 days, without prejudice to the corresponding legal actions.

Art. 29.- An article is hereby incorporated after article 26B, with the following content:

Art. (...) Review of the Environmental Audit. - Once the documentation and information submitted by the operator has been analyzed, the Competent Environmental Authority shall approve, observe or reject the environmental compliance audit within a maximum term of ninety (90) days.

The Competent Environmental Authority shall have a term of thirty (30) days to pronounce on the answers submitted by the operator.

In the event that the observations are not resolved by the operator for the second time and thereafter, the Competent Environmental Authority will again apply the environmental management and quality service fees for Environmental Audit pronouncements.

In case of the environmental audit's approval, the operator shall comply with the environmental measures included in the implementation schedule of the updated Environmental Management Plan and the action plan, if applicable. The operator shall update the environmental liability policy, if applicable.

The competent environmental authority may apply other monitoring and control mechanisms to verify the environmental audit report results, the correct identification and determination of the findings, and the compliance with the established action plan.

Art 30.- Replace the final paragraph of article 271, with the following:

"Operators shall submit the invoices for pronouncement, with respect to environmental audits and payments for control and follow-up arranged by the Competent Environmental Authority, in the approval of the terms of reference and as provided in the applicable regulations, together with the respective audit report".

Art. 31.- After article 271, an article is hereby incorporated, with the following content:

"Art. (...) Joint audits. The Competent Environmental Authority, ex officio or at the request of a party and for a single occasion, may authorize the unification of the consecutive periods of the audits arising from monitoring the same environmental license. This is to be done under the responsibility of the operators of projects, works, or activities. This process will be executed employing a justified administrative act, without prejudice to the civil, administrative, or criminal sanctions that may be applicable.

The review and approval of this type of audits shall be subject to the terms and deadlines foreseen for Environmental Compliance Audits.

This provision does not apply to those audits that are already under review by the Competent Environmental Authority.

4.5 REGULATIONS

4.5.1 OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

Issued by Resolution No. 172 of the Superior Council of the Ecuadorian Social Security Institute. It establishes specific provisions to minimize labor risks and promotes the use of safety and protection equipment for workers and establishing appropriate work environment specifications.

4.5.2 REGULATIONS FOR WORKERS' SAFETY AND HEALTH AND IMPROVEMENT OF THE WORKING ENVIRONMENT OF THE MINISTRY OF LABOR AND EMPLOYMENT

Issued by Executive Decree No. 2393 and published in the Official Gazette # 565 of November 17, 1986. The provisions of this Regulation apply to all labor activity and in all work centers and aim to prevent work risks, and improve the work environment. This regulation shall apply to all labor activity since it is intended to prevent, reduce or eliminate work risks and improve the work environment. It shall also apply to all public enterprises, as prescribed in Article 11. The subjects regulated by this legal norm, in general terms, refer to:

- **TITLE I:** General Provisions
- **TITLE II:** Standards relating to the general conditions of work centers, project safety, structural safety, permanent services, temporary facilities, constructions, environment, occupational hazards.
- **TITLE III:** Regulations on machines, tools, installations. Installations, protections, controls, use, and maintenance.
- **TITLE IV:** Handling and transportation of material, loading vehicles, forklifts.
- **TITLE V:** Collective Protection, Fire Prevention, Exit Signs, Fire Prevention, Evacuation of Premises, Safety Signage.
- **TITLE VI:** Personal protection on skull, face, eyes, ears, respiratory tract, and others;
- **TITLE VI:** Incentives, responsibilities, and penalties

4.5.3 GENERAL REGULATIONS OF THE CULTURAL HERITAGE LAW

Published in the Official Gazette No. 787 of July 16, 1984. Articles 37, 38, and 39 of these regulations refer to the power of the National Director of the Cultural Heritage Institute to order the suspension or restoration of works that affect the cultural heritage of the Nation; Article 38 establishes solidarity between the owner of the property, those who have authorized or ordered the execution of the work and the contractors or those in charge of executing it; according to Article 39 the Municipalities or public or private entities must order the suspension or overthrow of works that affect the cultural heritage of the Nation and, in case, they are part of an environmental setting these must be restored".

4.6 TECHNICAL REGULATIONS

4.6.1 INEN ISO 3864:2013 STANDARD GRAPHIC SYMBOLS, SAFETY COLORS AND SAFETY SIGNS

This standard replaces NTE INEN 439:1984 Safety colors, signs and symbols.

ISO 3864 consists of the following parts, under the general heading Graphic symbols-Safety colors and safety signs:

- Part 1: Design principles for safety signs and safety instructions
- Part 2: Design principles for product safety labels
- Part 3: Design principles for graphic symbols used on safety signs
- Part 4: Colorimetric and photometric properties of safety sign materials

This part of ISO 3864 standard establishes safety identification colors and design principles for safety signs and safety indications to be used in workplaces and public areas for the purposes of accident prevention, fire protection, health hazard information, and emergency evacuation. It also establishes the basic principles to be applied when drafting standards containing safety signs.

4.6.2 ENVIRONMENTAL MANAGEMENT INEN 2841 STANDARD STANDARDIZATION OF COLORS FOR SOLID WASTE DEPOSIT AND TEMPORARY STORAGE CONTAINERS

- OBJECTIVE

This standard establishes the colors for solid waste deposit and temporary storage containers in order to encourage separation at the source of generation and selective collection.

- SCOPE OF APPLICATION

This standard applies to identifying all containers for the deposit and temporary storage of solid waste generated in the various sources: domestic, industrial, commercial, institutional and services. Hazardous and special solid waste is excluded.

- REQUIREMENTS

Waste separation at the source of generation is the generator's responsibility, and containers must be used to facilitate its identification for subsequent separation, collection, use (recycling, recovery or reuse), or adequate final disposal. Separation guarantees usable waste quality and facilitates its classification; therefore, the containers containing it must be clearly differentiated.

Collection procedures should be carried out safely, avoiding spillage of waste as much as possible and should not ruin the separation previously made. Therefore, the waste should be packaged in such a way as to avoid contact with the environment and the people in charge of the collection.

The containers for collection at the source of generation can be returnable or disposable and should be placed in the established collection sites.

The infrastructure in the collection and storage areas must be properly signaled, and evacuation and internal transportation systems will be considered according to NTE INEN 2266.

Once the waste has been separated into its respective containers, it should be stored according to its real feasibility of use and compatibility, which will facilitate its collection and transportation.

Containers. The colored containers must comply with the requirements established in this standard, depending on their location and type of waste.

4.7 OTHER BODIES OF LAW

- General Regulations for Occupational Risk Insurance, issued by Resolution No. 741 of the Superior Council of the Ecuadorian Institute of Social Security of May 30, 1990.
- Fire Prevention Regulations. Official Registry No. 47, dated March 21, 2007.
- Occupational Health and Safety Regulations, issued by Resolution No. 172 of the Superior Council of the Ecuadorian Social Security Institute.
- Regulation on workers' safety and health and improvement of the working environment. Ministry of Labor and Employment. Official Registry 137 of August 09, 2000.

4.8 INSTITUTIONAL FRAMEWORK

4.8.1 MINISTRY OF ENVIRONMENT OF ECUADOR

Article 8 of the Environmental Management Law states that the national environmental authority will be exercised by the Ministry of the Environment, which will act as the governing, coordinating and regulating body of the Decentralized National Environmental Management System, without prejudice to other competencies of other State institutions. It is responsible for issuing policies, regulations, and instruments for promotion and control to achieve the sustainable use and conservation of natural resources aimed at ensuring the right of the inhabitants to live in a healthy environment and support the country's development.

Article 9, paragraph g) of the Environmental Management Law establishes the Ministry of the Environment's powers. These powers include settling conflicts that arise between the agencies that make up the Decentralized National Environmental Management System. In accordance with Article 20 of the Environmental Management Law, this Ministry must issue environmental licenses without prejudice to the competences of the entities accredited as responsible environmental enforcement authorities.

4.8.2 AUTONOMOUS DECENTRALIZED PROVINCIAL GOVERNMENT OF EL ORO

The Decentralized Autonomous Provincial Government of El Oro aims to develop local capacities to generate knowledge of the provincial reality and its resources and an administrative, entrepreneurial, and societal culture. It emphasizes the adequacy of the necessary legal framework, coordination, and responsibility in the management and preservation of natural resources, empowering human resources in their management at local, provincial, national and international levels, to achieve the harmonious development of the province to provide welfare and quality of life to its inhabitants.

4.8.3 UNDERSECRETARY OF PORTS AND MARITIME AND RIVER TRANSPORTATION

"Promote the development of maritime and fluvial activity by optimizing port services in Ecuador, to position it as one of the main stakeholders in cargo handling within our region."

Promote the development of maritime and fluvial activity, plan, regulate and control the shipping and port system in the national territory, ensuring compliance with objectives and priorities defined in the current legal framework.

The report to the highest authorities of the Ministry of Transportation

and Public Works about the convenience of establishing new ports of national character or about the use of maritime or fluvial port with commercial purposes, on the part of natural, legal, private, or public persons is included within the powers and responsibilities.

CHAPTER 5. DESCRIPTION OF THE PROJECT

Content

5	DESCRIPTION OF THE PROJECT.....	5-3
5.1	ORGANIZATION AND PERSONNEL.....	5-4
5.2	PORT FACILITIES.....	5-4
5.2.1	<i>Piers.....</i>	5-4
5.2.2	<i>Courtyards and warehouses.....</i>	5-5
5.2.3	<i>Access routes.....</i>	5-6
5.2.4	<i>Port services.....</i>	5-7
5.2.5	<i>Additional services.....</i>	5-14
5.2.6	<i>Machinery and equipment.....</i>	5-15
5.2.7	<i>Materials and inputs.....</i>	5-15
5.2.8	<i>Waste management.....</i>	5-16
5.3	NEW SERVICES.....	5-22
5.3.1	<i>Services.....</i>	5-22
5.3.2	<i>Facilities.....</i>	5-23
5.4	PROJECT LIFE CYCLE.....	5-26
5.5	ENVIRONMENTAL ISSUES MONITORING.....	5-29
5.5.1	<i>Quality of air.....</i>	5-29
5.5.2	<i>Noise.....</i>	5-30
5.5.3	<i>Quality of water.....</i>	5-30
5.5.4	<i>Impact regarding impact perception.....</i>	5-32

INDEX OF TABLES

Table 5-1	Project Coordinates.....	5-4
Table 5-2	YILPORTECU Collaborators.....	5-4
Table 5-3	Storage warehouses.....	5-6
Table 5-4	List of general and specific services provided at the Port Terminal.....	5-7
Table 5-5	Machinery and equipment.....	5-15
Table 5-6	Hazardous waste generation 2018.....	5-19
Table 5-7	Machinery and equipment yet to arrive.....	5-26
Table 5-8	Work execution Schedule.....	5-27
Table 5-9	Air quality monitoring results.....	5-29
Table 5-10	Record of ambient noise monitoring results.....	5-30

Table 5-11 Record of water quality monitoring results in the Santa Rosa estuary.....	5-31
--	------

INDEX OF FIGURES

Figure 5-1 Location of the Project of Construction and Operation of the Puerto Bolívar Port Terminal, operated by YILPORT TERMINAL OPERATIONS YILPORTECU S.A.....	5-3
Figure 5-2 Current infrastructure of the Port Terminal operated by Yilport.....	5-5
Figure 5-3 Implementation plan of the Primary Wastewater Treatment Plant.....	5-18
Figure 5-5 Do you consider that dredging activities generate noise to the environment?	5-32
Figure 5-6 Do you consider that the project generates emissions to the atmosphere?	5-33
Figure 5-7 Do you consider that dredging activities generate discharges of wastewater and hazardous waste?.....	5-33
Figure 5-8 Perception of environmental impacts (in general).....	5-34
Figure 5-9 Have you approached or sent communications to Project representatives? 5-34 Figure 5-10 Are you aware of the existence of an environmental permit granted for the Project?.....	5-35

Index of Photographic Records

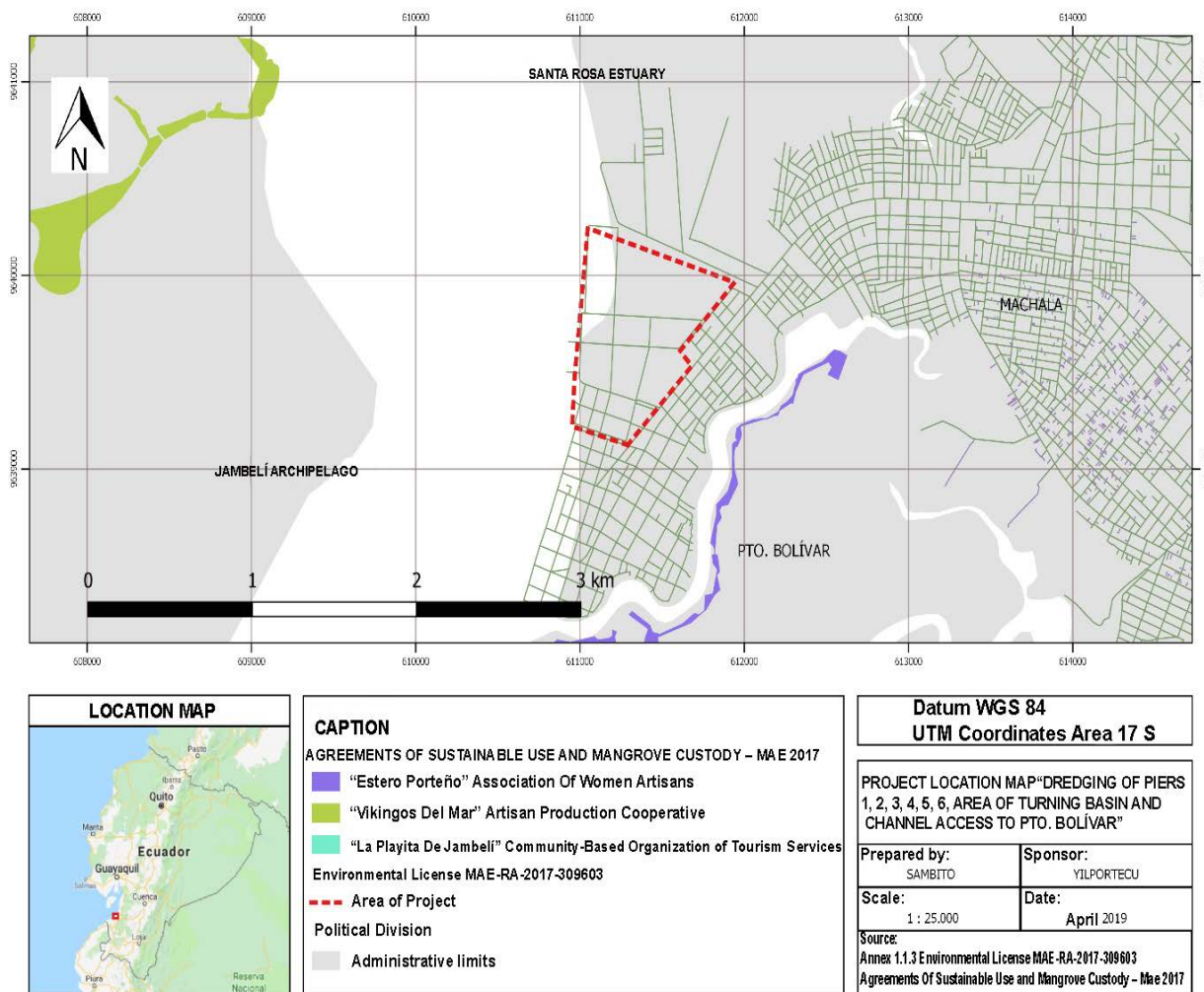
Photographic Record 5-1 Common Waste Management.....	5-17
Photographic Record 5-2 Hazardous Waste Collection Center at the Port Terminal.....	5-21
Photographic Record 5-3 Special Waste.....	5-22

5 DESCRIPTION OF THE PROJECT

The privileged location of Puerto Bolívar - in the Santa Rosa Channel -close to the island of Jambelí, offers natural port protection and makes it a safe place for the docking and operation of ships in the province of El Oro. The Santa Rosa channel is 200 meters wide, is marked with lighted buoys, and serves as access to the Port and anchorage area (YILPORT HOLDING A.S., 2015).

If we consider the total cargo that is moved nationwide in 2017 (including port authorities and total authorized port terminals, except for hydrocarbon terminals), Puerto Bolívar was in charge of 8% of the total cargo mobilized nationwide, this cargo being almost entirely banana exports (1,617,712 MT) (Ministry of Transportation and Public Works, 2018).

Figure 5-1 Location of the Puerto Bolívar Port Terminal Construction and Operation Project, operated by YILPORT TERMINAL OPERATIONS YILPORTECU S.A.



Prepared by: ECOSAMBITO C.LTDA.

Location: Puerto Bolívar, Machala – El

Oro Date: April, 2019

The project execution area is located in the Santa Rosa estuary, and corresponds to the line of the navigation axis to access the Puerto Bolívar Maritime Terminal, the turning basin and docking area of piers 1 to 6 (see Figure 5-1), delimited by the following coordinates:

Table 5-1 Project Coordinates

Points	Latitude (X)	Longitude (Y)
1	611290	9639124
2	610952	9639220
3	610966	9639464
4	611047	9640244
5	611941	9639964
6	611608	9639609
7	611680	9639532
8	611290	9639124

Source: Environmental License No. MAE-RA-2017-309603

Prepared by: ECOSAMBITO C.LTDA.

Location: Puerto Bolívar, Machala – El

Oro **Date:** April, 2019

5.1 ORGANIZATION AND STAFF

Tale 5-2 YILPORTECU STAFF

Department	Quantity
General Management	2
Legal Department	1
Operations	72
Human Resources	4
Administrative Department	2
Financial Department	4
Technical Project	3
Maintenance	11
Sales and Marketing	4
Industrial Safety	2
Information Technology	2
Acquisitions	2
Safety	17
Total	126

Prepared by: ECOSAMBITO C.LTDA.

Location: Puerto Bolívar, Machala – El

Oro **Date:** May, 2019

5.2 PORT FACILITIES

Puerto Bolívar Port Authority has 41.99 hectares, completely fenced and delimited, occupied by industrial buildings with administrative offices and warehouses, internal roads, maneuvering and storage yards, docks, and others.

5.2.1 Piers

The maritime front of the port area has 920 meters of docking line divided into five docks located in pairs on two different piers:

- A. Jetty pier, with a pier apron 130 m long, 30 m wide, and 12.5 m of draft,

- connected to land by a concrete walkway 100 m long and 14 m wide, for the simultaneous docking of two vessels of up to 20,000 DWT (Docks 1 and 2).
- B. Marginal wharf, with piles and reinforced concrete slab, located on the coastline with a length of 660 m, with an old part of 360 m long, 15 m wide, and 12.5 m draft, connected to land by a 27 m long and 14 m wide gangway - forming two water mirrors - that allows the simultaneous docking of 2 vessels of up to 20,000 DWT (Docks 3, 4).
 - C. A recent work of 300 m long, 38 m wide and 14.5 m of draft, connected to land by a continuous platform to the storage area (Dock 5).
 - D. Additionally, there is an operational cabotage dock.

The Puerto Bolívar Port Terminal also has areas reserved for future development of its storage and cargo handling capacity.

Figure 5-2 Current Infrastructure of the Port Terminal operated by Yilport



[illegible]Source: ECOSAMBITO C.LTDA.

Location: Puerto Bolívar, Machala – El

Oro Date: May, 2019

5.2.2 Courtyards and warehouses

The Port Terminal has 218,240 m² between warehouses and yards (corresponding to 51.97% of the Port's land area) in terms of storage capacity.

The warehouses - 13 between open and closed - occupy a total area of 26,054 m², which is equivalent to 11.94% of the total storage area and 6.21% of the port's total area (see Table 5-3).

Open warehouses occupy 14,592 m² (6.7% of the total), and closed warehouses occupy 11,462 m² (5.3%).

Table 5-3 Storage warehouses

Name	Surface (m2)	Use
Warehouse 1	1,944	General load and other products
Warehouse 2	1,993	General load and other products
Warehouse 3	2,016	General load and other products
Warehouse 4	2,016	General load and other products
Warehouse 5	1,140	General load and other products
Warehouse 6	324	General load
Warehouse 7	324	General load
Warehouse 8	2,400	Palletized banana
Warehouse 9	2,400	Palletized banana
Warehouse 10	2,880	Palletized banana
Warehouse 11	2,880	Palletized banana
Warehouse 12	3,694	Palletized banana and others
Warehouse 13	2,043	General load
Total	26,054	

Prepared by: ECOSAMBITO C.LTDA.

Location: Puerto Bolívar, Machala – El

Oro Date: May, 2019

The Port Terminal has 9 yards, occupying 192,186 m², which is equivalent to 88.06% of the port area dedicated to storage and 45.77% of the total area of the port (see Annex 1.2.10 Port Terminal General Layout Plan). In terms of surface finish, the yards can be paved (53.77%) and ballasted (46.23%)

5.2.3 Access routes

Locally, Puerto Bolívar is located 10 minutes by road from Machala's city center. The current system linking the city of Machala and its port with neighboring areas, production centers, neighboring provinces and the rest of the country is a well-functioning network.

The main access road to the port is Avenida Bolívar Madero Vargas, which together with the Circunvalación Norte and Circunvalación Sur roads, constitute a circulation network that connects the Port Terminal with Av. 25 de junio, and through it with the national road network:

- Guayaquil - Machala road axis (Route E40 and Route E25, distance 97 km, 1h17)
- Machala - Tumbes road axis (Route E25 and Route E50, distance 185 km, 3h)
- Cuenca - Machala road axis (Route E59 and E50, distance 168 km, time 3h17)
- Loka - Machala road axis (Route E35, E50 AND E25, distance 233 km, time 4h20)
- Quito - Machala road axis (Route E25 and E87), distance 521 km, time 9h)
- Puerto Bolívar - Machala - Pasaje - Girón - Cuenca - Pauta - Amaluza - Méndez - Puerto Morona road
- Puerto Bolívar – Machala – Santa Rosa - Balsas - Chaguarpamba – Loja – Zamora – Yantzatzá - El Pangui - Gral. Leonidas Plaza y Méndez road

The land area of influence of the Port Terminal, or its hinterland, covers the southern sector of Ecuador, efficiently serving the provinces of El Oro, Azuay, Loja, Cañar, Zamora, the closest sector of the provinces of Guayas and Morona Santiago, and northern Peru.

5.2.4 Port services

The activities carried out at the Puerto Bolívar Port Terminal include general services such as container handling and specific services such as those oriented to the banana industry. Table 5-4 shows the total list of services currently provided at the Terminal.

Table 5-4 *List of general and specific services provided at the Port Terminal*

Rate or Item	Measurement Unit
20 Full Container Storage	Container.day
20 Full Refrigerated Container Storage	Container.day
40 Full Container Storage	Container.day
40 Full Refrigerated Container Storage	Container.day
Monitoring	Container.day
Container Disinfection	Container
Provision and Stamping	Container
Reception or Dispatch of Containers	Container
Container Disinfection	Container
Reception or Dispatch of Containers General Load	ton
General Ship to Gate Cargo Transfer	ton
General Cargo Porting	ton
General Cargo Weighing	Vehicle
General Cargo Yard Storage	ton.day
General Cargo Storage in Warehouse	ton.day
General Cargo Storage in Special Warehouse	ton.day
Light Vehicle Storage	Unit.day
Heavy Vehicle Storage	Unit.day
ISPS Full	Container
ISPS -Empty	Unit
Loading of Empty Containers	Container
Loading of Full Containers	
IMDG Container Unloading	Container
Truck Container Unloading	Container
Unloading of Containers on IMDG truck	Container
Disconnection of Containers on Board	Container
Vessel Standby Service	Unit
Access Facility Use (Greater than 9m)	TRB
Access Facility Use (Greater than 9m)	TRB
Use of Facilities by Tugs	Unit
Use of Facilities by Pilots	Unit
Private Boat Service	Unit
Pontoon Handling	Unit
Vessel Lashing Service	Unit
Twistlock Service	Unit
Twistlock box service	Unit
Assistance to the Vessel with basket service for the personnel.	Unit
Use of pier by the Vessels	Unit

Use of Anchorage	Unit
Use of Facilities for Complementary Services	Unit
Electronic Transmission Modification	Unit
Full Container Restowage on Board	Container
Full Container Restowage on Board IMO	Container
Full Container Onboard Restowage OOG	Container
Full Container Restowage via pier	Container
Full Container Re-stowage via IMO pier	Container
Restowage of Container via OOG pier	Container
Container Disconnection	Container
Connection and Power to Reefer Containers	Hour
Fumigation/Defumigation of Containers	Container
Import Container Condition Inspection	Container
Standard Container Washing	Container
Chemical Container Washing	Container
Issuance of certificates and/or copies	Unit
Stamp Registry	Container
IMO Container Labeling	Container
Wrong IMO Container Declaration	Container
Container Status Change	Container
Pre-Shipment Inspection	Container
Disassemble and Assemble PAN Interior panel	Unit
Open and close evaporated lids PAN	Container
Consolidation Service 20 Dry	Container
Consolidation Service 20 Reefer	Container
Consolidation Service 40 Dry	Container
Consolidation Service 40 Reefer	Container
Container deconsolidation 20 Dry	Container
Deconsolidation of 20 Reefer container	Container
Container deconsolidation 40 Dry	Container
Deconsolidation of 40 Reefer container	Container
Blocking curtains for container	Container
Container Terminal Handling	Container
Pallet Banana Pallet box towing/unloading	pallet
Late Arrival at Terminal	Unit
PTI Reefer Container Inspection	Container
Container Cleaning	Container
General Ship to Gate Cargo Transfer	Ton
Cement Cargo Transfer (Ship to Gate)	Ton
Bulk Transfer (Ship to Gate)	Ton
Operations for Gauging or Inspection of General Cargo not Containerized	Container
Gauging Crew (1 to 100 packages)	Unit
Gauging Crew (101 packages and upwards)	Unit
Re-stowage of Loose Cargo via Pier	Ton/m3
Third party credentials	Unit
VGM Credentials	Container
Plastic Covers for Container Sealing	Container
EIR Issuance	Container
Handling for Loose Cargo	Unit

Damage Repair	Unit
Use of Mooring Facilities	Unit
Special Capacity Refrigerated Import Cargo	Unit
Connection of Containers on board	Container
Loose Cargo Storage in Warehouse	ton.day
Container connection	Container
Palletized Banana stowage from Farm and Shipment WHS TO SHIP	Box
Crew	Unit
On Board Banana Restowage	Box
On Board Palletized Banana Restowage	Box
Banana Box Deconsolidation and Shipping	Box
Deconsolidation of Palletized Banana Boxes and Shipping	Box
Stowage of banana boxes from the warehouse to the consolidation area	Box
Empty Container re-stowage via pier	Container
Placing seals on evaporator lids	Container
Down Load	Container
Loading of Empty Containers	Container
Use of Infrastructure Unloading of Full Containers	Teu
Use of Infrastructure Loading of Full Containers	Teu
Use of Infrastructure Loading of Empty Containers	Time
Use of Infrastructure Unloading of Empty Containers	Time
Use of Infrastructure General Cargo Shipment	Hour
Use of Infrastructure General Cargo Unloading	Hour
Use of Infrastructure Bulk Cargo Loading	Hour
Use of Infrastructure Bulk Cargo Unloading	Hour
Machinery Storage	Ton/m3.dia
Boarding, Disembarkation and Transit of Passengers	per passenger
Import Monitoring	Container.day
Storage of Empty Containers	TEU.DAY
General Cargo Dispatch Coils	Ton
General Cargo Transfer Ship to Yard Coils	Ton
General Cargo Weighing Coils	Vehicle
V2 Shipment of Palletized Bananas in Warehouse GATE WHS SHIP	Box
Palletized Bananas received in Warehouse	Box
Shipment of Palletized Bananas in Warehouse GATE WHS SHIP	Box
Palletizing Service (Materials not included)	Box
Use of Facilities for Complementary Services Security	Unit
Use of Infrastructure Unloading Coils	Ton
Transfer of Banana Cargo Direct to Vessel GATE TO SHIP	Box
Banana Boxes received at Warehouse	Box
Loading of Containers with Slings	Container
Unloading of Containers with Slings	Container
Semi-Palletized Banana Cargo and Shipment WHS TO SHIP	Box
Palletized Banana Cargo Transfer Direct to Ship GATE TO SHIP	Box
V2 Transfer of Palletized Banana Cargo Direct to Ship Gate to Ship	Box
Palletizing Service Floor Closing (Includes materials)	Per box
Palletized Bananas received at CFS Warehouse	Box
Agro-quality Inspection CFS (Crew)	per Truck

CFS Crew	per man-hour
Agro-Quality Inspection (Crew)	Truck
Use of Infrastructure Banana Shipment	TON
Palletizing Service (Includes materials)	Box
Loading of Full Containers	Container
Unloading of Empty Containers	Container
V4 Palletized Banana Received at Warehouse	BOX
Container Stowage to M&R Del Monte	CONTAINER
Internal Handling of M&R Del Monte Containers	CONTAINER
Container Disinfection	Container
ISPS loading and unloading containers Transshipment	CONTAINER
IMDG Container Loading	CONTAINER
Container Cleaning	Container
Container Stowage	Container
Container Stowage	Container
Container Stowage	Container
3 Ton Forklift Rental	ton
100-150 tons Cargo Loading Unloading Project	ton
Receiving or Dispatch Project Cargo 100-150 tons	ton
Crane Rental	Time
Container Stowage	Container
0-30 ton Cargo Loading Unloading Project	ton
30-40 ton Cargo Loading Unloading Project	ton
40-50 ton Cargo Loading Unloading Project	ton
50-60 ton Cargo Loading Unloading Project	ton
60-80 ton Cargo Loading Unloading Project	ton
80-100 ton Cargo Loading Unloading Project	ton
0-100 cbm Cargo Loading Unloading Project	m3
101-250 cbm Cargo Loading Unloading Project	m3
251 cbm onwards Cargo Loading Unloading Project	m3
0-6 meter yacht Loading Unloading	unit
6-12 meter yacht Loading Unloading	unit
12 m onward meter yacht Loading Unloading	unit
0-3- ton Cargo Reception or Dispatch Project	ton
30-40 ton Cargo Reception or Dispatch Project	ton
40-50 ton Cargo Reception or Dispatch Project	ton
50-60 ton Cargo Reception or Dispatch Project	ton
60-80 ton Cargo Reception or Dispatch Project	ton
80-100 ton Cargo Reception or Dispatch Project	ton
0-100 ton Cargo Reception or Dispatch Project	ton
101-250 cbm Cargo Reception or Dispatch Project	ton
251 cbm onward Cargo Reception or Dispatch Project	ton
0-6 meter Yacht Reception or Dispatch	ton
6-12 meter Yacht Reception or Dispatch	ton
12 meter onward Yacht Reception or Dispatch	ton
0-30 ton Cargo Storage Project	ton.day
30-40 ton Cargo Storage Project	ton.day
40-50 ton Cargo Storage Project	ton.day
50-60 ton Cargo Storage Project	ton.day

60-80 ton Cargo Storage Project	ton.day
80-100 ton Cargo Storage Project	ton.day
100-150 ton Cargo Storage Project	ton.day
0-100 cbm Cargo Storage Project	m3.dia
101-25- cbm Cargo Storage Project	m3.dia
251 onward cbm Cargo Storage Project	m3.dia
0-6 meter yacht Cargo Storage Project	unit.day
6-12 meter yacht Cargo Storage Project	unit.day
12 onward meter yacht Cargo Storage Project	unit.day
Operations for container gauging or inspection	Container
Palletizing Service Floor Closing (Does not include materials)	Box
Banana consolidation	per container
Temporary consolidation Container Stockpiling	Container
Temporary deconsolidation Container Stockpiling	Container
Container weighing	Container
Loose Cargo Restowage On Board	Ton/m3
Use of Infrastructure Unloading General Cargo	Container

The following is a brief description of the general services offered.

5.2.4.1 Use of access and anchorage facilities

It allows the entry of vessels to the port in safe conditions, in addition to offering the use of a safe and protected area while they are waiting for a dock, for cargo availability, or for justified reasons of the competent authority authorizing the anchorage.

5.2.4.2 Use of docks by vessels

It consists of using the docks, apron piers, and facilities of a site to handle a ship, vessel or naval artifact requested by Shipowners, Ship Agents, or their representatives.

5.2.4.3 Transfer of full containers

All stowage or unstowage, lashing or unlashings, loading or unloading, internal transportation, storage, issuance of documents for reception or dispatch of full containers, ship to the gate, gate to ship, ship to yard and transfer of containers transshipment ship to yard to ship including its administration and management shall include all resources and activities necessary for the provision of such services.

5.2.4.4 General cargo transfers

It includes stevedoring and unstowing activities, lashing and unlashings, loading and unloading, inland transportation, storage, issuance of documents for receipt or dispatch of general cargo (ship to gate and ship to yard) including its administration and management, and all resources and activities necessary for the provision of services.

5.2.4.5 Banana cargo transfer (gate to ship)

Set of activities that includes unloading from land transport, reception, preparation for shipment, portage, loading, stowage, and lashing, for banana export cargo not mobilized in containers.

5.2.4.6 Container storage

It is composed of the container deposit, which is the service of permanence and custody that is provided to the cargo that will remain in the places of the deposit determined by YILPORT, until its delivery to the consignees or those who represent them; and the storage, service that consists of the care of the cargo during the time that it remains under custody of the company according to the legislation in force.

5.2.4.7 General cargo storage in yards

Service of permanence and custody that is provided to the cargo that remains in the places of deposit determined by the company YILPORT until its delivery to the consignees or those who represent them and for the storage, service that consists of the care of the cargo during the time that this remains under custody, according to the legislation in force from the moment it is received and until its delivery to the consignee or its representative.

5.2.4.8 Warehousing of non-containerized general cargo in warehouses

Non-containerized general cargo warehousing is the service of permanence and custody that is provided to the cargo that remains in the warehouses determined by YILPORTECU S.A. until its delivery to the consignees or those who represent it, and for the storage, service that consists of the care of the cargo during the time it remains under the custody of the company, from the moment it is received and until its delivery to the consignee or its representative.

5.2.4.9 Storage of non-containerized general cargo in special warehouses.

It is composed by the deposit of non-containerized general cargo, and is the service of permanence and custody that is provided to the cargo that remains in special warehouses until its delivery to the consignees or those who represent them; and by the storage, service that consists of the care of the cargo during the time it remains under the custody of YILPORTECUA S.A. who will be responsible for the custody of the cargo, according to the legislation in force from the moment it is received and until its delivery to the consignee or its representative.

5.2.4.10 Transfer of empty containers

Set of activities of stowage and unstowage, lashing and unlashings, loading and unloading, internal transportation, storage, issuance of documents of reception or dispatch of empty containers, including their administration and management, and all the resources and activities necessary for the provision of such services.

5.2.4.11 Restowage of containers

Re-stowage via dock: Set of operational activities and resources necessary for the reordering of cargo that needs to be moved from the interior of the vessel to the dock and from the dock to the vessel. This service varies according to the cargo conditions, i.e. full or empty containers whose final disembarkation is not at the Port Terminal of Puerto Bolívar, the issuance of documents evidencing the new location or stowage plans, including its administration and management, and all the resources and activities necessary for the provision of such services.

Onboard restowage: it consists of a set of operational activities and resources necessary for the reordering of cargo that for operational reasons must be moved on board the vessel. This service will vary according to cargo conditions, i.e. full or empty containers.

5.2.4.12 Vehicle Weighing

Weighing of trucks or any other transport vehicle, with or without a full or empty container, by means of a weighing scale or scale duly calibrated. The weighing of trucks or other transport vehicles, loaded or unloaded, and the issuance of documents that record or certify the weight recorded, including administration and management. It includes all resources and activities necessary for the provision of services.

5.2.4.13 Container consolidation and deconsolidation

It consists of arranging the operational actions and resources necessary for the filling, stowage and lashing of any type of cargo in a container and includes the issuance of documents that provide evidence of the operation. This service, in general, consists of:

- i. It has an area within the port enclosure to carry out these operations.
- ii. Reception of the cargo in the established area, prior to the beginning of the operation, as long as it has complied with the legal formalities.
- iii. It must include sufficient personnel and equipment to fill the container and lash the cargo inside.

The container deconsolidation service consists of the set of activities of de-lashing, unstowing and emptying of any type of cargo inside a container, and includes the issuance of documents that provide evidence of the operation. In general, this service consists of:

- i. Having an area within the port enclosure to carry out these operations.
- ii. With regard to deconsolidated goods, in case of direct delivery, the cargo can be delivered on the platform of the consignee's truck, or, in case of indirect delivery, the goods will enter the warehouse for storage.
- iii. The container is received in the established area, prior to the operation's start, as long as it has complied with the legal formalities.
- iv. It must include sufficient personnel and equipment to empty the container.
- v. Cutting/removal of security seals to the containers.

5.2.4.14 Provide an area within the port enclosure to carry out these operations Connection and energy to reefer containers (reefers).

It consists of the connection and disconnection of reefer containers to a power source, electrical power supply and monitoring, including the issuance of documents evidencing the operation, its administration and management, and all resources and activities necessary for the provision of such services.

5.2.4.15 Operation for gauging or inspections of non-containerized or containerized general cargo.

This service consists of providing the necessary facilities for the physical inspection of the merchandise by the cargo owners, their representatives or the corresponding authorities and includes equipment, personnel and areas necessary to carry out the operation.

This service applies to the following types of cargo: general cargo (AFG) or containerized cargo (AFC). For the latter case, it includes the container's opening, eventual deconsolidation, loading, and closing of the container.

5.2.4.16 General cargo or containerized freight

Inland transportation or portage is the transfer or transportation, including stowage and unstowage in yards and warehouses, of general cargo (TPG) or containerized cargo (TPC) inside the terminal, including all resources and activities related to the provision of the service.

5.2.4.17 Reception and dispatch of containers

Reception: the action of taking ISO measurement containers from a means of land transportation, transferring them, and placing them in their storage or stocking place, including all the necessary resources for the provision of the service.

Dispatch: means taking the ISO measurement containers from their place of storage or stockpiling, transferring them, and placing them on a means of land transportation, including all the resources necessary for the provision of the service. The securing or lashing of the containers on the means of transportation is the responsibility of the carrier designated by the end customer.

Hazardous cargo is not allowed to enter port facilities if it is described as such in the system and does not have the corresponding labels (one per side of the container).

5.2.4.18 Reception and dispatch of general cargo

Reception: the action of taking general cargo from a means of land transportation, transferring it, and placing it in its storage or storage place, including all the necessary resources for the provision of the service.

Dispatch: means taking the general cargo from its place of storage or stockpiling, transferring it, and placing it on a means of land transportation, including all the necessary resources for the service provision. The securing or lashing of the cargo on the means of transportation is the responsibility of the carrier designated by the end customer.

YILPORTECU receives and delivers cargoes at the storage site, where it will issue the document of transfer of responsibilities called delivery/receipt record in which the state of the cargo at the moment of the exchange is indicated.

No IMO class cargo may enter Yilport without being labeled. At the customer's request, labeling services for IMO containers or packages may be performed.

No refrigerated cargo can enter YILPORTECU S.A. if it does not have the temperature charge issued by the exporter with instructions regarding the maintenance of the cold chain and/or conservation of the merchandise.

According to international standards, all general cargo received for export and import must be labeled with sufficient information for proper storage.

5.2.4.19 Use of tug facilities

This service consists of providing tugboat operators with the infrastructure and facilities to handle their vessels upon arrival at the terminal. The tug will remain at the terminal and will be exclusively located at the piers authorized for this purpose

5.2.5 Additional Services

YILPORTECU S.A., for the Port Terminal operations, provides - through subcontracting with specialized companies - the services detailed below.

5.2.5.1 Port Vessel Operators (VPOs)

These are companies authorized to provide services to vessels. They include the management and execution of activities to assist vessels while they enter, stay, and leave from the port, the approach area, the port of call, and the port of discharge.

and anchoring, necessary for proper navigation and permanence.

5.2.5.2 Port Cargo Operators (OPCs)

They are authorized to provide cargo services, consisting of the management and operation of cargo movement and storage in port areas and related activities.

5.2.5.3 Related Port Services Companies (ESCs)

They consist of support or complementary management for port services, including supplies, fuel, cleaning and maintenance, hazardous waste management, among others.

Among service providers, external collaborators' population ranges from 900 to 1.200, depending on seasonality and demand for services.

5.2.6 Machinery and Equipment

The following machinery and equipment are used at the terminal for the rendering of port services:

Table 5-5 Machinery and equipment

Type	Quantity	Description	Capacity
MHC Cranes	2	Gottwald Mobile Harbor Cranes (MHC)	100 t
Tugboat	1	Rio Jubones	1500 HP per engine (2 engines)
	1	Isla Puna	900 HP per engine (2 engines)
	1	Tomebamba	750 HP per engine (2 engines)
	1	Arenillas	400 HP per engine (2 engines)
Containership	1	Containership	45 t
	4	Containership	35 t
	1	Containership	10 t
Terminal Truck	1	Front and platform	35 t
	12	Front and platform	30 t
	10	Front and platform	20 t
Forklift	23	electric	2 t
Pallet Forklift	21	Pallet Forklift	1 t
Forklifts	12	Forklift Truck CPQYD 30	3 t
	4	Forklift Truck GP30-G/LP	2,8 t
	46	Forklift Truck 6FGU25	2,5 t
	6	Forklift Truck 5FDC20	2 t

Prepared by: ECOSAMBITO C.LTDA.

Location: Puerto Bolívar, Machala – El Oro

Date: May 2019

5.2.7 Materials and Supplies

In general, the Port Terminal operation materials correspond to the fuel used for the transportation and mobilization of cargo inside the terminal, lubricants, and additives used for the maintenance of the crane equipment materials used for the operation of the terminal. The remaining materials used correspond to office supplies - paper, printing toner, hygiene supplies and

others - and those used for the maintenance of the terminal's working conditions, including lights, batteries, and various spare parts.

5.2.8 Waste Management

5.2.8.1 Solid Waste

At the Port Terminal, solid waste management is carried out by a contractor (OPERLIMP S.A.), which performs the following activities:

- Cleaning and collection of waste in buildings and roads, separating recyclable from non-recyclable waste.
- Removal of debris from Pier 1 platform (dragged by the currents outside the Port Terminal).
- Recyclable waste - mainly plastic beverage bottles - is manually compacted, baled, and delivered to a recycler.
- The remaining waste (non-recyclable and organic) is transported daily to the municipal landfill by a hauler contracted by YILPORTECU.

Photographic record 5-1 Common waste management



Management of sea debris from Pier No. 1: Collection and separation, weighing and recording, preparation (reduction) for delivery to recycler.

Prepared by: ECOSAMBITO C.LTDA.
Location: Puerto Bolívar, Machala – El
Oro
Date: February 2019

5.2.8.2 Black and Gray Waters

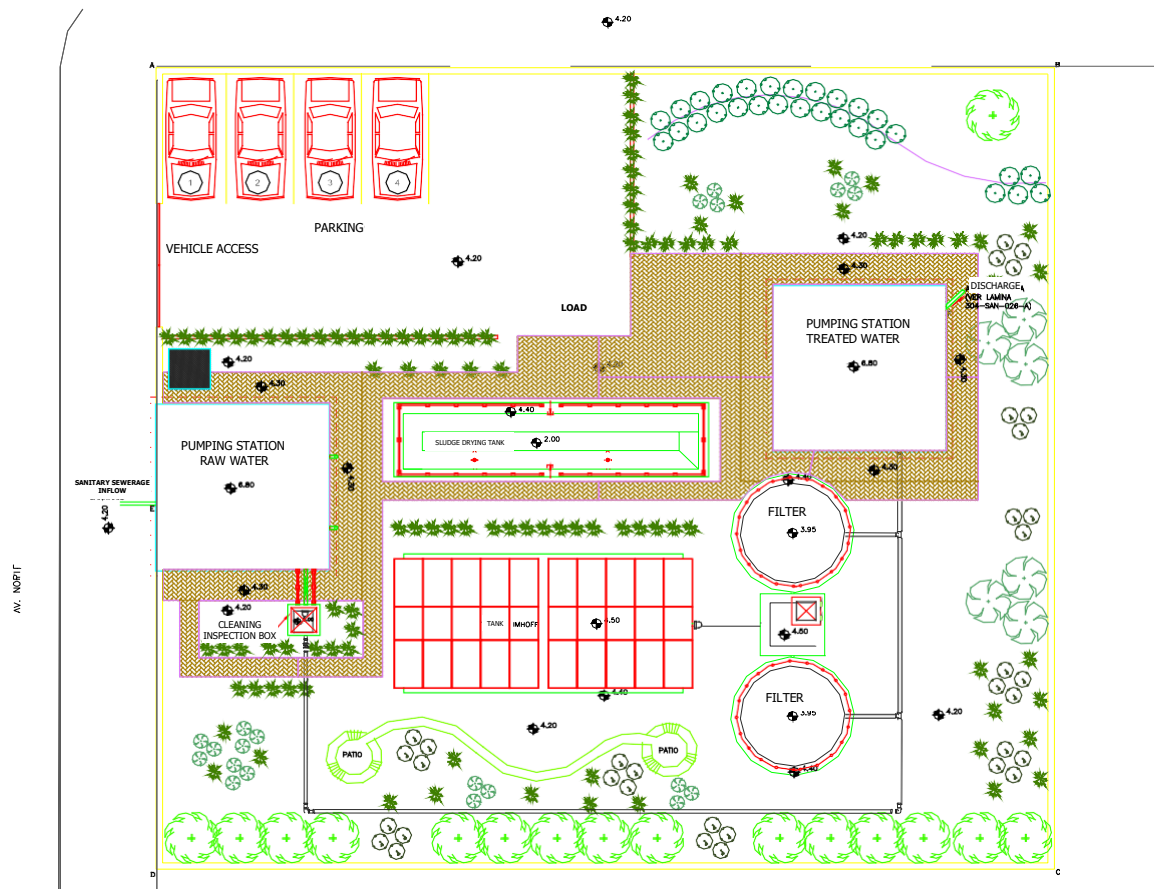
Wastewater generated in washrooms and toilets, as well as in the dining room, is collected by the wastewater conveyance system (see Annex 1.2.11 APPB Hydrosanitary Plan) and taken to the

existing primary treatment plant.

This plant is located in an area of 728.0 m² and has a collection tank, IMHOF tank, two wastewater filter tanks, and a sludge dryer. The WWTP was built in 2009, received maintenance and adjustments in 2012 and 2013; its facilities are fenced with metal mesh with two pipe gates and hinged metal mesh in good condition, has two reinforced concrete chambers, the first with bathroom and pumping facilities for three pumps with a raw water tank connected to a pumping system for two pumps with an aluminum and glass partition and the other with a clarification system for lack of liquid chlorine and a treated water tank. In the outside area, there is an IMHOF chamber which has a reinforced concrete tank and lids in an area of 32 m², where the dissolved solids are precipitated; and a sludge dryer, which has a reinforced concrete tank and a metal structure with a metal cover that can be hinged in two sections and aluminum mosquito nets. The system is complemented by two cylindrical gravel filter-tanks with metal lids.

At the exit of the Treatment Plant, the wastewater is chlorinated and then piped to the discharge point in the breakwater area of Pier 4.

Figure 5-3 Implementation Plan of the Primary Wastewater Treatment Plant



Source: APPB REAL ESTATE FACT SHEET - TREATMENT PLANTS.

Location: Puerto Bolívar, Machala – El Oro

Date: May 2019

5.2.8.3 Hazardous and Special Wastes

For proper management of its hazardous and special wastes - both liquid and solid - the Project management holds the respective Hazardous Waste Generator Registration No. SUIA-11-2018-MAE-DPAEO-00446 and has worked on implementing daily logs (for the management and internal transportation of hazardous and special wastes); however, it has not yet adopted Single Manifests of its own but uses those generated by the authorized environmental manager. This, to some extent, is justified due to the low generation of hazardous waste at the Port Terminal.

Table 5-6 hazardous waste generation 2018

Generation Area 1	Residue Identification					Annual Generation of Waste		Waste Recovery Potential 7			
	Name of the waste according to the National List.	Code 3	CRTIB 4					Quantity	Unit	Energy Recovery	Materials Recovery
MN	Disused electrical and electronic equipment that has not been disassembled, separated from its components or constituent elements.	ES-06					0,003	T		X	
MN	Used or spent mineral oils	NE-03			T	I	1,045	T	X		
MN	Used lead-acid batteries	NE-07	C				0,236	T		X	
MN	Containers contaminated with hazardous materials	NE-27			T		0,0018	T	X		
MN	Used mineral oil filters	NE-32			T		0,3	T	X		
MN	Used mercury-containing luminaires, lamps, fluorescent tubes, energy-saving bulbs, etc.	NE-40			T		0,0227	T		X	
MN	Adsorbent material contaminated with hydrocarbons: wipes, cloths, rags, sawdust, adsorbent booms, and other solid adsorbent materials	NE-42			T		0,135	t	X		

Generatio n Area 1	Residue Identification					Annual Generation of Waste		Waste Recovery Potential 7				
	Name of the waste according to the National List.	Code 3	CRTIB 4					Quantity	Unit	Energy Recovery	Materials Recovery	Direct reuse of waste in another process
MN	Parts of electrical and electronic equipment containing electrical and electronic assemblies...	NE-46			T		0,265	T			X	
SA X	Used ink or toner print cartridges	NE-53			T		0,072	t			X	

1. Indicate if the hazardous waste was generated in the area of input transportation (IT), input storage (AMI), in the production process (PP), Product Storage (PR), Quality Control (QC), Product Transportation (PT), product discharge (DES), auxiliary services (SAX), maintenance (MN), other (O), specify. If no hazardous waste was generated in the reporting year, then indicate NA.

2. Indicate the code of the hazardous chemical according to INEN Standard 2-266:2000

3. Indicate the code of the waste according to the National Waste List

4. Indicate the CRTIB characteristic of the waste according to the National List or according to the analysis performed by an accredited laboratory.

5. Indicate if they are Tons (1), Liters (2), Cubic Meters (3).

6. Indicate with an X if there is a new waste generated in the establishment.

7. Indicate with an X if the residue has the potential of the indicated aspects. If so, indicate more than one X.

Source: Annual Hazardous Waste Declaration 2018 of RGDP No. SUIA-10-2018-MAE-DPAEO-00446

Prepared by: ECOSAMBITO C.LTDA.

Date: March 2019

The main hazardous wastes generated by maintenance activities are oils and greases from MHC cranes, followed by used lead-acid batteries and hydrocarbon-impregnated solids.

The management of hazardous waste from ships arriving at the port is carried out directly from the storage tanks on the respective vessels to the environmental manager's authorized tank car, within the Port Terminal, without using Yilport's hazardous waste storage facilities.

At the Port Terminal specifically, hazardous waste collection is carried out in three warehouses:

- The warehouse next to the premises of Agrocalidad, where electronic waste and printing toners are stored;
- Hazardous waste warehouse (adjacent to the generator area), where miscellaneous solid waste is stored (capacitors, batteries, lighting bulbs, air filters, etc.);
- Collection Center, where liquid wastes, greases and lubricants, hydrocarbon-impregnated solids, and oil filters are stored.

Although there are spaces assigned for hazardous waste management, they do not have the required signage or adequate containers for each type of waste, nor do they have the necessary preventive elements - smoke detection system, fire extinguishers, etc. - to protect the environment – (see

Photographic Record 5-2).

During regular cleaning and maintenance operations at the Port Terminal, certain objects were found on the seabed adjacent to the piers - mainly scrap metal, tires, and rubber buoys - which due to their quantity and/or size, have been deposited on the beach area adjacent to Pier 5 (SENESCYT property) and should be managed as special waste (see Photographic Record 5-3).

Photographic Record 5-2 Hazardous Waste Collection Center at Port Terminal



Bulk collection of air and oil filters, lighting bulbs, batteries, and capacitors.



Outdoor collection of used oils and grease and lubricant residues, contaminated adsorbent materials, and draining of filters in container tanks at the Collection Center.



General view of the exterior of the Port Terminal's Collection Center.

Prepared by: ECOSAMBITO C.LTDA.
Location: Puerto Bolívar, Machala – El
Oro
Date: March 2019

Photographic Record 5-3 Special Waste



Prepared by: ECOSAMBITO C.LTDA.
Location: Puerto Bolívar, Machala – El
OroDate: March 2019

5.3 NEW SERVICES

To expand its range of services for the importing and exporting sector, Yilport is developing new services - some of which require the construction and/or acquisition of machinery and infrastructure, as detailed below - which are:

5.3.1 Services

5.3.1.1 Export of mineral concentrates

Service for the mining sector. In the first phase (2019-2021) the export of sealed containerized copper concentrate is planned, that is, container handling as usual, with the required prevention measures. The option of handling big bags of the material and placing it in containers is also considered.

In a second phase (2020 onwards), it is planned to implement rotating container technology or rotainers that will allow bulk loading on bulk carriers through a spreader head that allows the container to be turned inside the ship's hold and which has a mist system that emits jets of water particles to prevent the generation of dust in the environment.

In the first phase, it is estimated to mobilize 136,092 metric tons of concentrate, which represents a monthly load of approximately 12,000 metric tons; while in the second phase (starting in 2022), it is expected to increase to 360,000 metric tons per year, which represents a monthly load of 30,000 metric tons.

In both cases - containerized cargo and rotainer - to provide the services described above, no additional infrastructure is required at the terminal, but rather the available storage yards will be used.

5.3.1.2 Bulk solids handling

For grain storage and distribution, YPH will build several silos with a capacity of 45,000 MT, which will be expanded to 75,000 MT if demand requires it. Initially, horizontal transportation from the ship to the silo (import) will be done with dump trucks and hoppers, and later, depending on demand, will switch to conveyor transport systems.

Storage of coal, cement, pet coke, or similar bulk materials will be initially in the open air, with tarpaulins to cover them if necessary. This will evolve to closed silos, probably Dome type, when demand justifies it.

5.3.1.3 Ro-Ro

Reception and storage of vehicles for the southern region of Ecuador.

5.3.2 Infrastructures

5.3.2.1 Cold Storage

Cold storage warehouse of 3,200 m² with a storage capacity of 3 pallets high, which will be built in the current Reefer Yard (refrigerated containers) and will be dedicated to the handling and storage of perishable products such as bananas and shrimp.

5.3.2.2 Pier 6

Pier of 450 meters long, designed to receive Post-Panamax vessels. It will be directly connected to the current Pier 5 and will be used to store and handle containers.

This new pier will increase the annual container handling capacity to 900,000 TEUs. Besides, the container yard capacity will be expanded to accommodate the new containers.

Expansion in facilities and equipment for traffic. It will be planned according to the demand to be met and its requirements. YILPORTECU will carry out the works to be able to store up to 20,000 MT of fertilizer.

The structural configuration of the pier is based on a concrete platform supported on steel piles. The structural configuration is considered to be based on longitudinal and transverse beams to give it adequate strength to support container ships with a deadweight of 197,000 tons.

The total length of the pier is 450 m and is divided into five 90 m segments, which are connected transversely to each other by shear keys. The total width of the pier is 100 m, this is the minimum width necessary to have a slope of 1:5 which, according to RHDHV's experience, is stable (a slope stability study is being developed in detailed engineering).

In the transverse direction, the pier is divided into two segments, the first segment is 55.7 m in width and there is a 2.8 m transitional slab followed by a second segment of 41.50 m in width.

The first segment will be dedicated to the typical pier structure and the second will be part of the container yard.

The structural arrangement of the platform has been made based on planned operations and expected loads, which are as follows:

- General cargo, container, and bulk cargo with the use of Mobile Harbour Cranes (MHC) and small pneumatic unloaders.
- Container handling with the use of Ship-To-Shore (STS) Cranes
- Seismic loading

The location of the piles should, in principle, follow the location of the major loads and that govern the design.

Ship-To-Shore cranes are usually the equipment that originates the highest load reactions and determines the pile alignment position. With a distance to the edge beam of 2.75 m (8.75 ft) and a rail spacing of 30.48 m (100 ft), these pile rows should be perfectly defined (with uniform spacing). Five pile spans between rails are required. Therefore, the transverse spacings are $30.48/6 = 6.096$ m. In the transverse direction, 16 piles are foreseen for a total width of 100 m.

Longitudinal pile spacing has been defined as 3.0 m for piles located at the rail beam position and 6.0 m for other positions.

The reason for choosing 6 m is the presence of the Mobile Harbour Crane model 7 (Gottwald 7608) which is very heavy (630 t), and, also, with distances greater than 6.0 m, there would be large bending moments.

The piles' platform has been designed with the main beams spaced in the longitudinal direction above each pile row. The longitudinal beams have a height of 1.50 m and a variable width of 1.8 m at the bottom, and 2.8 m at the top.

The height of 1.5 m is related to the beams' capacity to take vertical loads from the deck, while a variable thickness is related to the reduction of the transverse spans of the slabs. A 0.60 m slab is considered between longitudinal beams. With the longitudinal beams' position, the transmission of vertical loads to the piles is ensured; transverse loads are only required for specific loads, such as in the case of mooring and berthing loads, or to improve the capacity of the structure in the transverse direction.

In terms of berthing loads, it is necessary to consider a transverse beam between the axis on the platform's seaward side and the first row of piles. The purpose of this is to support the fenders and transmit their loads to the structure.

The longitudinal beams are placed on a lost formwork of lean concrete. This formwork has a "U" shape and a thickness of 25 cm, which is not considered in the beams' design. Therefore, the effective height of the beam is 1.25 m. For the case of the slab in general, the approach has been different. The slabs are composed of a 25 cm thick pre-slab, and a 35 cm thick cast-in-place slab working together with an effective height of 0.60 m, the adhesion between both phases of the slab is obtained with the use of stirrups.

The shear keys' function is to avoid transverse differential displacements between the pier segments causing misalignment between the STS Crane rails. The transverse displacement tolerance in the expansion joint is 0.30 m to prevent the separation of the structural bodies colliding against each other during an earthquake.

Four shear key connections allow shear (horizontal loads) to be transferred across the joints and connect the structures. This transfer of loads in the transverse direction ensures that the different structures work together and have the same horizontal displacements when subjected to large horizontal loads, such as during an earthquake. Each shear key consists of a tongue and groove connection.

5.3.2.3 Service infrastructures

In general, to ensure the operational capacity to provide port services, the following infrastructures will be built at the terminal:

5.3.2.3.1 Terminal Yard

- i. Cleaning and Demolition
- ii. In-ground Excavations
- iii. Water System Piping (potable, sewage, fire protection system, etc.)
- iv. Wiring Electrical Systems
- v. Terminal yard backfilling works
- vi. Terminal yard and pier pavement
- vii. Building Area Pavement

5.3.2.3.2 Electrical buildings and minor works

- i. Construction of the main sub-station
- ii. Construction of various sub-stations
- iii. Light Pole Foundations
- iv. Water tank & pumping-station foundations
- v. Reefer Platforms
- vi. RTG Cleaner and Sedimentation Tank
- vii. Fuel Station
- viii. Emergency Generator Station
- ix. Perimetric wall and interior fence

5.3.2.3.3 Water Systems

- i. Installation of the firewater tank
- ii. Pump installation
- iii. Tests and trials

5.3.2.3.4 Electrical Systems

- i. Installation of the main sub-station
- ii. Installation of various sub-stations
- iii. Light pole installations
- iv. Tests and trials

5.3.2.3.5 Workshop

- i. Foundations
- ii. Construction of new workshop
- iii. Installation of equipment and finishes of the maintenance workshop

5.3.2.3.6 Entrance doors

- i. Construction of entrance doors
- ii. Installation of electrical wiring

- iii. Concrete scales works
- iv. Installation of scales
- v. OCR installation

5.3.2.4 Equipment

According to the investment plan and purchases already made, the following equipment is expected to arrive at the Terminal between January and December 2020:

Table 5-7 Machinery and equipment to arrive

Type	Quantity	Description	Capacity
STS Cranes	2	ship to shore cranes	22 rows
	4	ship to shore cranes	24 rows
RTG Cranes	18	Rubber tyred gantry cranes	
ECH Cranes	2	Electric chain cranes	
RS	2	Front loader (reach staker)	
Tractor	1	Terminal tractor-trailer	
Tugboat	1	Tugboat	

Prepared by: ECOSAMBITO C.LTDA.

Location: Puerto Bolívar, Machala – El Oro

Date: May 2019

5.4 Project life cycle

The project has been designed for a life cycle of 50 years.

Table 5-8 shows the proposed schedule for the execution of construction activities inside the terminal. However, it should be noted that due to the magnitude of the project and the investment required, this schedule is subject to updates and/or modifications according to the company's needs.

Table 5-8 Work execution schedule

ID	Task Name	Duration	Start	Finish	2020	2021	2022
					J F M A M J J A S O N D	J F M A M J J A S O N D	J F M A M J J A S O N D
1	START OF WORK	0 wks	2 Apr '20	2 Apr '20	2/4/2020		
2	TOTAL DURATION OF WORK	104,8 wks	2 Apr '20	1 Apr '22			
3	Pier 6 Contract	111,8 wks	2 Apr '20	20 May '22			
4	Mobilization, Cleaning, Adequacy of Temporary Office	8,6 wks	2 Apr '20	1 Jun '20			
5	Construction of Pier 6	111,8 wks	2 Apr '20	20 May '22			
6	Area cleaning	4,2 wks	2 Jun '20	30 Jun '20			
7	Excavation	8,6 wks	1 Jul '20	28 Aug '20			
8	Pile driving	90,4 wks	31 Aug '20	20 May '22			
9	Backfill	90 wks	2 Sep '20	20 May '22			
10	Concrete Works	90 wks	2 Sep '20	20 May '22			
11	Pier Accessories	11,8 wks	1 Mar '22	20 May '22			
12	Paving	80 wks	2 Apr '20	11 Oct '21			
13	Terminal Yard	60 wks	2 Apr '20	24 May '21			
14	Cleaning and demolitions	6,9 wks	2 Apr '20	20 May '20			
15	Yard excavations	40 wks	20 May '20	23 Feb '21			
16	Water systems piping (potable, sewage, fire fighting)	42,9 wks	2 Apr '20	26 Jan '21			
17	Wiring Electrical Systems	40 wks	2 Apr '20	5 Jan '21			
18	Terminal yard backfilling works	50 wks	2 Apr '20	16 Mar '21			
19	Terminal yard and pier pavement	60 wks	2 Apr '20	24 May '21			
20	Building Area Pavement	20 wks	2 Apr '20	19 Aug '20			
21	Electrical buildings and minor works	104,2 wks	2 Apr '20	29 Mar '22			
22	Construction of the main sub-station	51,4 wks	2 Apr '20	25 Mar '21			
23	Construction of various sub-stations	40 wks	2 Apr '20	5 Jan '21			
24	Light Pole Foundations	14,3 wks	2 Apr '20	10 Jul '20			
25	Water tank & pumping-station foundations	11,4 wks	2 Apr '20	19 Jun '20			
26	Reefer Platforms						
27	RTG Cleaner and Sedimentation Tank	21,4 wks	2 Apr '20	28 Aug '20			
28	Fuel Station	13 wks	2 Apr '20	1 Jul '20			
29	Emergency Generator Station	13 wks	1 Sep '21	30 Nov '21			
	Perimetric wall and interior fence	30 wks	1 Sep '21	29 Mar '22			

This schedule of execution of the construction works of Pier #6 is referential and may be modified by the Contractor during the execution of the work.

Landmark

Summary

Task

Pág. 1 | 2

This document contains proprietary information and may not be reproduced, in whole or in part, or transferred to third parties without the written consent of YILPORTECU.

ID	Task Name	Duration	Start	Finish	2020	2021	2022
					J F M A M J J A S O N D	J F M A M J J A S O N D	J F M A M J J A S O
30	Water Systems	17 wks	1 Sep '21	28 Dec '21			
31	Installation of fire water tank	11,4 wks	1 Sep '21	18 Nov '21			
32	Pump installation	11,4 wks	1 Sep '21	18 Nov '21			
33	Tests and trials	4 wks	1 Dec '21	28 Dec '21			
34	Electrical Systems	55,8 wks	2 Apr '20	26 Apr '21			
35	Installation of the main sub-station	40 wks	2 Apr '20	5 Jan '21			
36	Installation of various sub-stations	31,7 wks	2 Apr '20	9 Nov '20			
37	Light pole installations	13 wks	1 Dec '20	1 Mar '21			
38	Tests and trials	8 wks	2 Mar '21	26 Apr '21			
39	Entrance doors	26 wks	1 Jul '21	29 Dec '21			
40	Construction of entrance doors	25,7 wks	1 Jul '21	28 Dec '21			
41	Installation of electrical wiring	5 wks	1 Jul '21	4 Aug '21			
42	Concrete works of scales	8 wks	1 Jul '21	25 Aug '21			
43	Installation of scales	5 wks	26 Aug '21	29 Sep '21			
44	OCR Installation	13 wks	30 Sep '21	29 Dec '21			
45	Additional Works	24 wks	1 Jun '21	15 Nov '21			
46	Slope stability on existing pier	24 wks	1 Jun '21	15 Nov '21			
47	Fire alarm system	13 wks	1 Jul '21	29 Sep '21			
48	Equipment	82 wks	2 Apr '20	25 Oct '21			
49	Equipment of Pier 6	82 wks	2 Apr '20	25 Oct '21			
50	STS cranes (Including acquisition, installation, testing and trials)	82 wks	2 Apr '20	25 Oct '21			
51	General Cargo Equipment	24 wks	2 Apr '20	16 Sep '20			
52	Mobile Equipment	24 wks	2 Apr '20	16 Sep '20			
53	Reach Stackers	24 wks	2 Apr '20	16 Sep '20			
54	Empty Handlers	24 wks	2 Apr '20	16 Sep '20			
55	Tractors	21 wks	2 Apr '20	26 Aug '20			
56	Trailers	21 wks	2 Apr '20	26 Aug '20			
57	Forklifts	21 wks	2 Apr '20	26 Aug '20			
58	END OF WORK	0 wks	1 Apr '22	1 Apr '22			◆ 1/4/2022

This schedule of execution of the construction works of Pier #6 is referential and may be modified by the Contractor during the execution of the work.

Landmark

Summary

Task

This document contains proprietary information and may not be reproduced, in whole or in part, or transferred to third parties without the written consent of YILPORTECU.

Pág. 2 |

5.5 Monitoring of environmental issues

The audit's objectives include identifying environmental impacts in the area of influence and the current state of the environment in the area of influence of the project, mainly its abiotic, biotic, and socio-environmental components.

To this end, we use the first-hand information available from the monitoring carried out during the period under evaluation, the general conclusions of which are reproduced below.

Also included are the criteria collected through the application of semi-structured interviews with leaders of social organizations within the project's area of influence, the field records of which can be seen in Annex 1.3.35.

5.5.1 Air Quality

From the results obtained from the air quality monitoring carried out in the evaluated period - according to the defined schedule (bi-annual), except for the October - April semester whose monitoring was carried out in May 2019 - and whose results have been presented to the environmental authority, as part of the Semi-Annual Reports of the Monitoring and Follow-up Plan, we have:

Table 5-9 Recording of air quality monitoring results

Parameters	Unidad	LMP *	May-17 (Base line)	Nov-18	Mar-19
			P1	P1	P1
Carbon Monoxide (CO) ^{prom h/8h}	µg/m ³	10000,00	2086,62	6568,23	114,00
Carbon Monoxide (CO)	µg/m ³	30000,00			114,00
Nitrogen Oxides (NO)	µg/m ³	--			133,00
Nitrogen Dioxide (NO ₂)	µg/m ³	200,00	11,29	13,94	94,00
Sulfur Dioxide (SO ₂) ^{prom 10 minutes}	µg/m ³	500,00		20,50	125,00
Sulfur Dioxide (SO ₂)	µg/m ³	125,00	8,9		125,00
Ozone (O ₃)	µg/m ³	100,00	23,56	38,16	98,00
PM ₁₀	µg/m ³	100,00			22,00
PM _{2,5}		50,00			8,00

* Ministerial Agreement 097A, Annex 4: Air Quality Standard or Immission Level, Section 4.1.2 General standards for concentrations of criteria pollutants in ambient air.

Indicates a credited limit of quantification value. To be interpreted as 'less than' (<).

0,00 exceeding the LMP value*

Prepared by: ECOSAMBITO C.LTDA.

Date: April 2019

As can be seen in Table 5-9, 100% of the monitored parameters comply with the LMPs established in Ministerial Agreement 097A, Annex 4: Air Quality Standard or Immission Level, Section 4.1.2 General standards for concentrations of criteria pollutants in ambient air.

All monitoring was performed by a laboratory duly accredited by the SAE.

5.5.2 Noise

The results obtained from the noise monitoring conducted in the evaluated period - according to the defined schedule (bi-annual), except for the October-April semester whose monitoring was conducted in May 2019 - and whose results have been submitted to the environmental authority, as part of the Semi-Annual Report of the Monitoring and Follow-up Plan, are shown in Table 5-10.

As can be observed, only at P4 (November 2018) the LMP established in Ministerial Agreement 097-A, Annex 5: Maximum Noise Emission Levels and Measurement Methodology for Fixed Sources and Mobile Sources, Table 1, is exceeded: Maximum Noise Emission Levels (LKeq) for Fixed Noise Sources; however, it should be considered that this point is located in the Puerto Bolivar Cabotage Pier, which corresponds to an area of high traffic of people and intensive use of speakers at very high volume by bars and restaurants.

On the other hand, in March 2019 monitoring, at measurement points P3 and P4, it is established that there are no conditions to quantify the Lkeq of the source (when the difference between LAeq,tp - LASeq,rp is less than 3 dB under conditions of lower residual noise).

100% of the measurements comply with the Worker's Health and Safety and Work Environment Improvement Regulations, Art. 55 Noises and Vibrations.

All monitoring was performed by a laboratory duly accredited by the SAE.

Table 5-10 Recording of environmental noise monitoring results

Parameter	Monitoring period:			01/05/2017 (Base line)				nov-18				mar-19			
	LMP* ID3	LMP* CM	LMP**	P1	P2	P3	P4	P1	P2	P3	P4	P1	P2	P3	P4
Specific Noise Lkeq = LE dB (A)	70	60	85	68	64,9	65,9	60	68,9	63,6	63,5	63,1	68	69	--	--

* Ministerial Agreement 097-A, Annex 5: Maximum Noise Emission Levels and Measurement Methodology for Stationary Sources and Mobile Sources, Table 1: Maximum Noise Emission Levels (LKeq) for Stationary Sources of Noise.

** Regulation on Workers' Health and Safety and Improvement of the Working Environment, Art. 55 Noise and Vibrations

0,00 If the result exceeds the LMP *

0,00 If the result exceeds the LMP **

-- There are no conditions to quantify the Lkeq of the source (when the difference between LAeq,tp - LASeq,rp is less than 3 dB under lower residual noise conditions).

Prepared by: ECOSAMBITO C.LTDA.

Date: April 2019

5.5.3 Water quality

The results obtained from the water quality monitoring carried out during the evaluated period - according to the defined schedule (bi-annual) - and whose results have been submitted to the environmental authority as part of the Semiannual Report of the Monitoring and Follow-up Plan, are shown in Table 5-11.

Table 5-11 Record of water quality monitoring results in the Santa Rosa estuary

Monitoring Period:			mar-17 (Base line)		oct-18		apr-19	
Parameters	Unidad	LMP	P1	P2	P1	P2	P1	P2
pH		9,5			8	8,02	8,09	8,13
Conductivity					44100	44500	64200	63400
Temperature	uS/cm				25,1	25,2	27,5	28,2
Dissolved oxygen	°C		5,17	4,65	6,3	6,5	5,9	6,6
Oxygen saturation	mg/l	60			76,4	79,5	75,1	82,3
SST	%		106	87	119	178	9	11
Ammonium	mg/l	0,4			0,12	0,04	0,04	0,06
Ammonium as ammonia	mg/l	0,4	0,06	0,036	0,11	0,04	0,04	0,05
Oils and Greases	mg/l	0,3	0,44	0,44	0,3	0,3	0,3	0,3
DBO	mg/l		9,12	19	2	2	2	2
DQO	mg/l		18	36	50	50	5	5
HTP	mg/l	0,5	0,04	0,04	0,3	0,3	0,3	0,3
Surfactants Detergents	mg/l	0,5	0,027	0,045	0,03	0,02	0,2	0,2
Fecal Coliforms	nmp/ 100 ml		2	2	150	930	930	430
Arsenic	mg/l	0,05	0,0031	0,0031	0,017	0,015	0,011	0,014
Cadmium	mg/l	0,005	0,0004	0,0004	0,0001	0,0001	0,001	0,001
Copper	mg/l	0,005	0,0037	0,0037	0,032	0,016	0,05	0,05
Total Chromium	mg/l	0,05	0,0024	0,0024	0,0002	0,0002	0,002	0,002
Iron	mg/l	0,3	0,0047	0,0047	0,37	0,05	0,2	0,2
Mercury	mg/l	0,0001	0,005	0,005	0,0001	0,0001	0,001	0,001
Total Organochlorines	mg/l				0,0001	0,0001	0,0001	0,0001
Total Organophosphates	mg/l	0,01			0,001	0,001	0,001	0,001
Organonitrogenates **	mg/l				0,001	0,001	0,001	0,001
Carbamates **	mg/l				0,0005	0,0005	0,0005	0,0005

* Ministerial Agreement 097A, Annex 1: Environmental Quality Standard and Effluent Discharge to the Water Resource, Table 2: Admissible Quality Criteria for

* Highest value detected by pesticide type.

Indicates a credited limit of quantification value, to be interpreted as 'less than' (<).

0,00 If the result exceeds the LMP *

Prepared by: ECOSAMBITO C.LTDA.

Date: May 2019

Each monitoring carried out comprises a total of 86 parameters: 5 field parameters, 1 physical-chemical, 2 anion and non-metal, 5 organic, 1 microbiological, 6 total metals, 27 organochlorines, 15 organophosphates, 18 organonitrogenates, and 6 carbamates.

If we consider the 2 monitoring points, and that 2 monitoring have been performed in the evaluated period (corresponding October 2018 and April 2019), we have a total of 344 measurements performed. Of these, only 7 results obtained (2% of the total) Do not Comply with the LMP's established in Table 2 of Annex 1 of Book VI of the Unified Text of Secondary Legislation of the Ministry of Environment, issued by Ministerial Agreement 097 - A, and 98% Complies or does not have LMP's established in the aforementioned regulation. However, the 7 measurements that do not comply in 6 cases, the result corresponds to a quantification limit value accredited by the laboratory, so we know that the real value is below this limit.

It should also be considered that since the Santa Rosa estuary is a body of water for public use - and collects discharges from anthropic activities at the cantonal and regional level - these non-compliances cannot be attributed to specific causes or users.

All monitoring was performed by a laboratory duly accredited by the SAE.

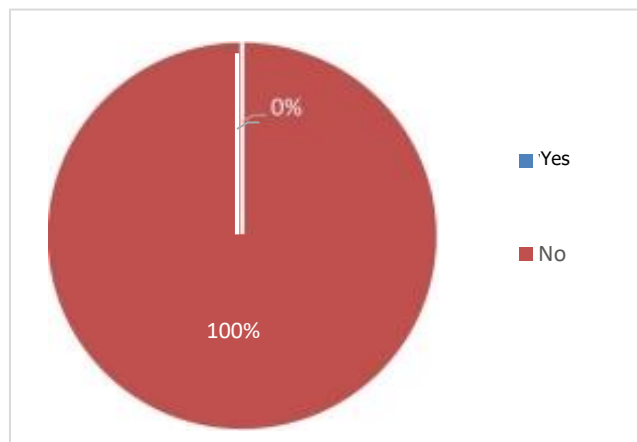
5.5.4 Impact perception interviews

Using a semi-structured interview model, two social actors and leaders of community organizations in the area of influence of the project were interviewed: The President of the Rafael Morán Valverde neighborhood, which borders the APPB to the north and the Santa Rosa estuary to the west until the mouth of the Huaylá river, and the President of the Union of Artisanal Fishing Production Organizations of El Oro, accompanied by his board, who responded to the interview in consensus.

From the interviews conducted, the results obtained are as follows:

- i. 100% of the interviewees represent a social organization within the project's area of influence.
- ii. 100% of the interviewees stated that they did not perceive any noise associated with the Port Terminal operation.

Figure 5-4 Do you consider that dredging activities generate noise to the environment?



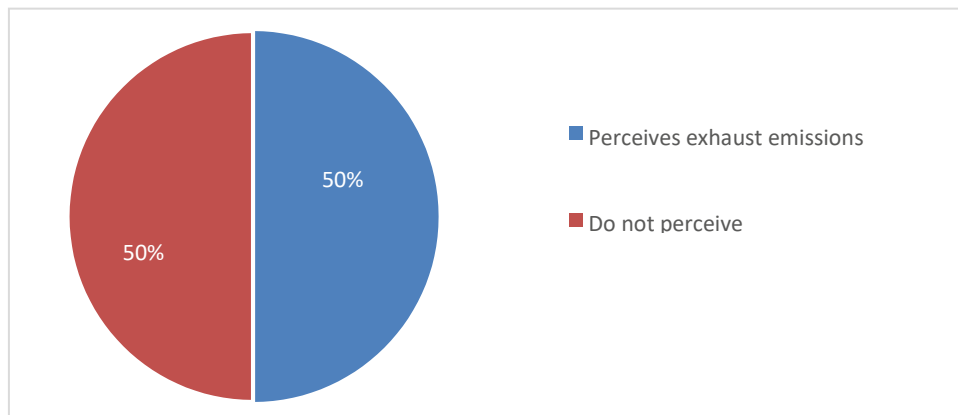
Prepared by: ECOSAMBITO C. Ltda.

Location: Parish of Puerto Bolívar, Machala – El Oro

Date: May 2019

- iii. 50% of those interviewed stated that in the Santa Rosa estuary and towns on the northeastern shore of Jambelí Island, odors from combustion gas emissions associated with ships' passage are perceived, although they also recognize that the artisanal fishing fleet contributes to these emissions at the surface level.

Figure 5-5 Do you consider that the project generates emissions to the atmosphere?



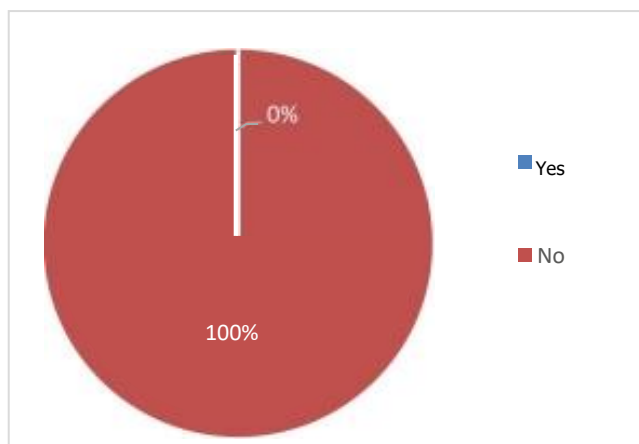
Prepared by: ECOSAMBITO C. Ltda.

Location: Parish of Puerto Bolívar, Machala – El Oro

Date: May 2019

- iv. 100% of those surveyed stated that they did not perceive impacts to the estuary's water body from discharges of wastewater or hazardous substances from ships or the Port Terminal. However, 50% of those interviewed reported finding leather gloves and wipes impregnated with hydrocarbons, masks, and helmets in the El Coco sector to the north of the terminal.

Figure 5-6 Do you consider that dredging activities generate wastewater and hazardous waste discharges?



Prepared by: ECOSAMBITO C. Ltda.

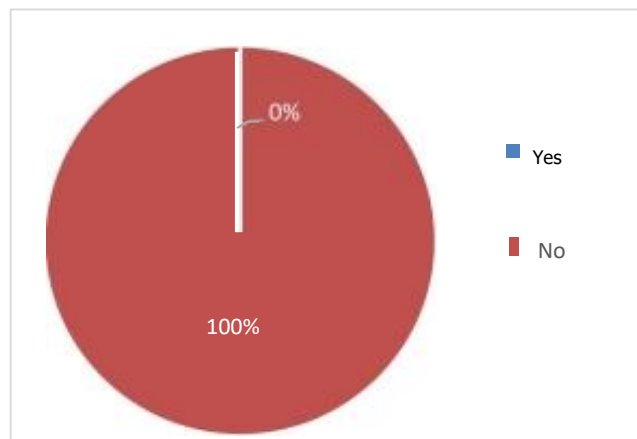
Location: Parish of Puerto Bolívar, Machala – El Oro

Date: May 2019

- v. Regarding the perception of impacts and/or effects generated by Project activities, 100% of those interviewed perceived some type of effect (see Figure 5-8), which are as follows:
- Traffic from warehouses in Puerto Bolívar to the Port Terminal generates noise, dust, and risk for pedestrians (outside the terminal).

- Fish and mollusk mortality in northern Jambelí and Huaylá estuary, associated with the process of dredging the estuary.
- Effects on fishing nets due to turbid water (associated with sediments removed by dredging).
- Reports of nocturnal sediment discharges in the 'cabeza de loma ancha' sector of the Santa Rosa turbid estuary (associated with sediments removed by dredging).

Figure 5-7 Perception of environmental impacts (in general)



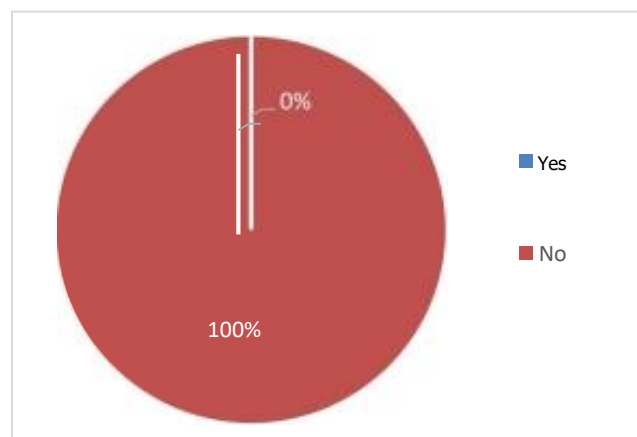
Prepared by: ECOSAMBITO C. Ltda.

Location: Parish of Puerto Bolívar, Machala – El Oro

Date: May 2019

- vi. 100% of the respondents stated that they had not approached the Project management nor issued communications on behalf of their representatives (see Figure 5-9).

Figure 5-8 Have you made approaches or sent communications to Project representatives?



Prepared by: ECOSAMBITO C. Ltda.

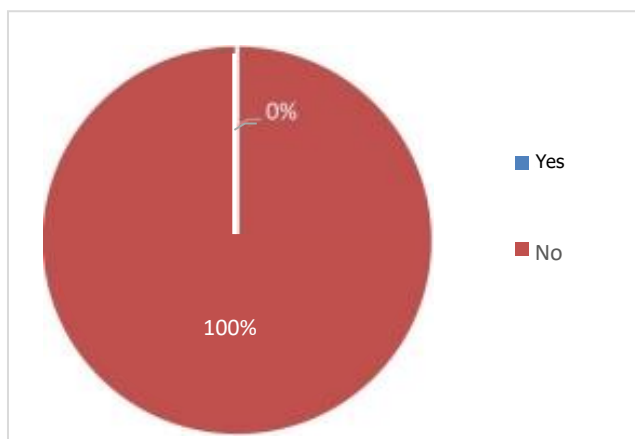
Location: Parish of Puerto Bolívar, Machala – El Oro

Date: May 2019

- vii. 50% of the interviewees declare to have participated in the Social Participation process

carried out by the project's administration before obtaining its Environmental License (2017), however, 100% of the interviewees do not know about the project's current environmental permits.

Figure 5-9 Are you aware of the existence of an environmental permit granted for the project?



Prepared by: ECOSAMBITO C. Ltda.

Location: Parish of Puerto Bolívar, Machala – El Oro

Date: May 2019

CHAPTER 6. METHODOLOGY

Contents

6	METHODOLOGY	6-3
6.1	PRE-AUDIT ACTIVITIES	6-3
6.1.1	<i>Planification</i>	6-3
6.1.2	<i>Assignment of Review Responsibilities</i>	6-3
6.1.3	<i>Information Review</i>	6-4
6.1.4	<i>Administrative details of the audit process</i>	6-4
6.2	ON-SITE AUDIT	6-4
6.3	AUDIT CLOSURE	6-5
6.3.1	<i>Compliance assessments.....</i>	6-5
6.3.2	<i>Audit Report.....</i>	6-8
6.3.3	<i>Audit Closure Meeting</i>	6-8
6.4	ASSESSMENT OF COMPLIANCE WITH APPLICABLE LEGAL REGULATIONS	6-9
6.5	ASSESSMENT OF COMPLIANCE WITH THE OBLIGATIONS ESTABLISHED IN THE ENVIRONMENTAL LICENSE.....	6-9
6.6	ASSESSMENT OF COMPLIANCE WITH THE ENVIRONMENTAL MANAGEMENT PLAN	6-9
6.7	ASSESSMENT OF COMPLIANCE WITH THE MONITORING AND FOLLOW-UP PLAN	6-9
6.8	EXECUTION SCHEDULE	6-13

INDEX OF TABLES

Table 6-1 Matrix for assessment of compliance with current legal regulations.....	6-10
Table 6-2 Matrix for assessment of compliance with the obligations of the Environmental License	6-11
Table 6-3 Matrix model for assessment of compliance with the Environmental Management Plan..	6-11
Table 6-4 Monitoring and Follow-up Plan Compliance Evaluation Matrix.....	6-12
Table 6-5 Schedule for the implementation of Environmental Compliance Audit activities	6-13

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'
– APRIL 2018 - 2019

[YILPORT Logo –
PUERTO BOLIVAR]

6 METHODOLOGY

The methodology used to carry out the environmental audit for projects under execution is the procedure established based on the sequential development of its execution activities.

The environmental compliance audit process, according to the specific objectives set out, can be divided into three temporary phases of development:

Pre-audit activities: consists of a documentary review before the field inspection.

On-site audit: consists of tours of the facilities and areas of influence to verify and gather evidence of the operating and environmental conditions and a photographic record of the current situation of the project.

Post-audit or closure activities: consists of the evaluation of compliance, preparation of reports and recommendations, their presentation to the proponent, and the preparation of an Action Plan and updating of the Environmental Management Plan - if required.

The audit will be based on the assessment of compliance with the Environmental Management Plans, current environmental regulations, and compliance with the Environmental License obligations.

Field inspections of the facilities and infrastructure related to the project would have the objective of verifying if they complied with the environmental mitigation measures established in the current EMP and will provide sufficient information to make decisions on the need or not to apply complementary measures - Action Plan - as environmental remediation measures.

6.1 PRE-AUDIT ACTIVITIES.

To achieve a careful and efficient review of the construction and operation activities of the Port Terminal, the audit team will perform the following activities before the field inspection.

6.1.1 Planification

Review of the audit objectives and specifications according to the characteristics of the project.

Distribution of responsibilities and activities among the audit team members.

Coordination of logistical details both internally and with the audited company.

Preparation of the minimum information to be reviewed, including background information, environmental study, and management plan applied to the project, communications, approvals, reports, among others.

6.1.2 Assignment of Review Responsibilities

After reviewing the background information, the environmental auditor will perform the following activities:

Assign areas of responsibility to the audit team.

Distribute the information among the team members.

Develop a detailed work program for the field inspection.

The members of the audit team will review the background information.

6.1.3 Information Review

The audit team will review the available project information to design the review plan. This work includes, among other actions:

Compilation and review of secondary and field information related to abiotic, biotic, and socioeconomic components.

Review of the information provided and progress since the previous review.

Review of the background of environmental problems encountered, through an inventory and analysis of the demands, conflicts, claims made by the community, the environmental audit, or other competent authorities, in previous periods, analyzing the solutions given and the activities pending completion.

Review of applicable environmental regulations, current Environmental Management Plan, and commitments of the Environmental License, as well as the audited company's standards.

Review of progress in resource management and mechanisms used to exercise environmental control and monitoring by the audited company (e.g., Environmental Management Plan, Contingency Plan, Monitoring Plan in all its aspects, a system for recording environmental information, etc.).

Definition of objective and representative indicators of the environmental management of the project, which will be included in the Definitive Audit Guidelines.

6.1.4 Administrative Details of the Audit Process

Before the field inspection, the auditor will contact the audited company's manager to finalize administrative details of the inspection, such as:

Requesting and contacting the persons responsible for the environmental management of the project

Explain the purpose of the review, the inspection process, and the documents or reports the team will need during the field inspection.

Determine the logistical support needed to carry out the audit (travel, internal travel, worksites, and other facilities for the audit team's work).

6.2 ON-SITE AUDIT

In this phase, the following will be carried out:

Field inspections of all areas and infrastructures related to the regulated activity.

To make a photographic record that will serve as evidence for the audited criteria and the description of the project's current state.

Generation of additional information, when deemed necessary, through semi-structured interviews with local authorities, field personnel including contractors and subcontractors, and the community settled in the area of direct influence. The semi-structured interview model is included in ANNEX 2. MODELO DE ENTREVISTA SEMI-ESTRUCTURADA, of this document, and will be presented as Annexes in the Audit Report.

Collect information that serves as evidence (records, invoices, reports, etc.) of compliance or non-compliance with the evaluated aspects. This phase will also identify non-compliance with legal regulations or the Environmental Management Plan, substandard conditions, and environmental liabilities if any.

Identification of Findings, i.e., all non-conformities found during field inspections, will be reported describing their location (geo-referenced), articles and/or clauses of the applicable environmental regulations that are not complied with, photographic record, among others. Findings will be compiled in the format attached in ANNEX 1. FORMATO DE REPORTE DE HALLAZGOS, of this document, and will be presented as Annexes in the Audit Report.

6.3 AUDIT CLOSURE

The results obtained will be evaluated and a report will be prepared to contain all the observations and recommendations for the project in the operation and maintenance stages. The environmental evaluation of the activities susceptible to cause alterations on the socio-environmental components will consist essentially in its confrontation with the environment where they are being carried out, to identify, describe, evaluating, and quantifying the effective and possible impacts.

6.3.1 Compliance assessments

At this stage, and based on the evidence collected, the audit team will jointly assess the compliance with:

Compliance with applicable legal regulations;

Compliance with the commitments of the Environmental License; and,

Compliance with the Environmental Management Plan;

to develop logical and sustainable conclusions on the level of compliance achieved.

Each aspect evaluated receives a standardized rating to determine the environmental performance of the audited activities, according to the demonstrable level of compliance, namely:

6.3.1.1 Conformities (C)

This qualification is given to any activity, facility, or practice carried out or within the restrictions, indications, or specifications outlined in the Environmental Management Plan and Applicable Laws.

6.3.1.2 Non-conformities

Non-conformities, as stipulated in Ministerial Agreement No. 061 amending Book VI of the TULSMA, issued in Official Gazette 316 of May 04, 2015, shall be qualified according to non-compliance in:

Minor non-conformity (NC-).- A Minor Non-Conformity is considered when the following conditions are determined for the first time:

- a) Non-compliance with the permissible limits or quality criteria by parameter and sampled source and that has not produced evident alteration to the environment;
- b) The delay or failure to submit the administrative documents for environmental control and monitoring in the terms established;
- c) Non-compliance with the technical obligations described in the Environmental Studies, Environmental Management Plan or others required by the Competent Environmental Authority that may have produced or are producing a risk to the environment without this having produced an evident alteration to the environment;
- d) The importation, commercialization, and use of hazardous chemical substances by natural or juridical persons who do not appear in the corresponding registry;
- e) Non-compliance with preventive measures for cleaner production issued by the National Environmental Authority;
- f) Inadequate handling of products and/or elements considered hazardous, in accordance with the applicable environmental regulations;
- g) The use, commercialization, possession, and/or importation of products prohibited or restricted according to the corresponding list and technical standard;
- h) The performance of any activity related to the integral management of wastes and/or hazardous chemical substances without authorization and/or without complying with the administrative and technical conditions established in the applicable environmental regulations;
- i) Partial non-compliance with the remediation, restoration, and/or reparation program approved by the Competent Environmental Authority;
- j) Partial non-compliance with the implementation of the emerging plan and/or approved action plan;

- k) The management of hazardous and/or special wastes in any of its phases, without complying with the technical standard issued for such purpose and/or without prior authorization from the Competent Environmental Authority;
- l) The performance of activities additional to those described in the documents submitted for the issuance of the environmental license;
- m) The management of hazardous chemical substances, in any of its phases, without complying with the technical standards issued for this purpose by the Environmental Authority and/or without prior authorization from the Competent Environmental Authority;
- n) Non-compliance with specific activities detailed in the enabling documents and environmental regulations that allow follow-up, monitoring, and control required by the Competent Environmental Authority for environmental management;
- o) The generation, storage, transportation, elimination, and final disposal of special wastes without complying with the technical standards issued for such purpose and/or without prior authorization from the Competent Environmental Authority; and,
- p) The formulation, manufacture, and/or packaging of hazardous chemical substances by natural or legal persons that do not comply with the corresponding environmental permit and with the regulations in force.

Major non-conformity (NC+): The qualification criteria are as follows:

1. The reiteration during the evaluated period of a Minor Non-Conformity for the same non-compliance was determined by the control and follow-up mechanisms established in this Book.
2. Determination of the following findings identified and reported by the Competent Environmental Authority:
 - a) Consecutive and reiterative non-compliance with the permissible limits per parameter and sampled source;
 - b) Alteration of the natural environmental conditions that require long-term remediation, caused by technical non-compliance with applicable environmental regulations;
 - c) Total non-compliance with the remediation and restoration program approved by the Competent Environmental Authority;
 - d) Total non-compliance with the implementation of the emerging plan and/or approved action plan;
 - e) Abandonment of infrastructure, equipment, or closure of activities without the approval of the Competent Environmental Authority;
 - f) Non-compliance in the execution of the activities contained in the contingency plans established in the applicable environmental legislation;

- g) The performance of activities in addition to or different from those described in the documents submitted for the issuance of the environmental license;
- h) The introduction into the country of non-hazardous solid wastes for final disposal without the corresponding environmental permit;
- i) The introduction into the country of special wastes, for final disposal purposes, without complying with the technical standard issued for this purpose and/or without prior authorization from the National Environmental Authority;
- j) The transboundary movement of non-hazardous solid wastes, hazardous and/or special wastes, whether by import, export, or transit, including those related to unauthorized traffic thereof, without complying with the technical standard issued for such purpose and/or without prior authorization from the National Environmental Authority; and,
- k) The permanent or temporary disposal of debris, residues, and/or wastes of any nature or kind in water bodies, including the coastal marine zone.

3. Enforcement of the express prohibitions contained in this Book;

4. Determination of environmental damage using a final resolution.

In the case of findings that do not fall within the above described, they will be qualified as Major Non-conformities and Minor Non-conformities by the audit team, based on the following criteria:

- a) The magnitude of the event
- b) Impact on human health
- c) Alteration of flora and fauna and/or natural resources
- d) Type of ecosystem altered
- e) Time and costs required for remediation
- f) Negligence before an accident

6.3.2 Audit Report

In this phase, based on the information gathered in the preceding phases, the Audit Report will be drafted under the Contents established in section 12.1 ESTRUCTURA DEL INFORME DE LA AUDITORIA AMBIENTAL of the Terms of Reference.

6.3.3 Audit Closure Meeting

Based on the draft of the final report and the action plan, a post-audit meeting will be held with the participation of audit staff, the Environmental Management Unit, and representatives of the audited company. The purpose of this meeting is to learn the results of the audit and exchange criteria

on the assessments, findings, and results presented by the audit.

6.4 ASSESSMENT OF COMPLIANCE WITH APPLICABLE LEGISLATIVE RULES

Here the level of compliance with applicable legal regulations will be evaluated using the format shown in Table 6-1.

To establish conformities and nonconformities, the criteria established in section 6.3.1 shall be used.

6.5 ASSESSMENT OF COMPLIANCE WITH THE OBLIGATIONS ESTABLISHED IN THE ENVIRONMENTAL LICENSE

The developer's level of compliance with the obligations established in the Environmental License MAE-RA-2017-309603 will be evaluated by using the format shown in Table 6-2.

To establish conformities and nonconformities, the criteria established in section 6.3.1 shall be used.

6.6 ASSESSMENT OF COMPLIANCE WITH THE ENVIRONMENTAL MANAGEMENT PLAN

The audit will evaluate the level of compliance with each of the sub-plans and/or programs that make up the Environmental Management Plan, using the format shown in Table 6-3.

To establish conformities and nonconformities, the criteria established in section 6.3.1 shall be used.

6.7 ASSESSMENT OF COMPLIANCE WITH THE MONITORING AND FOLLOW-UP PLAN

The matrix shown in Table 6-4 will be used to evaluate compliance with the Monitoring and Follow-up Plan.

To establish conformities and nonconformities, the criteria established in section 6.3.1 shall be used.

Table 6-1 Matrix for assessment of compliance with current legal regulations

Legal Body evaluated	Description n	Evaluation			Results	Means of verification																																
		NC +	NC-	C																																		
Ambient air quality standard. Concentrations of criteria pollutants in ambient air, numeral 4.1.2.1 of Annex 4, Book VI of the Unified Text of Secondary Legislation of the Ministry of Environment.	<table><tr><th>Monitoring Points/ Parameters</th><th>Unit</th><th>LMP</th></tr><tr><td>Carbon Monoxide (CO) ^{prom h/8h}</td><td>µg/m³</td><td>10000,00</td></tr><tr><td>Carbon Monoxide (CO)</td><td>µg/m³</td><td>30000,00</td></tr><tr><td>Nitrogen Oxides (NO)</td><td>µg/m³</td><td>--</td></tr><tr><td>Nitrogen Dioxide (NO₂)</td><td>µg/m³</td><td>200,00</td></tr><tr><td>Sulfur Dioxide (SO₂) ^{prom 10 h}</td><td>µg/m³</td><td>500,00</td></tr><tr><td>Sulfur Dioxide (SO₂)</td><td>µg/m³</td><td>125,00</td></tr><tr><td>Ozone (O₃)</td><td>µg/m³</td><td>100,00</td></tr><tr><td>PM₁₀</td><td>µg/m³</td><td>100,00</td></tr><tr><td>PM_{2.5}</td><td>µg/m³</td><td>50,00</td></tr></table>			Monitoring Points/ Parameters	Unit	LMP	Carbon Monoxide (CO) ^{prom h/8h}	µg/m ³	10000,00	Carbon Monoxide (CO)	µg/m ³	30000,00	Nitrogen Oxides (NO)	µg/m ³	--	Nitrogen Dioxide (NO ₂)	µg/m ³	200,00	Sulfur Dioxide (SO ₂) ^{prom 10 h}	µg/m ³	500,00	Sulfur Dioxide (SO ₂)	µg/m ³	125,00	Ozone (O ₃)	µg/m ³	100,00	PM ₁₀	µg/m ³	100,00	PM _{2.5}	µg/m ³	50,00					
	Monitoring Points/ Parameters	Unit	LMP																																			
	Carbon Monoxide (CO) ^{prom h/8h}	µg/m ³	10000,00																																			
	Carbon Monoxide (CO)	µg/m ³	30000,00																																			
	Nitrogen Oxides (NO)	µg/m ³	--																																			
	Nitrogen Dioxide (NO ₂)	µg/m ³	200,00																																			
	Sulfur Dioxide (SO ₂) ^{prom 10 h}	µg/m ³	500,00																																			
	Sulfur Dioxide (SO ₂)	µg/m ³	125,00																																			
	Ozone (O ₃)	µg/m ³	100,00																																			
	PM ₁₀	µg/m ³	100,00																																			
PM _{2.5}	µg/m ³	50,00																																				
...																														

Prepared by: ECOSAMBITO Cía. Ltda.

Table 6-2 Matrix for the assessment of compliance with the obligations of the Environmental License

Environmental License Obligations		Evaluation			Results	Means of verificatio n
		NC+	NC-	C		
1.	Strictly comply with the provisions of the Ex-post Environmental Impact Assessment and Environmental Management Plan for the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR OPERATED BY YILPORT TERMINAL OPERATIONS YILPORTECU S.A.", located in the province of El Oro.					
2.

Prepared by: ECOSAMBITO Cía. Ltda.

Table 6-3 Matrix model for assessment of compliance with the Environmental Management Plan

Environmental Management Plan			Evaluation			Results	Means of verificatio n
			NC +	NC-	C		
PLAN	SUB- PLAN	Measure s					
PREVENTION AND MITIGATION PLAN (PPM)							
PPM-01 NOISE, PARTICULATE MATTER, AND GAS EMISSION CONTROL PROGRAM							
PREVENTIVE MAINTENANCE OF MACHINERY AND EQUIPMENT							
...					

Prepared by: ECOSAMBITO Cía. Ltda.

Table 6-4 Monitoring and Follow-up Plan Compliance Evaluation Matrix

Environmental Management Plan	Evaluation			Findings	Means of Verification
Measures	NC+	NC-	C		
MONITORING AND FOLLOW-UP PLAN (PMS)					
PMS-01 AIR QUALITY CONTROL PROGRAM					
Air quality monitoring					
Has the established frequency of air quality monitoring been complied with?					
Has the monitoring been carried out at the point defined in the coordinate: Point 1 Piers APPB (610951, 9639819)?					
Monitoring must be carried out with calibrated equipment and following the monitoring methodology established in Annex 4 of Book VI of the Unified Text of Secondary Legislation of the Ministry of the Environment issued by Ministerial Agreement 097 - A. Taking as a reference Table 2. Methods of measuring concentrations of air criteria pollutants, according to each parameter evaluated, we have:					
...			

Prepared by: ECOSAMBITO Cía. Ltda.

6.8 EXECUTION SCHEDULE

The activities part of this audit, described in the previous sections, were initiated from February 04, 2019 (date of the Environmental Compliance Audit Initiation Act) to June 12, 2019 (date of the Environmental Compliance Audit Closure Act).

The final document's editing and printing were carried out between June 12 and 24, 2019, and the Environmental Compliance Audit was delivered to the Environmental Authority on June 25, 2019.

However, to respond to the Environmental Authority's observations, notified by official letter No. GADPEO-SGA-2019-1766-OF received on September 25, 2019; a work period was extended from September 25 to October 18, 2019.

The details of the execution schedule for this Environmental Compliance Audit are shown in Table 6-5.

Table 6-5 Schedule for the implementation of Environmental Compliance Audit activities

Phase	Activities	Start Date	End Date
Pre-Audit	Planning and assignment of responsibilities	February 04, 2019	February 04, 2019
	Review of available information	February 05, 2019	February 22, 2019
	Establish reporting requirements	--	February 25, 2019
On-site audit	Field inspections	March 04, 2019	May 13, 2019
	Identification of findings	March 04, 2019	May 13, 2019
	Interviews	--	May 20, 2019
	Record of evidence	April 01, 2019	May 17, 2019
Audit Closure	Compliance assessment	May 20, 2019	May 30, 2019
	Preparation of Action Plan and Environmental Management Plan	May 31, 2019	June 07, 2019
	Drafting of Audit Report	March 04, 2019	May 30, 2019
	Delivery, review, and approval of the audit draft to YILPORTECU	May 30, 2019	June 12, 2019
	Delivery of the Audit document to GPAEO SGA	--	June 25, 2019
Follow-up	Attention to observations and other requirements by the Environmental Authority (observations notified by official letter No. GADPEO-SGA-2019-1766-OF dated September 25, 2019).	September 25, 2019	October 18, 2019

CHAPTER 7. COMPLIANCE ASSESSMENT

Contents

7	COMPLIANCE ASSESSMENT.....	7-3
7.1	ASSESSMENT OF COMPLIANCE WITH THE ENVIRONMENTAL LICENSE OBLIGATIONS AND COMMITMENTS.....	7-3
7.2	ASSESSMENT OF COMPLIANCE WITH ENVIRONMENTAL REGULATIONS.....	7-12
7.3	ASSESSMENT OF COMPLIANCE WITH THE ENVIRONMENTAL MANAGEMENT	7-42
7.4	ASSESSMENT OF COMPLIANCE WITH THE MONITORING AND FOLLOW-UP P	7-73
7.5	GLOBAL ENVIRONMENTAL COMPLIANCE ASSESSMENT	7-80

INDEX OF TABLES

Table 7-1	Assessment of compliance with the Environmental License commitments and obligations..	7-4
Table 7-2	Results of the assessment of compliance with the Environmental License commitments and obligations.....	7-11
Table 7-3	Assessment of compliance with environmental regulations	7-13
Table 7-4	Results of the assessment of compliance with environmental regulations.....	7-41
Table 7-5	Environmental Management Plan Compliance Evaluation Matrix	7-43
Table 7-6	Results of the Environmental Management Plan Compliance Evaluation Matrix	7-72
Table 7-7	Assessment of compliance with the Environmental Monitoring and Follow-up Plan.....	7-74
Table 7-8	Results of the assessment of compliance with the Environmental Monitoring and Follow-up Plan.....	7-79
Table 7-9	Average compliance assessment	7-80

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'.
– APRIL 2018 - 2019

[YILPORT Logo –
PUERTO BOLIVAR]

7 COMPLIANCE ASSESSMENT

Once the project and the level of progress in its first year have been established (see Chapter V) and the compliance assessment methodology (see Chapter VI), this chapter proceeds with the required compliance assessments.

The criteria to evaluate were:

- i. Compliance with the obligations established in the Environmental License and other obligations established by the authority.
- ii. Legal compliance - compliance with legal regulations.
- iii. Compliance with the obligations established in the environmental license. The audit will evaluate the compliance level with each of the sub-plans and/or programs that form the Environmental Management Plan, and that is:
 - Impact Prevention and Mitigation Plan
 - Training and Communication Plan
 - Occupational Health and Safety Plan
 - Waste Management Plan: measures for waste reduction at source (prevention), classification and quantification of waste, recycling, transportation, temporary storage, and final disposal; registration of solid, liquid, and hazardous waste through qualified environmental managers.
 - Community Relations Plan: records, reports, and evaluations of activities carried out; compliance with indemnities; temporary employment; information and communication activities; register of claims and complaints.
 - Follow-up and Monitoring Plan
 - Abandonment and Closure Plan
 - Additional Plans and/or Programs: approved in the Impact Assessment and Environmental Management Plan.
- iv. Compliance with the requirements and methodologies established in the Monitoring and Follow-Up Plan (PMS).

7.1 ASSESSMENT OF COMPLIANCE WITH THE ENVIRONMENTAL LICENSE OBLIGATIONS AND COMMITMENTS

Table 7-1 shows the compliance assessment performed, and Table 7-2 shows the summary of the result of the compliance assessment of the obligations derived from the Environmental License granted by Resolution No. GADPEO-2018-009363-SUIA.

Table 7-1 Assessment of compliance with the Environmental License commitments and obligations

Environmental License Commitments No. GADPEO- 2018-009363-SUIA		Evaluation			Results	Means of verification
		NC+	NC-	C		
1.	Strictly comply with the provisions of the Ex-post Environmental Impact Assessment and Environmental Management Plan for the project "CONSTRUCTION AND OPERATION OF THE PORT TERMINAL OF PUERTO BOLÍVAR OPERATED BY YILPORT TERMINAL OPERATIONS YILPORTECU S.A.", located in the province of El Oro.			X	The operation of the Port Terminal has been conducted as established in the EIA. The construction phase has not yet started due to complications in the Investment Plan (including the required expropriations), however, the detail of works to be built remains in force for its implementation.	Environmental Compliance Audit Document, Chapter V. Description of audited activities.

Environmental License Commitments No. GADPEO- 2018-009363-SUIA	Evaluation			Results	Means of verification
	NC+	NC-	C		
2. Maintain a continuous monitoring and follow-up program for the Environmental Management Plan measures as established in Art. 255 Compulsory and frequent monitoring and periodicity of monitoring reports." The Control Entity is responsible for the permanent monitoring of compliance with the obligations arising from the corresponding environmental permits and the technical instrument that supports it, with particular emphasis on its emissions, discharges, spills, and immission or receiving bodies, "issued by Ministerial Agreement No. 061 of April 07, 2015, published in Special Edition No. 316; the results of which must be delivered to the Provincial GAD of El Oro on a quarterly or biannual basis for their respective evaluation, suggestions or early management corrections.			X	YILPORTECU has an environmental consulting team to oversee the implementation of the EMP. YILPORTECU has submitted to the Environmental Authority the respective reports of its Monitoring and Follow-up Plan, including the results obtained in the laboratory analyses performed: - With Official Letter No. YPTO-GG-0368-18 delivered on 12/10/2018, the Biannual Report on Compliance with the Environmental Management Plan for the period April-October 2018 was submitted and includes the reports on the results of air quality and noise monitoring. - The Environmental Monitoring Report on marine water quality was conducted in October 2018 and delivered to the Authority with Official Letter No. YECU-EHS-01-103 on December 02, 2018.	Anexo 1.3.19 Entrega de Informes de Monitoreo y Seguimiento Anexo 1.4.1 Aprobación de Informes de Monitoreos
3. Use in the execution of the project, processes, and activities, technologies, and methods that mitigate and, as much as possible, prevent negative impacts on the environment.			X	A plan is currently underway to replace the lighting fixtures with LED technology throughout the port facility. The implementation is gradual as the useful life of the existing luminaires is	

Environmental License Commitments No. GADPEO- 2018-009363-SUIA		Evaluation			Results	Means of verification
		NC+	NC-	C		
					fulfilled.	
4.	To be fully responsible for the activities performed by its contractors and subcontractors.			X	<p>YILPORTECU S.A. is the holder and responsible for the Environmental License MAE-RA-2017-309603 and has contracted the services of ECOSAMBITO C.LTDA. for the technical supervision of the implementation of its Environmental Management Plan.</p> <p>YILPORT is responsible for the services provided by its port service contractors such as Port Vessel Operators (OPBs), Port Cargo Operators (PCOs), Port Related Service Companies (ESCs).</p> <p>YILPORTECU has an audit process for contractors to ensure that they comply with current environmental and industrial safety standards.</p>	Anexo 1.3.18 Auditorías Internas OPCs

Environmental License Commitments No. GADPEO- 2018-009363-SUIA	Evaluation			Results	Means of verification
	NC+	NC-	C		
5. Submit the Environmental Compliance Audits, under the provisions of Article 269 of Book VI of the Unified Text of Secondary Legislation of the Ministry of Environment, issued by Ministerial Agreement No. 061 of April 07, 2015, published in Special Edition No. 316 of the Official Gazette of May 04, 2015.			X	ToR's for the ECA (Environmental Compliance Audits) were entered to the Secretariat of Environmental Management of GADPEO on 01/04/2019 through Official Letter No. YPTO-GG-001-19. The corrections required by the authority (by Official Letter No. GADPEO-SGA-0648-OF received on April 03, 2019) were entered with Official Letter No. YPTO-GG-0089-19 on April 16, 2019. The approved ToR's were notified to YILPORTECU by Official Letter No. GADPEO-SGA-2019-0890-OF delivered on 05/10/2019.	Anexo 1.1.8 Ingreso y Aprobación de TDR's AACOperaciónEl presente documento.

Environmental License Commitments No. GADPEO- 2018-009363-SUIA	Evaluation			Results	Means of verification
	NC+	NC-	C		
6. To strictly comply with the provisions of Section II of Chapter VI of Book V1 of the Unified Text of Secondary Legislation of the Ministry of Environment, issued by Ministerial Agreement No. 061 of April 07, 2015, published in Special Edition No. 316 of the Official Gazette of May 04, 2015, for the integrated management of hazardous and/or special waste.			X	<p>The main hazardous wastes generated (used oils, spent batteries, and lighting fixtures) are stored at the Terminal's Collection Center until they are delivered to authorized environmental managers. Hazardous wastes generated by cargo vessels (bilge water, oily mixtures, etc.) are delivered to authorized managers directly from the vessels' tanks to the environmental manager's authorized tank car, within the Port Terminal without using its hazardous waste storage facilities.</p> <p>SERVIDASA is in the process of updating its Environmental License with the Ministry of Environment (through request MAE-SOL-ART-2018-2167). The company operates with its current Environmental License No. 152-003- SGA-GPAO, duly registered with the Ministry of the Environment (Certificate of Registration No. 152 dated July 6, 2010). YILPORTECU has a hazardous waste collection center, although it does not have the necessary signage and facilities.</p>	<p>Anexo 1.1.6 Registro deGenerador DPs Anexo 1.3.21 DADP_2018 Anexo 1.3.22 ManifiestoÚnico Anexo 1.3.16 Registro Fotográfico - YILPORTECU</p>

Environmental License Commitments No. GADPEO- 2018-009363-SUIA		Evaluation			Results	Means of verification
		NC+	NC-	C		
7.	Obtain the registration of hazardous chemicals, hazardous and special wastes under the procedures established by the Ministry of Environment, following Book VI of the Unified Text of Secondary Legislation of the Ministry of Environment, issued by Ministerial Agreement No. 061 of April 07, 2015, published in Special Edition No. 316 of the Official Gazette of May 04, 2015.			X	YILPORTECU has a Register of Hazardous Waste Generator SUIA-11-2018-MAE- DPAEO-00446. The 2018 Annual Declaration was submitted to the Authority with Official Letter No. YPTO-GG-002-19 on 01/07/2019. The Project activities do not require the consumption of chemical substances.	Anexo 1.1.6 Registro deGenerador DPs Anexo 1.3.21 DADP_2018 Anexo 1.3.22 ManifiestoÚnico Anexo 1.3.16 Registro Fotográfico - YILPORTECU
8.	Provide the GAD Provincial of El Oro's technical personnel with all the facilities to carry out the monitoring, control, follow-up, and compliance with the approved Environmental Management Plan during the execution of the project and the granting of this license.			X	GADPEO technical personnel have not requested or carried out any inspection and/or monitoring processes at the Port Terminal during the period under evaluation.	--
9.	Cancel, subject to the project's term, the payment for administrative services of environmental management and quality for the follow-up and control of compliance with the approved Environmental Management Plan.			X	In the Environmental License of the Project, it is established that YILPORTECU delivered before the issuance of the Environmental License, Payment Voucher No. 524840572 dated 06/03/2018 for a value of \$107,320.0 corresponding to the payment of the 1x1000, and Payment Voucher No. 524840573 dated the same date for a value of \$320.0 corresponding to the payment for Environmental Control	Anexo 1.1.4 Licencia Ambiental MAE-RA-2017-309603

Environmental License Commitments No. GADPEO- 2018-009363-SUIA		Evaluation			Results	Means of verification
		NC+	NC-	C		
					and monitoring.	
10	Comply with Article 38 of Book VI of the Unified Text of · Secondary Legislation of the Ministry of Environment, issued by Ministerial Agreement No. 061 of April 07, 2015, published in Special Edition No. 316 of the Official Gazette of May 04, 2015, same which states "This guarantee or policy shall not be required when the executors of the project, work or activity are public sector entities or companies whose subscribed capital belongs, at least two thirds to public law entities or private law entities with a social or public purpose. However, the executing entity shall be administratively and civilly liable for the full and timely compliance with the Environmental Management Plan of the licensed project, work, or activity and for the contingencies that may cause environmental damage or affect third parties, in accordance with the provisions of the applicable regulations.			X	YILPORT TERMINAL OPERATIONS (YILPORTECU) S.A. is a private company executing a Public-Private Partnership project.	Anexo 1.1.7 Adjudicación de la empresa
11	Maintain the performance bond in force during the useful life · of the project.			X	Through Official Letter No. YPTO-GG-0051- 19 delivered on February 22, 2019, YILPORTECU notifies the Secretariat of Environmental Management of the renewal of the Performance Bank Guarantee No. S220214.A, of \$163,500.0 with an expiration date of	Anexo 1.1.5 Oficio N°. YPTO-GG-0051-19 Renovación de Poliza

Environmental License Commitments No. GADPEO- 2018-009363-SUIA		Evaluation			Results	Means of verification
		NC+	NC-	C		
					February 22, 2020.	
12	Comply with national and local environmental regulations in force.			X	The project complies with national and local regulations as outlined in the environmental management plan.	The assessment of compliance with environmental regulations results in 100% compliance.

Prepared by: ECOSAMBITO Cía. Ltda.

Table 7-2 Results of the assessment of compliance with the Environmental License commitments and obligations

Results	Quantity	%
TOTAL MEASUREMENTS	12	100%
COMPLIANCE	12	100%
MINOR NON-CONFORMITY	0	0%
MAJOR NON-CONFORMITY	0	0%
TOTAL NOT APPLICABLE (N/A)	0	--

Prepared by: ECOSAMBITO Cía. Ltda.

7.2 ASSESSMENT OF COMPLIANCE WITH ENVIRONMENTAL REGULATIONS

Table 7-3 shows the compliance assessment performed, and Table 7-4 shows the summary of the result of the compliance assessment with the applicable environmental regulations.

Table 7-3 Assessment of compliance with environmental regulations

Legal Standard	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
CONSTITUTION OF THE REPUBLIC OF ECUADOR	Art. 71.- Nature or Pacha Mama, where life is reproduced and realized, has the right to full respect for its existence and the maintenance and regeneration of its vital cycles, structure, functions, and evolutionary processes. Any person, community, people, or nationality may demand from the public authority the fulfillment of nature's rights.			X	Through Certificate of Intersection MAE-SUIA-RA-RA-DPAEO-2017-208188 dated July 03, 2017, it is established that the project "Construction and operation of the Port Terminal of Puerto Bolivar..." with Code MAE- RA-2017-309603 DOES NOT INTERSECT with the National System of Protected Areas (SNAP), State Forest Heritage (PFE), Forests and Protective Vegetation (BVP).	Anexo 1.1.3 Certificado de Intersección_Operación

Legal Standard	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973-MARPOL	Art. 5.- Certificates and special rules on vessel inspection 2) Every ship shall, while in ports or offshore terminals under the jurisdiction of a Party, be subject to inspection by officials duly authorized by that Party and shall be required to carry a certificate under the provisions of the rules. Such inspection shall be limited to verifying that a valid certificate is on board unless there are clear grounds for believing that the condition of the ship or its equipment does not substantially correspond to the certificate's particulars. In such a case, or if it appears that the ship is not carrying a valid certificate, the inspecting Party shall take the necessary measures to ensure that the ship does not proceed to sea until it can do so without unreasonable threat of harm to the marine environment. However, the inspecting Party may permit the ship to leave the port or offshore terminal for proceeding to the nearest suitable repair yard.			X	YILPORTECU has an internal Protocol PR-SI-006_V1_Protocol Vessel Conditions Report (Vessel Conditions Report, or VCR), which establishes the actions to establish the suitability of the vessel's conditions upon arrival, and before the start of loading and unloading operations. The inspection performed on each vessel is recorded in the format YECU-EHS-01- 0013_Vessel Conditions Report_V1 and is included in the weekly report YECU-EHS-01- 0014_Weekly Report Vessel Conditions_V1.	Anexo 1.2.13 PR-SI-006_V1_Protocolo VesselConditions Report Anexo 1.2.14 YECU-EHS-12- 134_SAFETY INSTRUCTIONS FOR VESSELS_V3 Anexo 1.2.15 Safety Instruction-ALBEMARLEISLAND

Legal Standard	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
	<p>Art. 6.- Detection of breaches of the Agreement and compliance therewith.</p> <p>1) The Parties to the Convention shall cooperate in any efforts leading to the detection of violations and enforcement of the provisions of this Convention by making use of any appropriate and practicable measures of detection and environmental monitoring and control, as well as appropriate methods of information transmission and evidence gathering.</p> <p>2) Any ship to which this Convention applies may be subject to inspection, at any port or offshore terminal of a Party, by officials appointed or authorized by that Party to verify whether the ship has discharged harmful substances in contravention of the Regulations' provisions. If the inspection indicates that there has been a violation of this Convention, a report shall be sent to the administration for appropriate action.</p>			X	<p>YILPORTECU has an internal Protocol PR-SI-006_V1_Protocol Vessel Conditions Report (Vessel Conditions Report, or VCR), which establishes the actions to establish the suitability of the vessel's conditions upon arrival and before the start of loading and unloading operations. The inspection performed on each vessel is recorded in the format YECU-EHS-01- 0013_Vessel Conditions Report_V1 and is included in the weekly report YECU-EHS-01- 0014_Weekly Report Vessel Conditions_V1. In case of detecting violations to the standard, YILPORTECU will notify the Port Captaincy of Puerto Bolivar. At the moment, no transgressions of the norm have been detected.</p>	<p>Anexo 1.2.13 PR-SI-006_V1_Protocolo VesselConditions Report</p> <p>Anexo 1.2.14 YECU-EHS-12- 134_SAFETY INSTRUCTIONS FOR VESSELS_V3</p> <p>Anexo 1.2.15 Safety Instruction-ALBEMARLEISLAND</p>
	<p>Art.13.- Signature, ratification, acceptance, approval, and adhesive:</p> <p>1) This Convention shall be open for signature at the Organization's headquarters from January 15, 1974, until December 31, 1974, and shall remain open for accession thereafter. States may become Parties to this Convention by (a) signature without reservation as to ratification, acceptance, or approval; or (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or (c) adhesive.</p>			X	<p>Ecuador has been a member state of the International Maritime Organization since 1956, and as a party to the following conventions: 1973 (MARPOL Convention), 1978 (Protocol of 1978), 1997 (Protocol - Annex VI); entry into force: October 2, 1983 (Annexes I and III).</p>	<p>1.1.10 OMI Member States</p>

Legal Standard	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
LONDON CONVENTION: CONVENTION ON THE PREVENTION OF POLLUTION OF THE SEA BY DUMPING OF WASTES AND OTHER MATTER, 1972	Art.1.- The contracting parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment and undertake in particular to adopt all practicable measures to prevent pollution of the sea by the discharge of wastes and other matter which may constitute a danger to human health, harm living resources, and marine life, reduce the possibilities of spreading or hinder other legitimate uses of the sea.			X	YILPORTECU has an internal Protocol PR-SI-006_V1_Protocol Vessel Conditions Report (Vessel Conditions Report, or VCR), which establishes the actions to establish the suitability of the vessel's conditions upon arrival, and before the start of loading and unloading operations. The inspection performed on each vessel is recorded in the format YECU-EHS-01- 0013_Vessel Conditions Report_V1 and is included in the weekly report YECU-EHS-01- 0014_Weekly Report Vessel Conditions_V1.	Anexo 1.2.13 PR-SI-006_V1_Protocolo VesselConditions Report Anexo 1.2.14 YECU-EHS-12- 134_SAFETY INSTRUCTIONS FOR VESSELS_V3 Anexo 1.2.15 Safety Instruction-ALBEMARLEISLAND
BASEL CONVENTION	Article 4 paragraph 2 (a) of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Disposal states that each Party shall take appropriate measures to minimize the generation of hazardous wastes and other wastes within it, taking into account social, technological, and economic aspects.			X	YILPORTECU has an internal Protocol PR-SI-006_V1_Protocol Vessel Conditions Report (Vessel Conditions Report, or VCR), which establishes the actions to establish the suitability of the vessel's conditions upon arrival, and before the start of loading and unloading operations. The inspection performed on each vessel is recorded in the format YECU-EHS-01- 0013_Vessel Conditions Report_V1 and is included in the weekly report YECU-EHS-01- 0014_Weekly Report Vessel Conditions_V1.	Anexo 1.2.13 PR-SI-006_V1_Protocolo VesselConditions Report Anexo 1.2.14 YECU-EHS-12- 134_SAFETY INSTRUCTIONS FOR VESSELS_V3 Anexo 1.2.15 Safety Instruction-ALBEMARLEISLAND

Legal regulation	Description	Evaluation			Results	Means of verification
		NC +	NC-	C		
STOCKHOLM CONVENTION	Art. 1 Each Party: a) Prohibit and/or adopt the legal and administrative measures that are necessary to eliminate: (i) Its production and use of the chemicals listed in Annex A, subject to the provisions contained in that Annex; and (ii) Its imports and exports of the chemical products included in Annex A under the provisions of paragraph 2. a) b) It will restrict its production and use of the chemicals included in Annex B following Annex's provisions.			X	According to internal communications, the Port Terminal does NOT handle IMO class 1 and 7 cargo. For the rest of the load, the segregation procedure is used according to the NFPA 704 compatibility table, which remains in our "IMO TREATMENT" procedure.	Anexo 1.1.11 RV_ IMO CARGO SEGREGATION TABLE
ROTTERDAM CONVENTION	Art. 1.- The objective of this agreement is to promote shared responsibility and joint efforts of the Parties in the field of international trade in certain hazardous chemicals in order to protect human health and the environment from possible damage and contribute to their environmentally sound use, facilitating the exchange of information about their characteristics, establishing a national decision-making process on their import and export, and disseminating those decisions to the Parties.			X	According to internal communications, the Port Terminal does NOT handle IMO class 1 and 7 cargo. For the rest of the load, the segregation procedure is used according to the NFPA 704 compatibility table, which remains in our "IMO TREATMENT" procedure.	Anexo 1.1.11 RV_ IMO CARGO SEGREGATION TABLE

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
AGENDA 21	At the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992, "Agenda 21" was adopted, consisting of a broad set of action plans on sustainable development to be executed by the countries. in the XXI century. The Rio Declaration, the Declaration on Principles Relating to Forests, and the United Nations Framework Conventions on Biological Diversity, Climate Change and the Fight against Desertification.			X	YILPORTECU is developing its Environmental Management Plan (draft version), where the diagnosis area includes an energy Diagnosis and an Inventory of greenhouse gases, as a first step to establish mitigation measures and reduction of impacts of Climate Change derived from the operation of the Port Terminal	As it is a draft document, there are no definitive indicators yet, and therefore, it cannot be communicated officially.
CONVENTION ON BIOLOGICAL BIODIVERSITY	The Convention is the first comprehensive global agreement to address all aspects of biological diversity: genetic resources, species, and ecosystems. For the first time, it recognizes that the conservation of biological diversity is "a common concern of humanity" and an integral part of the development process.			X	Through Certificate of Intersection MAE-SUIA-RA-DPAEO-2017-208188 dated July 03, 2017, it is established that the project "Construction and operation of the Port Terminal of Puerto Bolívar..." with Code MAE- RA-2017-309603 NO INTERSECTA with the National System of Protected Areas (SNAP), State Forest Heritage (PFE), Protective Forests and Vegetation (BVP).	Anexo 1.1.3 Certificado de Intersección_Operación
KYOTO PROTOCOL	The Kyoto Protocol on climate change is an international agreement that aims to reduce the emissions of six gases that cause global warming: carbon dioxide (CO2), methane gas (CH4), and nitrous oxide (N2O), in addition to three gases Fluorochemicals: hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF6), in an approximate percentage of 5 percent, within the period from 2008 to 2012, compared to emissions from 1990.			X	YILPORTECU is developing its Environmental Management Plan (draft version). The diagnosis area includes an Energy Diagnosis and an Inventory of greenhouse gases as a first step to establish mitigation measures and reduce impacts of Climate Change derived from the Port Terminal operation.	As it is a draft document, there are no definitive indicators yet, and therefore, they cannot be communicated officially.

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
FRAMEWORK CONVENTION ON CLIMATE CHANGE	The United Nations Framework Convention on Climate Change allows, among other things, to increase public awareness, on a global scale, of the problems related to climate change. The objective of the Convention is to achieve the stabilization of greenhouse gas concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference in the climate system and, in a sufficient time, to allow ecosystems to adapt naturally to climate change, ensuring that food production is not threatened and enabling economic development to continue sustainably.			X	YILPORTECU is developing its Environmental Management Plan (draft version), where the diagnosis area includes an energy Diagnosis and an Inventory of greenhouse gases, as a first step to establish mitigation measures and reduction of impacts of Climate Change derived from the operation of the Port Terminal	As it is a draft document, there are no definitive indicators yet, and therefore, they cannot be communicated officially.
ORGANIC ENVIRONMENT CODE (Official Gazette Supplement 983 of April 12, 2017, enters into force on April 12, 2018)	Art. 11. - Objective liability. Per the environmental principles and guarantees established in the Constitution, any natural or legal person that causes environmental damage will have strict liability, even if there is no intent, fault, or negligence. The operators of the works, projects, or activities must maintain a permanent environmental control system and will implement all the necessary measures to prevent environmental damage, especially in the activities that generate the most significant risk of causing them.			X	YILPORTECU S.A. is the holder and responsible for the Environmental License MAE-RA-2017-309603 for the Construction and operation of the Port Terminal of Puerto Bolívar and maintains its Environmental Management Plan in force. Through Official Letter No. YPTO-GG-0051-19 delivered on February 22, 2019, YILPORTECU notifies the Secretariat of Environmental Management of the renewal of the Faithful Compliance Bank Guarantee No. S220214.A for an amount of \$ 163,500.0 dated of expiration on February 22, 2020.	Anexo 1.1.4 Licencia Ambiental MAE-RA-2017-309603. Anexo 1.1.5 Oficio N°. YPTO-GG-0051-19 Renovacion de Poliza.

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
	Art. 172. - Purpose. The purpose of environmental regularization is to authorize the execution of public, private, and mixed projects, works, and activities, based on their particular characteristics and the magnitude of their environmental impacts or risks. For these purposes, the environmental impact will be classified as not significant, low, medium, or high. The Unique Environmental Information System will automatically determine the type of ecological permit to be granted.			X	YILPORTECU S.A. is the holder and responsible for the Environmental License MAE-RA-2017-309603 for the Construction and operation of the Port Terminal of Puerto Bolívar and maintains its Environmental Management Plan in force.	Anexo 1.1.4 Licencia Ambiental MAE-RA-2017-309603.
	Art. 185. - On the issuance of administrative authorizations. The projects, works, or activities that require administrative permissions, must make the corresponding payments for administrative services. Once the Competent Environmental Authority verifies that the requirements established in this Code and other secondary regulations have been met, the corresponding administrative Authorization will be issued.			X	In the Environmental License of the Project, it is established that, prior to the issuance of the Environmental License, YILPORTECU delivered the Payment Proof No. 524840572 of 03/06/2018 for a value of \$ 107,320.0 corresponding to the payment of the 1x1000, and the Proof Payment No. 524840573 of the same date for a value of \$ 320.0 corresponding to the amount for Environmental Control and monitoring.	Anexo 1.1.4 Licencia Ambiental MAE-RA-2017-309603

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
	Art. 205. - Frequency of environmental audits. The operator must submit environmental audits when the Competent Environmental Authority deems it necessary in accordance with the standard issued for that purpose. The Competent Environmental Authority will carry out random inspections to verify the results of the environmental audits. Depending on the audit's review or the results of the inspection carried out, a new verification of compliance with the regulations in the environmental management plan, administrative authorizations, and current environmental laws may be ordered.			X	The TDR's for the AAC were submitted to the GADPEO Secretariat of Environmental Management on 01/04/2019 through Official Letter No. YPTO-GG- 001-19. The corrections required by the Authority (through Official Letter No. GADPEO-SGA-0648-OF received on April 03, 2019) were entered with Official Letter No. YPTO-GG-0089-19 on April 16, 2019. The approved TDRs was notified to YILPORTECU by Official Letter No. GADPEO-SGA-2019-0890- OF delivered on 05/10/2019. By means of the official letter YPTO-GG-0136-19 of June 24, 2019, the AAC document of the Construction and Operation of the Port Terminal is entered. By means of the official letter GADPEO-SGA-2019-1766-OF, the observations made on the audit document delivered by YILPORTECU are notified. Through the official letter GADPEO-SGA-2019-2039-OF, the observations made in the inspection of the Port Terminal operation, received on September 25 in Yilport, within the verification process of the Environmental Compliance Audit, are notified.	Anexo 1.1.8 Ingreso y Aprobación de TDR's AACOperación Anexo 1.4.2 YPTO-GG-0136-19 Ingreso AACOperación Terminal

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
	Art. 237. - Administrative Authorization for the generator and manager of hazardous and special waste. Every generator and manager of hazardous and special waste and waste must obtain administrative Authorization in accordance with the procedures and requirements established in the secondary standard.			X	YILPORTECU has RGDP No. SUIA-11-2018-MAE-DPAEO-00446. The operators are in the process of obtaining the Generator Registry (at the moment, only EMBARFRUT and REPCONVERT have it) as a result of the internal audits carried out.	Anexo 1.1.6 Registro de Generador de Desechos Peligrosos Anexo 1.3.18 Auditorías Internas OPCs
ORGANIC LAW OF WATER RESOURCES. USES OF WATER	Article 64.- Water conservation. Nature or Pacha Mama has the right to preserve water with its properties as essential support for all forms of life. In water conservation, nature has the right to: a) The protection of its sources, catchment areas, regulation, recharge, outcrop, and natural watercourses, in particular, snow-capped mountains, glaciers, moors, wetlands, and mangroves; b) The maintenance of the ecological flow as a guarantee of the preservation of ecosystems and biodiversity; c) The preservation of the natural dynamics of the integral water cycle or hydrological cycle; d) The protection of hydrographic basins and ecosystems from all contamination; Y, e) The restoration and recovery of ecosystems by effect of imbalances produced by water pollution and soil erosion.			X	Port Authority of Puerto Bolívar (APPB) has the respective Authorization for the use of groundwater issued by SENAGUA (Jubones Hydrographic Demarcation) for wells 1 and 2 within the Port Terminal, published on July 29, 2015.	Anexo 1.1.15 Autorización SENAGUA-APPB

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
	<p>Article 80.- Discharges: prohibitions and control. Discharges of wastewater that are made directly or indirectly in the public water domain are considered discharges. The direct or indirect discharge of water or waste products, sewage, untreated, and leachate likely to contaminate the public water domain's waters is prohibited.</p> <p>The National Environmental Authority will exercise the control of discharges in coordination with the Single Water Authority and the Decentralized Autonomous Governments accredited in the single environmental management system.</p> <p>It is the responsibility of the autonomous municipal governments to treat sewage and solid waste to avoid water contamination in accordance with the law.</p>			X	YILPORTECU has a primary treatment plant for wastewater (PTARI, see section 5.2.8.2 Black and gray water of this document) prior to discharge into the surf zone of the body of marine water of the Santa Rosa estuary. The effluent from the PTARI has been analyzed, and its results comply with the LMPs in the corresponding regulations. The last monitoring was carried out in October 2018.	Anexo 1.3.33 Mmto PTARmarzo 2018 Anexo 1.3.20 Monitoreo de agua de consumo y residual Anexo 1.4.4 GADPEO-SGA-2019-0687-OF – Monitoreo Agua oct18
ORGANIC HEALTH LAW	<p>Art. 103.- Any person, natural or legal, is prohibited from unloading or depositing sewage and wastewater without proper treatment, as provided in the corresponding regulation, in rivers, seas, canals, streams, lagoons, lakes, and other similar sites. Its use in animal husbandry or agricultural activities is also prohibited.</p> <p>...</p>			X	YILPORTECU has a primary treatment plant for wastewater (PTARI, see section 5.2.8.2 Black and gray water of this document) prior to discharge into the surf zone of the body of marine water of the Santa Rosa estuary. Quality monitoring of the effluent leaving the PTARI is carried out every six months. The last tracking was carried out in October 2018.	Anexo 1.3.33 Mmto PTARmarzo 2018 Anexo 1.3.20 Monitoreo de agua de consumo y residual Anexo 1.4.4 GADPEO-SGA-2019-0687-OF - Monitoreo Agua oct18

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
	Art. 111.- refers to air quality and noise pollution and provides that the national health authority coordinate with the MAE all types of emanations that affect the respiratory, auditory, and visual systems, to avoid air pollution and noise that affects human health.			X	YILPORTECU carries out the biannual air quality and noise monitoring as stated in its Monitoring and Follow-up Plan. The results have been presented to the Environmental Authority with Official Letter No. YPTO-GG- 0368-18 delivered on 12/10/2018 (Semiannual Report on Compliance with the Environmental Management Plan for the period April-October 2018), and YPTO-GG -0120-19 delivered the Semiannual Report Income - Operation Nov- Apr 2019.	Anexo 1.3.25 Monitoreo deruido Anexo 1.4.1 Aprobación de Informes de Monitoreos Anexo 1.4.3 YPTO-GG- 0120-19 Ingreso Informe Semestral - Operación nov-abr 2019
PORT SERVICES REGULATION FOR PORT ENTITIES OF ECUADOR (Resolution No. 001/08) GENERAL DIRECTORATE OF THE MERCHANT AND COASTAL NAVY	<p>2.2 Forms of Provision</p> <p>2.2.1 The forms of provision of port services to the cargo and/or the ship, in accordance with the provisions of the General Regulation of Port Activity in Ecuador (RGAPE), are the following:</p> <p>a) Through a service management contract of the Port Authority with third parties, due to the lack of the private sector.</p> <p>b) By means of a delegation contract of the Port Authority with third parties, in the areas under its direct competence and that are not delegated in the concession contracts.</p> <p>2.2.2 The form of provision of port services to the cargo and/or the ship in private terminals will be the responsibility of each of them and must require the current registration granted by the National Port Authority.</p>			X	<p>Through Legislative Decree 1 (Official Gazette 677 of November 27, 1954), Puerto Bolívar is rehabilitated in its legal conditions as Puerto Mayor of the Republic of Ecuador.</p> <p>Through Administrative Resolution No. 31-2016, the General Manager of the Port Authority of Puerto Bolívar resolves to "Award the Public Tender for the" Design, financing, execution of additional works, equipment, operation, and maintenance of the Port Terminal of Puerto Bolívar "to the company YILPORT HOLDING NV.</p>	Anexo 1.1.16 AUTORIDAD PORTUARIA DE PUERTO BOLIVAR Anexo 1.1.7 Adjudicación de la empresa

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
INTEGRAL ORGANIC PENAL CODE	Article 251.- Crimes against water.- The person who, contravening current regulations, contaminates, drains or alters bodies of water, springs, sources, ecological flows, natural or underground waters of hydrographic basins and hydro-biological resources in general, or discharges into the sea causing severe damage will be punished with a custodial sentence of three to five years. The maximum penalty will be imposed if the offense is perpetrated in the space of the National System of Protected Areas or if the crime is committed for profit or with methods, instruments, or means that result in extensive and permanent damage.			X	YILPORTECU has carried out the monitoring of its effluent - at the outlet of its PTARI - in October 2018, obtaining as a result that all the evaluated parameters are below the respective Maximum Permissible Limit (MPL) established in the regulations being assessed. However, the fecal coliforms and total nitrogen parameters have not been evaluated. This monitoring has been included in the Monitoring and Follow-up Plan within the updated Environmental Management Plan (see Chapter IX of this document).	Anexo 1.3.19 Entrega de Informes de Monitoreo y Seguimiento Anexo 1.4.1 Aprobación de Informes de Monitoreos Anexo 1.4.3 YPTO-GG-0120-19
	Article 253.- Air pollution.- The person who, contravening current regulations or by not adopting the measures required in the rules, contaminates the air, atmosphere, or other components of the airspace at levels such that severe damage to resources is caused. Natural, biodiversity, and human health, will be punished with imprisonment of one to three years.			X	YILPORTECU performs air quality monitoring according to the defined schedule (semiannual), and the results were presented to the Environmental Authority with Official Letter No. YPTO-GG-0368-18 delivered on 12/10/2018, the Semiannual Compliance Report of the Environmental Management Plan for the period April-October 2018, and YPTO-GG-0120-19 delivered the Income Semester Report - Operation Nov-Apr 2019.	Anexo 1.4.3 YPTO-GG-0120-19 Ingreso Informe Semestral - Operación nov-abr 2019

Legal regulation	Description	Evaluation			Results	Means of verification
		NC +	NC-	C		
	<p>Article 254.-Prohibited or unauthorized management of products, waste, waste, or dangerous substances.- The person who, in contravention of the provisions of current regulations, develops, produces, has, disposes of, burns, markets, introduces, amounts, transport, store, deposit or use, products, residues, waste and chemical or dangerous substances, and with this cause severe damage to biodiversity and natural resources, will be punished with imprisonment of one to three years. It will be punished with a custodial sentence of three to five years in the case of:</p> <ol style="list-style-type: none"> 1. Chemical, biological or nuclear weapons. 2. Banned Chemicals and Agrochemicals, highly toxic persistent organic pollutants, and radioactive substances. 3. Spread of diseases or pests. 4. Technologies, experimental biological agents, or genetically modified organisms harmful and harmful to human health or that threaten biodiversity and natural resources. 			X	<p>YILPORTECU has a Register of Hazardous Waste Generator SUIA-11-2018-MAE-DPAEO-00446. The 2018 Annual Declaration was presented to the Authority with Official Letter No. YPTO-GG-002-19 on 01/07/2019.</p> <p>Project activities do not require the consumption of chemical substances. The main hazardous waste generated (used oils, spent batteries, and lights) are stored in the Terminal Collection Center until they are delivered to authorized environmental managers.</p> <p>Hazardous waste generated by cargo vessels (bilge water, oily mixtures, others) is delivered to authorized managers directly from the tanks of the ships to the authorized tank car of the environmental manager, within the Port Terminal, without using your hazardous waste storage facilities.</p>	<p>Anexo 1.1.6 Registro deGenerador DPs Anexo 1.3.21 DADP_2018 Anexo 1.3.22 ManifiestoÚnico Anexo 1.3.16 Registro Fotográfico - YILPORTECU</p>

Legal regulation	Description	Evaluation			Results	Means of verification
		NC +	NC-	C		
ORGANIC CODE OF TERRITORIAL ORGANIZATION, AUTONOMY, AND DECENTRALIZATION (COOTAD)	Article 136.- Second paragraph.- It corresponds to the provincial decentralized autonomous governments to govern, direct, order, arrange, or organize environmental management, the defense of the environment and nature, within their territory; These actions will be carried out within the framework of the decentralized national environmental management system and in accordance with the policies issued by the federal environmental Authority. For the granting of environmental licenses, they must be accredited as an environmental authority of responsible application in their constituency.			X	Through Certificate of Intersection MAE-SUIA-RA-DPAEO-2017-208188 dated July 03, 2017, it is established that the project "Construction and operation of the Port Terminal of Puerto Bolívar..." with Code MAE- RA-2017-309603 DOES NOT INTERSECT with the National System of Protected Areas (SNAP), State Forest Heritage (PFE), Protective Forests and Vegetation (BVP); and that the Environmental Regularization Procedure must be carried out with the Provincial GAD of El Oro.	Anexo 1.1.3 Certificado de Intersección_Operación
Ministerial Agreement No. 061 of April 07, 2015, published in Special Edition No. 316	Art. 6 General Obligations.- Any new work, activity, or project and any extension or modification of the same that may cause environmental impact must be submitted to the Unique Environmental Management System, in accordance with the provisions of the applicable legislation, this Book, and the administrative and technical regulations issued for this purpose. ...			X	YILPORTECU has the Environmental License MAE-RA-2017-309603, granted by the Provincial GAD of El Oro on April 03, 2018, once the Environmental Regularization process started with the MAE-SUIA-RA-DPAEO Intersection Certificate has been completed. -2017-208188 of July 03, 2017.	Anexo 1.1.3 Certificado de Intersección_Operación} Anexo 1.1.4 Licencia Ambiental MAE-RA-2017- 309603
	Art. 14.- On the regularization of the project, work, or activity. The projects, assignments, or activities, contained in the National Environmental Authority catalog, must be regularized through the SUIA, which will automatically determine the type of environmental permit and may be: Environmental Registry or Environmental License.				YILPORTECU has the Environmental License MAE-RA-2017-309603, granted by the Provincial GAD of El Oro on April 03, 2018, once the Environmental Regularization process started with the MAE-SUIA-RA-DPAEO Intersection Certificate has been completed. -2017-208188 of July 03, 2017.	Anexo 1.1.3 Certificado de Intersección_Operación} Anexo 1.1.4 Licencia Ambiental MAE-RA-2017- 309604

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
	Article 38. - This guarantee or policy will not be required when the executors of the project, work, or activity are public sector entities or companies whose subscribed capital belongs, at least two-thirds of the parties to general law or private law entities with a social or public purpose. However, the executing entity will respond administratively and civilly for the full and timely compliance with the Environmental Management Plan of the project, work or licensed activity, and of the contingencies that may cause environmental damage or third party effects, in accordance with the provisions of the regulations applicable.			X	YILPORT TERMINAL OPERATIONS (YILPORTECU) S.A. is a private law company executing a Public-Private Partnership project. Through Official Letter No. YPTO-GG-0051-19 delivered on February 22, 2019, YILPORTECU notifies the Secretariat of Environmental Management of the renewal of the Faithful Compliance Bank Guarantee No. S220214.A for an amount of \$ 163,500.0 dated expiration date on February 22, 2020.	Anexo 1.1.7 Adjudicación de la empresa Anexo 1.1.5 Oficio N°. YPTO-GG-0051-19 Renovación de Póliza

Legal regulation	Description	Evaluation			Results	Means of verification
		NC +	NC-	C		
	<p>Art. 255. - Mandatory nature and frequency of monitoring and periodicity of monitoring reports. The Controlling Subject is responsible for the permanent monitoring of compliance with the obligations arising from the corresponding environmental permits and the technical instrument that supports it, with particular emphasis on its emissions, discharges, discharges, and the emission bodies or receiving body. The sources, sinks, resources, and parameters to be monitored, as well as the frequency of the monitoring samples and the periodicity of the monitoring reports, will be included in the respective Environmental Management Plan and will be determined according to the activity, the magnitude of the environmental impacts and socio-environmental characteristics of the environment.</p> <p>...</p> <p>As a minimum, the Controllers will report to the Competent Environmental Authority once a year, based on semiannual samplings; additionally, the provisions of the sectoral regulations will be accepted; In all cases, the details of the execution and presentation of the monitoring will be described in the corresponding Environmental Monitoring Plans.</p>			X	<p>YILPORTECU has an Environmental consulting team in the role of Supervisor of the implementation of the EMP.</p> <p>YILPORTECU has delivered to the Environmental Authority the respective reports of its Monitoring and Follow-up Plan, including the results obtained in the laboratory analyzes carried out:</p> <ul style="list-style-type: none"> - With Official Letter No. YPTO-GG-0368-18 delivered on 12/10/2018, the Semiannual Report on Compliance with the Environmental Management Plan for the April-October 2018 period is entered and includes the quality reports monitoring results of air and noise. - The Environmental Monitoring Report on the quality of seawater was carried out in October 2018 and delivered to the Authority with Official Letter No. YECU-EHS-01-103 ON December 02, 2018. - With the official letter YPTO-GG-0120-19, the Semi-Annual Report of the respective Monitoring and Follow-up Plan is delivered for November 2018 - April 2019. 	<p>Anexo 1.3.19 Entrega de Informes de Monitoreo y Seguimiento</p> <p>Anexo 1.4.1 Aprobación de Informes de Monitoreos</p> <p>Anexo 1.4.3 YPTO-GG-0120-19 Ingreso Informe Semestral - Operación nov-abr 2019</p>

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
	Article 269. - Without prejudice to the fact that the Competent Environmental Authority may order that an environmental compliance audit be carried out at any time, once the year after the environmental permit for activities has been granted, the first environmental audit report of compliance; thereafter, the Control Subject must submit the reports of the environmental compliance audits every two (2) years. ...			X	ToR's for the AAC were entered into the GADPEO Secretariat of Environmental Management on 01/04/2019 through Official Letter No. YPTO-GG- 001-19. The corrections required by the Authority (through Official Letter No. GADPEO-SGA-0648-OF received on April 03, 2019) were entered with Official Letter No. YPTO-GG-0089-19 on April 16, 2019. The approval of the TDRs was notified to YILPORTECU by Official Letter No. GADPEO- SGA-2019-0890-OF delivered on 05/10/2019.	Anexo 1.1.8 Ingreso y Aprobación de TDR's AACOperación El presente documento.

Legal regulation	Description	Evaluation			Results	Means of verification
		NC +	NC-	C		
	Chapter VI, Section II: INTEGRAL MANAGEMENT OF HAZARDOUS AND / OR SPECIAL WASTE			X	<p>YILPORTECU has a Register of Hazardous Waste Generator SUIA-11-2018-MAE-DPAEO-00446. The 2018 Annual Declaration was presented to the Authority with Official Letter No. YPTO-GG-002-19 on 01/07/2019.</p> <p>Project activities do not require the consumption of chemical substances. The main hazardous waste generated (used oils, spent batteries, and lights) are stored in the Terminal Collection Center until they are delivered to authorized environmental managers.</p> <p>Hazardous waste generated by cargo vessels (bilge water, oily mixtures, others) is delivered to authorized managers directly from the tanks of the ships to the authorized tank car of the environmental manager, within the Port Terminal, without using your hazardous waste storage facilities.</p> <p>YILPORTECU has a Hazardous Waste Collection Center.</p>	<p>Anexo 1.1.6 Registro deGenerador DPs</p> <p>Anexo 1.3.21 DADP_2018</p> <p>Anexo 1.3.22 ManifiestoÚnico</p> <p>Anexo 1.3.16 Registro Fotográfico - YILPORTECU</p>

Legal regulation	Description				Evaluation			Results	Means of verification
					NC+	NC-	C		
Ministerial Agreement 097-A, Annex 4, Book VI of the Unified Text of the Secondary Legislation Environment Ministry. Standard ambient air quality, Section 4.1.2.1 criteria pollutant concentrations in ambient air.	Monitoring Points/ Parameters	Unit	LMP					All the evaluated parameters are below the respective Maximum Permissible Limit (LMP) established in the evaluated regulations.	Anexo 1.4.1 Aprobación de Informes de Monitoreos
	Carbon Monoxide (C.O.) <small>prom h/8h</small>	µg/m ³	10000						
	Carbon Monoxide (C.O.)	µg/m ³	30000						
	Nitrogen oxides (NO)	µg/m ³	--						
	Nitrogen dioxide (NO ₂)	µg/m ³	200				X		
	Sulfur dioxide (SO ₂) <small>prom 10 h</small>	µg/m ³	500						
	Sulfur dioxide (SO ₂)	µg/m ³	125						
	Ozone (O ₃)	µg/m ³	100						
	PM ₁₀	µg/m ³	100						
	PM _{2.5}	µg/m ³	50						
Ministerial Agreement 097-A, Annex 5: Maximum Noise Emission Levels and Measurement Methodology for Fixed Sources and								All the evaluated parameters are below the respective Maximum Permissible Limit (LMP) established in the evaluated regulations.	Anexo 1.4.1 Aprobación de Informes de Monitoreos
	Maximum Limit Allowed	LMP* ID3	LMP* CM	LMP**			X		

Legal regulation	Description				Evaluation			Results	Means of verification
					NC+	NC-	C		
Mobile Sources, Table 1: Maximum Noise Emission Levels (Lkeq) for Fixed Noise Sources.	Specific Noise Lkeq = LE dB (A)	70	60	85					
	<i>* According to Table 1 of Annex 5 of Book VI of the A.M. 097-A, Maximum Noise Emission Levels (Lkeq) for an industrial and commercial zone (ID3) and commercial zone (CM)</i> <i>** for Workplace Noise, Art. 55 of the Workers' Health and Safety Regulations and Improvement of the Work Environment.</i>								
Ministerial Agreement 097A, Annex 1: Environmental Quality Standard and Effluent Discharge to Water Resources, Table 2: Admissible Quality Criteria for the preservation of aquatic and wildlife in Fresh, Marine, and Estuarine Waters.	Parameters	Unit	LMP					All the evaluated parameters are below the respective Maximum Permissible Limit (LMP) established in the evaluated regulations.	Anexo 1.4.1 Aprobación de Informes de Monitoreos
	pH		9.5						
	Conductivity	uS/cm	--						
	Temperature	°C	--						
	Dissolved oxygen	mg/l	--						
	Oxygen saturation	%	60						
	SST	mg/l	--						
	Ammonium	mg/l	0.4						
	Ammonium as ammonia	mg/l	0.4						
	Oils and fats	mg/l	0.3						
	DBO	mg/l	--						
	DQO	mg/l	--						
	HTP	mg/l	0.5						
	Detergent surfactants	mg/l	0.5						
	Fecal Coliforms	nmp/ 100 ml	--						
	Arsenic	mg/l	0.05						
	Cadmium	mg/l	0.005						

Legal regulation	Description			Evaluation			Results	Means of verification
				NC+	NC-	C		
	Copper	mg/l	0.005					
	Total chromium	mg/l	0.05					
	Iron	mg/l	0.3					
	Mercury	mg/l	0.0001					
	Organochlorines	mg/l	0.01					
	Totals	mg/l	0.01					
	Organophosphates	mg/l	--					
	Totals	mg/l	--					
Ministerial Agreement 097A, Annex 1: Standard of Environmental Quality and Discharge of Effluents to the Water Resource, Table 10. Limits of discharge to a body of seawater, surf zone.	Parameters	Unit	LMP			X	All the evaluated parameters are below the respective Maximum Permissible Limit (LMP) established in the evaluated regulations. However, the fecal coliforms and total nitrogen parameters have not been evaluated.	Anexo 1.3.20 Monitoreo de agua de consumo y residual
	pH		[6, 9]					
	Conductivity	uS/cm	--					
	Temperature	°C	<35°					
	Dissolved oxygen	mg/l	--					
	Color	Color unit	Unnoticeable in dilution 1/20					
	SST	mg/l	250					
	Ammonium as ammonia	mg/l	--					
	Oils and fats	mg/l	30					
	DBO	mg/l	200					
	DQO	mg/l	400					
	HTP	mg/l	20					
	Floating matter		Absence					

Legal regulation	Description			Evaluation			Results	Means of verification
				NC+	NC-	C		
	Detergent surfactants	mg/l	0.5					
	Fecal Coliforms	nmp/ 100 ml	2000					
	Total nitrogen	mg/l	40					
	Sulfides	mg/l	0.5					
	Total Organochlorines	ug/l	50					
	Total Organophosphates	ug/l	100					
	Carbamates	mg/l	0.25					
Ministerial Agreement 097-A, Annex 2: Soil Resource Environmental Quality Standard and Remediation Criteria for contaminated soils. Prevention of contamination of the soil resource due to non-hazardous solid waste generating activities, numeral 4.2.1.	Any productive activity that generates non-hazardous solid waste must implement a recycling or reuse policy. If recycling or reuse is not feasible, the waste must be disposed of in an environmentally acceptable manner. Industries and service providers must keep a record of the waste generated, indicating the volume and site of their disposal. For no reason should waste be disposed of in areas not approved for this purpose by the Competent Environmental Authority.					X	The standard waste generated at the Port Terminal is delivered to cleaning operators at the Port Terminal (OPERLIMP), who sort recyclable waste and give it to recyclers. Non-recyclable waste is transported to the Municipal Landfill. Environmental managers also manage the common garbage generated on ships.	Anexo 1.3.11 Informes OPERLIMP - Desechos comunes Anexo 1.3.16 Registro Fotográfico - YILPORTECU

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
Ministerial Agreement 097-A, Annex 2: Soil Resource Environmental Quality Standard and Remediation Criteria for contaminated soils. Prevention of contamination of the soil resource due to activities that generate hazardous and special wastes, numeral 4.2.2.	Hazardous and special wastes that are generated in the various industrial, commercial, agricultural, or service activities must be returned to their suppliers or delivered to an environmental manager qualified by the Competent Environmental Authority, who will be in charge of making the final disposal of the waste. By means of disposal methods established in the environmental technical standards and regulations issued for this purpose. The handling, storage, transportation, and disposal of hazardous and special waste must be carried out in accordance with the provisions of the corresponding environmental regulations and the requirements of the environmental management plan. A soil sampling protocol must be established in the final disposal areas for hazardous and special wastes, as demonstrated by the corresponding technical regulations and the respective environmental management plan, which must be monitored at least once a year, to determine the impact to which the appeal is being submitted, which will be reported in the corresponding periodic report. The Competent Environmental Authority may request a more significant number of samples and increase the frequency depending on the results.			X	The primary hazardous wastes generated (used oils, spent batteries, and lights) are stored in the Terminal Collection Center until they are delivered to authorized environmental managers. Hazardous waste generated by cargo vessels (bilge water, oily mixtures, others) is given to authorized managers directly from the tanks of the ships to the authorized tank car of the environmental manager, within the Port Terminal, without using your hazardous waste storage facilities.	Anexo 1.1.6 Registro de Generador DPs Anexo 1.3.21 DADP_2018 Anexo 1.3.22 Manifiesto Único Anexo 1.3.16 Registro Fotográfico - YILPORTECU

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
MINISTERIAL AGREEMENT - 026	Art. 1.- Any natural or legal person, public or private, that generates hazardous waste must register with the Ministry of the Environment in accordance with the procedure for registering hazardous waste generators determined in Annex A.			X	YILPORTECU has a Hazardous Waste Generator Registry SUIA-11-2018-MAE-DPAEO-00446. The 2018 Annual Declaration was presented to the Authority with Official Letter No. YPTO-GG-002-19 on 01/07/2019.	Anexo 1.1.6 Registro de Generador DPs Anexo 1.3.21 DADP_2018 Anexo 1.3.22 Manifiesto Único Anexo 1.3.16 Registro Fotográfico - YILPORTECU YPTO-GG-0139-19 PMD Operación TP

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
MINISTERIAL AGREEMENT 109 Reform of Ministerial Agreement 061	<p>Art. 28.- Incorporate an article subsequent to article 264, with the following content:</p> <p>"Art (...) .- Review of Terms of Reference. Once the documentation and information sent by the operator have been analyzed, the Competent Environmental Authority must approve, observe, or reject within a maximum term of forty-five (45) days.</p> <p>After the input of the responses to the operator's observations, the Competent Environmental Authority will have a term of thirty (30) additional days to pronounce the answer presented by the operator.</p> <p>If the observations are not acquitted or presented within the specified time, the Competent Environmental Authority will archive the file and order that the operator present new terms of reference within a period of 15 days, without prejudice to the corresponding legal actions.</p>			X	<p>The TDRs for the Environmental Compliance Audit were submitted to the GADPEO Secretariat of Environmental Management on 01/04/2019 through Official Letter No. YPTO-GG-001-19. The corrections required by the Authority (through Official Letter No. GADPEO-SGA-0648-OF received on April 03, 2019) were entered with Official Letter No. YPTO-GG-0089-19 on April 16, 2019. The approval of the TDRs was notified to YILPORTECU by Official Letter No. GADPEO-SGA-2019-0890-OF delivered on 05/10/2019. Through the official letter YPTO-GG-0136-19 of June 24, 2019, the AAC document of the Construction and Operation of the Port Terminal is entered. Through the official letter GADPEO-SGA-2019-1766-OF received in offices on September 25, 2019, the observations made on the audit document delivered by YILPORTECU are notified. This document responds to the comments made in the official letter GADPEO-SGA-2019-1766-OF.</p>	<p>Anexo 1.1.8 Ingreso y Aprobación de TDR's AAC Operación Anexo 1.4.2 YPTO-GG-0136-19 Ingreso AAC Operación Terminal El presente documento.</p>

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
GENERAL REGULATION OF THE CULTURAL HERITAGE LAW	Published in the Official Registry N ° 787 of July 16, 1984. Articles 37, 38, and 39 of this regulation refer to the power of the National Director of the Institute of Cultural Heritage to order the suspension or restoration of works that affect the heritage culture of the Nation; Article 38 establishes solidarity between the owner of the property, those who have authorized or ordered the execution of the work, and the contractors or those in charge of executing it; According to Article 39, the Municipalities or public or private entities must order the suspension or overthrow of works that threaten the cultural heritage of the Nation and if they are part of an environment these must be restored".			X	YILPORTECU has the Environmental License MAE-RA-2017-309603, granted by the Provincial GAD of El Oro on April 03, 2018, once the Environmental Regularization process started with the MAE-SUIA-RA-DPAEO Intersection Certificate has been completed. -2017-208188 of July 03, 2017. From a consultation carried out in the 'Ecuadorian Cultural Heritage Information System (SIPCE)' on Monday, October 07, 2019, it is verified that there ARE NO assets of patrimonial interest inside the Port Terminal of Puerto Bolívar.	Anexo 1.1.3 Certificado de Intersección_Operación} Anexo 1.1.4 Licencia Ambiental MAE-RA-2017-309604 Anexo 1.1.12 Bienes Patrimoniales del Ecuador - Terminal Portuaria

Legal regulation	Description	Evaluation			Results	Means of verification
		NC+	NC-	C		
STANDARD INEN 2841 2014-03	ENVIRONMENTAL MANAGEMENT. COLOR STANDARDIZATION FOR DEPOSIT CONTAINERS AND TEMPORARY STORAGE OF SOLID WASTE. REQUIREMENTS.			X	YILPORTECU has implemented measures PA06, and PA07 of the Action Plan included in the AAC document for the Construction and Operation of the Port Terminal (entered through official letter YPTO- GG-0136-19 of June 24, 2019), complying with the requirements established in the NTE evaluated. At the moment, YILPORTECU is regularizing the spaces occupied by contractor companies that provide services inside the Port Terminal, and that was the subject of observations in the GADPEO- SGA-2019-2039-OF report on the inspection of the Port Terminal operation. Within the verification process of the Environmental Compliance Audit.	Anexo 1.3.16 Registro Fotográfico - YILPORTECU(updated).

Produced by: ECOSAMBITO Cía. Ltda.

Table 7-4 Result of the evaluation of compliance with environmental regulations

Results	Quantity	%
TOTAL CRITERIA EVALUATED	41	100%
COMPLIANCE	41	100%
MINOR NON-CONFORMITY	0	0%
MAJOR NON-CONFORMITY	0	0%
TOTAL DOES NOT APPLY (N/A)	0	--

Produced by: ECOSAMBITO Cía. Ltda.

7.3 COMPLIANCE EVALUATION OF THE ENVIRONMENTAL MANAGEMENT PLAN

Table 7-5 shows the compliance evaluation carried out, and Table 7-6 shows the summary of the result of the assessment of compliance with the plans, programs, and measures established in the current Environmental Management Plan.

Table 7-5 Matrix for the evaluation of compliance with the Environmental Management Plan

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
PPM. IMPACT PREVENTION AND MITIGATION PLAN						
PPM-01 NOISE CONTROL PROGRAM, PARTICULATE MATERIAL EMISSION, AND GASES						
1	Carry out preventive and corrective maintenance of equipment and machinery in order to keep them in good working order.			X	Port operators (OPCs) report every six months on the maintenance carried out on their machinery and/or vehicles.	Anexo 1.3.10 Reporte Mantenimientos OPCs
2	Carry out preventive and corrective maintenance of equipment and machinery in order to keep them in good working order.			X	Every Yilport worker has PPE (boots, helmet, and reflective clothing), although hearing protection is omitted. Based on the noise assessment by jobs, the need for hearing protection has been established in MHC cranes' maintenance area. The acquisition process for workers in this area is underway.	Anexo 1.3.2 Registro de entregaEPP's
3	The transit of equipment, machinery, and vehicles will be carried out through routes and roads authorized and established by the administration. In addition, a speed limit of 20 km/h should be set.			X	There is an express provision for a speed limit of 20 km/h for heavy vehicles and 30 km/h for light vehicles.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU/ Registro fotográfico 9Señalética de seguridad en la Terminal Portuaria

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
4	The transport of materials in trucks or dump trucks must be totally covered with protective tarps when carrying out construction activities.			N/A	No construction activities have been carried out in the evaluated period.	--
5	The transported material must not exceed the height of the load compartment or the bucket sides' size. Control that each dump truck must carry shovels and brushes to collect the material that may eventually fall onto public roads.			N/A	No construction activities have been carried out in the evaluated period.	--
6	Apply water by irrigation to loosen the material and/or unpaved roads, using a tanker with flute or similar equipment to avoid the generation of dust.			N/A	No construction activities have been carried out in the evaluated period.	--
7	The tank car should not travel in the irrigation zone at speeds greater than 5 km/hour.			N/A	No construction activities have been carried out in the evaluated period.	--
8	Sweep and keep clean the streets surrounding the work at all times, complying with and attending to the city's hygiene regulations.			N/A	No construction activities have been carried out in the evaluated period.	--

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
9	All equipment used during the construction phase must be designed to comply with the 70-decibel limit (maximum sound pressure level) at the facilities' perimeter limits if this is practical and feasible.			N/A	No construction activities have been carried out in the evaluated period.	--
10	The noise levels within the work areas during the construction phase will be governed by the Ecuadorian Legislation: Unified Text of Secondary Environmental Legislation. Workers exposed to excessive noise levels should have hearing protection.			N/A	No construction activities have been carried out in the evaluated period.	--
11	All cargo vehicles and/or individuals passing through the Port terminal facilities will avoid using the horn, horns, whistles, or horns.			X	Although there is no express or signage provision of 'No use of horns,' due to the flow of vehicles and machinery, there is no impact caused by the use of horns or whistles.	Anexo 1.3.25 Monitoreo de ruido
PPM-02 IMPACT PREVENTION AND CONTROL PROGRAM						

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
12	Dictate specific provisions to its workers to: prevent the consumption of alcoholic beverages and drugs in the fountains or work fronts.			X	There is an express provision for the prohibition of alcohol and drug consumption on the site in the Internal Safety and Hygiene Regulations. There is prohibition signage at the Port Terminal.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU/ Registro fotográfico 9 Señalética de seguridad en la Terminal Portuaria Anexo 1.2.2 Reglamento Interno de Seguridad y Política HSE - SUT/ 5.7 PROGRAMAS DE PREVENCIÓN a) USO Y CONSUMO DE DROGAS EN ESPACIOS LABORALES
13	No burning or incineration of any kind will be allowed.			X	The creation of fire in areas marked explicitly as risky is a cause for sanction, as stated in the Internal Safety and Hygiene Regulations. There is prohibition signage at the Port Terminal.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU/ Registro fotográfico 9 Señalética de seguridad en la Terminal Portuaria Anexo 1.2.2 Reglamento Interno de Seguridad y Política HSE - SUT/ 8.2 SANCIONES

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
14	All equipment, machinery, and/or equipment maintenance activities must be carried out specifically in the areas designated for this purpose. In the event that the machinery is difficult to move, this activity must be carried out on waterproofed areas.			X	Crane maintenance is carried out on the maneuvering yard of Pier No. 5. and in Warehouse 12. OPCs have specific areas for minor maintenance: - Patio No. 8 REPCONVERT - Patio No. 9 ARETINA - Patio No. 2 OROESTIBA. Major maintenance activities are carried out outside the Terminal. All these areas have a concrete floor.	Anexo 1.3.16 Registro Fotográfico - YILPORTECU/ Registro fotográfico 10y 11
15	The remaining materials from the essential work (rubble) or those generated by other structures (if any) will be placed in areas approved or designated for this purpose.			N/A	No construction activities have been carried out in the evaluated period.	--
16	The storage areas for construction aggregates or other materials that can be transported by wind power must be hydrated with water or, failing that, covered with plastic and/or textile films.			N/A	No construction activities have been carried out in the evaluated period.	--
17	Adequately signal the work fronts when carrying out any specific work outside of everyday activities.			N/A	No construction activities have been carried out in the evaluated period.	--

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
18	The orderly location of construction materials should be planned on-site, and storage and accumulation sites for the different materials should be consigned.			N/A	No construction activities have been carried out in the evaluated period.	--
19	If the construction processes come to a standstill, the builder will maintain guard personnel to avoid thefts and losses that affect the work and place signage and protections for the safety of the population of the surrounding area.			N/A	No construction activities have been carried out in the evaluated period.	--
PDC. CONTINGENCY PLAN						
PDC-01 EMERGENCY AND CONTINGENCY RESPONSE PROGRAM						
20	The company, YILPORTECU S.A., must establish a security mechanism in response to any emergency that may arise during the activities of the Port Terminal of Puerto Bolívar. This mechanism must establish responsibilities to respond immediately to possible events (natural disasters, work accidents, fires, among others) that may occur within the Terminal.	-		X	The company has its Internal Document Code: YECU-EHS-01-022-V2 EMERGENCY AND CONTINGENCY PLAN, where the respective Security Managers and/or delegates who lead the attention of contingencies are established.	Anexo 1.2.5 Procedimiento de Emergencias (extracto)

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
21	A responsible person must be designated at the work front and who will be in charge of applying the CONTINGENCY PLAN, who will be in charge of directing the actions in the event of an emergency. This, in turn, may designate responsibilities to other workers.			X	The company has its Internal Document Code: YECU-EHS-01-022-V2 EMERGENCY AND CONTINGENCY PLAN, where the respective Security Managers and/or delegates who lead the attention of contingencies are established.	Anexo 1.2.5 Procedimiento de Emergencias (extracto)

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
22	<p>All workers, Operators, administrative staff, suppliers, and others must know the following instructions to follow in case of emergency:</p> <ol style="list-style-type: none"> 1. Notify the person in charge of contingencies and emergencies. 2. The person in charge must determine the degree and type of emergency: fire, accident (report alert or alarm). 3. Communicate the emergency to ECU 911. 4. Keep bystanders away, if necessary, form a human cordon. 5. Prohibit people's entry to the site where the event took place; for this, signage or barriers such as danger tapes, cones, etc., will be placed. 6. Make the personnel aware of the places of risk of fires, falls, etc., placing in crucial areas the informative or preventive signs necessary to avoid work accidents. 7. Familiarize staff with safety information by posting the ECU 911 phone number. 			X	Every person who joins YILPORT receives a health and safety induction, which includes attention and response to emergencies.	Anexo 1.3.17 Inducciones personalnuevo

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC -	C		
23	All personnel should be trained in first aid issues.			X	The personnel of the Operations area received first aid training in May 2018. In pre-operative talks, the topics of attention to fainting (March 2019), burns (March 2019), and choking (February 2019) have been reinforced.).	Anexo 1.3.3 Registro de capacitación_Primeros Auxilios
24	It is necessary to maintain an updated registry of Aid and Aid institutions with the addresses and telephone numbers (Red Cross, Fire Department, National Police, Emergencies, GOE, Risk Management, Hospitals and Clinics, Regional Electric Corporation, Secretary of Risk, among others).			X	An up-to-date record of emergency telephone numbers is kept, which are described in the contingency plans.	Anexo 1.2.5 Procedimiento deEmergencias (extracto)
25	Evacuation Routes and meeting points will be established within the Port Terminal, which will be duly signposted.		X		Evacuation routes are not signaled. The Meeting Point is signposted in the truck yard.	--
26	The person in charge must make a complete report of the event raised with an investigation of it in each of its phases. Based on this report, an evaluation of the emergency will be carried out, evaluating its severity and the results of the actions taken.			X	The company has its Internal Document Code: YECU-EHS-01-122 INVESTIGATION OF WORKPLACE ACCIDENTS AND PROFESSIONAL ILLNESSES in which the methodology for the preparation of reports of incidents and accidents is established.	Anexo 1.2.6 Procedimiento deInvestigación y Registro de Accidentes (extracto)

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
27	The Contingency Plan must be updated at least twice a year, and drills must be carried out to guarantee its effectiveness.			X	The contingency plan is updated when it is considered necessary and/or a new risk is established that must be included in it; in January, a Tsunami drill was carried out, and in May, a fire drill was carried out.	Anexo 1.2.5 Procedimiento de Emergencias (extracto) Anexo 1.3.6 Capacitaciones y simulacros
PCC. TRAINING PLAN						
PCC-01 TRAINING PROGRAM						
28	INDUCTION TALKS: They will be given to the new workers who start their work in the project, to the operators of machinery and technical equipment that are integrated into the project. The introductory talk will last no longer than 30 minutes.			X	Every employee who joins the company receives an induction talk on health and safety, including emergency procedures.	Anexo 1.3.17 Inducciones personal nuevo

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
29	QUARTERLY TALKS: They will be directed to all the personnel involved in the project activities. The talks will not last more than 60 minutes using didactic material (videos, diagrams, brochures). The main topics to be taught will be: - Environmental Management Plan - Environmental Legislation - Use of Personal Protective Equipment - Order and Cleanliness - Waste Management - Occupational Health and Safety - Risk of Accidents.			X	<p>Safety and health and environment trainings are delivered in three different ways:</p> <ul style="list-style-type: none"> - Pre-operational talks on a daily basis with the staff of contractor companies - Pre-week talks every Wednesday at the change of shifts, with YILPORT operational supervisors - Training events every three to four months. <p>During the audited period, talks and training were given to YILPORTECU staff on the following topics:</p> <ul style="list-style-type: none"> - Practice hydrocarbon spills. - Induction to the ISPS code (protection of ships and port facilities). - Emergency plan, procedure, and evacuation routes. - Environmental regulations and recycling. - First Aid, CPR, handling of fire extinguishers. - Practice of transfer of injured person. - Tsunami evacuation drill. - Hazardous waste management 	Anexo 1.3.6 Capacitaciones ysimulacros

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC -	C		
30	In each talk and training, records will be made, which will include topics covered, trainer data, date and number of hours taught, and signature of the participants.			X	There are records of the training sessions carried out.	Anexo 1.3.6 Capacitaciones y simulacros
PCC-02 FIRE PREVENTION AND FIRST AID TRAINING PROGRAM (INCLUDING DRILL)						
31	All personnel should be trained in the use of fire extinguishers, fire prevention, and first aid.		X		The last course/practice within the evaluated period was held in April 2018. On May 01, 2019, a training and practice of first aid (CPR) and use of fire extinguishers were carried out.	Anexo 1.3.6 Capacitaciones y simulacros
32	It is necessary to establish a coordination schedule with the Meritorious Fire Department of the City of Machala, to carry out fire drill events and carry out practices in the use of portable devices.		X		The last course/practice within the evaluated period was held in April 2018. On May 01, 2019, a training and practice of first aid (CPR) and use of fire extinguishers were carried out.	Anexo 1.3.6 Capacitaciones y simulacros
PSS. OCCUPATIONAL HEALTH AND SAFETY PLAN						
PSS-01 INDUSTRIAL SAFETY PROGRAM						

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
33	The company YILPORTECU S.A. It must have the Internal Regulations for Safety and Health at Work aligned with the Ministry of Labor provisions, complying with Executive Decree 2393 and other legal bodies that govern in Ecuador for the Port Terminal of Puerto Bolívar.			X	The company has Internal Safety Regulations and an Integrated Safety, Health and Environment Policy, duly registered in the SUT, and has been socialized with the staff.	Anexo 1.2.2 Reglamento Interno de Seguridad y Política HSE - SUT
34	Health and Safety policies will be applied in all activities, in such a way that the work is carried out free of risks and accidents and, if there are any, these are communicated for their evaluation and subsequent adoption of mechanisms so that in the future, these are minimized.			X	YILPORT employs risk analysis methods and work permits before the start of risk activities.	Anexo 1.2.2 Reglamento Interno de Seguridad y Política HSE - SUT Anexo 1.2.1 Política Integral YILPORTECU S.A.

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
35	YILPORTECU S.A. will ensure that all workers comply with a global safety Training Program			X	<p>Safety and health and environment trainings are delivered in three different ways:</p> <ul style="list-style-type: none"> - Pre-operational talks on a daily basis with the staff of contractor companies - Pre-week talks every Wednesday at the change of shifts, with YILPORT operational supervisors - Training events every three to four months. <p>During the audited period, talks and training were given to YILPORTECU staff on the following topics:</p> <ul style="list-style-type: none"> - Practice hydrocarbon spills. - Induction to the ISPS code (protection of ships and port facilities). - Emergency plan, procedure, and evacuation routes. - Environmental regulations and recycling. - First Aid, CPR, handling of fire extinguishers. - Practice of transfer of injured person. - Tsunami evacuation drill. - Hazardous waste management. 	<p>Anexo 1.3.6 Capacitaciones y simulacros</p> <p>Anexo 1.3.28 YECU-EHS-01-044_Resultados Charlas</p> <p>Preo_Dic_ANUAL 2018</p>

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
36	The person in charge of Industrial Safety will prepare a regular series of safety meetings to verify compliance with environmental and operational safety procedures.			X	Daily safety meetings are held with Operator Representatives and the Joint Committee's monthly meetings, although the programmed agenda has not been met. In the weekly Pre-week talks, events and incidents of the week are discussed with the operational supervisors.	Anexo 1.3.28 YECU-EHS-01-044_Resultados Charlas Preo_Dic_ANUAL 2018
37	The Industrial Safety Officer will report safety incidents and accidents and must complete an accident report as soon as possible. The industrial safety officer must create a reporting system for the following: - Occupational injuries or illnesses - Injuries that can be treated on-site (medical aid) - Property losses (fire, explosion, spills, vehicular accidents).			X	The company has its Internal Document Code: YECU-EHS-01-122 INVESTIGATION OF WORKPLACE ACCIDENTS AND PROFESSIONAL ILLNESSES in which the methodology for the preparation of reports of incidents and accidents is established. The safety managers of the service providers send their accident reports to the HSQE department of YILPORT.	Anexo 1.2.6 Procedimiento de Investigación y Registro de Accidentes (extracto) Anexo 1.3.29 Informes de Investigación de Accidentes

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
38	Workers will immediately notify the Industrial Safety Technician about safety incidents and, in turn, the Technician must create a reporting system for the following: - Fatalities - Occupational injuries or illnesses. - Wounds that can be treated on-site (medical aid). - Loss or damage to property (fire, explosion, spills, vehicle accidents). - Every incident.			X	The company has its Internal Document Code: YECU-EHS-01-122 INVESTIGATION OF WORKPLACE ACCIDENTS AND PROFESSIONAL ILLNESSES in which the methodology for the preparation of reports of incidents and accidents is established.	Anexo 1.3.29 Informes de Investigación de Accidentes
PSS-02 FIRST AID KITS INSTALLATION PROGRAM						
39	The first aid kit is a fundamental resource for all people since it contains the essential elements to give adequate care to victims of an accident or sudden illness, and in many cases, they can be decisive in saving lives. It is suggested to install several medicine cabinets in different areas that have all the necessary medicines and supplies. The medicine cabinet should have an essential list of drugs (with the name of the medication and how they should be used).			X	From January 24 to February 27, 2019, the provision of medical supplies for the YILPORTECU staff was delivered. The kit provided consists of 23 items, which were produced in different quantities depending on the number of personnel who have access to the point and the possible frequency of use according to the jobs in the area.	Anexo 1.3.9 YECU-EHS-02-01_Informe Botiquines 2019_1 W 09
PSS-03 PERSONAL PROTECTIVE EQUIPMENT PROGRAM						

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
40	All work personnel of the Port Terminal of Puerto Bolívar that is exposed to risks must have security implements.			X	Every YILPORT worker receives a full complement of PPEs annually according to their job's risk matrix.	Anexo 1.3.2 Registro de entregaEPP's
41	YILPORT ECU S.A. must require workers to use PPE within the project activities. The use of means of personal protection will be mandatory. Without prejudice to their effectiveness, the PPE will allow, as far as possible, the performance of the work without unnecessary inconvenience for those who perform it and without diminishing their performance. Personal protective equipment must be made of soft, comfortable, and hypoallergenic materials appropriate for the activities carried out in the Construction. The characteristics that must be met are: - Provide maximum comfort - Its weight must be the minimum compatible with protection efficiency - It must not restrict the movements of the worker - It must be durable - It must be built in accordance with construction standards - It must have an attractive appearance.			X	The entrance to the Port Terminal is allowed only to those who wear their PPE and work clothes. The operation supervisors are in charge of reporting faults in the correct use of PPE by port operators.	Anexo 1.3.2 Registro de entregaEPP's Anexo 1.3.16 Registro Fotográfico -YILPORTECU
PSS-04 SIGNALING PROGRAM						

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
42	<p>The Design of the signage (colors, symbols, measurements, etc.) must be carried out in accordance with the INEN ISO Standard.</p> <p>¿ 3864-1: 2013. The safety colors, contrasting colors, and geometric figures should only be used in the following combinations to obtain the five types of safety signs: PROHIBITION SIGNS The diagonal bar's central line must pass through the main point of the safety sign. Prohibition and shall cover the graphic symbol. The colors of the signal must be: White background color. Red circular band and slash. Black graphic symbol. MANDATORY ACTION SIGNS They must comply with the design requirements presented in the following figure: The colors of the signal must be: Blue background color White graphic symbol. SAFE CONDITION SIGNS The colors of the signal must be: Green background color. White graphic symbol. The green safety color should cover at least 50% of the sign area. FIRE EQUIPMENT SIGNS The colors of the signal shall be: Red background color. White graphic symbol.</p>			X	The existing signage complies with the NTE3864.	Anexo 1.3.16 Registro Fotográfico - YILPORTECU
PSS-05 EXTINGUISHING AGENTS INSTALLATION PROGRAM						

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
43	Within the project areas, extinguishing agents must be installed according to the characteristics of the regions and the Security technician's recommendations.			X	The extinguishers were in force during the evaluated period. The last fire extinguisher inspection and recharge was carried out in February 2019.	Anexo 1.3.5 Reporte Inspección Equipos Contra Incendios_V1_Extintores
44	Fire extinguishers must be installed in readily accessible and clearly identifiable places, free from any obstacle, and they must always be in top operating condition.			X	The placement of fire extinguishers meets the established requirements. Fire extinguisher inspection and recharging were carried out in February 2019.	Anexo 1.3.5 Reporte Inspección Equipos Contra Incendios_V1_Extintores Anexo 1.3.16 Registro Fotográfico -YILPORTECU
45	The Technician in charge of Occupational Health and Safety of the company YILPORTECU S.A. must check, install and recharge fire extinguishers inside the Port Terminal. For this, an inspection form must be made, which must include the extinguisher number, location, type of extinguishing agent, date of the last recharge, responsible, and state in which the extinguisher is located.			X	Fire extinguisher inspection and recharging was carried out in February 2019.	Anexo 1.3.5 Reporte Inspección Equipos Contra Incendios_V1_Extintores
46	The personnel must be trained in the handling and use of fire extinguishers and being informed of the measures that must be followed to prevent the occurrence of fires.			X	Training and practice were carried out in April 2018 and May 2019.	Anexo 1.3.6 Capacitaciones y simulacros

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
47	The signage, which must be placed in the area where the extinguishers are located, is as follows: SQUARE: on the wall, above the equipment, high enough to be seen over surrounding obstacles and from a certain distance. STRIP 0.05 m wide on the floor, around the equipment, leaving 0.20 m free on each side and 0.50 m free in front.			X	The placement of fire extinguishers meets the established requirements.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU
PMD. WASTE MANAGEMENT PLAN						
PMD-01 COMMON WASTE MANAGEMENT PROGRAM						
48	Within the Port Terminal, identification and adequate disposal of solid waste generated by the project must be carried out in each area. The management of standard waste products of the Terminal's operating activities will be carried out according to the provisions of the INEN NTE 2841: 2014- 03 standard.			X	YILPORTECU has implemented measures PA06, and PA07 of the Action Plan included in the AAC document of the Construction and Operation of the Port Terminal (entered through official letter YPTO-GG-0136-19 of June 24, 2019), complying with the requirements established in the NTE evaluated.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU (actualizado)

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
49	The collection procedures must be carried out in a safe way, avoiding the spillage of the waste as much as possible and must not cause the separation previously made to be lost, for which the waste must be packed in a way that avoids contact with the waste, environment and the people in charge of the collection.			X	The collection is carried out using a wheelbarrow and shovels. At points where there is no sorting, cleaners remove recyclable waste and sort it later. The collection of this is carried out by truck point by point on a daily basis.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU
50	The colored containers must comply with their labeling in a visible place, according to the color code.			X	YILPORTECU has implemented measures PA06, and PA07 of the Action Plan included in the AAC document of the Construction and Operation of the Port Terminal (entered through official letter YPTO-GG-0136-19 of June 24, 2019), complying with the requirements established in the NTE evaluated.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU (actualizado)
51	Common waste will be collected in each area by specific personnel for the purpose and then transferred to a general container and collected by the municipal collection service of the city of Machala, and then transferred to the city's sanitary landfill.			N/A	For sanitary reasons, there is no common waste collection center or general container in the Terminal. Garbage collection is carried out by truck point by point and taken to the municipal landfill on a daily basis.	--
PMD-02 HAZARDOUS AND SPECIAL WASTE MANAGEMENT PROGRAM						

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC -	C		
52	Within the Port Terminal, hazardous and/or special waste must be classified in a unique way.			X	Differentiated management of hazardous and special waste is carried out. For the storage of hazardous waste, there is a Collection Center.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU
53	The areas in which this waste is generated must be identified, and containers must be placed according to the color code described above.			X	YILPORTECU has implemented measures PA06, and PA07 of the Action Plan included in the AAC document of the Construction and Operation of the Port Terminal (entered through official letter YPTO-GG-0136-19 of June 24, 2019), complying with the requirements established in the NTE evaluated.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU (actualizado)
54	These wastes will be transferred to a special warehouse for the Temporary Storage of Hazardous Waste; it will comply with the INEN NTE 2266 Standard Transport, storage, and handling of Hazardous Materials.		X		There is a Collection Center, but it does not meet all the requirements established in NTE2266.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU
55	As part of the management, a monthly log should be kept on the generation of hazardous and special waste, where the characteristics of the waste, volume, origin, and final disposal of the same will be included.			X	A log has been implemented to record the movements of hazardous waste to and from the Collection Center. However, the catalog is not updated regularly (every time there is a movement of waste).	Anexo 1.3.16 Registro Fotográfico -YILPORTECU

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC -	C		
56	All hazardous liquid waste generated must be collected in adequately labeled hermetic containers and taken to the temporary hazardous waste storage area for subsequent delivery to a qualified manager.		X		The transport of waste is carried out in containers without identification.	Anexo 1.3.16 Registro Fotográfico -YILPORTECU
57	It is of utmost importance that the Port Terminal and its Operators obtain the Hazardous Waste Generator Registry from the National Environmental Authority, as established in Ministerial Agreement 026, 061, and 142.			X	The Port Terminal has the RGDP No. SUIA-11-2018-MAE-DPAEO-00446. The operators are in the process of obtaining the Generator Registry (at the moment, only EMBARFRUT and REPCONVERT have it) as a result of the internal audits carried out.	Anexo 1.1.6 Registro de GeneradosDPs Anexo 1.3.18 Auditorías InternasOPCs
58	The certificates delivered by the managers must be kept in a specific file that will be prepared and implemented for this type of waste.			X	There is a file of unique manifests for hazardous waste management.	Anexo 1.3.22 Manifiesto Único
PRC. COMMUNITY RELATIONS PLAN						
PRC-01 COMMUNITY RELATIONS PROGRAM						

N°	Plans/Programs/Measures	Evaluation			Results	Means of verification
		NC+	NC-	C		
59	The person in charge of the YILPORTECU S.A. project will manage the project's Community Relations, in which meetings will be held with the main actors of the project.			X	On July 12, 2018, at 2:00 p.m., YILPORT representatives attended the third technical meeting to discuss the problem of recovery of the Huayla estuary, where YILPORTECU was invited. On January 31, 2019, YILPORT and OPC's staff participated in the Tsunami Evacuation Drill, together with the Risk Management Secretariat and other public and private entities, participants, and/or organizers. YILPORTECU participates in the activities for women's day developed by Aso. Estero Porteño on March 16, 2019, with the contribution of a boat for the tour in its concession area and celebrations.	Anexo 1.3.31 Reunión Comunidad -estero Huaylá Anexo 1.3.32 Contribución YILPORT -JORNADA MES DE LA MUJER_Aso.Estero Porteño Anexo 1.3.6 Capacitaciones y simulacros
60	Approaches should be made with the leading authorities in the sector to report the inhabitants' concerns and establish communication links between the project, communities, and authorities.			X		
PRC-02 SOCIAL PARTICIPATION PROGRAM						
61	The Environmental Consultant ECOSFERA CIA. LTDA. and the company YILPORTECU S.A. will coordinate in conjunction with the Environmental Authority (Secretary of Environmental Management of the Autonomous Provincial Government of El Oro) the dissemination and social participation mechanisms			N/A	Carried out in the phase prior to obtaining the Project's Environmental License, as established in the Coordination Act of the Social Participation process signed on 10/05/2018 with the GADPEO SGA officials.	--

No.	Plans/Programs/Measures	Assessment			Results	Verification means
		NC+	NC-	C		
PMS. MONITORING AND FOLLOW-UP PLAN						
PMS-01 AIR QUALITY CONTROL PROGRAM						
62	Biannual monitoring of the environmental air quality and noise levels should be carried out in the operation area to determine whether or not negative environmental impacts have been generated. Monitoring should be carried out with calibrated equipment and according to the monitoring methodology established in Annex 4 of Book VI of the Unified Text of Secondary Legislation of the Ministry of the Environment, issued via Ministerial Agreement 097 ? A			X	Air quality monitoring was carried out based on the defined schedule (biannual), and the results were presented to the Environmental Authority in Notice No. YPTO-GG-0368-18, delivered on 10 December 2018 and were included in the Biannual Report on Compliance with the Environmental Management Plan for the period between April and October 2018, and contained the results from the air and noise quality monitoring. The next monitoring is programmed for 26 May 2019.	Annex 1.3.23 Monitoreo de calidad de aire Annex 1.4.1 Aprobación de Informes de Monitoreos

No.	Plans/Programs/Measures	Assessment			Results	Verification means
		NC+	NC-	C		
63	Monitoring of noise should be carried out with a laboratory that has been accredited by the Ecuadorian Accreditation Service (EAS). Monitoring should be carried out using calibrated equipment and according to the monitoring methodology established in Annex 5 of Book VI of the Unified Text of Secondary Legislation of the Ministry of the Environment, issued via Ministerial Agreement 097 ? A			X	Noise monitoring was carried out according to the defined schedule (biannual) and the results were presented to the Environmental Authority in Notice No. YPTO-GG-0368-18, delivered on 10 December 2018 and were included in the Biannual Report on Compliance with the Environmental Management Plan for the period between April and October 2018, and included the results from the air and noise quality monitoring. The next monitoring is programmed for 26 May 2019.	Annex 1.3.25 Monitoreo de ruido Annex 1.4.1 Aprobación de Informes de Monitoreos
64	A record system should be established for all of the monitoring carried out. Besides making assessments on the results obtained, it will also establish new control measures, in the case in which the results do not comply with the permitted thresholds established by current environmental law.			X	The record of results obtained from the monitoring carried out has been updated.	
PMS-02 WATER QUALITY CONTROL PROGRAM						

No.	Plans/Programs/Measures	Assessment			Results	Verification means
		NC+	NC+	NC+		
65	Monitoring will be performed on the control points established in the environmental baseline. They will be compared with the permitted thresholds from Table 2. Admitted Quality Criteria for preserving aquatic and wildlife in fresh and marine waters and estuaries, from Annex I of Book VI of the Unified Text of Secondary Legislation of the Ministry of the Environment, issued via Ministerial Agreement 097 ? A. Sample taking from water should always be simple and specific. A sample record sheet should be completed, including the following information: Responsible party – Date, time and place – Number of samples taken – Storage method used – Name of laboratory that will analyze the samples and name of responsible parties entrusted with their analysis and the delivery of results – Name and signature of the party responsible for their transport - Notes or observations – Date and signature of sample receipt at the laboratory. Also, the use of appropriate containers for sample taking will be verified. For most of the parameters, samples may be collected in plastic containers with airtight seals. However, quantification of chemical oxygen demand (COD) and total hydrocarbons requires the use of dark glass containers.			X	<p>The Environmental Monitoring report on marine water quality was carried out in October 2018 and was delivered to the Authority in Notice No. YECU-EHS-01-103 on 2 December 2018.</p> <p>The next monitoring was carried out on 17 April 2019.</p>	<p>Annex 1.3.26 Monitoreo de agua marina</p> <p>Annex 1.4.1 Aprobación de Informes de Monitoreos</p>

No.	Plans/Programs/Measures	Assessment			Results	Verification means
		NC+	NC-	C		
PMS-03 ENVIRONMENTAL AUDITING AND FOLLOW-UP PROGRAM						
66	To carry out follow-up on compliance with the Environmental Management Plan proposed for the Port Terminal of Puerto Bolivar, it will be necessary to verify compliance with each of the measures every month. A follow-up matrix will be applied, identifying each of the measures and their level of compliance, as well as the means of verification indicated for its compliance.			X	With Notice No. YPTO-GG-0368, delivered on 10 December 2018, the Biannual Report on Compliance with the Environmental Management Plan for the period between April and October 2018 was delivered, including the results from the air and noise quality monitoring. With Notice No. YTPO-GG-0120-19, delivered on 14 June 2019, the Biannual Report on Compliance with the Environmental Management Plan for the period between November 2018 and April 2019 was delivered, including results from the air and noise quality monitoring. As of November 2018, records are added to the Nikola computer system, from which the respective reports are issued (updated until April 2019).	Annex 1.3.19 Entrega de Informes de Monitoreo y Seguimiento
PAE. AREA CLOSING, ABANDONMENT AND DELIVERY PLAN						
PAE-01. PROGRAM TO CLOSE, ABANDON AND DELIVER THE AREA						
No.	Plans/Programs/Measures	Assessment			Results	Verification means
		NC+	NC-	C		

67	<p>When the Puerto Bolivar Port Terminal decides to terminate its operation, it will create an Abandonment Plan, according to its conditions.</p> <p>In short, the Abandonment Plan should consider two main phases:</p> <ol style="list-style-type: none"> 1. The first phase is associated with the termination of all of the use activities and will contain the following components: <ul style="list-style-type: none"> - Disassembly of machinery, facilities and structures - Removal of debris - Waste treatment based on its classification 2. The next phase is related to the recovery of the intervened sites and includes the following activities: <ul style="list-style-type: none"> - Leveling and reconditioning of ground - Adjustments to permit a new use of the area <p>Before the site abandonment activities are carried out, a schedule should be created including the activities to be implemented in the Abandonment Plan and coordination should be ensured with the relevant authorities for the proper execution of the proposed activities.</p>			N/A	Both the Project and its Environmental License are current.	--
----	---	--	--	-----	---	----

No.	Plans/Programs/Measures	Assessment			Results	Verification means
		NC+	NC-	C		
	PHASES OF CREATION OF THE ABANDONMENT AND CLOSING PLAN					

	<ul style="list-style-type: none"> - Environmental Inspection. - When carrying out the Environmental Inspection, the following should be identified: - Signs of contamination from solid waste in the soil; - State of the infrastructure <p>Use of ground and topography</p> <ul style="list-style-type: none"> - Determine requirements for demolition and disassembly, and complete an assessment of environmental sensitivity and the identification of contamination sources 					
--	---	--	--	--	--	--

Created by: ECOSAMBITO Cia. Ltda.

Table 7-6 Result of the assessment of compliance with the Environmental Management Plan

Results	Quantity	%
TOTAL MEASUREMENTS	67	100%
COMPLIANCE	47	90%
MINOR NON-CONFORMITY	5	10%
MAJOR NON-CONFIRMITY	0	0%
NOT APPLICABLE (N/A)	15	-

Created by: ECOSAMBITO Cia. Ltda.

7.4 MONITORING AND FOLLOW-UP PLAN COMPLIANCE ASSESSMENT

Table 7-7 presents the assessment results with the criteria and measures established in the Plan, while Table 7-8 offers a summary of the results from the assessment of compliance with the obligations of Environmental License No. GADPEO-2018-009363-SUIA.

Table 7.7 Assessment of compliance with the Environmental Monitoring and Follow-up Plan

Environmental Management Plan	Assessment			Results	Verification means
Measures	NC+	NC-	C		
MONITORING AND FOLLOW-UP PLAN (PMS)					
PMS-01 AIR QUALITY CONTROL PROGRAM					
Air quality monitoring					
Was air quality monitoring carried out according to the frequency established for the same?			X	Air quality monitoring was carried out according to the defined schedule (biannual) and the results were presented to the Environmental Authority in Notice No. YPTO-GG-0368-18, delivered on 10 December 2018 and were included in the Biannual Report on Compliance with the Environmental Management Plan for the period between April and October 2018, and contained the results from the air and noise quality monitoring. The next monitoring is programmed for 26 May 2019.	Annex 1.4.1 Aprobación de Informes de Monitoreos
Was monitoring carried out in the point defined in the following coordinate: Point 1. APPB Piers (610951, 9639819)?			X	Monitoring was carried out at the coordinate defined in the EMP (610951, 9639819).	Annex 1.3.23 Monitoreo de calidad de aire
Monitoring should be carried out using calibrated equipment and following the monitoring methodology established in Annex 4 of Book VI of the Unified Text of Secondary Legislation of the Ministry of the Environment, issued via Ministry Agreement 097 – A. Using Table 2 as a reference. Air contaminant concentration measurement methods, according to each assessed parameter, are as follow:				All monitoring was carried out using duly calibrated equipment, and analysis methods were used as established by the cited regulation.	Annex 1.2.23 Monitoreo de calidad de aire
- Sedimentable particles: Gravimetric methods, through the capture of particles in open containers					

- Particulate material (PM10): Gravimetric methods, through high or low flow samplers					
- Particulate material (PM2.5): Gravimetric methods, through high or low flow samplers					
- Sulphur dioxide (SO2): Pararosaniline method. Absorption in a liquid medium and posterior colorimetric analysis.					
- Carbon monoxide (CO): Nondispersive infrared detector (NDIR)					
- Ozone (O3): Chemiluminescence, ultraviolet photometer					
Air quality monitoring was carried out by an Ecuadorian Accredited Laboratory (SAE)?			X	All monitoring was carried out by the ELICROM laboratory, duly accredited by the SAE.	Annex 1.3.24 Alcance de Acreditación ELICROM
Noise monitoring					
Was there compliance with the frequency established for noise monitoring?			x	Noise monitoring was carried out according to the defined schedule (biannual) and the results were presented to the Environmental Authority in Notice No. YPTO-GG-0368-18, delivered on 10 December 2018 and were included in the Biannual Report on Compliance with the Environmental Management Plan for the period between April and October 2018, and included the results from the air and noise quality monitoring. The next monitoring is programmed for 26 May 2019.	Annex 1.4.1 Aprobación de Informes de Monitoreos
Has monitoring been carried out at the following points? Point 1. Pier #1 (610941, 9639369) Point 2. Administrative Area APPB (611136, 9639401) Point 3. Pier #5 (611014, 9640135) Point 4. Cabotaje Puerto Bolivar Pier (610892, 9639050).			X	Monitoring was carried out at the coordinates defined in the EMP.	Annex 1.3.25 Monitoreo de calidad de aire

<p>5.2.6 Measurement equipment requirements: Assessments should use integration sound meters (class 1 or 2), according to the International Standard IEC 61672-1:2002 of the Electrotechnical Commission, or any other that may substitute it.</p>			X	All monitoring was carried out with duly calibrated equipment and using the analysis methods established in the applicable regulations.	Annex 1.3.25 Monitoreo de calidad de aire
To verify the correct functioning of the sound meter during measurements, an appropriate acoustic calibrator was used. The NPS of the calibrator was measured with the sound meter before and after the measurement. These NPS should be included in the measurement reports.					
The sound meter may be used for measurement only if the NPS measured with the calibrator has a maximum deviation according to the Ecuadorian Accreditation Service, or any other relevant service.					
Noise measurement equipment and its components should be in optimum functioning conditions and should have calibration certificates issued by a competent laboratory.					
Was noise monitoring carried out by a laboratory that was accredited by the Ecuadorian Accreditation Service (SAE)?			X	All monitoring was carried out by an ELICROM laboratory, which has been duly accredited by the SAE.	Annex 1.3.24 Alcance de acreditación ELICROM
PMS-02 WATER QUALITY CONTROL PROGRAM					
Was water quality monitoring carried out in compliance with the established frequency?			X	<p>The Environmental Monitoring Report on marine water quality was carried out in October 2018 and delivered to the Authority with Notice No. YECU-EHS-01-103 on 2 December 2018.</p> <p>The next monitoring was carried out on 17 April 2019.</p>	Annex 1.3.26 Monitoreo de agua marina

Were all of the parameters established in the EMP (Arsenic, cadmium, total chrome, copper, iron, mercury, fecal coliforms, surfactant detergents, oils and greases, biochemical oxygen demand, chemical oxygen demand, total petroleum hydrocarbons, on-site dissolved oxygen, ammonia, total suspended solids, organophosphate pesticides, organochlorides, organonitrogenates and carbamates) evaluated?			X	All monitoring was carried out at the points established in the respective measure of the Environmental Management Plan.	Annex 1.3.26 Monitoreo de agua marina
Water sample-taking will always be simple and unique. A sampling record sheet should be completed, which will include the following information: - Responsible party – Date, time and place – Number of samples taken – Method of sample storing used – Name of the laboratory that analyzes the sample and name of the party responsible for the analysis and entrusted with the results – Name and signature of the party responsible for its transport – Notes and observations – Date and signature of receipt of the samples in the laboratory. Also, the use of appropriate containers for sample taking will be verified. For most of the parameters, samples can be collected in plastic containers with watertight lids, however, the Chemical Oxygen Demand (DQO) quantification and total hydrocarbons (TPH) require the use of dark glass containers.			X	All monitoring was carried out using simple and unique samples, with their respective custody chain and field records, in which the required information was detailed.	Annex 1.3.26 Monitoreo de agua marina
Water monitoring was carried out by an Ecuadorian Accredited (SAE)?			X	All monitoring was carried out by a GRUNTEC laboratory, duly accredited by the SAE.	Annex 1.3.27 Alcance acreditacion GRÜENTEC

PMS-09 ENVIRONMENTAL AUDIT AND FOLLOW-UP PROGRAM				
Was monthly follow-up carried out, in line with the Environmental Management Plan (a follow-up matrix will be applied in which each measure and its level of compliance is identified, as well as the means of verification indicating its compliance)?			X	<p>With Notice No. YPTO_GG_0120-19 delivered on 6 December, the Biannual Report on Compliance with the Environmental Management Plan was delivered, including the reports on the air and noise quality monitoring results and the monthly follow-up of compliance with the current EMP.</p> <p>Notice No. YPTO-GG-0368 delivered on 10 December 2018 delivered the Biannual Report on Compliance with the Environmental Management Plan from April to October 2018 and included reports on the results of the air and noise quality monitoring.</p> <p>Currently, the results of the auditing are being entered into the on-line NIKOLA system, updated from November 2018 to April 2019.</p>
				Annex 1.3.19 Entrega de Informes de Monitoreo y Seguimiento

Table 7-8 Results of the assessment of compliance with the Environmental Monitoring and Follow-up Plan

Results	Quantity	%
TOTAL MEASUREMENTS	14	100%
COMPLIANCE	14	100%
MINOR NON-CONFORMITY	0	0%
MAJOR NON-CONFORMITY	0	0%
NOT APPLICABLE (N/A)	0	-

Created by: ECOSAMBITO Cia. Ltda.

7.5 ASSESSMENT OF OVERALL ENVIRONMENTAL COMPLIANCE

Based on the results of the assessments of compliance carried out in the previous sections, and to obtain and assess the overall compliance of the environmental management by YILPORT, Table 7-9 presents the mean values obtained for the assessment criteria.

Table 7-9 Assessment of mean compliance

ASSESSMENT CRITERIA	ENVIRONMENTAL LICENSE COMMITMENTS	LEGAL REGULATIONS	ENVIRONMENTAL MANAGEMENT PLAN	MONITORING AND FOLLOW-UP PLAN	MEAN COMPLIANCE
COMPLIANCE	100.0%	100%	90.4%	100.0%	97.6%
MINOR NON-CONFORMITY	0	0%	9.6%	0.0%	2.4%
MAJOR NON-CONFORMITY	0	0%	0.0%	0.0%	0.0%
TOTAL NOT APPLICABLE (N/A)	-	-	-	-	-

Created by: ECOSAMBITO Cia. Ltda.

CHAPTER 8. FINDINGS AND ACTION PLAN

Table of Contents

8 FINDINGS AND ACTION PLAN.....8-3

8.1 FINDINGS.....8-3

8.2 ACTION PLAN.....8-3

8.3 OBSERVATIONS ON THE PROPOSED ACTION PLAN.....8-7

TABLE OF TABLES

Table 8-1 Action Plan.....8-4

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'.

[YILPORT Logo –
PUERTO BOLIVAR]

8 FINDINGS AND ACTION PLAN

8.1 FINDINGS

Findings refer to any Non-conformity (Major or Minor) established in each of the assessments of compliance carried out in Chapter 7 of this Audit and those detected during the inspections carried out within the Project implementation area and its area of influence.

Of the inspections carried out within the Port Terminal, there are no Findings to be reported.

In the case of this Audit, all Findings detected reflect Non-Conformities established in the respective assessments and will be detailed in the following section, with their respective Action Plan.

8.2 ACTION PLAN

Upon establishing the level of compliance with the assessed criteria of the Project during its first year of enforcement (see Chapter VII), and with no Findings having been identified (see prior section), this chapter details the Action Plan that is necessary for the lifting of the Non-Conformities detected in the compliance assessments carried out in the Environmental Compliance Audit.

The distinct corrective measures established as the Action Plan are presented in the tables below:

Table 8-1 Action Plan

Code:	PA001
Criteria:	CONTINGENCY PLAN (PDC) PDC-01 EMERGENCY AND CONTINGENCY RESPONSE PROGRAM Within the Port Terminal, Evacuation Routes and meeting points are established, to be duly signaled.
Compliance Assessment:	Minor non-conformity (NC-)
Action Plan	Implement signaling for the identification of evacuation routes and to provide maintenance and/or renovate the signaling of the Meeting Point.
Implementation indicator	Duly signaled meeting point and routes (Yes = 100%, No = 0%)
Means of verification	Photographic record
Frequency / period of implementation	Biannual / 180 days
Responsible party	HSQE Manager
Budget (US dollars)	\$ 800.00

Code:	PA002
Criteria:	TRAINING PLAN (PCC) PCC-02 FIRE PREVENTION AND FIRST AID TRAINING PLAN (INCLUDING SIMULATIONS) All personnel should be trained on the use of fire extinguishers, fire prevention and first aid (quarterly frequency).
Compliance Assessment:	Minor non-conformity (NC-)
Action Plan	Adjust the frequency of implementation to one that is reasonable for the company: General training (all personnel) on the use of fire extinguishers, fire prevention and first aid, will be held once a year. Specific training (emergency brigades) will be carried out according to the Training Plans.
Implementation indicator	Compliance with the measure in the established period (Yes = 100%, No = 0%)
Means of verification	Report of the event and attendance record
Frequency / period of implementation	Annual / 180 days
Responsible party	HSQE Manager
Budget (US dollars)	\$ 600.00

Code:	PA003
Criteria:	<p>TRAINING PLAN (PCC) PCC-02 FIRE PREVENTION AND FIRST AID TRAINING PLAN (INCLUDING SIMULATIONS)</p> <p>It is necessary to establish a coordination schedule with the "Distinguished Fire Department of the City of Machala" to carry out fire simulation events and to practice the use of portable devices.</p>
Compliance Assessment:	Minor non-conformity (NC-)
Action Plan	To execute agreement established with the Fire Department of Machala to train the fire brigade and to carry out simulations in 2019 (see Annex 1.3.34 Timeline_Sistema Contra Incendios_YILPORTECU_V7)
Implementation indicator	Compliance with the measure in the established period (Yes = 100%, No = 0%)
Means of verification	Report of the event and attendance record
Frequency / period of implementation	Annual (October and December 2019)
Responsible party	HSQE Manager
Budget (US dollars)	\$ 1,500.00

Code:	PA004
Criteria:	<p>WASTE MANAGEMENT PLAN (PMD) PMD-02 HAZARDOUS AND SPECIAL WASTE MANAGEMENT PLAN</p> <p>As previously described, the areas in which this waste is generated should be identified and color-coded containers should be placed.</p> <p>According to the established color codes, the color-coded recipients should comply with their labeling on a visible site, according to the established color codes.</p> <p>-All hazardous liquid waste generated should be collected in watertight containers that have been duly labeled and taken to the temporary storage site for hazardous waste to be subsequently delivered to a qualified waste manager.</p>
Compliance Assessment:	Minor non-conformity (NC-)
Action Plan	The acquisition of appropriate containers for the management of hazardous waste in the distinct generation areas (Patio 5, Maintenance, Systems)
Implementation indicator	Compliance with the measure in the established period (Yes = 100%, No = 0%)
Means of verification	Photographic record
Frequency / period of implementation	90 days
Responsible party	HSQE Manager
Budget (US dollars)	\$ 2,036.00

Code:	PA005
Criteria:	WASTE MANAGEMENT PLAN (PMD) PMD-02 HAZARDOUS AND SPECIAL WASTE MANAGEMENT PLAN The waste will be transferred to a special warehouse for the Temporary Storage of Hazardous Waste, which will comply with INEN NTE standard 2266, storage, and hazardous waste management.
Compliance Assessment:	Minor non-conformity (NC-)
Action Plan	Refurbishment of the Collection Center (civil work and accessories) for its compliance with INEN NTE standard 2266, storage and management of hazardous waste
Implementation indicator	Compliance with the measure in the established period (Yes = 100%, No = 0%)
Means of verification	Photographic record
Frequency / period of implementation	180 days
Responsible party	HSQE Manager
Budget (US dollars)	4,500.00

Code:	PA006
Criteria:	TECHNICAL REPORT No. GADPEO-SGA-CA-2019-09-23-0754-IT, from 23 September 2019, received on 25 September 2019 PATIO No. 9 (ARETINA S.A.)
Action Plan	-Receipt of Environmental Record from the SUIA system for the following category: "CONSTRUCTION AND/OR OPERATION OF WORKSHOPS, MECHANICS, LUBRICATORS AND WASHERS" -Receipt of Record of Hazardous Waste Generator Registry from the MAE. -Implementation of contention containers for the storage of hydrocarbon products (for both stock and those in use) and hazardous waste generated, according to NTE INEN standard 2841. Completing a thorough cleaning of hydrocarbon stains in the workshop area (hydrocarbon storage) and patio. Management of its accumulated recyclable and hazardous waste in the assigned area, via recyclers and/or environmental managers, has been duly authorized by the competent environmental authority. Implement informative, preventive, mandatory, and prohibitive signs in the areas used to dispose of hazardous waste temporarily and in the storage area for materials and products used. Implementation of the spill collection kit and storage such that it is always optimal conditions and facilitating its use when necessary.
Implementation indicator	Compliance with the measure in the established period (Yes = 100%, No = 0%)
Means of verification	Photographic record
Frequency / period of implementation	Once, until 15 January 2020
Responsible party	HSQE Manager
Budget (US dollars)	\$ 4,500.00 Included in the operational budget of ARETINA, S.A.

Code:	PA007
Criteria:	TECHNICAL REPORT No. GADPEO-SGA-CA-2019-09-23-0754-IT, from 23 September 2019, received on 25 September 2019 PATIO No. 2 (OROESTIBA S.A.)
Action Plan	<ul style="list-style-type: none"> -Implementation of contention containers for the storage of hydrocarbon products (for both stock and those in use) and hazardous waste generated, according to NTE INEN standard 2841. -Completion of a thorough cleaning of hydrocarbon stains in the workshop area (hydrocarbon storage) and patio. Implement a collection dike for washing waters and a grease trap (three-chamber system) for treatment of the effluent produced, including runoff, before its discharge to the Port Terminal water system. -Transfer its facilities (tanks) for the storage and release of fuel to the terminal's "Fuel Area" installations and assurance of compliance with all requirements of NTE INEN standard 2841. Management of its accumulated recyclable and hazardous waste in the assigned area, via recyclers and/or environmental managers, has been duly authorized by the competent environmental authority. -Implementation of informative, preventive, mandatory and prohibitive signs in the areas used to temporarily dispose of hazardous waste and in the storage area for materials and products used. Implement the spill collection kit and storage to ensure optimal conditions and facilitate its use when necessary.
Implementation indicator	Compliance with the measure in the established period (Yes = 100%, No = 0%)
Means of verification	Photographic record
Frequency / period of implementation	Once, until 15 January 2020
Responsible party	HSQE Manager
Budget (US dollars)	\$ 5,720.00 Included in the operational budget of OROESTIBA, S.A.

8.3 OBSERVATIONS ON THE PROPOSED ACTION PLAN

The proposed Action Plan includes six measures intended to ensure compliance with the current EMP and all applicable environmental regulations. In addition to the measures or actions to be implemented, the plan includes the parties responsible for its implementation, the execution period and the estimated budget.

Finally, this Plan includes the commitments established with the service providers OROESTIBA, S.A. and ARETINA, S.A., to resolve the observations made by technicians of the El Oro GADP in the technical inspection performed at the Port Terminal and notified via TECHNICAL REPORT No. GADPEO-SGA_CA-2019-09-23-0754-IT from 23 September 2019, received on 25 September 2019.

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'.

[YILPORT Logo –
PUERTO BOLIVAR]

CHAPTER 9. UPDATING OF THE ENVIRONMENTAL MANAGEMENT PLAN

Table of Contents

9	UPDATING OF THE ENVIRONMENTAL MANAGEMENT PLAN.....	9-3
9.1	ANNEXES OF THE ENVIRONMENTAL MANAGEMENT PLAN.....	9-24
9.1.1	<i>Annex 1. Basic training agenda.....</i>	<i>9-24</i>
9.1.2	<i>Annex 2. Compensation protocol.....</i>	<i>9-25</i>
9.1.3	<i>Annex 3. Rehabilitation of affected areas protocol.....</i>	<i>9-26</i>
9.1.4	<i>Annex 4. Protocol for the abandoning and delivery of area.....</i>	<i>9-27</i>
9.1.5	<i>Annex 5. Protocol for the management of communications and conflicts with communities and social agents.....</i>	<i>9-28</i>
9.2	ASSESSED SCHEDULE OF THE UPDATED ENVIRONMENTAL MANAGEMENT PLAN.....	9-29

TABLE OF TABLES

Table 9-1	Training topics.....	9-4
Table 9-2	Form for the presentation of the updated Environmental Management Plan.....	9-6
Table 9-3	Updating of the Environmental Management Plan.....	9-7
Table 9-4	Schedule of assessment of the updated Environmental Management Plan.....	9-30

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'.

[YILPORT Logo –
PUERTO BOLIVAR]

9 UPDATING OF THE ENVIRONMENTAL MANAGEMENT PLAN

Taking into account the results of the assessments of compliance and the applicable technical regulations, the updating of the Management Plan has been proposed, according to the model shown in Table 9-1. In this model, the specific plans, programs, and actions are identified for implementation of the Management Plan and the party responsible for its implementation, compliance indicators, means of verification, and its frequency of execution.

For the updating of the EMP, the following have been taken into account:

- Elimination of redundant measures from the distinct plans and/or programs;
- Reduction of specific measures having their own legal regulations (e.g. related to occupational health and safety); the contents of Art. 435 Environmental Management Plan of the Organic Environmental Code Regulation (RCOA), issued on 21 May 2019, is also considered.
- Updating of the frequency of implementation of measures based on the results attained.
- Broad application of the measures from the construction phase to all contractors in general.
- Inclusion of specific measures to be applied to bulk handling.
- Inclusion of the Rehabilitation Plan for affected areas (remediation and/or compensation).
- Optimization of the content of the plan.

Taking these considerations into account, the updated Environmental Management Plan consists of the following:

- Prevention and impact mitigation plan:** It will include actions intended to prevent, minimize and mitigate the impact of environmental impact that may result from the Port Terminal operations. It also proposes specific measures for the construction phase and those that are intended to control conditions for the operation of machinery and equipment used within the terminal.
- Contingency plan:** It will include details related to the actions, responsibilities and resources necessary to respond to potential incidents and accidents occurring in the Port Terminal. It will include the definition and assignment of responsibilities for the implementation of its distinct phases, strategies of operational cooperation, and an annual program of training and simulations. It also includes a Communication Protocol (see Annex 5 of the Plan) which permits the communication of alerts and/or risks - for activities carried out in the terminal and access channel – for the population in the terminal's area of influence; it also includes the implementation of a record of consultations, complaints, and requests for information from social agents and the general public. It will include a record of follow-up, resolutions made, and responses to the concerned party.
- Training plan:** It will include a training program on components and application of the environmental management plan (see Table 9-1) to YILPORTECU personnel, based on the functions that they perform.

Also, a communication protocol has been created to permits - before the onset of the works that potentially generate impact (noise, dust, traffic, gases, spills, etc.) – the informing of the community regarding activities to be carried out, work schedules, and restrictions associated with security issues, when relevant.

Table 9-1 Training topics

Area	Topic to be covered
Environment	Environmental regulations
	Environmental management plan
	Prevention and mitigation of contamination
Hazardous waste	Hazardous waste management
Communication to third parties	Mitigation and protection measures for sensitive elements located in the direct area of influence of the project, and commitments and/or measures related to the company's environmental performance.

d) Waste management plan: Includes measures to appropriately manage (collection, storage, treatment, final disposal) distinct types of waste and residue generated (common, recyclable and hazardous). It includes characteristics of the facilities to be used for the classification, storage, treatment and disposal of solid domestic and industrial waste, as well as the management of hazardous waste, based on Ministerial Agreement No. 061, chapter VI "Integral Management of Non-Hazardous Solid Waste and Hazardous and/or Special Waste", chapter VII "Management of Hazardous Chemical Substances", Ministerial Agreement No. 026 "Procedures for the registration of hazardous waste generators, management of hazardous waste before environmental licensing and for the transport of hazardous materials" and Ministerial Agreement No. 142 "National Lists of hazardous chemical substances, hazardous and special waste".

e) Community relations plan: It will consist of a series of specific programs and activities to be developed by YILPORTECU, with the communities and social participants of the project's area of influence – including the information mechanisms for the activities to be carried out –to improve the environmental and social conditions in the area of influence of the Port Terminal operation.

f) Plan for the rehabilitation of the affected areas: It will be established, in the case in which the project generates an impact on the environment, health, or property of third parties (recognized by the Administration and/or the Environmental Authority), and in the case in which the impact will not be susceptible to rehabilitation or repair, it establishes a compensation protocol (see Annex 2 of this EMP).

g) Closing and abandonment plan: A Protocol for the Abandoning and Delivery of the Area will be established in the case in which the project's management decides to definitively close the same (see Annex 4 of this EMP). It will establish the steps to be taken to design activities to be complied with, once the YILPORTECU operation has concluded, how to proceed with the abandoning of the area, and its subsequent delivery.

h) Monitoring and Follow-up Plan: It includes the environmental monitoring and follow-up programs for the potential environmental impact on air and water quality within the project's area of influence. Each program contains the parameters, methodologies, and frequencies that permit the characterization of the air and noise emissions, dumping of water from the treatment plant, and water quality from the Santa Rosa estuary in the monitoring points established in the Project's baseline, according to current environmental regulations (Annexes 1, 4 and 5 of A.M. 097-A).

Note that, according to the new and enforced regulation (RCOA), the Safety and Health Plan no longer forms a part of the Environmental Management Plan.

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'.

[YILPORT Logo –
PUERTO BOLIVAR]

Table 9-2 Model of the presentation of the updated Environmental Management Plan.

ENVIRONMENTAL MANAGEMENT PLAN					
Party responsible for implementation:			NAME OF PLAN		Coding: 000
Environmental aspect	Impact identified	Actions	Indicators	Verification means	Frequency
000-01 PROGRAM NAME					
---	---	---	---	---	---

Table 9-3 Updated Environmental Management Plan

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		PREVENTION AND MITIGATION PLAN			Code: PPM
Environmental aspect	Impact identified	Plan, Programs and Measures	Indicators	Verification means	Frequency
PPM-01 EMISSIONS CONTROL					
Air	Creation of gas emissions	Before the issue of warnings for the entry and exit of vehicles, through the (AVIS) system, it should be verified that vehicle registration is up to date, for which they should have passed the municipal technical review, including a test of opacity.	Implemented = 1 Not implemented = 0	Random report by AVIS that shows the vehicles with their respective registration.	Permanent
Air	Creation of dust	For transit over affected routes, a water irrigation system should be implemented, using tank trucks with flute or similar, at speeds that should not exceed 5km/hour.	Implemented = 1 Not implemented = 0	Photographic report. Contract or work order.	Permanent
Air	Creation of dust	Transport of materials in trucks or dumper trucks should not exceed the load compartment's height and should be fully covered with protective covers when carrying out construction activities.	Implemented = 1 Not implemented = 0	Inspection checklist for machinery and vehicles.	Permanent (during the construction phase)
Air	Creation of dust	Storage areas for construction aggregates or other materials that can be transported by wind should be moistened with water or covered with plastic and/or textile covers.	Implemented = 1 Not implemented = 0	Photographic report. Contract or work order.	Permanent (during the construction phase)
Air	Creation of dust	Storage areas for bulk products that can be transported by the wind (grains and cereals, concentrated minerals, others) should include containment systems, be they covered textiles, product hydration or other applicable means, depending on the product's specific characteristics.	Implemented = 1 Not implemented = 0	Photographic report. Report on contention system creation. Specific procedures (when required).	Permanent (if handling solid bulk products)

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		PREVENTION AND MITIGATION PLAN			Code: PPM
Environmental aspect	Impact identified	Plan, Programs and Measures	Indicators	Verification means	Frequency
Air	Creation of dust	For the handling of bulk products (cereals, grains, concentrated minerals, others), barrier systems should be used (closed duct, air curtain, washing of dust via water nebulization, other applicable ones) that prevent the dispersion of dust product through product handling and loading in bulk carriers.	Implemented = 1 Not implemented = 0	Photographic report. Report on barrier system creation. Specific procedures (when required).	Permanent (if handling solid bulk products)
PPM-02 PREVENTION OF IMPACT ON WATER QUALITY					
Air, social	Contamination of water quality of the Santa Rosa Estuary. Social conflict	Verification that each vessel has its respective International Certificate of Prevention of Contamination of Wastewater (valid during the stay at the terminal) granted by a competent organism.	Implemented = 1 Not implemented = 0	International Certificate of Prevention of Wastewater Contamination	Once (before the onset of operations)
		Temporarily suspension of pier service activities (loading and unloading of merchandise, fuel, hazardous waste, cleaning, maintenance, etc.) during periods of strong winds, waves and currents or other special atmospheric events.	Implemented = 1 Not implemented = 0	-Incident report issued by the contractor (including environmental factors report). -Operations blog in which the incident is recorded.	As required.
		Cleaning and maintenance of the PTAR (IMHOF well) to ensure that the effluent generated complies with the LMPs established in Ministerial Agreement 097A, Annex 1: Environmental Quality and Effluent Discharge to Water Resource Regulations, Table 10.A. Thresholds for discharge to marine water bodies and discharges to breaking areas.	Implemented = 1 Not implemented = 0	Technical report on the PTAR maintenance work	Annual (or as required).

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		PREVENTION AND MITIGATION PLAN			Code: PPM
Environmental aspect	Impact identified	Plan, Programs and Measures	Indicators	Verification means	Frequency
		Before the onset of the winter season and during the same (December to May) clean-up of the rainwater conduction system should be carried out to prevent its clogging or the spreading of waste/contaminants accumulated in the same.	Implemented = 1 Not implemented = 0	Photographic record. Work order.	
		In the case of using hydration systems as a barrier to the creation of dust during storage and transport of bulk products, the effluent that is produced should be characterized and managed based on the results: sent to PTAR or as hazardous waste.	Implemented = 1 Not implemented = 0	Photographic record. Work order.	
PPM-03 HYDROCARBON MANAGEMENT PROGRAM					
Water and biotic	Contamination of the water quality of the Santa Rosa Estuary. Impact on estuary's fauna and flora.	Verification that each vessel has its respective fuel loading station and lubricants, and other chemical products that are duly signaled, with appropriate contention containers and anti-spill kits.	Implemented = 1 Not implemented = 0	YECU-EHS-12-123_Work Permit Sea Fuel_V1 report	Once (before the onset of operations)
Social and economic	Contamination of the soil and water quality of the Santa Rosa Estuary. Impact on the estuary's fauna and flora.	Before beginning the fuel loading operations, the service provider company should have a work permit: - if it is via ocean tanker, the format for a current Work Permit for Fuel Loading at Sea will be used; -if via tank truck, the format for a current High-Risk Work Permit will be used.	Implemented = 1 Not implemented = 0	Formats for High-Risk Work Permit and Work Permit for Fuel Loading at Sea.	As required.

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		PREVENTION AND MITIGATION PLAN			Code: PPM
Environmental aspect	Impact identified	Plan, Programs and Measures	Indicators	Verification means	Frequency
Soil and water	Contamination of the soil and water quality of the Santa Rosa Estuary. Impact on the estuary's fauna and flora.	When it is necessary to install storage points for diesel fuel or other hydrocarbons, this will be built according to the Ecuadorian Technical Standard NTE INEN 2251-2013 First version "HANDLING, STORAGE, TRANSPORT AND SALE IN LIQUID FUEL DISTRIBUTION CENTERS" and Article 25- Handling and storage of crude oil and fuel, of ENVIRONMENTAL REGULATION ON HYDROCARBON ACTIVITIES (Executive Decree 1215, Official Register 265 of 13 February 2001, Last modification: 29 September 2010), literal f; as applies to the volume of storage required.	Implemented = 1 Not implemented = 0	Technical construction report.	Once (before the onset of operations)
Soil and water	Contamination of the soil and water quality of the Santa Rosa Estuary. Impact on flora and fauna.	Verification that the fuel provider/s supplying the machinery tanks and/or vehicles in the terminal has the following: -Current environmental regularization - Fuel loading procedures - Spill care procedure - Kit for signaling, grounding, and spill collection	Implemented = 1 Not implemented = 0	Supplier Qualification – YILPORTECU S.A.	Once (before the onset of operations)
Soil and water	Contamination of the soil and water quality of the Santa Rosa Estuary. Impact on flora and fauna.	All maintenance activities for equipment and machinery should be carried out specifically in the areas intended for the same, and should be refurbished according to the technical standard NTE INEN 266 Transport, storage, and management of hazardous materials.	Implemented = 1 Not implemented = 0	Safety inspection reports	

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		PREVENTION AND MITIGATION PLAN			Code: PPM
Environmental aspect	Impact identified	Plan, Programs and Measures	Indicators	Verification means	Frequency
PPM-04 CIVIL WORKS AUDITING PROGRAM					
Water, air, soil, social and biotic	Contamination of the air and impact on the quality of the water and soil of the Santa Rosa Estuary. Impact on the estuary's flora and fauna.	YILPORT should hire technical auditors to carry out major civil works (buildings and piers), including the environmental audit of the work, and should report the implementation of specific measures from this EMP as applicable to the works being carried out. Specific measures will be established for project administration and will be included in the works contract documents and audit documents. For smaller works (refurbishment or extensions of existing service infrastructures), YILPORT will be entrusted with the environmental follow-up.	Implemented = 1 Not implemented = 0	Audit reports	Monthly, during the works execution.
PPM-05 CONTRACTOR FOLLOW-UP PROGRAM					
Water, air, soil, social and biotic	Impact on water and soil quality.	YILPORT will perform an Audit on technical and legal compliance to subcontractors, including the following: - Updated environmental regularization (compliance with obligations such as Annual Report, AAC, the hazardous waste generator registry, annual hazardous waste declaration, others as applicable). -Records on training and assessment in environmental areas (at least on the areas detailed in Annex 1 of this plan).	Implemented = 1 Not implemented = 0	Subcontractor audit reports, YECU-EHS-15-001 format	Monthly, during the works execution.

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		WASTE MANAGEMENT PLAN			Code: PMD
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
PPM-01 COMMON AND VARIOUS WASTE MANAGEMENT PROGRAM					
Soil, water, landscape, social.	Alteration of the water and soil quality. Landscape transformation. Social conflict.	Solid waste (special and/or hazardous) that are removed from the sea floor during cleaning works and/or maintenance of the handling area (in front of the piers), should be emptied and placed on solid land for their respective identification, classification and management according to current regulations; taking the necessary precautions in the case of suspicion of hazardous materials.	Implemented = 1 Not implemented = 0	Updated blog on hazardous and special waste.	As required.
		Refurbishing and maintenance of the waste Collection Center, according to Technical Standard NTE INEN 2841:2014-03.	Implemented = 1 Not implemented = 0	Photographic and technical record of its construction.	Once.
		The management of common waste management (recyclable and non-recyclable) will be collected and classified according to NTE INEN standard 2841:2014-03.	Implemented = 1 Not implemented = 0	Photographic record.	Permanent.
PMD-02 HAZARDOUS AND SPECIAL WASTE MANAGEMENT PROGRAM					

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		WASTE MANAGEMENT PLAN			Code: PMD
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
Soil, water, landscape and social.	Alteration of the water and soil quality. Landscape transformation. Social conflict.	Both YILPORTECU as well as its contractors operating in the Port Terminal should be up to date on compliance with their obligations from the Hazardous Waste Generator Registry (RGDP): -Waste Minimization Plan -Annual Declaration (until 10 January of each year) -Updating of the RGDP when required by the Environmental Authority.	Implemented = 1 Not implemented = 0	Documental record.	Annual.
		Implement and maintain updated file of the Sole Manifest and Certificates of Destruction of hazardous waste.	Implemented = 1 Not implemented = 0	Documental record.	Permanent.
		Implement and maintain updated blog of hazardous and special waste generation.	Implemented = 1 Not implemented = 0	Documental record.	Permanent.
		Refurbishment of the hazardous and special waste collection center, according to Ministerial Agreement 061, Article 93 on sites to store hazardous waste and technical standards, INEN 2266 and INEN 2841.	Implemented = 1 Not implemented = 0	Photographic and technical records made (container ground and border, wet fire prevention system, others).	Once.
		Implementation of waste classification and collection points in the generation area, work fronts and other areas assigned to service providers within the Port	Implemented = 1 Not implemented = 0	Photographic record.	Permanent (during construction phase).

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		WASTE MANAGEMENT PLAN			Code: PMD
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
		Terminal, as established in NTE INEN 2266 and INEN 2841.			
		Excess material from the basic work (debris) or that is generated by other structures (if existing) is placed in areas designated for the same by the municipality or via requests for fill donations.	Implemented = 1 Not implemented = 0	Photographic and mobilization record.	Permanent (during the construction phase).

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: HR Manager		TRAINING PLAN			Code: PCC
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
PCC-01 TRAINING PROGRAM					
Economic and social.	Occupational risks due to lack of knowledge of plans and procedures.	Update and implement the collaborator Training Plan's basic topics as established in Annex 1 of this EMP (based on their competencies).	Implemented = 1 Not implemented = 0	Document record.	Annual.
	Impact on worker health and safety.	Implement and maintain frequent and short talks, emphasizing conflictive topics, as positive reinforcement of the Training Plan.	Implemented = 1 Not implemented = 0	Document record.	Monthly.
		Include environmental commitments from this EMP in the Introduction Plan for new personnel.	Implemented = 1 Not implemented = 0	Document record.	Annual.
PCC-02 COMMUNICATION PROGRAM					

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: HR Manager		TRAINING PLAN			Code: PCC
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
Economic and social	Impact on health and safety of estuary users and the population, in general.	Before the onset of the works generating impact (noise, dust, gases, spills or others), apply the communication protocol and inform of; activities to be carried out, work hours and restrictions associations with safety topics, if existing, with at least one week notice, before the onset of the works.	Implemented = 1 Not implemented = 0	Document record.	Permanent.

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		COMMUNITY RELATIONS PLAN			Code: PRC
Environmental aspect	Impact identified	Plan, Programs and Measures	Indicators	Verification means	Frequency
PRC-01 COMMUNITY RELATIONS PROGRAM					

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		COMMUNITY RELATIONS PLAN			Code: PRC
Environmental aspect	Impact identified	Plan, Programs and Measures	Indicators	Verification means	Frequency
Social.	Social conflict.	Implementation of a communication protocol (see Annex 5) that permits: -Notification of alerts and/or risks (for activities carried out in the terminal and access channel) for the population of the terminal's area of influence. -Maintain a record of consultations, complaints and requests for information, resolutions made and responses to the concerned party.	Implemented = 1 Not implemented = 0	Communications records and their follow-up.	Permanent.
		To carry out or participate in information/training events for the community on the prevention of environmental contamination, company initiatives (involving the community) and contingency plans.	Implemented = 1 Not implemented = 0	Reports on the events carried out should include results attained (scope and impact).	Annual.
		To carry out or participate in events of involvement or community work on the prevention of environmental pollution, company initiatives and developments together with the community.	Implemented = 1 Not implemented = 0	Reports on the events carried out should include results attained (scope and impact).	Annual.

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		CONTINGENCY PLAN			Code: PEC
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
PEC-01 EMERGENCY RESPONSE PROGRAM					
Water, air, soil, biotic, social and economic	Impact on environmental aspects. Social conflict.	Review and updating of the Contingency Plan that includes the following: -Collision between vessels -Hydrocarbon and chemical product spill -Natural events -Fire and explosion	Implemented = 1 Not implemented = 0	Document record.	Biannual (or every time there is a change in work methodology or infrastructure).
		Implementation, updating and diffusion of evacuation map, routes and meeting points.	Implemented = 1 Not implemented = 0	Document record.	Biannual (or every time there is a change in work methodology or infrastructure).
		Planning and execution of the Emergency Simulations for: -Hydrocarbon and chemical product spills -Natural events -Fire and explosion	Implemented = 1 Not implemented = 0	Document record.	Annual.
		Re-strengthening and maintenance of the wet system for fire prevention (including hydrostatic tests).	Implemented = 1 Not implemented = 0	Document record.	As required.
		Implementation and maintenance of exteriors and fire prevention elements (lighting, signaling, others).	Implemented = 1 Not implemented = 0	Document record.	Annual.

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		MONITORING AND FOLLOW-UP PLAN			Code: PMS
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
PMS-01 ENVIRONMENTAL AIR QUALITY CONTROL PROGRAM					
Air.	Impact on air quality.	Carry out monitoring of the environmental air quality in the monitoring points. Point 1. APPB Pier (610951, 9639819). Sample taking and analysis should be carried out by laboratories accredited by the SAE and according to the methodology established in Table 2 of Annex 4 of Book VI of the TULSMA (Ministerial Agreement 097-A).	Implemented = 1 Not implemented = 0	Results report.	Biannual.
Air.	Impact on air quality.	When there are construction work fronts, monitoring should be carried out for environmental air quality in a point established outside of the work perimeter, based on the methodology established in Table 2 of Annex 4 of Book VI of the TULSMA (Ministerial Agreement 097-A).	Implemented = 1 Not implemented = 0	Results report.	Quarterly (during works execution).
Noise and vibrations.	High levels of sound pressure.	Monitoring of environmental noise in the project's direct area of influence. Monitoring points are as follows: Point 1. Pier #1 (610941, 9639369) Point 2. Pier #5 (611014, 9640135) Point 3. Exterior Port Terminal (611528, 9639360). Point 4. Cabotaje Pier Puerto Bolivar (610892, 9639050) Monitoring should be carried out by a laboratory accredited by the SAE, with calibrated equipment and according to monitoring methodology established in section 5 of Annex 5 of Book VI of the TULSMA (Ministerial Agreement 097-A).	Implemented = 1 Not implemented = 0	Results report.	Biannual.

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		MONITORING AND FOLLOW-UP PLAN			Code: PMS
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
Noise and vibrations.	Increased sound pressure levels.	When there are construction work fronts, monitoring should be carried out for noise in at least one point established for the work perimeter, based on the methodology established in section 5 of Annex 5 of Book VI of the TULSMA (Ministerial Agreement 097-A).	Implemented = 1 Not implemented = 0	Results report.	Quarterly (during works execution).
PMS-02 ENVIRONMENTAL QUALITY CONTROL PROGRAM OF THE WATER RESOURCE					
Water, biotic, economic, and social.	Impact on water quality. Impact on marine fauna and flora. Social conflict.	Perform monitoring on water quality at the control points established in the environmental baseline and assess them according to Table 2. Criteria for Admissible Quality for the preservation of aquatic and wildlife in fresh, marine, and estuary waters, from Annex 1 of Book VI of the TULSMA (Ministerial Agreement 097-A). Monitoring points are: Point 1. In front of APPB (610680, 9639902, 0.6). Point 2. In front of naval school (610582, 9640521, 0.6) The parameters to be modeled are: arsenic, cadmium, total chrome, copper, iron, mercury, fecal coliforms, surfactant detergents, oils and greases, biochemical oxygen demand, chemical oxygen demand, total petroleum hydrocarbons, on-site dissolved oxygen, ammoniac, total suspended solids, organophosphorate pesticides, organochlorides. Sample taking and analysis should be carried out by laboratories that are accredited by the SAE and according to technical standards NTE INEN 2169:98. Water: water quality, sampling,	Implemented = 1 Not implemented = 0	Results report.	Biannual.

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		MONITORING AND FOLLOW-UP PLAN			Code: PMS
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
		handling and storage of samples and NTE INEN 2176:98. Water: water quality and sampling techniques.			
Water, biotic, economic and social.	Impact on water quality. Impact on marine fauna and flora. Social conflict.	Perform monitoring of the water quality at both PTAR entry and discharge points to the sea. Monitoring should be carried out considering the following parameters: hydrogen potential, conductivity, dissolved oxygen, oxygen saturation, floating anthropic material, total suspended solids, total residual chloride, oils and greases, DBO, DQO, total hydrocarbons, surfactants, fecal coliforms. Results should be assessed according to the Ministerial Agreement 097A, Annex 1: Regulation of Environmental Quality and the Discharge of Effluents to the Water Resource, Table 10.A. Thresholds of discharge to a marine water body and discharges to the breaking areas. Sample taking and analysis should be carried out by laboratories accredited by the SAE and according to NTE INEN 2169:98. Water: water quality, sampling, handling and storage of samples, and NTE INEN 2176:98. Water: water quality, sampling, sampling technique.	Implemented = 1 Not implemented = 0	Results report.	Biannual.
PMS-05 MONITORING RESULTS REGISTRY PROGRAM					

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: EHS Manager		MONITORING AND FOLLOW-UP PLAN			Code: PMS
Environmental aspect	Impact identified	Plan, Programs, and Measures	Indicators	Verification means	Frequency
Water, air, soil, biotic, social and economic.	Impact on environmental component quality.	Establish and update the system of results registration for the parameters assessed in the monitoring that has been carried out (air quality, noise, water quality and sediments), to permit the observation of their evolution over time and for decision-making processes.	Implemented = 1 Not implemented =0	Historic record of monitoring results.	Permanent.

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: General Manager		AREA CLOSING AND DELIVERY PLAN			Code: PAE
Environmental aspect	Impact identified	Plan, Programs and Measures	Indicators	Verification means	Frequency
PAE- PAE-01. PROGRAM FOR THE CLOSING, ABANDONING AND DELIVERY OF THE AREA					
Soil, landscape, economic and social.	Impact on the soil and landscape quality and the assessment of private property. Social conflict.	In the case in which the project management decides on the definitive closing, the protocol should be put into place for the Abandoning and Delivery of the Area (see Annex 4 of this EMP).	Implemented = 1 Not implemented =0	Declaration of the start of the Abandonment Plan by project management.	As needed.
		Implementation and updating of the record of implementation of the Protocol for the Abandoning and Delivery of the Area.	Implemented = 1 Not implemented =0	Report on the implementation of the Abandonment Plan, including evidence.	As needed.

ENVIRONMENTAL MANAGEMENT PLAN					
Responsible party: General Manager		PLAN FOR THE REHABILITATION OF AFFECTED AREAS			Code: PRA
Environmental aspect	Impact identified	Plan, Programs and Measures	Indicators	Verification means	Frequency
PAE- PAE-01. PROGRAM FOR THE REHABILITATION OF AFFECTED AREAS					
Water, air, soil, economic and social.	Impact on the quality of the environmental components and public and private property.	In the case in which the project generates an impact on the environment, health or property of third parties (as recognized by the administration and/or environmental authority), the Protocol for the Rehabilitation of Affected Areas should be implemented (see Annex 3 of this EMP).	Implemented = 1 Not implemented =0	Declaration of onset of the Plan for Rehabilitation of Affected Areas by project management.	As needed.
		In the case in which the project generates an impact on the environment, health or property of third parties (as recognized by the administration and/or environmental authority) which is not susceptible to rehabilitation or repair, the Compensation Protocol should be implemented (see Annex 2 of this EMP).	Implemented = 1 Not implemented =0	Report on the implementation of the Compensation Protocol, including case evidence.	As needed.
		Implementation and updating of the record of events requiring application of the protocol for the rehabilitation of affected areas and the compensation protocol.	Implemented = 1 Not implemented =0		Permanent.

9.1 ANNEXES TO THE ENVIRONMENTAL MANAGEMENT PLAN

9.1.1 Annex 1. Basic training topics

Topic	Topics to be covered
Environment	<ul style="list-style-type: none"> • Applicable environmental regulations • Environmental management plan • Prevention and mitigation of contamination
Hazardous waste	Hazardous and special waste management
Communication to third parties	Measures for the mitigation and protection of sensitive elements located in the project's direct area of influence and commitments and/or measures related to the company's environmental performance.

9.1.2 Annex 2. Compensation Protocol

In the case in which the Project operation generates an impact on the environment, health or property of third parties (recognized by the administration and/or the environmental authority), which is not susceptible to rehabilitation or repair, the Compensation Protocol should be implemented:

- i. Evaluate the damage or impact, through a coordinated mechanism with the affected party and/or the environmental authority, which may include the following: technical visits to the affected area, identification of the affected parties, contracting of an appraisal expert, assessment of economic damage.
- ii. If company liability is determined, the repair or compensation to be offered will be programmed, depending on the specific case. Periodicity and mechanisms will be established, with fire the relevant environmental authority.
- iii. Once the compensation has been paid or the repairs have been made, delivery acts should be created, with signatures being provided by the affected parties, the environmental authority, and the project promotor.
- iv. A report on the actions taken will be sent to the environmental authority to verify the actions carried out.

9.1.3 Annex 3. Protocol for the rehabilitation of affected areas

In the case in which the project has an impact on the environment, health or property of third parties (recognized by the Administration and/or environmental authority), the Protocol for the rehabilitation of affected areas should be implemented:

SITUATION	ACTIONS
Fire:	With the support of firefighters and experts: i. Review the infrastructure and determine whether or not it is safe to enter. ii. Carry out cleaning of the site, considering the following factors: -The use of full PPE (overalls, gloves, safety glasses, boots and mask) -Avoid the lifting and spreading of ash. If using a vacuum cleaner, it should have filters for small particles. Collect ash in bags. -Elements or materials (machinery or equipment) that have been contaminated with hazardous substances should be disposed of with environmental managers. -Other elements may be taken to the landfill.
Spill:	Do not dilute the spill. i. Detail, collect and clean with absorbent material. ii. Replace contaminated ground with clean ground. iii. Contaminated soil and collection materials that are impregnated should be disposed of as hazardous waste.
Collapse:	i. Review the infrastructure and determine if it is safe to enter. ii. In the case of determining structural risks, contract a technical study to establish the actions to be taken, including structural reinforcement or its definitive demolition.
Demolition:	i. Implement dust control techniques and remove debris (humidifying and/or confining the area) ii. Dispose of debris in a site permitted by the local municipality within the landfill. iii. Clean areas outside of the site that were affected by the collapse.
Abandoning of installations:	Apply the plan to replicate and restore the habitat in directly affected areas whose natural alteration resulted from project activities.

9.1.4 Annex 4. Protocol for the abandoning and delivery of the area

Once the project management has determined the end of the project's life cycle, the following should be carried out:

i. Establish a schedule for the dismantling of the installations, considering the following:

-Equipment and machinery used in the production activity should be dismantled and removed, obsolete equipment should be recycled or scrapped.

-The infrastructure should be dismantled with every attempt being made to minimize damage in elements that may be recycled.

-Compacted grounds should be mixed/churned.

The ground should be improved by the addition of organic materials that will permit plant growth.

ii. Implement a replanting program with the objective of re-establishing growth over the affected area. Reforestation works should be carried out using species that are endemic to the area.

iii. Perform an on-site analysis of the water and soil where activities that may cause contamination were carried out, such as fuel storage and waste disposal areas, to identify potentially contaminated areas.

iv. If contamination is determined to have occurred, take the corresponding corrective measures and comply with all applicable environmental legislation.

9.1.5 Annex 5. Protocol for the management of communications and conflicts with communities and social agents

The point of receipt and dispatch for YILPORT communications is the administrative building of the Port Terminal.

- i. All communications received will be recorded in a follow-up record consisting of the name of the sender, number of the notification, date of receipt, and the telephone and email of the sender's contact.
- ii. The party responsible for reception will classify communications, to send them (with a digital copy) to the relevant area (industrial safety, management, legal, others) always with a copy being sent to the General Manager and the Legal department.
- iii. A physical and digital record will be kept of all communications, whether they are claims or complaints, requests for information and/or meetings or other notification types received by social agents, union representatives and/or communities in the project's area of influence.
- iv. A period of 30 business days is established for the issuing of an official response on behalf of YILPORT, via approval of the document by the General Manager and/or the legal department.
- v. Through the issue of a response, the HSE Manager will request a working meeting with the legal department, general manager and environmental advisor to discuss the scopes and implications of the communication. Depending on the type and scope of the claim or complaint, it may be possible to activate the Compensation Protocol or the Protocol for the Rehabilitation of the Affected Areas. At this meeting, the route of action will be determined for the planning of a solution, or the drafting of a response notification. In the case of the activation of one of these protocols, the sender will be notified of the decision and steps to be taken, as established in the respective protocol.
- vi. This response will be sent via email and notified via telephone for its withdrawal in printed version at the Yilport offices.
- vii. The response document sent by Yilport will be registered in the follow-up record, which includes the date of its sending. Delivery of a printed copy will be recorded in the Follow-up record (i).

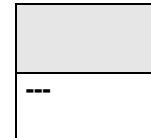
9.2 ASSESSED SCHEDULE OF THE UPDATED ENVIRONMENTAL MANAGEMENT PLAN

Below (see Table 9-3) is a description of the schedule for implementing plans, programs and measures established in the updated EMP for the first year, as of the delivery of this report.

To identify the periodicity of the application of plans and programs, the following symbols have been used:

Timely or permanent implementation

**If the implementation depends on the start date and project duration
and/or if it is required based on specific conditions (e.g. correction plan)**



The updated EMP's total value has been estimated at one hundred and thirty-seven thousand, six hundred (US) dollars (00/100). This assessment has not considered costs associated with construction projects that are considered part of the same budget.

Table 9-4 Assessed schedule of the updated Environmental Management Plan

ENVIRONMENTAL MANAGEMENT PLAN		ANNUAL SCHEDULE												ESTIMATED ANNUAL COST (in US dollars)
		2019							2020					
Plans and programs		Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
PREVENTION AND MITIGATION PLANPPM														42,000.00
PPM-01 EMISSIONS CONTROL														8,000.00
PPM-02 WATER QUALITY IMPACT PREVENTION														2,500.00
PPM-03 HYDROCARBON MANAGEMENT PROGRAM														12,000.00
PPM-04 CIVIL WORKS AUDIT PROGRAM		-	-	-	-	-	-	-	-	-	-	-	-	
WASTE MANAGEMENT PLANPMD														6,500.00
PMD-01 COMMON AND VARIOS WASTE MANAGEMENT PROGRAM														9,000.00
PMD-02 HAZARDOUS AND SPECIAL WASTE MANAGEMENT PROGRAM														
TRAINING PLANPCC														6,000.00
PCC-01 TRAINING PROGRAM														1,200.00
PCC-02 COMMUNICATION PROGRAM		-	-	-	-	-	-	-	-	-	-	-	-	
COMMUNITY RELATIONS PLANPRC														2,000.00
PRC-01 COMMUNITY RELATIONS PLAN														
CONTINGENCY PLANPEC														12,500.00
PEC-01 EMERGENCY RESPONSE PLAN														
MONITORING AND FOLLOW-UP PLANPMS														3,200.00
PMS-01 ENVIRONMENTAL AIR QUALITY CONTROL PROGRAM														6,500.00
PMS-02ENVIIR. WATER RESOURCE QUALITY CONTROL PROGRAM														1,200.00
PMS-05 MONITORING RESULTS RECORDING PROGRAM														
PLAN FOR CLOSING AND DELIVERY OF THE AREAPAE														25,000.00
PAE-01 PROGRAM TO CLOSE, ABANDON AND DELIVER THE AREA														
PLAN FOR THE REHABILITATION OF AFFECTED AREASPRA														
PRA-01 PROGRAM FOR THE REHABILITATION OF AFFECTED AREAS		-	-	-	-	-	-	-	-	-	-	-	-	
TOTAL:														137,600.00

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF THE
PROJECT " CONSTRUCTION AND OPERATION OF
THE PORT TERMINAL OF PUERTO BOLIVAR,
OPERATED BY YILPORT TERMINAL OPERATIONS
YILPORTECU S.A" – APRIL 2018-2019.

[YILPORT Logo –
PUERTO BOLIVAR]

CHAPTER 10. CONCLUSIONS AND RECOMMENDATIONS

Table of Contents

10	CONCLUSIONS AND RECOMMENDATIONS.....	10-3
10.1	CONCLUSIONS.....	10-3
10.2	RECOMMENDATIONS.....	10-3

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'.

[YILPORT Logo –
PUERTO BOLIVAR]

10 CONCLUSIONS AND RECOMMENDATIONS

10.1 CONCLUSIONS

Based on the results of the distinct compliance assessments carried out within the framework of this Environmental Audit, we can conclude that YILPORTECU appropriately managed its obligations and liabilities in the environmental area, according to its Environmental License and Management Plan, as well as with all applicable environmental regulations; achieving an average of 97.6% in Conformity or Compliance (C).

The established Non-Conformities, which have become the objectives to be accomplished through the implementation of the proposed Action Plan, represent a mean of 2.4% of the overall assessments carried out. For the Non-Conformities that have been found, an Action Plan has been designed to permit its optimal achievement, from which some measures are already being carried out.

Considering that the Port Terminal operation requires a constructive project portfolio, ranging from minor to major in scale, within its facilities, an Environmental Management Plan has been developed that integrates preventive and corrective measures as needed during the execution of the same. These are also applicable to all of the contractors that carry out activities in the terminal.

Considering the need to develop new and specialized services for trade, specific measures have been integrated to prevent and correct impacts during the handling of solid bulk loads, such as cereals, grains, concentrated minerals, etc. Specific measures have also been included here to manage waste that may be generated during this handling.

In the updated Environmental Management Plan, and in compliance with new regulations that are currently in effect (the Organic Environmental Code Regulation), the Health and Safety Plan is no longer part of the Environmental Management Plan.

10.2 RECOMMENDATIONS

It is recommended that the implementation of the updated Environmental Management Plan be carried out according to the scope of the measures and their frequency and/or period of implementation, mainly according to time periods that are limited to the months during which the construction activity is carried out, since any non-compliance or omissions of the same could not be resolved in the future.

Project management should avoid non-compliances and/or changes in project planning that has an Environmental License, and the reoccurrence of omissions and/or Non-Conformities established in this Audit, to carry out the programmed activities according to their work schedule.

Finally, clear communication mechanisms should be established with the concerned parties in the project's area of influence, which permits a clear flow of information between parties and which simultaneously channel any potential doubts, observations and/or complaint that are made by the social agents perceiving negative impacts on their environment as a result of the project implementation.

CHAPTER 11. BIBLIOGRAPHY

Table of Contents

11	BIBLIOGRAPHY.....	3
-----------	--------------------------	----------

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'.

[YILPORT Logo –
PUERTO BOLIVAR]

BIBLIOGRAPHY

ECOSFERA CÍA.LTDA. (2017). Estudio de Impacto Ambiental para el Proyecto 'CONSTRUCCIÓN Y OPERACIÓN DEL TERMINAL PORTUARIO DE PUERTO BOLÍVAR, OPERADO POR YILPORT TERMINAL OPERATIONS YILPORTECU S.A.'

YILPORT HOLDING A.S. (2015). Iniciativa Privada para la Modernización de Puerto Bolivar. Machala.

Constitution of the Republic of Ecuador, 2008.

MAE (2015). Ministerial Agreement 061, June 2015.

Ecuadorian Technical Regulations from the Instituto Ecuatoriano de Normalización.

SBARATO, V. SBARATO, D. and ORTEGA J., 2010, Problemas Ambientales Generales, Universidad Tecnológica Nacional Facultad Regional San Francisco, Editorial Brujas, Córdoba/Argentina.

CONESA, V. 1997. Auditorías Ambientales, Guía Metodológica. Edit. Mundi Prensa. Spain.

RODRIGUEZ, J., ALCADE A., CASTRO J. y RODRIGUEZ, P., 2012, Auditorías Medioambientales: Guía Metodológica, Universidad Nacional de Educación a Distancia, Madrid/ Spain.

CARTER, L. 1998. Manual de Evaluación de Impacto ambiental, Second edition. McGrawHill, Spain. 841 pp.

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'.

[YILPORT Logo –
PUERTO BOLIVAR]

CHAPTER 12. ANNEXES

Table of Contents

12	ANNEXES.....	12-3
-----------	---------------------	-------------

[SAMBITO Logo - Total
Environmental Solutions]

ENVIRONMENTAL COMPLIANCE AUDIT OF
THE PROJECT 'CONSTRUCTION AND
OPERATION OF THE PORT TERMINAL OF
PUERTO BOLÍVAR, OPERATED BY YILPORT
TERMINAL OPERATIONS YILPORTECU S.A.'.

[YILPORT Logo –
PUERTO BOLIVAR]

12 ANNEXES

1. Yilport Terminal Operation

1.1 Documents and authorizations

- 1.1.1 RUC YILPORTECU
- 1.1.2 Nombramiento Alfredo Jurado y CI
- 1.1.3 Licencia Ambiental MAE-RA-2017-309603
- 1.1.4 Certificado de Intersección del Proyecto
- 1.1.5 Oficio N°. YPTO-GG-0051-19 Renovacion de Poliza
- 1.1.6 Registro de Generador de Desechos Peligrosos
- 1.1.7 Adjudicación de la empresa
- 1.1.8 Ingreso y aprobación de TDR's para AAC
- 1.1.9 Actas de apertura y cierre de auditoría
- 1.1.10 Estados Miembros OMI
- 1.1.11 RV_ IMO CARGO SEGREGATION TABLE
- 1.1.12 Bienes Patrimoniales del Ecuador - Terminal Portuaria
- 1.1.13 Regularizacion Ambiental - OPC's
- 1.1.14 Declaración Juramentada - Monto de inversión EIA
- 1.1.15 Autorización SENAGUA-APPB
- 1.1.16 AUTORIDAD PORTUARIA DE PUERTO BOLIVAR

1.2 Plans and procedures

- 1.2.1 Política Integral YILPORTECU S.A.
- 1.2.2 Reglamento Interno de Seguridad y Política HSE – SUT
- 1.2.3 Organismo Paritario – SUT
- 1.2.4 Plan Integral de Prevención de Riesgos Laborales – SUT
- 1.2.5 Procedimiento de Emergencias (extracto)
- 1.2.6 Procedimiento de Investigación y Registro de Accidentes (extracto)
- 1.2.7 Plan de Mantenimientos del Sistema Contra incendios
- 1.2.8 Mapa de Riesgos YILPORTECU S.A.
- 1.2.9 Plano de Extintores
- 1.2.10 Plano de implantación general Terminal Portuaria
- 1.2.11 Plano hidrosanitario APPB
- 1.2.12 PR-SI-016_SOP Charlas Preoperativas EHS_V1

- 1.2.13 PR-SI-006_V1_Protocolo Vessel Conditions Report
- 1.2.14 YECU-EHS-12-134_SAFETY INSTRUCTIONS FOR VESSELS_V3
- 1.2.15 Safety Instruction-ALBEMARLE ISLANDRecords

1.3 Records

- 1.3.1 Registro entrega de RIS y Política HSE
- 1.3.2 Registro de entrega EPP's
- 1.3.3 Registro de capacitación_Primeros Auxilios
- 1.3.4
- 1.3.5 Reporte Inspección Equipos Contra Incendios_V1_Extintores
- 1.3.6 Capacitaciones y simulacros
- 1.3.7 Proceso de Contratación de Servicios Médicos
- 1.3.8 Informes trimestrales de Gestión Ambiental - Desechos YILPORTECU
- 1.3.9 YECU-EHS-02-01_Informe Botiquines 2019_1 W 09
- 1.3.10 Reportes de mantenimiento de OPC's
- 1.3.11 Informe OPERLIMP - Desechos comunes
- 1.3.12 Bitácora de Gestión de Desechos Peligrosos
- 1.3.13 Formato_Ecuador KPI Table_EHS_2018
- 1.3.14 Formato YECU-EHS-05-035_KPIs EHS YILPORT ECUADOR_Mar 2019-APPB
- 1.3.15 Comunicaciones Seguridad YILPORTECU-FDC
- 1.3.16 Registro Fotográfico - YILPORTECU (actualizado)
- 1.3.17 Inducciones personal nuevo
- 1.3.18 Auditorías internas OPC's
- 1.3.19 Entrega de informes de monitoreo y seguimiento
- 1.3.20 Monitoreo de agua de consumo y residual
- 1.3.21 Declaración Anual de desechos peligrosos DADP 2018
- 1.3.22 Manifiesto Único
- 1.3.23 Monitoreo de calidad de aire
- 1.3.24 Alcance de acreditación ELICROM
- 1.3.25 Monitoreo de ruido
- 1.3.26 Monitoreo de agua marina
- 1.3.27 Alcance de acreditación GRÜNTEC
- 1.3.28 YECU-EHS-01-044_Resultados Charlas Preo_Dic_ANUAL 2018
- 1.3.29 Informes de Investigación de Accidentes
- 1.3.30 Registros Monitoreos - abr 19

- 1.3.31 Reunión Comunidad – estero Huaylá
- 1.3.32 Contribución YILPORT - JORNADA MES DE LA MUJER_Aso.Estero Porteño
- 1.3.33 Mmto PTAR marzo 2018
- 1.3.34 Timeline_Sistema Contra Incendios_YILPORT ECU_V7
- 1.3.35 Formatos entrevista actores sociales

1.4 Institutional Communications

- 1.4.1 Aprobación de Informes de Monitoreos
- 1.4.2 YPTO-GG-0136-19 Ingreso AAC Operación Terminal
- 1.4.3 YPTO-GG-0120-19 Ingreso Informe Semestral - Operación nov-abr 2019
- 1.4.4 GADPEO-SGA-2019-0687-OF - Monitoreo Agua oct18

2. ECOSAMBITO C.LTDA. Consultant's Registration



I, Miguel Angel Pantoja Shimanskii, certify that the present document consisting of 267 pages in english was translated from its original version in spanish, it's accurate to the best of my capacities as a Sworn Court Certified Translator of the Judicial Council of Ecuador.

Yo, Miguel Angel Pantoja Shimanskii certifico que el presente documento que consta de 267 páginas en ingles fueron traducidas de su versión original en español, son precisas en mis capacidades como traductor calificado y jurado del Consejo de la Judicatura.

Nombre/ Name: Miguel Angel Pantoja Shimanskii
CC/National ID #:1717206534

Fecha/Date: 23rd OF MARCH, 2021

Número de calificación/ Qualification number: 1840315

Correo electrónico/email: m.pantoja@translatorsecuador.com

Tel: +593.998901132

Note/Nota: You can verify credentials inputting National ID# on the following link:

Verifique las credenciales ingresando la CC en el siguiente link:

https://appsj.funcionjudicial.gob.ec/perito-web/pages/peritos_nacional.jsf