



# **Bogota Foreign Investment Guide - 2025**



# Chapter 15.

## ► Environmental Regime During the operation

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# What should I know about the environmental regime?

Colombia is a country with a robust environmental legal framework. Our Political Constitution includes various principles and obligations<sup>1</sup> regarding the environment, known as the Ecological Constitution. In addition to this, Colombia has environmental matters legislation. The National Code of Renewable Natural Resources and Environmental Protection (Decree 2811 of 1974), which, although predates the 1991 Constitution, contains aspects that were later incorporated into it. Furthermore, there is Decree 1076 of 2015, which compiles the regulatory decrees issued over the years in environmental matters. On the other hand, there are general administrative acts issued by the different Environmental Authorities (Local regulation). Numerous approving laws regarding international environmental treaties are also added to all the above.

It should be noted that our legal framework, besides the environmental matters, also guarantees access to environmental information, as it is considered public information, and there are various mechanisms for citizen participation, such as public environmental hearings, the figure of the third party intervening in administrative proceedings, and prior consultation, among others.

To develop projects in Bogotá or the department of Cundinamarca, interested parties must apply for different environmental permits and/or authorizations, which vary depending on the project's location and purpose.

In the case of Bogotá, the District Secretariat of the Environment (SDA) is the competent entity for regulation and monitoring, while in the municipalities of the department of Cundinamarca, some are regulated by the Autonomous Regional Corporation of Cundinamarca (CAR), and others by regional environmental authorities such as Corporinoquia and Corpoguavio.

Likewise, it should be noted that in Colombia, the main environmental authorities related to the scope of application of this Guide in environmental matters are: the Ministry of Environment and Sustainable Development (MADS) as the governing body of environmental policy in Colombia, the National Authority for Environmental Licenses (ANLA), the District Secretariat of the Environment (SDA), and the Autonomous Regional Corporation of Cundinamarca (CAR).



# What is an environmental license and how does it work?

An environmental license is the authorization granted by an Environmental Authority for the implementation of a project, work, or activity (“POA”) that may cause deterioration to renewable natural resources or the environment. This authorization establishes the requirements, terms, conditions, and obligations regarding the prevention, mitigation, correction, compensation, and management of the environmental effects of the POA.

However, not all types of POAs require an environmental license; it is only required for the specific activities listed in articles 2.2.2.3.2.2 and 2.2.2.3.2.3 of Decree 1076 of 2015. The procedure for obtaining the environmental license must be carried out before the ANLA (for the POAs listed in Article 2.2.2.3.2.2) or before the Regional Autonomous Corporations and other environmental authorities created by Law 768 of 2002 (for the POAs listed in Article 2.2.2.3.2.3). In the case at hand, these authorities would be CAR or SDA.

Some sectors that require an environmental license are: the mining sector, the hydrocarbon sector, the electricity sector, or the sector related to pesticides (production, importation) among others.

# What are environmental permits and how do they work?

For the development of activities that are not included in the lists of articles 2.2.2.3.2.2 and 2.2.2.3.2.3 of Decree 1076 of 2015 but, involve the use of renewable natural resources, different environmental permits must be obtained depending on the type of resource used (air, water resource, forest resource).

# What should I know about project development regarding air?

**Air emissions permit:** Granted by the competent environmental authority (CAR or SDA) for the discharge of emissions into the air within the permissible limits established for that purpose.

**Compliance with parameters:** In the case of the development of a POA that does not require an emissions permit but still emits pollutants through a fixed source, the emissions must be within the permissible emission standards for pollutants according to Resolution 909 of 2008.



**Contingency plan for atmospheric emission control systems:** according to Article 79 of Resolution 909 of June 5, 2008, any emission source with an emission control system must develop the Contingency Plan for the Control System, to be implemented during the suspension of control system operation. This plan must be submitted to and approved by the Environmental Authority.

**Noise:** although no permit or authorization is required for noise emissions, every POA must strictly comply with the maximum permissible noise emission levels established according to Resolution 627 of 2006, depending on the sector and subsector in which the activity is located.

# What should I know about project development regarding water?

- **Water Concession:** the use of water requires a concession. For this, they must submit a request to the competent environmental authority.
- **Program for Efficient Use and Water Savings (“PUEAA”):** applies to users who request a water concession. The program is a tool focused on optimizing the use of water resources, consisting of a set of projects and actions that users of a water concession must develop and adopt, with the purpose of contributing to the sustainability of this resource.
- **Exploration Permit for Groundwater:** those who wish to explore groundwater must submit a permit application to the competent environmental authority, complying with the requirements established to obtain a water concession, as well as those specified in Article 2.2.3.2.16.5 of Decree 1076 of 2015.
- **Discharge Permit:** those whose activity or service generates discharges into surface waters, marine waters, or soil must request and process the respective discharge permit from the competent environmental authority. The requirements for each type of permit will depend on whether the discharge is made into the soil or a body of water.

It should be noted that, according to Law 1955 of 2019, a discharge permit will not be required for users connected to the public sewerage network.

In the case of Bogotá, the SDA has determined that any user generating non-domestic wastewater discharges (excluding domestic wastewater discharges made into the public sewerage system) is required to register their discharges with the environmental authority. Non-domestic wastewater discharges are divided into two categories: environmental interest substances (compounds, elements, substances, and indicator parameters of physicochemical and biological pollution that allow evaluating the quality of the discharge and its effect on the water resource, especially those contained in Table B of SDA Resolution 3957 of 2009) and sanitary interest substances (chemicals, elements, or compounds that can cause harm or are toxic to human health or any form of aquatic life, as contained in Section 4. Discharges, Article 2.2.3.3.4.1 of Decree 1076 of 2015).

- **Riverbed Occupation Permit:** this permit must be requested when occupying the course of a stream or water deposit that will be affected by the construction of a structure.



## What should I know about forestry use permit?

This permit must be requested when intending to exploit natural forests located on public or private land. The different forestry use permits are categorized as unique, persistent, and domestic, as established in Article 2.2.1.1.3.1 of Decree 1076 of 2015.

## What should I know about outdoor visual advertising?

According to Law 140 of 1994, outdoor visual advertising refers to mass communication media intended to inform or draw the public's attention through visual elements. This law also establishes the characteristics and conditions that must be met by outdoor advertising. However, it is necessary to consider the provisions that each municipality may issue regarding regulations in this matter, including the registration requirements for installation and/or the taxes that must be paid for them.

In the case of Bogotá, the SDA issued Resolution No. 931 of 2008, which regulates the registration of outdoor visual advertising as a necessary requirement to carry out such activity.

## What should I know about waste management?

**Ordinary waste:** for the management and disposal of these wastes, the public waste collection service in each municipality must be considered to deliver the waste according to the schedules and locations established by the public service company. In the specific case of Bogotá, the SDA has established special guidelines for the management and handling of certain types of waste, including cosmetics and toiletries, tanneries, pharmaceuticals, printing and lithography, laundries, wood products, metalworking, paints, substances and chemical compounds, textiles and dry cleaning, and vehicle washing. These guidelines must be considered if any of these activities are carried out.

**Hazardous waste:** If the activity generates a waste or residue that, due to its corrosive, reactive, explosive, toxic, flammable, infectious, or radioactive characteristics, can cause risks, damages, or undesired direct and indirect effects on human health and the environment, certain aspects must be taken into account according to Decree 1076 of 2015: (i) registration as a hazardous waste generator if more than 10 kg/month is generated, (ii) comprehensive Hazardous Waste Management Plan, (iii) proper disposal and final management by a third party with the corresponding environmental license, and (iv) preservation of disposal certificates for at least 5 years. In the case of Bogotá, the SDA issued Resolution No. 1188 of 2003, which adopts the manual of special norms and procedures for the management of used oils in the Capital District. Likewise, the SDA has a for the management of these wastes, which must be considered if they are generated in any activity or project.

**Construction and Demolition Waste (RCD):** those who collect, transport, store, utilize, and dispose RCD from civil works or other related activities must comply with the provisions of Resolution 472 of 2017 (amended by Resolution 1257 of 2021).

**Waste subject to Post-Consumer Product Return Management Plans:** Waste or hazardous waste, used, expired, or withdrawn from commerce corresponding to (i) Pesticides, (ii) expired pharmaceuticals or medications, (iii) used lead-acid batteries, and (iv) used tires will be subject to a Post-Consumer Product Return Management Plan for their return to the production-import-distribution-commercialization chain.

**Differentiated management:** regarding electrical and electronic equipment waste, it must be delivered to designated sites established by producers or third parties acting on their behalf, and proper disposal must be carried out. Additionally, for used oils, the generator is obliged to register with the Environmental Authority and submit an annual report on their management.

# What should I know about environmental restrictions?

To develop POAs in Bogotá or the department of Cundinamarca, interested parties must assess the existence of overlays.

**Forest reserve:** the process of Viability Assessment for Subtraction in National Forest Reserve Areas is a procedure through which the environmental authority evaluates the relevance of lifting the legal figure of forest reserve established by Law 2 of 1959 or in a specific area for the development of a project, work, or activity. The application must be developed according to the provisions of Resolution 110 of 2022.

**Lifting of prohibitions:** although it is no longer an independent process (according to Article 125 of Law 2106 of 2019), for the development of a POA that requires an environmental license, permit, concession, or authorization involving the intervention of species of wild flora subject to a national or regional ban, the Environmental Authority will impose the measures necessary to guarantee the conservation of the prohibited species as part of the process.

**Protected areas:** it must be verified whether the planned POA is compatible with the activities allowed in protected areas. Regarding protected areas, it is possible to request an exemption to develop a project according to the regulations of each area, except for National Natural Parks and Regional Natural Parks, which have the most restrictive legislation in environmental law.

**Strategic ecosystems:** zones such as páramos, subpáramos, water sources, and aquifer recharge zones enjoy special protection due to their ecological importance. Therefore, environmental authorities must undertake actions for their conservation and management, including the possibility of designating them as protected areas. It must be verified whether the planned POA is compatible with the activities allowed in strategic ecosystems.

Finally, it should be noted that there are a series of regulations that establish criteria or indeterminate principles that must be considered when planning and/or developing any POA. It is also recommended to review jurisprudence on environmental issues, as it may be applicable to the development of the POA.





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