

Draft supreme decree for the management of eco-efficiency in public administration entities

By Ministerial Resolution No. 072-2021-MINAM ("**RM 072**"), published in the Official Journal El Peruano on 30 April 2021, the Ministry of the Environment (MINAM in Spanish) ordered the publication of the Draft Supreme Decree approving the 'Provisions for the Management of Eco-Efficiency in Public Administration Entities' ("**Draft**") in its institutional portal, in order to receive opinions and/or suggestions from interested parties, for a period of 15 working days from the publication.

1. What is the object and purpose of the Draft?

The Draft aims to establish eco-efficiency management provisions among public administration entities and implement measures for optimizing the environmental and economic performance of public entities, to improve the public services they offer.

Essentially, the Draft aims to:

- i. Ensure efficient resource management for the sustainability and competitiveness of public entities
- ii. Embed eco-efficiency in the institutional and labor culture of public servants

2. What is the scope of the Draft?

The provisions established by the Draft are binding on all Public Administration entities provided for in article I of the Single Revised Text of Act No. 27444, as well as on all persons providing services to the State.

3. How do public administration entities evaluate eco-efficiency management?

According to Article 7 of the Project, MINAM, using the National Eco-Efficiency Register (RENACE in Spanish) — a member of the National Environmental Information System (SINIA in Spanish) — collects and systematizes information on the consumption of resources and advances in the management of eco-efficiency in public entities.

On the basis of this information, MINAM annually prepares and publishes, on its institutional portal, the annual eco-efficiency report that contains information on the progress and achievements of public management in this area and the analysis of performance results.

4. How is the management of eco-efficiency by public administration entities controlled?

Through the Institutional Control Body of each entity, which is responsible for carrying out internal control actions for compliance with the provisions for the Management of Eco-Efficiency, in accordance with Act No. 27785, the Organic Law of the National Control System and the Office of the Comptroller General of the Republic.

Contact Information

Jorge Danos

Partner
Lima

Juan Carlos Moron

Partner
Lima

Antonella Gutierrez

Associate
Lima

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In order to effectively comply with the aforementioned provisions, MINAM shall, within a maximum period of 120 calendar days from the entry into force of the Supreme Decree, approve the Eco-Efficiency Guide for public entities.

5. What are the institutional actors of eco-efficiency management that each public entity must designate?

As part of the implementation of eco-efficiency management measures, each public entity must delegate the following positions and assign the internal functions described below:

i. Responsibility for eco-efficiency management

According to Article 10 and the First Complementary Final Provision of the Project, within a period of 50 working days counted from the publication of the Supreme Decree, the holder of each public entity must designate the administrative management authority responsible for the Management of Eco-Efficiency in its entity.

ii. Eco-Efficiency Committee

This committee, created by a legal device, takes decisions for the achievement of eco-efficiency management goals. It comprises organizational units chaired by the General Administration Office, which is responsible for coordinating and ensuring the formation of the committee, as well as supervising the performance of its functions.

The committee is in charge of the following:

- a. the elaboration and compliance control of the institutional eco-efficiency plan
- b. the evaluation and issuance of recommendations on directives relating to eco-efficiency management
- c. Designation of the entity's eco-efficiency promoters

iii. Eco-efficiency promoters

This refers to anyone who, regardless of position held, collaborates proactively in the promotion of a culture of eco-efficiency.

iv. Public servants

6. How do public administration entities manage eco-efficiency and implement established measures?

According to Article 6 of the Draft, public administration entities manage eco-efficiency measures in three stages, the most relevant of which are projected in the following graphic scheme.

1. Action planning

Eco-efficiency policy

Approved by the entity's senior management, this document establishes institutional commitments and serves as a reference for the adoption of eco-efficiency objectives and measures.

Eco-efficiency diagnosis

This evaluation helps determine the consumption of the resources the entity uses.

Institutional eco-efficiency plan

This planning instrument is renewed every three years with approval from the owner of the entity through a legal device, which allows opportunities for improvement and strategic implementation of eco-efficiency measures to be identified.

Eco-efficiency directive

Optionally, the entity can approve directives or guidelines to ensure eco-efficiency measures are implemented.

2. Implementation of measures

Good practices for resource efficiency

Energy efficiency (Article 18)

- Take advantage of natural light and ventilation.
- Establish hours of operation in offices to take advantage of natural light.
- Rationalize artificial lighting at night.

Good practices for resource efficiency

Efficient use of water (Article 19)

- Establish maintenance programs for devices, sanitary devices and infrastructure.
- Prioritize the use of low water consumption plants in green areas.

Good practices for resource efficiency

Efficient use of paper and related materials (Article 20)

- Avoid unnecessary printing of documents.
- Prioritize electronic communication.
- Establish a document management system, according to the provisions provided by the Secretariat of Digital Government (SEGDI in Spanish).

Good practices for resource efficiency

Fuel efficiency (Article 21)

- Establish maintenance programs for fuel-powered vehicles and other equipment.
- Promote vehicle sharing.

Good practices for resource efficiency

Solid waste management (Article 22)

- Segregate solid waste at the source, by separating and grouping them, to facilitate their final disposal.
- Have storage devices for the temporary accumulation of solid waste strategically distributed in work environments, complying with the color or labeling of the containers as established in the Peruvian Technical Standard NTP 900.058:2019.

Good practices for resource efficiency

Sustainable public procurement (Article 22)

- For service requirements: Entities can incorporate sustainable criteria into the terms of reference to ensure efficient use of resources during implementation.
- For goods requirement: Entities can incorporate sustainable criteria in the technical specifications that allow opting for products that contribute to eco-efficiency.
- In technical work files: Entities can incorporate sustainable criteria, considering the provisions of the Technical Code of Sustainable Construction or its updated version.

Good practices for resource efficiency

Actions to promote a culture of eco-efficiency (Article 23)

- Communication, education, training and awareness-raising actions for its staff on eco-efficiency measures.
- Promote the use of sustainable means of transport by public servants.
- Adapt spaces for bicycle parking in accordance with Law No. 30936, a law that promotes and regulates the use of bicycles as a means of sustainable transport.

Implementation of clean technologies

According to the Single Transitional Supplementary Provision, within a maximum period of three years from the entry into force of the Decree, public entities must implement the following:

- Lighting in offices according to the minimum requirements established in the Technical Standard EM.010 'Interior electrical installations' of the National Buildings Regulation (RNE in Spanish)
- Multizonal control systems that allow lighting to be adjusted by sector to meet the needs of offices and work areas
- Sanitary appliances and water-saving taps
- Conversion of vehicles to dual-combustion systems that use vehicular natural gas (GNV in Spanish), according to location, with respect to natural gas dealers. Technical and economic conditions are assessed

3. Monitoring and follow-up of measures

Internal monitoring and follow-up

The Eco-Efficiency Committee of each entity evaluates and reports to the person responsible for eco-efficiency management on the results of the implementation of eco-efficiency measures, as follows:

Quarterly

- Verifies the degree of progress of the Institutional Eco-Efficiency Plan
- Identifies opportunities for improvement
- Establishes actions for the fulfillment of its objectives

Annually

- Makes the annual balance of consumption and monthly expenditure of its resources, which considers water, energy, paper and related materials, fuels, solid waste recovery, with respect to the previous year

Results report to MINAM

As an affidavit and with the corresponding support, through RENACE, the entity reports monthly to MINAM, during the first 20 business days following the reporting period:

- Their monthly consumption and expenditure of energy, water, paper and related materials, fuel, and the recovery of solid waste
- Documents on the designation of the person responsible for the management of eco-efficiency, formation of the Eco-Efficiency Committee, institutional eco-efficiency plan, directive or eco-efficiency guidelines

Relevant definitions

Article 5 of the Draft establishes, among others, the following definitions:

Definitions

Sustainable public procurement

This refers to the process by which organizations meet their needs for goods, services, works and utilities using their resources optimally throughout its useful life, so that benefits are generated not only for the organization but also for society and the economy, while minimizing damage to the environment.

Important:

- According to the Fifth Supplementary Final Provision of the Draft, within a maximum period of six months from the entry into force of the Supreme Decree, the 'Multisectoral Commission on Sustainable Public Procurement' will be created, chaired by the Ministry of Economy and Finance (MEF in Spanish). The purpose of this commission is to analyze and search for technical agreements and mechanisms to make sustainable public procurement operational. Thus, within 12 months of its establishment, the commission prepares/proposes the National Action Plan for Sustainable Public Procurement.
- According to the Sixth Supplementary Final Provision of the Draft, MINAM, in coordination with the Public Procurement Central (PERÚ COMPRAS) and the Organismo Supervisor de las

Contrataciones del Estado (OSCE), should promote the incorporation of sustainability criteria in the procurement of goods and services.

Sustainability criteria

This characteristic or requirement of the good or service related to the environmental, social or economic performance seeks to eliminate, minimize or control negative effects on the environment and society, maintaining the quality of the good or service.

Eco-efficiency culture

This comprises a set of knowledge, behaviors, attitudes and experiences that characterize the members of an entity, related to the efficient use of the resources and inputs they use during their activities, and the proper management of their solid waste. It is reflected in the labor practices of public servants.

Eco-efficiency

Eco-efficiency is defined as the aspect of sustainability that relates to the environmental performance of a process, good and/or product to its value, considering a life cycle approach.

Energy efficiency labelling (EEE in Spanish)

Information regarding energy consumption and energy efficiency range of energy equipment, according to the standard that regulates the matter.

Electrical and electronic equipment waste (RAEE in Spanish)

Electrical or electronic equipment that has reached the end of its life due to use or obsolescence and are disposed of or discarded by the user. It also includes components, accessories and consumables.

Extended producer liability (REP in Spanish)

Approach by which manufacturers, importers, distributors and traders hold product liability throughout the product's life cycle, including the post-industrial and post-consumer phases, considering the stages of waste collection, transport, recovery and final disposal, in an environmentally appropriate manner.

Repealed rules linked to eco-efficiency in the public sector

Through the Single Derogatory Complementary Provision from the Draft, the following rules will be repealed:

- Supreme Decree No. 009-2009-MINAM, approving eco-efficiency measures for the public sector
- Supreme Decree No. 004-2011-MINAM, which approves the gradual application of the percentages of recycled material in plastics, papers and cartons that must be used and purchased by the public sector
- Supreme Decree No. 013-2018-MINAM, which approves the reduction of single-use plastic and promotes the responsible consumption of plastic in the entities of the executive
- Ministerial Resolution No. 021-2011-MINAM, which establishes percentages of recycled material in plastics, papers and cartons to be used by public sector entities
- Ministerial Resolution No. 083-2011-MINAM establishing provisions for the implementation of the provisions through Ministerial Resolution No. 021-2011-MINAM

We trust that this information will be relevant to you. If you need to delve into the subject, please [contact us](#).

Eco-efficiency; Public Administration; Public Law