

Environment 2018

Dominican Republic

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Guzmán Ariza

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Reference

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1 Are there any environmental rights or protections included in your Constitution? If so, please describe the provisions and their implications.

The 2010 Constitution of the Dominican Republic indicates that natural resources are the nation's heritage and that their rational use must be authorised by the state.

It also recognises collective and diffuse rights and interests, which are exercised under the conditions and limitations established in the law. It protects: (i) the conservation of the ecological balance, of the fauna and flora; (ii) the protection of the environment and (iii) the preservation of cultural, historical, urban, artistic, architectural and archaeological heritage.

Therefore, it is the duty of the state to prevent pollution, protect and maintain the environment for the benefit of present and future generations.

2 What is the environmental statutory and regulatory framework? Are environmental requirements imposed by sector or on a general basis? Please identify the primary environmental statutes and regulations and the agencies with responsibility for environmental regulation and enforcement.

The most important legal instrument is the Constitution of the Dominican Republic, which mandates the preservation and protection of the environment and natural resources and grants the right to sustainable use of the environment and natural resources.

The Environmental and Natural Resources Law No. 64-00 (the Environmental Law), enacted in 2000, establishes the basic principles of environmental protection, management and use of natural resources, and the civil and criminal liabilities and penalties.

Additionally, there are other legal instruments that complement the Environmental Law, such as: the Protected Areas and Biodiversity Law No. 202-04, the rules to obtain environmental authorisations, and the technical rules approved by the Ministry of Environment and Natural Resources pertaining to air quality protection, water disposal, forestry management, solid waste management, toxic waste management, noise controls, water quality and labelling for hazardous substances, among others.

3 Please identify major environmental treaties and conventions that your jurisdiction has ratified or to which it is otherwise subject?

The Dominican Republic, as a member of the international community, encourages and is bound by various conventions and declarations regarding environmental matters, namely:

- the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES);
- the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78);
- the Convention on the Conservation of Migratory Species of Wild Animals;
- the Montreal Protocol on Substances that Deplete the Ozone Layer;
- the Vienna Convention for the Protection of the Ozone Layer;
- the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal;
- the Rio Declaration on Environment and Development;
- the United Nations Framework Convention on Climate Change;
- the Convention on Biological Diversity;
- the United Nations Convention to Combat Desertification;
- the Kyoto Protocol;
- the Stockholm Convention on Persistent Organic Pollutants; and
- the Dominican Republic–Central America Free Trade Agreement (DR-CAFTA), among others.

4 What is the environmental permitting process in your jurisdiction? Are separate permits required for air, water and waste? Are permits required as a condition to commencing construction of a facility? What is the average timeline for a facility to obtain environmental permits?

A developer must obtain the corresponding environmental authorisation before starting any activity that may affect the environment and natural resources, including non-industrial projects. Activities are divided into four categories (A, B, C, and D) Categories A and B (environmental licence and environmental permit, respectively) require a stricter environmental

assessment, while categories C and D (environmental authorisation and minimal impact registration certificate, respectively) are used to regulate activities with less environmental impact.

According to the regulations on environmental authorisations, in order to obtain any permission or licence a project developer should complete the following procedure: submission of request of the environmental authorisation before the Ministry of Environment and Natural Resources; inspection by the government technicians; issuance of the terms of reference, if applicable, which include the basis for the preparation of an environmental assessment; preparation and filing of the correspondent environmental assessment; public hearings, for those projects with a high possibility of causing significant environmental impact. In these cases, and after such hearings take place, the public is entitled to present any comments and objections during a 15-day period. Once these steps are completed, it is up to the Ministry of Environment and Natural Resources to issue or reject the corresponding authorisation, which will contain the compliance obligations to be followed by the developer.

The environmental authorisations regulate all the possible impacts that an activity can generate, either in relation to the air, water and waste. The average timeline to obtain an environmental permit would depend on the category of the activity, according to the information above. Categories A and B (environmental licence and environmental permit, respectively) require a stricter environmental assessment and would take approximately seven months, while categories C and D (environmental authorisation and minimal impact registration certificate, respectively) would take a maximum of two months.

5 Please explain the role of a “social licence to operate” in your jurisdiction.

The regulation on environmental authorisations, indicate that as part of the process to obtain an environmental permit it is mandatory to do public hearings, after such hearings take place, the public is entitled to present any comments and objections during a 15-day period. The opinions of the communities near the project are evaluated to determine the social impact that the activity will have. It is likely that a project with a significant social impact will be rejected.

6 Is there private ownership of oil, gas and minerals in your jurisdiction? If not, how are concessions granted and what environmental considerations apply?

The Ministry of Industry and Commerce is the institution responsible for coordinating the process of permits and licenses for the storage, distribution and sale of oil, with the aim of contributing to the development of the sector and easy access to purchase by consumers.

The Ministry, in compliance with law 37-17, organises the delivery process of permits and distribution licenses, commercialisation of Natural Gas, LPG, Gasoline nationwide. Coordinate compliance with policies, regulations and regulations established for the national fuel industry, through the review and analysis of documentation submitted by clients interested in the sector and the coordination of the processing of permits and licenses. It also takes the registrations, permits and licenses in process and coordinates the necessary inspections and evaluations with the Quality Inspections Department, to help with managing compliance standards.

To obtain permits from the Ministry of Industry and Commerce, it is mandatory to obtain environmental authorisation, which requires the developer to comply with the environmental assessment process and prepare the necessary environmental studies.

7 What is the regulatory environment for renewable and alternative sources of energy and fuels?

The Law 57-07 of Incentive to the Renewable Energies dated 7 May 2007, regulates the concessions for the alternative energies in the Dominican Republic and grants fiscal incentives for the promotion and development of wind, solar projects, among others.

Law 64-00 regulates the environmental legal compliance of renewable energy projects and requires the obtaining of an environmental authorisation, which requires the preparation of environmental studies to determine the impact that the project will have in the construction and operation phases. The terms of reference that the Ministry of the Environment will issue for each project will be adapted to the proposed operations.

8 How are environmental laws and regulations enforced in your jurisdiction? Describe the approach to enforcement and the roles of the authorities responsible for enforcement.

The Ministry of Environmental and Natural Resources, as the governmental authority that regulates all matters related to the environment, is in charge of developing the policies regarding the environment, ecosystems and natural resources. It is the only institution capable of issuing environmental permits and imposing administrative penalties for infringements of the law (article 15, law 64-00).

There are vice ministries in the institution in charge of different environmental matters such as soil and water, environmental management, forestry resources, protected areas and biodiversity, and coastal and marine resources, among others.

Infringements of the Environmental Law and complementary regulations can result in criminal, civil and administrative penalties. If a third party commits an offence or crime against the environment, the Attorney General for the Defence of the Environment and Natural Resources can pursue a criminal action and start the corresponding investigations in search of evidence.

9 What types of administrative, civil and criminal penalties can be imposed for violations of environmental laws?

The Ministry of Environment and Natural Resources may impose several penalties through administrative action in case of non-compliance. Penalties can include closure or suspension of activities, fines, publication of penalty, and confiscation of equipments, materials, vehicles and products, among others. The environmental authority can suspend or cancel an activity whenever there is evidence of non-compliance with the environmental legislation.

Dominican courts are able to rule on environmental infringements to the extent that an offender would be held liable. Judges may impose compensation and restoration measures, imprisonment and fines.

Criminal infringements are established by the criminal courts and they can impose the corresponding penalties as

established by the Environment Law and the Criminal Code of the Dominican Republic, for instance:

- imprisonment from six days to three years;
- confiscation of tools, equipment, raw material, machinery, vehicles and products obtained through illegal activities;
- enforcement of the liquidated damages in favour of the harmed claimants;
- enforcement the destruction of the illegal facilities operating without the correspondent environmental authorisation; and
- demanding the payment of a penalty ranging from the equivalent of one-quarter of the minimum wage to the equivalent of 10,000 times the minimum wage.

On the other hand, civil courts have jurisdiction to assess the damages and compensation measures attributable on the basis of the “polluter pays” principle, in accordance with the provisions established by the environmental legislation and civil law.

10 How and under what authority are air emissions regulated in your jurisdiction?

Law 64-00 and special regulations regulate air emissions in the Dominican Republic, via the Ministry of Environment and Natural Resources.

In addition, and in order to ensure compliance with the international commitments the country has as member of the United Nations Framework Convention on Climate Change and the instruments derived from it, particularly the Kyoto Protocol, The National Council to Climate Change and Clean Development mechanisms was created via Decree No. 601-08, dated 20 September 2008, with the aim of articulating and joining forces from the different institutions that make up the country’s development sectors to combat the global problem of climate change. It is chaired by the President of the Dominican Republic and is composed of the heads of the Ministries of Environment and Natural Resources, Economy, Planning and Development, Agriculture, Foreign Affairs, Finance, Industry and Commerce and Public Health and Assistance. Social. Also, from the Central Bank of the Dominican Republic, the National Energy Commission, the Office for the Reorganization of Transportation, the Superintendency of Electricity, the Dominican Corporation of State Electric Companies, the Association of Banks of the Dominican Republic, the Association of Industries of the Dominican Republic, the private generators of the national energy sector, the National Council of Private Enterprise and representatives of civil society organisations.

11 Who is liable for environmental contamination of soil, surface water and groundwater, and is the liability based on fault or on status? What reporting and notification obligations apply in the event of a spill or release or upon discovery of historical contamination?

The Environmental Law punishes any form of soil contamination in Dominican territory. Any individual or corporation that uses chemicals in its operations is required to request an authorisation from the Environmental Ministry. Moreover, the General Rule on Water and Disposal Control includes the levels and parameters of contamination allowed for different industries, which is subject to supervision by the corresponding authorities.

As for clean-up obligations, individuals or companies

responsible for an activity that causes soil degradation have the obligation of compensating for damages. If it is not possible to determine who caused the damage, the compensation process might be carried out by the Dominican government with national funds from the Environmental Ministry’s budget.

Finally, anyone who witnesses environmental damage has the obligation to inform the Ministry of the Environment and Natural Resources.

12 What is the law governing the remediation of contaminated property? What standards are applied to determine clean up levels?

Law 64-00 regulates the remediation of environmental damages. The aforementioned law establishes that anyone who causes damage to the environment or natural resources shall have full responsibility for the damage that may be caused and shall be obliged to repair it materially, at its cost, if possible, and indemnify it in accordance with the law.

The repair of the damage consists in the restoration of the situation prior to the event, in the cases that are possible; in the economic compensation of the damage and the damages caused to the environment or to the natural resources, to the communities or to the individuals.

To determine the magnitude or amount of damages incurred, the court will take into account the minutes drawn up by the technicians and inspectors and the formal reports evacuated from the Secretary of State for the Environment and Natural Resources and other environmental agencies of the state, without prejudice to the expertise and expertise that the judge of the case requires, ex officio or at the request of a party.

13 What is the nature of liability for damage to natural resources and who can enforce and recover for such damages?

Dominican legislation recognises civil, criminal and administrative liability for those whose actions or omissions cause damage to the environment.

In accordance with the Environmental Law and the polluter pays principle, anyone who causes damage (loss, reduction or deterioration) to the environment, natural resources or any of its components is held liable.

When a licence or authorisation holder inflicts damage on the environment, the process to determine the liability for the damage caused would depend on the terms’ limits or compliance framework set by the authorisation; therefore, if the authorities determine non-compliance in such terms they could penalise the holder.

On the other hand, if the polluter does not hold an environmental license or authorisation, any interested or affected party has the right to sue the polluters for the damage caused. In this case, the judge could request the input from an expert witness to assess the amount of damage involved in the infringement.

14 How are environmental issues typically addressed in property transfers or mergers and acquisitions? Are there any specific laws that govern environmental aspects of such transactions?

The main difference between acquiring shares and purchasing an asset is that the purchaser of the share will acquire the shares along with all the liabilities associated with said shares (ie, any company liability to the extent of the amount of shares

acquired). On the other hand, in an asset purchase, the purchaser would only acquire the liability associated with the asset. From an environmental perspective, it is necessary to determine the type of asset acquired, since an asset could hold liability to environmental damage (ie, the extent of the liability could encompass the real estate where the damage occurred).

Furthermore, in M&A transactions, it is important to pay special attention to the consequences of the strict and joint civil liabilities regimes for environmental damage and to the validity of environmental licences. In general, the following issues should be reviewed:

- environmental authorisations (scope and conditions);
- environmental compliance of the corresponding authorisation before the Ministry of Environment;
- technical compliance reports; and
- investigations of civil and criminal suits related to environmental damage.

Under Dominican law, a seller is not required to disclose environmental problems to the purchaser in a merger or takeover transaction but the disclosure is normally required by contract and covered by warranty clauses.

Environmental provisions set forth in the Dominican Environmental and Natural Resources Law are of public policy, therefore any agreements between the parties that minimises liabilities in the case of environmental damage will have no effect on third parties. However, it is possible to limit liability to an agreement between the parties, but such provisions will only be valid between them.

15 What environmental laws apply to the shut down or sale of a facility?

As we explain above (question 14), under Dominican law, a seller is not required to disclose environmental problems to the purchaser in a merger or takeover transaction but the disclosure is normally required by contract and covered by warranty clauses.

Environmental provisions set forth in the Dominican Environmental and Natural Resources Law are of public policy, therefore any agreements between the parties that minimises liabilities in the case of environmental damage will have no effect on third parties. However, it is possible to limit liability to an agreement between the parties, but such provisions will only be valid between them.

It is highly recommended to do an environmental due diligence before the shut down or sale of any facility both in the environmental conditions of the facilities and soil, as documentary.

16 Does your jurisdiction regulate or provide incentives to conduct environmental audits or assessments? If so, please describe.

Law 64-00 establishes that investments to protect or improve the environment and make a sustainable use of natural resources, will be subject to incentives that will consist of exoneration, partial or total, of taxes and import taxes, value added taxes, and shorter depreciation periods, in accordance with the regulations.

Additionally, the law establishes the National Environmental Award, which is granted periodically by the Executive Power, as recognition to natural or legal persons and institutions that have

excelled in the protection of the environment and sustainable management of natural resources.

Likewise, the companies that implement the environmental management system within the principles of the ISO-14000 norms or any other extra system of protection and environmental guarantee, will be recognised and benefited.

17 Are there any requirements for the conduct of environmental assessments or environmental impact assessments, such as a condition to obtaining a permit or in connection with a transfer of real property? If so, describe.

According to the regulations on environmental authorisations, in order to obtain any permission or licence a project developer should complete the following procedure: submission of request of the environmental authorisation before the Ministry of Environment and Natural Resources; inspection by the government technicians; issuance of the terms of reference, if applicable, which include the basis for the preparation of an environmental assessment; preparation and filing of the correspondent environmental assessment; public hearings, for those projects with a high possibility of causing significant environmental impact. In these cases, and after such hearings take place, the public is entitled to present any comments and objections during a 15-day period. Once these steps are completed, it is up to the Ministry of Environment and Natural Resources to issue or reject the corresponding authorisation, which will contain the compliance obligations to be followed by the developer.

With regard to the transfer of real estate property there is no legal obligation to conduct an environmental impact assessment. The buyer will be acquiring the environmental liabilities of the property and will be responsible to the authorities for any existing environmental damage.

18 What is the process and timetable for conducting and receiving approval of environmental impact assessments?

See question 17 regarding the process to receive approval of an environmental impact assessment.

The timeline to obtain the approval of environmental impact assessments could take around 7 months.

19 How are water rights allocated and transferred?

According to the provisions of the Dominican Constitution, water is part of the national patrimony. Generally, rivers, lakes, lagoons, beaches and coasts are considered public property and accessible to the public. The Dominican Constitution also stipulates that the law will set conditions to regulate water usage.

According to Law 305 dated 23 May 1968, the 60-metre coastal strip that runs parallel to the sea is considered part of the Nation's public property, and thus it can be accessible to the public. Similarly, there are regulations governing the existence and protection of surface waters and coastal areas.

20 What regulatory requirements apply to the discharge of industrial waste water in your jurisdiction?

The Ministry of Environment and Natural Resources has established technical regulations, which include quality parameters and maximum use permitted. For example, the Regulation on Underground Water Quality and Discharge Control seeks

to protect, conserve and improve the quality of natural water bodies, underground bodies of water, in particular, in order to guarantee the safety of its use and promote the preservation of adequate conditions for the development of ecosystems associated with water.

There are limits on the withdrawal and discharge of water and the percentage of effluent in relation to the receiving body of water, which are controlled by the Ministry. Moreover, controls are established depending on the particular conditions of the receiving body of water, its capacity to assimilate pollutants, yearly level variations and the characteristics of the water basins.

21 Are there any laws or regulations in your jurisdiction addressing climate change in your jurisdiction, such as regulation of greenhouse gas emissions? If so, describe the regulatory regime.

The current air emission legal framework in the Dominican Republic is based on two main regulations, the Environmental Regulation on Air Quality and the Environmental Regulation on Control of Atmospheric Emissions from Fixed Sources.

The Environmental Regulation on Air Quality determines the maximum amount of pollutant concentration permitted. The regulation is applicable to industries, businesses, projects, services or any activity that may cause pollution and affect air quality. Its overall purpose is the protection of public health. This regulation establishes limits for certain types of pollutants, as indicated in the following table.

Pollutant	Permitted limit	Time period
SO2 (sulphur dioxide)	100 mg/m3	Annual
CO (carbon monoxide)	10.000 mg/m3	8 hours
Pb (Lead)	2.0 mg/m3	Annual

The Environmental Regulation on Control of Atmospheric Emissions from Fixed Sources determines the maximum permitted amount of atmospheric emission from fixed sources. This acts as a compliance tool to satisfy the standards set by the Environmental Regulation on Air Quality.

22 Are there any chemicals or products that are subject to special environmental requirements in your jurisdiction, such as asbestos or PCBs?

To issue the appropriate environmental licence, the Environmental Law requires an environmental impact study for companies or individuals interested in developing activities that involve the importation, production or transportation of toxic, radioactive, corrosive or dangerous substances.

The Ministry of Environment has an updated list of products and substances considered hazardous for the environment and public health, such as radioactive and chemical substances, as well as others with similar conditions, which are prohibited from guaranteeing the safety of the environment and the people.

In addition to the Environmental Law, in the Dominican Republic all production activities are regulated by the Job Safety

and Health Regulation Act No. 522-06. This act aims to regulate the conditions in which labour activities must be carried out to avoid accidents and health issues at the job site. The provisions in the regulation apply nationwide to all jobs. This regulation also grants rights and establishes obligations both for employers and employees. The employer has the responsibility of providing safe and healthy workstations, which must be approved by the Ministry of Labour. The government institution in charge of supervising the correct enforcement of this regulation is the Industrial Safety and Hygiene Committee of the Ministry of Labour.

23 What legal protections are afforded to patrimony or cultural heritage and environmentally sensitive areas?

The Environmental Law and Sectorial Law No. 202-04 on Protected Areas regulate protected areas in the Dominican Republic. In addition, Executive Order 571-09 has created new protected areas, which must also be considered.

Protected areas consist of plots of land or sea especially dedicated to the protection and preservation of significant elements of biodiversity and natural or cultural importance.

The law contemplates six categories of protected areas whose objectives and uses corresponds to the categories established by the International Union for the Conservation of Nature (IUCN). These six categories are as follows:

- the protection of certain characteristics such as scientific reserves (category I);
- national parks (category II);
- natural monuments (category III);
- wildlife refuges (category IV);
- natural reserves (category V); and
- protected landscapes (category VI).

The Constitution and the Environmental Law stipulate that the Dominican government has the right to expropriate areas in order to preserve the environment. If expropriated, the owners must be duly compensated for their property at fair market value.

Depending on the type of protected area, the law may restrict the use and activities within said protected areas. In this sense, every activity or construction to be made within the limits of protected areas must be approved by the Ministry of Environment and Natural Resources.

Regarding the environmental sensitive areas, like wetlands or mangroves, the Dominican Republic is a member of the Ramsar Convention on Wetlands for the sustainable use and conservation of such areas.

24 What constraints are there on availability of landfills for disposal of waste?

According to the law 176-07, municipal councils must operate collection, treatment, transport and final disposal systems for non-hazardous solid waste within the municipality, observing the norms for the protection of the environment and health.

Environmental legislation does not allow landfills in the vicinity of beds, fountains, bodies of water, or in those places where runoff and infiltration can contaminate it. It is also not allowed to enable dumps near human settlements.

To authorise landfills, it is essential to carry out the necessary

environmental studies for the issuance of the corresponding permit.

25 What regulations or government initiatives are there in your jurisdiction relating to extended producer responsibility or to sustainability?

The draft of the law of solid waste is in the congress of the Dominican Republic, both the public and private sectors are supporting the approval of the law, as it will regulate the management of waste throughout its life cycle.

The bill will regulate the extended responsibility of the producer forcing them to ensure the correct disposal of waste until its final cycle.

26 Describe the laws in your jurisdiction regarding public access to information filed with environmental agencies and any protection from its disclosure to third parties. What right does the public have to access documents and reports filed with regulatory authorities? Describe the nature of and process for securing any protections for confidential business information or trade secrets.

The General Law of Free Access to Public Information, No. 200-04 dated 13 April 2004 establishes that every person has the right to request and receive complete, accurate, adequate and timely information from anybody of the Dominican State, and of all corporations, anonymous companies or companies for shares with state participation.

The Public Administration, both centralised and decentralised, as well as any other body or entity that exercises public functions or executes public budget, has the obligation to provide the information contained in written documents, photographs, recordings, magnetic or digital media or in any other format and that it has been created or obtained by it or that it is in its possession and under its control taxes.

According to the aforementioned law, information is considered to be any type of financial documentation related to the public budget or from financial institutions of the private sphere that serves as the basis for a decision of an administrative nature.

The request for information made by the interested parties may be rejected when it may affect interests and preponderant private rights, it will be understood that this circumstance occurs in the following cases:

1. In the case of personal data whose advertising could mean an invasion of personal privacy, however, the Administration could provide these data and information if in the request the applicant is able to demonstrate that this information is of public interest and that it will contribute to the elucidation of an ongoing investigation in the hands of another organ of the public administration.
2. When access to the information requested may affect the right to intellectual property, especially copyright of a citizen.

In the case of personal data, they must be delivered only when there is express, unequivocal proof that the affected party consents to the delivery of said data or when a law requires its publication.

27 What are the rights of the public or NGOs/environmental groups to participate in environmental permitting or

enforcement of environmental laws? Is such participation typical?

Law 64-00 guarantees the participation of civil society in environmental assessment processes, therefore any opinion that may be provided will be taken into account in the decision to approve an environmental authorisation.

Dominican legislation guarantees the participation of the communities and the inhabitants of the country in the conservation, management and sustainable use of natural resources and the environment, as well as access to accurate and timely information on the situation and their status.

28 What are the most significant current trends or issues in environmental policy, regulation and enforcement in your jurisdiction?

Construction and building development within the Dominican mountains has recently been regulated by administrative Resolution No. 0005-17 of 26 January 2017, amended by administrative Resolution No. 0009-17 dated 13 February 2017. Some of the obligations contemplated are: include a cost-benefit study within the environmental evaluation that justifies the intervention of the project, compared to the cost of correcting potential impact; the presentation of an archaeological survey; to create a trust where the Ministry of Environment and Natural Resources is beneficiary, to ensure compliance with the environmental management programme; among others.

Another trend is the issuance of Resolution No. 012/2017 dated 30 March 2017, which prohibits the importation and production of refrigeration, air conditioning and conditioning equipment using hydro chlorofluorocarbon as a refrigerant gas or any other ozone-depleting substance.

On the other hand, there are several law projects in Congress, in order to be approved:

- marine and coastal resources;
- solid waste management;
- payments for environmental services; and
- potable water and sanitation.

29 Identify and describe the significance of any noteworthy court litigation or other disputes or controversies in your jurisdiction regarding the environment.

The seller of a land in a protected area has the obligation to inform any buyer of that condition, since that fact constitutes a preponderant fact for the realisation of the sale, especially when the purpose of the acquisition of the land is the development of a tourist project. The land within a protected area is subject to a special legal regime that considerably limits the right to property, as established by Law 202-04 on Protected Area and Law 64-00 on Environment and Natural Resources, by which the state is granted a preferential right at the time of sale. According to articles 1134 and 1135 of the Dominican Civil Code, contracts must be executed in good faith, and that good faith imposes in a negotiation that is a duty of the seller to provide and clarify all the necessary information in relation to the property that it is to be sold.

30 What important features of your jurisdiction’s environmental laws are not covered by the previous questions?

It is important to mention the status of environmental taxes in the Dominican Republic. Currently the tax authorities along with the Ministry of Environment have not implemented the necessary environmental taxes yet to directly prevent activities that may have negative effects on the environment.

The first green tax established in the Dominican Republic was enacted in the 2012 tax reform. This reform established a tax on vehicles based on the percentage of the vehicle’s total value and its emissions of CO2 according to the table below:

CO2 emissions	Tax payable
Less than 120g CO2/km	0%
More than 120 until 220g CO2/km	1%
More than 220 until 380g CO2/km	2%
Over 380g CO2/km	3%

The Ministry of Environment has established administrative fees for the issuance of environmental permits on certain activities and projects. These fees are determined by taking into consideration the investment of the project and its main purpose.

On the other hand, both the Environmental Law and the Renewable Energy Law 57-07 established significant fiscal incentives and tax exemptions for investment projects that aim to protect and improve the environment, such as renewable energy projects, environmentally friendly technologies or recycling projects.



Giselle Pérez-Reyes

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Giselle Pérez-Reyes is head of our environmental and business department. Mrs Pérez-Reyes is a pioneer in the practice of environmental law in the Dominican Republic and one of its most experienced practitioners, ranked in Chambers and Partners as a recommended lawyer in the area.

She obtained a master's degree in environmental assessment and sustainability from the Universidad Complutense de Madrid and is certified on environmental management.

Mrs Pérez-Reyes advises tourism and real estate projects on land use, environmental feasibility of master plans, community issues and environmental compliance. Due to her experience in the area, she has obtained environmental authorisations and exemptions for the development of tourism projects in sensitive natural areas.

She also advises non-profit organisations and government institutions on projects with significant environmental impact and has developed environmental management programmes in construction projects, agribusiness and film industries projects.

Mrs Pérez-Reyes has extensive experience coordinating multi-disciplinary technical teams in the elaboration of complex environmental studies and has participated in the development of strategies in significant environmental litigations.



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Fabio J Guzmán-Saladín is the main point of contact within the firm for the corporate clientele. With an MBA from IE Business School in Madrid (one of the world's top business schools), as well as a summa cum laude law degree, he understands the needs of the business and commercial clients of the firm.

As the team leader of the corporate department working out of the Santo Domingo office of the firm, he has represented multinationals in complex contract negotiations with local government entities and local partners, as well as top-tier investment banks interested in financing local and international corporations working in the Dominican Republic.

Mr Guzmán-Saladín's main practice areas are corporate and business, mergers and acquisitions, project finance, banking, insurance and securities, international trade and investments, government relations, intellectual property, construction, energy law, environmental law, consumer law, labour law, telecommunications and technology, sports and entertainment, alternative dispute resolution, real estate and condominium law.

Fabio J Guzmán-Saladín is member of the board of the Dominican-German Chamber of Commerce, member of the Legal Committee of the National Association of Young Businessmen of the Dominican Republic (ANJE), and arbitrator at the Santo Domingo Chamber of Commerce.

He has published one book related on the abusive clauses in consumer law (2009).

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