

## Costa Rica Legal Highlights (Volume II, 2013)

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#### **Biofuels Bill Introduced in Legislative Assembly**

On June 5, a bill (No. 18789, the “Bill”) was introduced in Costa Rica’s Legislative Assembly that would establish a law governing biofuels (*Ley de Biocombustibles*). The Bill would officially create the National Biofuels Program, overseen by Ministry of Environment, Energy, and Oceans (“MINAE”). (Art. 3) The goals of the program include expanding the legal framework governing biofuel to develop the industry, and establishing technical criteria and other requirements for biofuel production, distribution, storage, and transport. (Art. 3) Costa Rica’s state oil refinery (“RECOPE”) would be responsible for coordinating research and development of large-scale commercial production. The National Institute of Agricultural Innovation and Technology Transfer (“INTA”) would be responsible for issues related to biodiversity, food security, and environmental sustainability. (Art. 4) The Ministry of Agriculture and Animal Husbandry (“MAG”) would be responsible for promoting the domestic production of biomass feedstocks. (Art 6)

Producers of biomass and biofuels would benefit from several initial tariff exemptions related to the import of processing machinery and equipment. (Arts. 22-24) End users would benefit from tax cuts on their purchases of biofuel. (Art. 25) These exemptions and tax cuts would last for a specific period of time following the enactment of the Bill. (Arts. 22-25) Producers of biofuels, and small and medium feedstock growers would have the option of participating in a stimulus program on the condition that they meaningfully contribute to the country’s environmentalism efforts. (Arts. 26-27) Authorized distributors would be permitted to market the biofuel to end users. (Art. 18) The storage and transport of biofuels would be required to meet previously established requirements set by MINAE or otherwise by law. (Arts. 19-20).

*Reference Sources (in Spanish):*

- [Costa Rica Bill No. 18789/2013](#)

#### **Environmental Impact Assessment Procedures Updated**

On July 17, 2013, Costa Rica’s National Technical Secretary for the Environment (“SETENA”) amended the General Regulation on Procedures for Environmental Impact Assessments, with the

publication of Decree No. 37803-MINAE-S-MOPT-MAG-MEIC (the “Decree”). The overall intent of the Decree is to streamline the review process for environmental impact assessments. The Decree adds a definition for “low potential environmental impact activities” (Art. 3) and exempts such projects from the SETENA environmental impact assessment approval process. It does not exempt such projects from environmental permitting requirements, environmental regulations of the relevant municipality, or of various federal agencies. (Art. 6) Developers will be required to submit shape and Google Earth (i.e., .shp and .kml) files showing the boundaries of proposed projects, to be maintained in an online database (Art. 8), but will also have greater flexibility to make adjustments to their project designs, construction plans and other activities, once approved (Art. 9).

*Reference Sources (in Spanish):*

- [Decree No. 37803-MINAE-S-MOPT-MAG-MEIC](#)

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