

May 8<sup>th</sup> 2003.Press Release.PR-017-2003

By Order of the Constitutional Court

### **SETENA Must Explain Why It Does Not Resolve Pending Actions of Mining Company**

- Magistrates are giving the Secretaría Técnica Nacional Ambiental, SETENA, as of today, three working days to pronounce against or in favor.

The Constitutional Court of the Supreme Court of Justice received last May 5<sup>th</sup>, the most recent Appeal on the grounds of unconstitutionality presented by Industrias Infinito S.A. (IISA), on which they argue that SETENA is violating the Constitutional Rights of request and reasonable dispatch by not solving a nullity incidental plea and challenge incidental plea presented since March 14<sup>th</sup> of the present year against Resolution # 272-2003 and against one of SETENA's officials.

This was notified yesterday, so the three working days term will expire next Monday when SETENA must declare before the Constitutional Court.

This is the second Appeal on the grounds of unconstitutionality presented by IISA after March 11<sup>th</sup>, when SETENA rejected, through a questionable procedure, the Environmental Impact Study of Crucitas Project because it was "incomplete"; reason why the Constitutional Court is currently analyzing another appeal.

### **Constitutional Court asks for an explanation of the delay of the answer**

In spite of the eight working day term that the General Law of Public Administration established for SETENA to resolve the appeals presented by Industrias Infinito against its decisions, almost two months have passed and SETENA has not replied yet.

"It is worth mentioning that the Secretaría took one year to resolve our situation with the Environmental Impact Study even though the law establishes a 45 days term to do so", IISA's General Manager, Jesus Carvajal mentioned and also added that this Appeal on the grounds of unconstitutionality resolved by the Constitutional Court seeks to avoid similar situations in the future.

"SETENA has currently three days to explain the lack of answers and, from there, we will be waiting for the final ruling of the Magistrates", Carvajal added.

Besides the legal actions presented to the Constitutional Court, the Canadian company, Vannessa Ventures, invoked agreement on the reciprocal protection of investments signed by Costa Rica and Canada in 1998. This measure, that was already reported to the

Minister of Foreign Trade, Alberto Trejos seeks to open dialogue in order to solve the Crucitas Project issues in a friendly way.

As it was mentioned before, the mine operations will generate around \$105 millions of financial benefits for Costa Rica, out of which \$15 millions will be for the neighboring communities, \$40 millions for San Carlos and the remainder for the rest of the country.