














5. Environmental and Social Action Plan



The Action Plan has been prepared considering the initial ESAP agreed with the Concessionaire and the Lenders for the Financial Close, findings from the site visit, and information submitted by the Concessionaire up to June 20th, 2024. The Concessionaire should fulfill each action within the established deadlines in concordance with international standards and local legislation. The status of each action will be evaluated according to the next color code:

-  **Solved:** Indicates actions that have been addressed by the Concessionaire and Arup has confirmed that the criterion/indicators that monitor the action have been fulfilled.
-  **Pending or delayed:** Indicates actions that have remained opened for several consecutive periods. The significance of the pending deadline is assessed based on the risk that the action poses on the Project.
-  **On track:** Indicates open actions that have been updated periodically by the Concessionaire and are currently monitored by Arup.
-  **New action:** Indicates new actions that have been opened during the current monitoring period.





Action ID	Proposed Action:	Status (June 2024)	Original Proposed Deadline	Color Code
1	<p>Environmental Liabilities:</p> <p>In 2018, Via 40 received 2 environmental licenses with outstanding environmental and social liabilities from the previous operator of the road. In accordance with Appendix 6/Chapter VII of the CA, the Concessionaire must comply with the pending obligations of the environmental licenses and perform an official closure with ANLA.</p> <p>As of November 2022, the Concessionaire has 12 environmental liabilities pending closure in the LAM 1838 process and 7 liabilities in the LAM2370 process. Activities for 3 out of 12 liabilities of LAM1838 have finished, but V40 is waiting for the official closure act from</p>	<p>Evidence of Compliance: Summary of pending environmental liabilities and tentative dates of closure.</p> <p>Status: The Concessionaire was able to perform most of the activities assigned in the liabilities. During this period, the ANLA certified the closure and compliance of three (3) requirements. However, there are still nine (9) pending actions and the ANLA opened two (2) new requirements for pending documentation evidence to submit.</p> <p>This action is marked "on track" until the Concessionaire can confirm the closure of the two environmental license files with the ANLA.</p>	Summary of the first post-financial closure monitoring and periodic updates until official closure from the ANLA.	






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	<p>ANLA. 4 out of 7 liabilities of LAM2370 are already finished, but V40 is waiting for the official closure act from ANLA. The Concessionaire commented that the Project team is prioritizing the closure of files to avoid ANLA incurring additional requirements retroactively, since at least 4 new items have arrived in 2022. V40 has accelerated the closure of these items by prioritizing the completion of the oldest actions and assigning specific responsible parties per UF and for the entire corridor. Responsibility is also clearly distributed between EPC and the Concessionaire for each of the liabilities.</p> <p>Arup recognizes that, while this could not be concluded before financial close, it is important to include this aspect in the ESAP as part of the periodic follow-up activities.</p> <p>UF: All PS/EP: PS1, PS3, PS4, PS5, PS6.</p>		First E&S monitoring report after the financial close.	
2	<p>Environmental Permits:</p> <p>Sections that require PAGAs must process all required permits with the environmental authorities. As of November 2022, Arup has identified at least 92 permits pending approval compared to 189 permits pending as of January 2022. To date, 10 permits have not been requested to the environmental authorities yet, but Arup does not identify a major risk for the Project's expected progress.</p> <p>UF: All PS/EP: PS1</p>	<p>Evidence of compliance: Periodic summary of the progress on environmental permits by UF.</p> <p>Status: The Concessionaire shared evidence on the progress made in terms of permits for the period. Up to June 2024, Arup does not identify a major risk of delays related to E&S permits.</p> <p>This action will continue to be permanently monitored until the end of the construction stage, which is why it will remain "on track."</p>	<p>First E&S monitoring report after the financial close.</p> <p>Periodic follow up for each E&S monitoring report until all permits are secured.</p>	 

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3	<p>ZODMEs:</p> <p>This action must be monitored until the Concessionaire secures all the ZODMEs required for the Project.</p> <p>UF: All</p> <p>PS/EP: 3</p>	<p>Evidence of compliance:</p> <ul style="list-style-type: none"> • Approvals of the ZODMEs under study or assessment. • Updated mass balance for ZODMEs. <p>Status: Up to June 2024, the Concessionaire has a ZODME capacity of 5,020,253 m³ and has used 3,166,243 m³ (63%). The Project's current disposal requirement amounts to 4,334,292 m³, so the disposal capacity is sufficient to accommodate this. The Concessionaire submitted status updates and permits for each of the ZODMEs, although this number may be lower as there is reuse of materials for construction uses, Arup does not identify any major risk related to excavation material management.</p> <p>This action is classified as "on track" given that the Concessionaire has one additional zone being processed.</p>	Periodic updates until all ZODMEs required for the Project are approved and closed.	
			First E&S monitoring report after the financial close.	
4	<p>Environmental offset plans and 1% Investment Plan:</p> <p>The Concessionaire should submit offset plan for each UF with information including size, type, and location of offsets including the 1% Investment Plan, associated activities, and the status of each one.</p> <p>UF: All</p> <p>PS/EP: PS6</p>	<p>Evidence of compliance: Updated summary of the status of each environmental offset plan for the Project including location, type of offset, and advance percentage including the 1% Investment Plan, associated activities, and the status of each one.</p> <p>Status: The 1% plan does not apply to the Project at this time as UF2 is on hold.</p> <p>Arup finds that the integrated offset plan for the obligations of UFs 1 through 7 meets the requirements of PS6. However, it is yet to be approved by CAR. Arup will report once the plan has been approved and execution starts.</p> <p>Although the execution of these plans does not pose a risk to the Project at this time, this action remains "on track" as updates are required for each monitoring report until all offsets are completed.</p>	First E&S monitoring report after the financial close	
			Updates for each monitoring period until all offsets are completed.	
5	<p>Cultural assets identification and management: The Concessionaire has identified cultural assets with information given by Fusagasugá and Melgar authorities. Flandes to Girardot cultural authorities' response is pending. Since cultural assets are not always documented or legally protected, the Concessionaire should consult other sources such as the community, cultural institutes, and groups of interests about the presence and significance</p>	<p>Evidence of compliance:</p> <ul style="list-style-type: none"> • Advances in the management of cultural assets aligned with PS8. • Documents related to the Project's impact on Cultural Heritage assets in UFs 3 and 4. 	First E&S monitoring report after the financial close.	

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	<p>of these assets. In addition, the Concessionaire stated management of Cultural Heritage assets in UF 3 and 4 is not required. It is important to clarify the Project’s impact on them to conclude if management strategies are needed.</p> <p>UF: All PS/EP: 8</p>	<ul style="list-style-type: none"> • Consultation process with the community, cultural institutes, and groups of interests to identify the presence and significance of cultural assets. <p>Status: By May 29th, 2024, the Concessionaire visited the site and verified the delivery of the monument by the artist hired for its restoration. According to the register shared, the monument seems to be in good condition. Arup considers that assets of cultural significance are being protected by the Project.</p> <p>This action is marked “on track.”</p>	Updates for each monitoring period until all cultural heritage-related activities are finished.	
6	<p>National Authority (ICANH) Requirements: During the mid-2022 ICANH visited the Project and gave different suggestions and improvements related to team capacity, technical procedures, and administrative answers for archaeology matters. There is pending information on the specialized qualifications of current staff, considering that ICANH noted the importance of having adequate professional profiles for managing rock art contexts in “Hacienda Tequendama”.</p> <p>UF: All PS/EP: 8</p>	<p>Evidence of compliance:</p> <ul style="list-style-type: none"> • CVs of the staff hired during the reporting period. • Records/minutes for all survey, monitoring, excavation, chance finds and find processing activities carried out during the reporting period. • Progress reports on all Preventive Archeology Programs and ICANH’s responses that took place during the reporting period. • Public archeology records for the activities developed during the reporting period. • Records/ minutes on the procedures related to the final tenancy of archeological finds. • Records on ICANH’s visits performed during the reporting period and responses given by the Concessionaire during the same period. <p>Status: Regarding the Project’s performance during the reporting period, all soil removal activities were overseen through archeological monitoring. Archeological heritage was also protected through trainings to construction staff. Several monitoring activities were reported for UFs 3, 5, 6, 7 with negative results. Surveys were made in UF6 with positive results and in UF7 with negative results. In PR 97+250 at the Granada municipality (UF7), four cuts were made, with 61 ceramic and four lithics found. All of the material found was rescued and delivered to the laboratory to undergo cleaning, storage and classification activities. Night-time monitoring activities took place in a total of 95 polygons from UF3, where the potential to find archeological materials is low. These have been carried out with the presence of an assistant of</p>	<p>First E&S monitoring report after the financial close.</p> <p>Updates for each monitoring period until all archeological heritage-related activities are finished.</p>	

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		<p>archeology who informs the Archeologist in charge of UF3 in case of findings. In addition, the material extracted was verified in the ZODME during the day. Such activities are being performed following H&S, lightning specifications, and other technical criteria.</p> <p>This action is marked “on track.”</p>		
7	Internal grievance mechanism	Status: Solved during the June-September 2023 period.	First E&S monitoring report after the financial close.	●
8	Working conditions by third parties	Status: Solved during the April-March 2023 period.	First E&S monitoring report after the financial close.	●
9	Retrenchment Plan	Status: Solved during the June-September 2023 period.	Second E&S monitoring report after the financial close.	●
10	<p>Noise and air pollution monitoring and mitigation measures: Arup identifies that the noise monitoring results in the baseline conducted in 2017 for the Project already have values that exceed the limits of the national and international standards. Considering this, the Concessionaire should ensure that these values are not further exceeded.</p> <p>Arup considers it appropriate that the Concessionaire and the EPC conduct at least an intermediate monitoring campaign for the construction stage and a monitoring campaign when the construction stage concludes. Arup is expecting the Concessionaire to submit evidence of the noise and air monitoring and comparisons with the baseline data. If the increase is not clearly attributable to the Project, the justifications, and the prevention and/or corrective actions taken should be also submitted.</p> <p>UF: All PS/EP: PS3</p>	<p>Evidence of compliance: Follow-up plans for noise and air monitoring considering the baseline measurements in each UF of the Project.</p> <p>Status: UFs 5 and 7 air and noise intermediate campaigns are expected. As of this period, only UF5 noise was received. Also, given the completion of construction activities and initiation of O&M at UFs 1 and 4, Arup is awaiting the results of air and noise monitoring to contrast the new conditions with the initial conditions of the Project.</p>	First E&S monitoring report after the financial close.	●
			Updates for each monitoring period until the construction phase is completed.	●

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11	Water and energy consumption data	Status: Action solved in the April-June 2023 period.	First E&S monitoring report after the financial close.	
12	H&S Management System – Review and implementation of the action plan	Status: Solved during the June-September 2023 period.	Follow-up H&S reports and continuous adjustments from lessons learned for each monitoring report after the financial close until the implementation is completed.	
13	<p>Archaeological Management Plan “Hacienda Tequendama”: Arup required the Archaeology Preventive Management Plan for Hacienda Tequendama as well as the ICANH’s approvals from the Concessionaire.</p> <p>UF: 7</p> <p>PS/EP: PS8</p>	<p>Evidence of compliance:</p> <ul style="list-style-type: none"> Monthly progress reports on the HT Conservation Plan and the ICANH’s responses that occurred during the reporting period. ICANH’s final approval for the final report of HT Conservation Plan and all Preventive Archeology Programs. CVs of the staff hired during the reporting period for HT activities. Records on the ICANH’s visits performed during the reporting period and responses given by the Concessionaire during the same period. <p>Status: Five teams have been working in the elaboration of the PMP: conservation, air, noise, orthophoto and geology. Monthly progress reports were delivered by GIPRI to the EPC and ICANH. Photographic records for 3D reconstructions and samples of the rocks and paintings were taken to eight (8) rock art stations. Samples were taken with the permission and company of the ICANH who oversaw the process. Geological analysis of the stations also took place. Noise and air quality monitoring was developed to analyze the environmental impact on the heritage. A glossary with the alterations and the conservation state of the rock art contexts has also been developed. These are inputs for the</p>	<p>First E&S monitoring report after the financial close.</p> <p>Updates for each monitoring period until all cultural heritage-related activities are finished.</p>	 

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		<p>conservation team to analyze the alterations and deteriorations to the stations in order to make a diagnosis of the zone.</p> <p>At least three additional rocks with art contexts have been found during the activities undertaken. This has informed to the ICANH, and arrangements are expected. Arup considers that these activities and the teams responsible for them have been working towards the conservation of critical heritage.</p> <p>The action is mark “on track.”</p>		
14	Resettlement Plan Update	Status: Solved during the June-September 2023 period.	Review of progress in framework, methodologies, schedules, functions, and responsible parties for the first E&S monitoring report after the financial close.	
15	Resettlement Plan – monitoring site visits:	Status: Solved during the June-September 2023 period.	Review of the Resettlement Plan for the second E&S monitoring report after the financial close.	
16	Resettlement Plan – vulnerable groups identification	Status: Solved during the June-September 2023 period.	Review of the Resettlement Plan for the second E&S monitoring report after the financial close	
17	Resettlement Plan - Compensations to third parties	Status: Solved during the October-December 2023 period.	Review of progress in framework, methodologies, schedules, functions, and responsible parties for the first E&S monitoring report after the financial close.	
			Review of the Resettlement Plan for the second E&S monitoring report after the financial close.	
18	Resettlement Plan - Depreciation costs.	Evidence of compliance: Solved during the October-December 2023 period.	Review of progress in framework, methodologies, schedules, functions, and responsible parties for the first E&S monitoring report after the financial close.	

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		<p>compare the life and livelihood conditions prior and after displacement; iii) procedures and/or KPIs to measure the effectiveness of the activities set as part of the programs against their objectives; iv) defining the adjustments required within the RAP.</p> <p>Arup highlights that adjustments to the RAP are expected and iterations are desirable, as part of the continuous improvement of the Plan.</p> <p>This action is marked “on track.”</p>		
20	Climate Change Risk Assessment - CCRA	Status: Solved during the October-December 2023 period.	Monitoring Period October-December 2023	●
21	Emergency Preparedness and Response – disclosure and training	Status: Solved in the July-September 2023 period.	October 2023	●
22	Evidence of protocols to improve Traffic Management Plans	Status: Solved in the July-September 2023 period.	October 2023	●
23	Involuntary resettlement	Status: Solved in the April-June 2024 period.	Updates for each monitoring period until the RAP started its implementation.	●
24	<p>Potential impacts to Azafranal community: Vereda Azafranal (Sylvania municipality) members have blocked the road in UF6 on two occasions: November 2022 and April 2023. The community presented claims about cracking in their housing alleging it was caused by Project’s work. Several grievances have been raised on this matter by the community and the Concessionaire has concluded that it is not responsible for the alleged damages using <i>Actas de vecindad</i>. However, it is important to technically assess and determine the causes of the problem.</p> <p>Since August 2022, work on some fronts have been stopped due to an increase in land movements. Land movement in Sylvania could pose risks to the communities.</p> <p>For the upcoming periods the Concessionaire should share:</p> <ul style="list-style-type: none"> The report about the threads to the community. 	<p>No blockades or demonstrations from the community have taken place in 2024. Furthermore, Arup considers that the Concessionaire is taking adequate measures to maintain the registers of household and infrastructure conditions and prevent any further negative responses from communities.</p> <p>For this period, the Concessionaire submitted evidence of a public meeting held with Sylvania’s mayor’s office and the chamber of representatives to inform these institutions of the ongoing situation with the Azafranal community and collaborate to solve the situation.</p> <p>Overall, Arup considers that the Concessionaire has worked actively and along local stakeholders to prevent any conflicts with the community and has taken measures to ensure that households are not affected by the Project’s construction.</p>	Updates for each monitoring period.	●

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	<ul style="list-style-type: none"> • The study to determine the cause of cracking issues. • Grievances received on this matter and management made by the Concessionaire. • Evidence on the periodic reports and information given to the community. • Evidence on the working tables with other stakeholders. <p>UF: All PS/EP: PS1, PS4</p>			