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Moratorium decree does not violate vested rights

Constitutional Court ratifies all the rights of Industrias Infinito on the Crucitas Project

- Magistrates describe government expressions regarding the mining issue as “simple informal declarations”

The Constitutional Court of the Supreme Court of Justice defined on a recent ruling that Executive Decree number 30477-MINAE, from June 5 of the current year, declaring an indefinite moratorium for opencast gold mining, does not affect Industrias Infinito’s vested rights for the development of the Crucitas Project.

“In other words, from the decree in question we can conclude that there is no violation whatsoever to the vested rights or the legal situations consolidated in favor of the companies that are currently carrying out the activity whose indefinite moratorium has been declared in this decree, since it clearly provides for its protection”, the ruling points out literally.

Let’s remember that provisional 1 of the decree quoted establishes that all “rights acquired before the publication of the current decree will be respected”

In view of the repeated public declarations of President Abel Pacheco and his Minister of Environment and Energy, Carlos Manuel Rodriguez, about the impossibility of developing mining projects in Costa Rica, the Costa Rican Chamber of Mining Industry filed legal action for the protection of the Constitutional right violated that had passed judgment on August 27.

The magistrates, who had ruled against the action and declared it unacceptable, expressed that the such decree is not a real or imminent threat for the Industrias Infinito SA company, concession holder of mining exploitation number 2594

“The fact that both, the President of the Republic and the Minister of Environment and Energy had made certain statements to the media...does not imply any threat to their fundamental rights since it deals with simple informal declarations, without there being any kind of act on the part of the Executive Power to keeping such companies from the exploitation of the concessions granted”, according to the ruling of the Constitutional Court.

When consulted about this, the General Manager of Industrias Infinito, Jesus Carvajal, said that “the statements of the magistrates are so clear that little remains to be added, however, we remain assured because of two aspects : first of all because this supreme Court has agreed with us and has determined, once and for all, the rules of the game in a country where we pride on respecting our legal framework and, in the second place,

because it ratifies and consolidates the legal firmness of our concession”, Carvajal concluded.