

April 25th 2003.Press Release.PR-015-2003

Constitutional Court Accepts Another appeal from the Mining Company Against SETENA

- After one month, SETENA has not replied to the nullity incidental plea and the appeal filed to reverse the judgment

During this week the Constitutional Court of the Supreme Court of Justice admitted a new Appeal on the grounds of unconstitutionality from Industrias Infinito S.A. (IISA). It was presented against the Secretaría Técnica Nacional Ambiental, SETENA, to request the resolution of the nullity incidental plea and the appeal filed to reverse the judgment filed against resolution # 272-2003 by which the environmental impact study for the development of Crucitas Project was rejected.

“Despite the eight working days that the General Law of Public Administration gave SETENA to pronounce on the appeals against its resolutions, the Secretariat did not reply (after more than one month) and that was why we did not have any other option but to appeal to the Constitutional Court”, IISA General Manager, Jesús Carvajal informed and also mentioned that the appeal was presented since March 14th.

The appeal (a 47 page document) replies to each one of the 36 criteria of a nine page resolution through which SETENA rejected the Environmental Impact Study presented on March 12th 2002 and solved one year later, in March 11th .

“With this action we are seeking to protect the company’s interest in the Crucitas Project development. SETENA is forcing us to do so since they are failing to comply with the new term given to solve any issues related to Industrias Infinito”, Carvajal added.

This action is added to the invocation of the Agreement between the Government of the Republic of Costa Rica and the Government of Canada for the Reciprocal Promotion and Protection of Investments..

This agreement, signed by both countries in March 1998 and ratified by the Legislative Assembly in May 1999, guarantees legal stability and security for Canadian investors in Costa Rica and encourages the principles of good faith, transparency and non-discrimination