

# ENVIRONMENT AND NATURAL RESOURCES CODE OF CAMBODIA

Ninth Draft – 17 July 2017

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## **BOOK 1 GENERAL PROVISIONS**

### **TITLE 1 GENERAL PROVISIONS**

#### **CHAPTER 1 PURPOSE, OBJECTIVES AND SCOPE**

##### **ARTICLE 1 PURPOSE**

The purpose of this Environment and Natural Resources Code is to enable the sustainable development of the Kingdom of Cambodia, by protecting the environment and conserving, managing, and restoring natural and cultural resources.

##### **ARTICLE 2 OBJECTIVES**

The following are the objectives of the Environment and Natural Resource Code:

- a) Protect the environment to avoid and mitigate disasters and environmental harm;
- a) Conserve, manage, and enhance biodiversity, natural resources, and ecosystem services;
- b) Preserve and promote the Kingdom of Cambodia’s national cultural resources, preserve

- prehistoric and historic monuments and artefacts and surface and sub-surface archaeology, and protect and restore historic sites;
- b) Guarantee and enhance the wellbeing of the people in accordance with the Constitution of the Kingdom of Cambodia;
  - c) Enhance and protect the rights of all individuals and the collective rights of indigenous people throughout the process of managing, protecting, and conserving natural resources throughout the Kingdom of Cambodia;
  - c) Encourage and enhance the rights of national and international organizations in the process of environmental protection and natural resource management in the Kingdom of Cambodia;
  - d) Ensure that all environmental considerations are fully integrated into all relevant national and sub-national planning and decision-making concerning economic and social development;
  - d) Promote a cooperative, transparent, and inclusive approach for environmental protection and natural resource management with participation of the Royal Government of Cambodia, communities, property holders, indigenous people, and vulnerable people, including minorities, women, youth, disabled people, and the marginalized;
  - e) Promote international environmental responsibilities in the Kingdom of Cambodia;
  - e) Enforce the international legal instruments to which Cambodia is a party; and
  - f) Implement vital legal principles and environmental policies stated in this Code.

### **ARTICLE 3 SCOPE OF APPLICATION**

The Environment and Natural Resource Code shall apply to all activities concerning the environment and natural resources in the Kingdom of Cambodia.

This Code shall apply to all policies, activities, and measures concerning to the environment and natural resources.

This Code shall also apply to all activities of natural persons and public entities and private entities operating in and outside of the Kingdom of Cambodia who cause impacts and effects on the environment and natural resource of the Kingdom of Cambodia.

This Code shall also be used as the basis for applying the meaning of international treaties and agreements to which the Kingdom of Cambodia is a party.

## **ARTICLE 4 OBLIGATION TO AVOID ENVIRONMENTAL HARM**

No natural person or legal entity shall commence any activity that causes or may likely cause environmental harm or damages unless such natural person or legal entity takes all reasonable measures to protect the environment and natural resources and prevent or minimise the environmental harm.

## **CHAPTER 2 GENERAL PRINCIPLES**

### **ARTICLE 5 THE PRINCIPLE OF PUBLIC PARTICIPATION**

All persons who may be affected directly or indirectly by a decision concerning the environment and natural resources shall be entitled to provide informed and timely inputs prior to the decision being made through a transparent, inclusive, and accountable process.

### **ARTICLE 6 THE PRINCIPLE OF ACCESS TO ENVIRONMENTAL INFORMATION**

All natural persons and legal entities shall have access to information concerning the environment and natural resources.

All information on environmental protection and natural resource management shall be made widely available and publicly accessible in a manner that maximizes the opportunity for public participation in planning and decisions affecting the environment and society.

### **ARTICLE 7 THE PRINCIPLE OF ACCESS TO EFFECTIVE REMEDIES**

All natural persons and legal entities shall have access to appropriate administrative, judicial, or other appropriate venues to enable the effective resolution of environmental dispute.

There shall be impartial and effective grievance mechanisms to enforce procedural rights, encourage compliance, and punish those who cause harm to the environment, society and natural resources.

### **ARTICLE 8 THE POLLUTER PAYS PRINCIPLE**

All natural persons, private legal entities, and public legal entities who cause harm to the environment and society shall bear the cost for repairing the harm and for measures to prevent, avoid, and mitigate the harm to the environment and society.

### **ARTICLE 9 THE PRECAUTIONARY PRINCIPLE**

In situations where the environment may be faced with threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental harm.

#### **ARTICLE 10 THE PREVENTION PRINCIPLE**

Actions to reduce or prevent environmental harm shall be taken before harm occurs, preventing harm rather than attempting to repair potentially irreversible harm.

#### **ARTICLE 11 THE PRINCIPLE OF INTERGENERATIONAL EQUITY**

The right to development, including decisions affecting the environment and natural resources shall be fulfilled so as to equitably meet the developmental, social, and environmental needs of both present and future generations.

#### **ARTICLE 12 THE PRINCIPLE OF NO NET LOSS**

The Royal Government of Cambodia and all natural persons and legal entities shall ensure that their actions do not cause a net loss of the Kingdom of Cambodia's stock of living natural resources and associated flows of goods and services. Should losses occur, these shall be mitigated by action that achieves ecologically equivalent gains in another location.

#### **ARTICLE 13 THE PRINCIPLE OF EVIDENCE-BASED DECISION-MAKING**

Decision-making concerning the environment and natural resources shall be transparent and evidence-based, using the best available information. The information may be scientific and technical and may also be gathered from community and indigenous knowledge.

#### **ARTICLE 14 THE PRINCIPLE OF GENDER EQUALITY IN ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES MANAGEMENT**

Gender equity and the participation of women in all aspects of decision-making concerning the environment and natural resources shall be promoted and encouraged.

#### **ARTICLE 15 THE PRINCIPLE OF PUBLIC INTEREST**

The public interest shall supersede the interests of private persons or legal entities in all decision-making concerning the environment and natural resources.

#### **ARTICLE 16 THE PRINCIPLE OF INTEGRATION**

Environmental protection and sustainable development objectives shall be integrated into development planning and decision-making, which shall include the integration of environmental protection, economic development, and environmental rights at the conceptual level and the implementation stage of policies and laws.

#### **ARTICLE 17 THE USER PAYS PRINCIPLE**

Users of natural resources shall pay the direct and indirect cost for the use of or impacts from use of natural resources.

## **ARTICLE 18 THE PRINCIPLE OF FREE, PRIOR, AND INFORMED CONSENT FOR INDIGENOUS COMMUNITIES**

Any proposed activity or project that may affect indigenous peoples' land or other resources, especially in relation to the development, use, or exploitation of natural resources, must receive the indigenous peoples' free, prior, and informed consent.

### **CHAPTER 3 JURISDICTION OF THE MINISTRIES OR INSTITUTIONS RELEVANT TO ENVIRONMENT AND NATURAL RESOURCES**

## **ARTICLE 19 SCOPE OF JURISDICTION OF THE COMPETENT MINISTRIES OR INSTITUTIONS**

Other competent ministries or institutions reserve the authority to implement their roles and responsibilities stated in this Code and other relevant legal instruments of the individual sectors.

In the case that this Code provides responsibilities to a particular ministry or institution that is either unclear or unaligned with the provisions stated in the other relevant legal instruments, the provisions in this Code shall be interpreted and they shall supersede.

## **ARTICLE 20 RESPONSIBILITIES OF COMPETENT MINISTRIES OR INSTITUTIONS RELEVANT TO ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES MANAGEMENT**

All relevant competent ministries and institutions shall have the following obligations and responsibilities:

- a) Implement their responsibilities and obligations to implement the provisions of this Code;
- b) Take necessary measures to exchange relevant information with other relevant ministries or institutions;
- c) Build capacity and provide knowledge on this Code for staff under its leadership;
- d) Enhance effective access to environmental information and public participation related to environment and natural resources;
- e) Prepare grievance mechanisms and provide solutions for the relevant environment and natural resources complaints under its jurisdiction, and manage the natural resources under the provisions provided in this Code or the authority under other legal instruments; and

- f) Coordinate all planning, programming, decision-making, and implementation related to the environment and natural resources in with the ministry or institution responsible for environment and other relevant ministries or institutions to ensure all actions are consistent with sustainable development objectives and this Code.

## **TITLE 2 PUBLIC PARTICIPATION**

### **CHAPTER 1**

#### **RIGHTS AND PROTECTIONS FOR PUBLIC PARTICIPATION**

##### **ARTICLE 21 RIGHT TO PUBLIC PARTICIPATION**

All natural persons have the right to public participation. Any natural person may exercise their right to public participation by:

- a) Reporting to relevant authorities and publishing information on activities or decisions that may impact the environment and natural resources;
- b) Raising questions about, requesting clarification on, objecting to, and meeting to discuss in a non-violent manner activities or decisions that may impact the environment and natural resources; and
- c) Filing complaints or an appeals regarding activities or decisions with the relevant ministries or institutions, the Environmental Dispute Resolution Panel, or a competent court in accordance with the provisions stated in Book 9 of this Code.

##### **ARTICLE 22 RIGHT TO PROTECTION FROM THREAT AND RETALIATION**

All persons who exercise their right to public participation as stated Article 21 above shall be protected from threat and retaliation in any form. No actions of public participation pursuant to this Title shall be the subject for prosecuting a criminal action or charging a civil offense.

The right to protection from threat or retaliation for public participation shall not prevent any person who commits a criminal offence s stated in this Code or the Criminal Code of the Kingdom of Cambodia or who commits a civil offense from being charged in accordance with the Criminal Code of the Kingdom of Cambodia or Civil Code of the Kingdom of Cambodia.

##### **ARTICLE 23 CRITERIA OF PUBLIC PARTICIPATION**

All project proponents and relevant ministries or institutions shall ensure that public participation processes for all activities or measures, including but not limited to administrative measures, environmental agreements, proposed policies, programs, projects, plans, activities or decisions, or the development of law and regulation relating to any matter under this Code are conducted in accordance with the following criteria:

- a) Early notification — Project proponents and relevant competent ministry or institution shall ensure that public notification is provided in a way that will allow a proper amount of time for participation in the relevant decision-making process;
- b) Accessible information — The project proponent or the relevant competent ministry or institution shall provide in a timely manner to all interested participants the information necessary to participate in the relevant decision-making process. Consideration shall be given to the appropriate language for this information and the need to use culturally sensitive means.
- c) Shared knowledge — The project proponent or relevant competent ministry or institution shall develop any project, plan, activity, or decision, including the development of policy, law, and regulation, on the basis of technical and scientific knowledge and community and indigenous traditional knowledge. Knowledge, concerns, values, and viewpoints of all parties shall be shared in an open, respectful, and timely manner. This includes information on the potential consequences of the project, plan, activity, or decision;
- d) Sensitivity to community values — The project proponent or relevant ministries or institutions shall carry out public participation processes in a manner that respects the needs and values of the different communities involved;
- e) Reasonable timing — The project proponent or relevant ministries or institutions shall provide participants with a fair and reasonable amount of time to evaluate and respond to the information presented on proposed projects, plans, activities, or decisions, including the development of policy, law, and regulation;
- f) Appropriate levels of participation — — The project proponent or relevant ministries or institutions shall provide for levels of participation that are commensurate with the level of public interest;
- g) Adaptive processes — All public participation processes shall be flexible and adaptive in keeping with the reasonable expectations of participants. The project proponent or relevant ministries or institutions shall design, implement, and revise public participation processes as necessary to match the needs and circumstances of the project, plan, activity, or decision, and to reflect the needs and expressed preferences of participants; and
- h) Transparent results — All comments from the public shall be considered in the decision-making process. At the final stage of the public participation process, the proponents or relevant ministries or institutions shall provide information and rationale on whether and how public input was considered or not considered and affected the final decision.



## **ARTICLE 24 REQUIREMENTS FOR PUBLIC PARTICIPATION**

Prior to any decision or approval being made under the provision of this Code, the relevant ministries or institutions shall agree that the full public participation has occurred as follows:

- a) All relevant information has been disclosed by appropriate means according to the needs of the stakeholders;
- b) Stakeholders have had reasonable time and opportunity to consider this relevant information;
- c) Stakeholders have been able to submit comments, inputs, and requests to the relevant ministries or institutions prior to the decision or approval being made;
- d) The relevant ministries or institutions have addressed the comments, inputs, and requests submitted by the stakeholders; and
- e) That the public participation was appropriate for the decision or approval being made.

## **ARTICLE 25 PROCEDURES FOR PUBLIC PARTICIPATION**

The ministry or institution responsible for environment shall develop a legal instrument on procedures for public participation. Other relevant ministries or institutions shall develop legal instruments on procedures for public participation relevant to their individual sector in accordance with the provisions in this Title.

### **CHAPTER 2**

#### **PUBLIC PARTICIPATION OF INDIGENOUS COMMUNITIES IN ENVIRONMENTAL AND NATURAL RESOURCE DECISIONS**

## **ARTICLE 26 EFFECTIVE PARTICIPATION OF INDIGENOUS COMMUNITIES**

The project proponent or relevant ministries or institutions shall provide the opportunity for the effective participation of indigenous peoples that may be impacted by an environmental or natural resource decision and shall be required to obtain their free and informed consent prior to the decision being made. Participation shall be free of intimidation, manipulation, and coercion. The opportunity to participate shall be provided in a timely manner and participants shall be fully informed of all relevant information in an appropriate language and format.

## **ARTICLE 27 FREE, PRIOR, AND INFORMED CONSENT**

The relevant ministries or institutions shall not approve any plan, program, or project proposal that may impact indigenous peoples without their free, prior, and informed consent.

## **ARTICLE 28 PROCEDURES FOR PARTICIPATION OF INDIGENOUS**

## **COMMUNITIES**

The relevant ministries or institutions shall develop legal instruments on procedures for consultation and participation of indigenous peoples in decisions impacting their land and communities.

### **CHAPTER 3 MITIGATION MEASURES**

#### **ARTICLE 29 REQUIREMENTS FOR MITIGATION MEASURES**

If mitigation measures are necessary for any decision that will potentially affect local communities, the project proponent and relevant ministries or institutions shall:

- a) Consult with affected local communities to identify impacts and agree on mitigation measures and benefit-sharing arrangements; and
- b) Ensure that mitigation measures are appropriate, sustainable, and governed by a commitment to non-discrimination, including gender discrimination, and that particular attention is given to persons who are vulnerable or most at risk as a result of the potential impacts of the decision.

#### **ARTICLE 30 INVOLUNTARY RESETTLEMENT**

If involuntary resettlement may be required for the proposed project, the project proponent or the relevant ministries or institutions shall ensure that the impacted community is provided with the opportunity to participate in the consideration of alternative options to avoid or minimize resettlement. Such opportunity for participation shall be free from intimidation, manipulation, and coercion.

#### **ARTICLE 31 RESETTLEMENT PLANNING**

If resettlement is unavoidable, the project proponent or relevant ministries or institutions shall ensure that the impacted community is provided with the opportunity to participate in resettlement planning in order to:

- a) Minimize negative resettlement impacts;
- b) Ensure future livelihood opportunities and access to social services equal to or better than conditions prior to resettlement; and
- c) Ensure that compensation by the project proponent or relevant ministries or institutions for lost properties and the impacts on livelihoods is fair, equitable, and acceptable, and is at minimum equal to market price plus the transaction costs.

## **TITLE 3 ACCESS TO ENVIRONMENTAL INFORMATION**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 32 OBLIGATION TO DISCLOSE AND DISSEMINATE INFORMATION**

All project proponents and relevant ministries or institutions shall disclose and make available for review all relevant information as defined in Article 34 of this Title prior to any decision being made affecting the environment or natural resources and regarding all administrative and legislative measures, environmental agreements, proposed policies, programs, projects, plans, activities, or other decisions under this Code.

Such information shall be disclosed and made available to ensure that all relevant stakeholders, including affected indigenous peoples, have the opportunity to effectively participate in all decision-making processes provided in this Code. The manner and form of disclosure may also be determined by the ministry or institution responsible for environment and any other relevant ministries or institutions.

The ministry or institution responsible for environment shall develop a legal instrument on the format and procedures for dissemination of information required to be made publicly available.

#### **ARTICLE 33 RIGHT TO REQUEST INFORMATION**

All natural persons have the right to request any information relevant to any matter under this Code as defined in Article 34 of this Title from relevant ministries or institutions or project proponents. The relevant ministries or institutions or project proponents shall be responsible for providing information to the requestor, subject to the requirements for confidentiality under Chapter 3 of this Title.

#### **ARTICLE 34 RELEVANT INFORMATION**

Information relevant to any matter under this Code includes:

- a) The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including climate and climate projections, wetlands, coastal and marine areas; biological diversity and its components, including genetically modified organisms; and the interaction among these elements;
- b) Factors, such as substances, energy, noise, radiation, or waste including radioactive waste, emissions, discharges, and other releases into the environment, affecting or likely to affect the elements of the environment;
- c) Measures, such as policies, legislation, plans, programmes, environmental agreements,

and activities, affecting or likely to affect the elements and factors referred to above as well as measures or activities designed to protect those elements;

- d) Rationale for measures, such as life cycle analyses, environmental assessments, vulnerability assessments, cost-benefit analyses, and other analyses and assumptions;
- e) Environmental Impact Assessment, Strategic Environmental Assessment, and other information as required by law, including but not limited to reports produced by project proponents pursuant to their Environmental Impact Assessment obligations, information on compliance with such assessment, including monitoring, reporting, and implementation and closure activities, all approvals and permits and conditions attached to these approvals and permits, and the results of commissions of inquiry into Environmental Impact Assessment or natural resources decisions;
- f) Individual and business relations of the project proponent, including other business enterprises or international or national lending institutions that are supporting the project or related activities either through credit loans or technical assistance;
- g) Instances of non-compliance with or violations of environmental laws, policies, regulations, and agreements;
- h) All environmental monitoring reports and environmental audits;
- i) Information about environmental and climate risks that affect the state of human health and safety, cultural sites, and built structures;
- j) The analyses of costs and advantages as well as the economic hypotheses used in the framework of the decisions and activities regarding elements, factors and measures as described in items a), b) and c) above;
- k) Reports on the implementation of the measures listed in item c) above and in implementation of multi-lateral environmental agreements;
- l) Information on effective access to judicial and administrative proceedings related to environmental issues; and
- m) Any other information that the ministry or institution responsible for environment determines to be relevant.

### **ARTICLE 35 PRESUMPTION OF PUBLIC INFORMATION**

All relevant information defined by Article 34 of this Title provided to any proponents or relevant ministries or institutions in accordance with this Code shall be presumed to be public information unless such information is treated as confidential defined in Chapter 3 of this Title.

**CHAPTER 2**  
**INFORMATION PROVIDED BY THE GOVERNMENT AND PROJECT**  
**PROPOSERS**

**SECTION 1**  
**GENERAL PROVISIONS**

**ARTICLE 36 PUBLIC ACCESS TO RELEVANT INFORMATION**

All relevant ministries or institutions shall ensure public access to relevant information as defined in Article 34 of this Title in compliance with the requirements of multi-lateral environmental agreements, national law, and other relevant obligations.

**ARTICLE 37 PUBLICLY ACCESSIBLE INFORMATION SYSTEMS**

All relevant ministries or institutions shall, with support from the Royal Government of Cambodia, shall develop publicly accessible information systems to provide to the public all information required to be made public under this Code.

**ARTICLE 38 PROCEDURES, TIMING, AND FORMAT FOR DISSEMINATION**

Any relevant ministries or institutions may establish a relevant legal instrument for procedures, timing, and format for the dissemination of relevant information on the relevant publicly accessible information systems.

**ARTICLE 39 PROCESS TO OBTAIN AND INTEGRATE INFORMATION**

The ministry or institution responsible for environment shall consult with all relevant ministries or institutions to establish a process to obtain and integrate relevant information obtained from different sources to be provided to national level and sub-national level decision-makers and the public.

**ARTICLE 40 OBLIGATIONS OF PROJECT PROPOSERS**

Project proposers shall ensure public access to relevant information as defined in Article 34 of this Title regarding projects and activities. Project proposers shall, subject to the requirements of this Title, also make any such information available to any natural person or legal entity upon request.

**SECTION 2**  
**REGISTER OF GOVERNMENT ENVIRONMENTAL INFORMATION**

**ARTICLE 41 ESTABLISHMENT**

The ministry or institution responsible for environment, in cooperation with the relevant

ministries or institutions, shall establish a Register of Government Environmental Information.

The Register of Environmental Information shall include all information provided to any relevant ministries or institutions in accordance with requirements under this Code.

#### **ARTICLE 42 PUBLIC ACCESSIBILITY**

The Register of Government Environmental Information shall be accessible to the public.

#### **ARTICLE 43 RESPONSIBILITIES, TIMING, AND PROCEDURES**

The ministry or institution responsible for environment, in cooperation with the relevant ministries or institutions, shall develop a legal instrument on environmental monitoring and information gathering responsibilities of all relevant ministries or institutions and timing and procedures for collection and dissemination of information required to be made available on the Register of Government Environmental Information.

### **SECTION 3 REGISTER OF PERMITS AND APPROVALS**

#### **ARTICLE 44 ESTABLISHMENT**

The ministry or institution responsible for environment, in cooperation with the competent ministries or institutions, shall establish a Register of Permits and Approvals.

#### **ARTICLE 45 TYPES OF INFORMATION**

The Register of Permits and Approvals shall include all permits, licences, and approvals issued by the ministry or institution responsible for environment or other relevant ministries or institutions in accordance with this Code.

The Register of Permits and Approvals shall include all permits that are required to be able to carry out activities or developments under this Code, all the relevant conditions attached to the permits, and all monitoring reports required under the permits.

#### **ARTICLE 46 PUBLIC ACCESSIBILITY**

The Register of Permits and Approvals shall be accessible to the public.

#### **ARTICLE 47 FORMAT, TIMING, AND PROCEDURES**

The ministry or institution responsible for environment, in cooperation with the relevant ministries or institutions, shall develop a legal instrument on format, timing, and procedures for dissemination of information required to be made available on the Register of Permits and Approvals.

**SECTION 4**  
**REGISTER OF ENVIRONMENTAL AUDITS**

**ARTICLE 48 ESTABLISHMENT**

The ministry or institution responsible for environment, in cooperation with the relevant ministries or institutions, shall establish a Register of Environmental Audits.

The Register of Environmental Audits shall include all any audits that are required to be able to carry out activities or developments under this Code and all the relevant conditions attached to the permits.

**ARTICLE 49 PUBLIC ACCESSIBILITY**

The Register of Environmental Audits shall be accessible to the public.

**ARTICLE 50 RESPONSIBILITY, TIMING, AND PROCEDURES**

The ministry or institution responsible for environment, in cooperation with the relevant ministries or institutions, shall develop a legal instrument on format, timing, and procedures for dissemination of information required to be made available on the Register of Environmental Audits.

**SECTION 5**  
**CAMBODIAN ENVIRONMENTAL MAPPING CENTRE**

**ARTICLE 51 ESTABLISHMENT**

Ministry or institution responsible for environment shall establish the Cambodian Environmental Mapping Centre.

**ARTICLE 52 RESPONSIBILITIES**

The ministry or institution responsible for the Cambodian Environmental Mapping Centre shall:

- a) Endeavour to compile geospatial data, information, and reports pertaining to natural resources and biodiversity mapping in the Kingdom of Cambodia produced by other relevant ministries or institutions, so that it may be incorporated into a national database of environmental data and information. The Cambodian Environmental Mapping Centre shall make such information and data available to the public without restriction;
- b) Endeavour to make all data provided to the Cambodian Environmental Mapping Centre available for public use, with the exception of those data that the ministry or institution responsible for the Cambodian Environmental Mapping Centre deem necessarily

withheld for the protection of endangered or rare species, protection of cultural resources, or matters of national security. If any data are withheld from the public, a specific written justification and explanation shall be provided by the ministry or institution responsible for the Cambodian Environmental Mapping Centre;

- c) Provide the opportunity for any decision to withhold data from the public to be reviewed by the office of the Minister the ministry or institution responsible for the Cambodian Environmental Mapping Centre. The decision of the Minister is subject to review by the Environment Dispute Resolution Council;
- d) Set data standards for the collection of new geospatial information and storage of existing data;
- e) Require that data be submitted to the Cambodian Environmental Mapping Centre in the technically standardized format specified by the Cambodian Environmental Mapping Centre;
- f) Require that geospatial data provided to the Cambodian Environmental Mapping Centre be accompanied by all available and relevant metadata;
- g) Require that geospatial data provided to the Cambodian Environmental Mapping Centre be quality-assured; and
- h) Ensure to the maximum extent practicable that collection of geospatial information and data related to specific subjects or sectors is not duplicated among government institutions, and that there is one specified official government institution source for data related to any given subject or sector.

### **ARTICLE 53 DISCRETIONARY RESPONSIBILITIES**

The Cambodian Environmental Mapping Centre may at its sole discretion:

- a) Produce maps and other data visualization products and provide these to other relevant ministries or institutions to assist in effectively carrying out their natural resource management authorities and obligations;
- b) Produce maps and other data visualization products for public education and outreach, in order to improve awareness of biodiversity conservation and natural resource management in the Kingdom of Cambodia;
- c) Establish quality assurance and quality control procedures for all maps and data visualization products produced by the Cambodian Environmental Mapping Centre;
- d) Provide for ongoing maintenance, curation, updates, and access to spatial databases hosted by the Cambodian Environmental Mapping Centre; and



- e) Promote, wherever possible, cooperative production, use, and analysis of geospatial datasets across ministries.

### **CHAPTER 3**

#### **TREATMENT OF CONFIDENTIAL INFORMATION**

##### **ARTICLE 54 RIGHT TO REQUESTING CONFIDENTIALITY**

Any legal entity or natural person providing relevant information as defined by Article 34 of this Title to relevant ministries or institutions that considers that all or some of the information should be treated as confidential has the right to make a request for such information to be treated as confidential and withheld from public disclosure.

##### **ARTICLE 55 REQUEST FOR REASONS**

Any relevant information as defined by Article 34 of this Title that is requested to be treated as confidential shall be provided separately from other information with a request to the relevant ministries or institutions outlining the reasons for treating such information as confidential.

##### **ARTICLE 56 CONSIDERATIONS**

The legal entity or natural person requesting that information be kept confidential shall indicate the relevant considerations for the determination of confidentiality and shall demonstrate that the potential harm caused by disclosing the information would outweigh the public benefit in releasing the information.

##### **ARTICLE 57 DETERMINATION**

The relevant ministries or institutions shall consider the request for information to be treated as confidential and make a determination on whether to accept or reject the request within forty-five (45) days.

##### **ARTICLE 58 TREATMENT OF CONFIDENTIAL INFORMATION**

If the relevant ministries or institutions accepts that the requested information be considered confidential, such information shall be marked confidential, shall not be released, and shall not be made publicly available.

##### **ARTICLE 59 WRITTEN DECISION**

The relevant ministries or institutions shall provide a written decision regarding the request for review within forty-five (45) days of receipt of the request for the review. The written decision shall include the rationale behind the decision and shall be made available to the public upon its issuance.

## **CHAPTER 4 REQUESTS FOR INFORMATION**

### **ARTICLE 60 RIGHT TO REQUEST INFORMATION**

Any legal entity or natural person has the right to request from the project proponent or the relevant ministries or institutions relevant information as defined by Article 34, except information determined to be confidential.

### **ARTICLE 61 CONDITIONS FOR REFUSING THE REQUESTS FOR MINISTRIES OR INSTITUTIONS**

The relevant ministries or institutions may refuse the request if:

- a) It does not hold the information requested;
- b) The request is manifestly unreasonable; or
- c) The request is too generally formulated.

The relevant ministries or institutions shall not refuse the request for information if the information requested has previously been provided or determined not to be confidential.

If a relevant ministries or institutions rejects a request for disclosure of information pursuant to this Article, the relevant ministries or institutions shall provide in writing the reason for rejection to the requestor.

### **ARTICLE 62 CONDITIONS FOR REFUSING THE REQUESTS FOR PROJECT PROPONENTS**

If a legal entity or natural person makes a request for disclosure of information to a project proponent pursuant to this Chapter, the project proponent may refuse to disclose such information if:

- a) It does not hold the information requested;
- b) The request is manifestly unreasonable; or
- c) The request is too generally formulated.

The project proponent shall not refuse the request for information if the information requested has previously been provided or determined not to be confidential.

If a project proponent rejects a request for disclosure of information pursuant to this Article, the project proponent shall provide in writing the reason for rejection to the requestor.

## **ARTICLE 63 PROCEDURES, TIMING, AND FORMAT**

The relevant ministries or institutions may develop a legal instrument on procedures, timing, and format for requests for information and may establish a dedicated office.

## **CHAPTER 5 COMPLAINTS AND ENFORCEMENT**

### **ARTICLE 64 RIGHT TO FILE A COMPLAINT**

Any person aggrieved by a decision by either a project proponent or any relevant ministries or institutions with regard to the provision of environmental information or a determination pertaining to confidentiality of environmental information reserve the right to file a complaint either with the court or with the Environmental Dispute Resolution Council as established in Book 9 of this Code.

### **ARTICLE 65 PROCEDURES FOR MONITORING AND ENFORCEMENT**

The ministry or institution responsible for environment shall develop a legal instrument on procedures for follow up and enforcement of this Title, which shall include but is not limited to reporting formats, indicators, feedback mechanisms, trainings, and resources to prepare reports.

## **BOOK 2 ENVIRONMENTAL ASSESSMENT AND MONITORING**

### **TITLE 1 RISK ASSESSMENT AND SUSTAINABILITY RISK ASSESSMENT**

#### **CHAPTER 1 RISK ASSESSMENT**

### **ARTICLE 66 SCOPE OF APPLICATION**

Risk Assessment shall be conducted by the ministry or institution responsible for environment or other relevant competent ministries or institutions prior to all decisions or approvals, including issuance of a permit or approval under this Code, for activities and projects that may have significant environmental impacts. A Risk Assessment may be prepared as part of a Strategic Environmental Assessment.

### **ARTICLE 67 PURPOSE OF RISK ASSESSMENT**

Risk Assessment shall be used to:

- a) Identify and evaluate potential risks to the environment, public safety, and human

health caused by a decision, approval, activity, or project under this Code;

- b) Identify and evaluate actual risks to the environment, public safety, and human health resulting from significant impacts on the environment caused by a decision, approval, activity, or project under this Code; and
- c) Identify and evaluate potential or actual risks to the environment, public safety, and human health in accordance with Book 6 Title 4 of this Code and Book 6 Title 5 of this Code.

#### **ARTICLE 68 OBJECTIVES**

Risk Assessments shall be conducted to:

- a) Identify and prioritize actions to be undertaken;
- b) Assist in the allocation of resources to minimize environmental harm;
- c) Determine the extent of restoration necessary to remedy adverse environmental impacts;
- d) Determine when restoration may be finished and completed;
- e) Ensure that funding is available for restoration of environmental harm caused by an activity or project;
- f) Inform members of the public; and
- g) Prevent and minimize further adverse environmental impacts.

#### **ARTICLE 69 REQUIREMENT FOR CERTIFIED CONSULTANT**

All Risk Assessments shall be conducted by a consultant that has been certified or approved to perform such work by the ministry or institution responsible for environment or other competent ministry or institution. Such consultant may be an Environmental Impact Assessment consultant.

#### **ARTICLE 70 LEGAL INSTRUMENT**

The ministry or institution responsible for environment shall prepare a legal instrument on Risk Assessments including but not limited to guidelines on the content and format of the Risk Assessment report, responsibilities of relevant ministries or institutions, and the required qualifications for certified or approved Risk Assessment consultants, using best practices and sound scientific and Risk Assessment principles.

#### **ARTICLE 71 REPORTS**

The ministry or institution responsible for environment or other competent ministries or institutions shall ensure that a report of the result of each Risk Assessment is prepared in accordance with the relevant legal instrument on risk assessment. Such Risk Assessment report shall be prepared and finalized by a consultant that has been certified or approved to perform such work by the ministry or institution responsible for environment or the competent ministries or institutions.

#### **ARTICLE 72 FALSIFIED PREPARATION OF RISK ASSESSMENT REPORT**

The Risk Assessment report preparation consultant shall be responsible for the preparation of Risk Assessment in accordance with the principles as stipulated in Articles 67, 68, and 70.

#### **ARTICLE 73 ACCESS TO INFORMATION**

A database of all Risk Assessment actions and finalized Risk Assessment reports shall be made publicly available by the ministry or institution responsible for environment in accordance with the access to information provisions in Book 1 Title 3 of this Code. Such database shall be maintained by the ministry or institution responsible for environment.

### **CHAPTER 2 SUSTAINABILITY RISK ASSESSMENT**

#### **ARTICLE 74 SCOPE OF SUSTAINABILITY RISK ASSESSMENT**

All financial institutions and legal entities providing financial guarantees, financial assurances, or loans to activities or projects shall conduct a Sustainability Risk Assessment to determine if the proposed activity or project has fully assessed and considered potential environmental impacts in the design, environmental management, operation, and closure of the proposed activity or project.

#### **ARTICLE 75 ASSESSMENT OF COSTS**

The Sustainability Risk Assessment shall ensure that the feasibility study for the proposed activity or project has included the costs of the Environmental Impact Assessment, the full funding of any environmental mitigation measures including but not limited to the ongoing costs of the Environmental Management Plan, all liabilities for resettlement and compensation for environmental harm, all required payment for ecosystem services, and sufficient financial assurances for closure, restoration, remediation, or decommissioning as may be required to meet any relevant legal requirements.

#### **ARTICLE 76 LIABILITY IF NO SUSTAINABILITY RISK ASSESSMENT**

All financial institutions and legal entities providing financial guarantees, financial assurances, or loans to activities or projects that do not undertake a Sustainability Risk Assessment shall be liable for any damages or compensation for significant impacts on the environment caused by the activities or projects.

## **TITLE 2 STRATEGIC ENVIRONMENTAL ASSESSMENT**

### **CHAPTER 1 STRATEGIC ENVIRONMENTAL ASSESSMENT**

#### **ARTICLE 77 FRAMEWORK OF ENVIRONMENTAL ASSESSMENT**

Environmental considerations shall be integrated into the development of policies, strategic plans, and programs of the Royal Government of Cambodia, as well as when reviewing comments received from relevant stakeholders.

#### **ARTICLE 78 RESPONSIBILITIES**

The National Council for Sustainable Development shall be responsible for:

- a) Making final decisions on Strategic Environmental Assessment processes and Environmental Impact Assessment reports;
- b) Determining key development sectors required to conduct Strategic Environmental Assessment;
- c) Cooperating with the ministry or institution responsible for environment to develop guidelines on such Strategic Environmental Assessment; and
- d) Demining structure of Strategic Environmental Assessment reports.

### **CHAPTER 2 STRATEGIC ENVIRONMENTAL ASSESSMENT PROCEDURE**

#### **ARTICLE 79 APPLICABLE PROPOSALS**

A Strategic Environmental Assessment shall be conducted on any proposal that:

- a) Is likely to have a significant effect on the environment; or
- b) Relates to any sector determined by the National Council for Sustainable Development.

#### **ARTICLE 80 IMPLEMENTATION OF STRATEGIC ENVIRONMENTAL ASSESSMENT**

The ministry or institution responsible for environment, in coordination with the National Council for Sustainable Development, shall develop a legal instrument, to provide further detail on the implementation of the Strategic Environmental Assessment procedure in this Title, including but not limited to:

- a) The detailed operation of the Strategic Environmental Assessment procedure in this Title;
- b) Criteria for determining the potential of a proposal to have a significant impact;
- c) The application of the public participation and access to environmental information provisions in Book 1 Title 2 of this Code and Book 1 Title 3 of this Code; and
- d) The content and structure of Strategic Environmental Assessment reports.

#### **ARTICLE 81 PROCEDURE**

The Strategic Environmental Assessment procedure shall include the following steps:

- a) Project screening;
- b) Project scoping;
- c) Preparation of the Draft Strategic Environmental Assessment Report;
- d) Public participation on the Draft Strategic Environmental Assessment Report;
- e) Preparation of the Final Strategic Environmental Assessment Report;
- f) Decision on the Strategic Environmental Assessment Report; and
- g) Application of the Strategic Environmental Assessment Report to the proposal.

#### **ARTICLE 82 JURISDICTION**

The ministries or institutions responsible for implementing the Strategic Environmental Assessment procedure shall be the ministries or institutions with jurisdiction on the sector that is the subject of the Strategic Environmental Assessment.

#### **ARTICLE 83 PUBLIC PARTICIPATION IN THE STRATEGIC ENVIRONMENTAL ASSESSMENT**

The public participation and access to information provisions in Book 1 Title 2 of this Code and Book 1 Title 3 of this Code shall be applied in all steps of the Strategic Environmental Assessment process.

#### **ARTICLE 84 PARTICIPATION BY WOMEN AND VULNERABLE PERSONS**

The ministries or institutions related to Strategic Environmental Assessment shall provide opportunities for women, children, disabled persons, vulnerable persons, ethnic minority groups, and indigenous peoples to participate in the Strategic Environmental Assessment

process.

#### **ARTICLE 85 CLIMATE CHANGE ANALYSIS IN STRATEGIC ENVIRONMENTAL ASSESSMENT**

The relevant ministries or institutions, in cooperation with the National Council for Sustainable Development and the ministry or institution responsible for environment, shall ensure that all projects and activities requiring Strategic Environmental Assessment include an analysis of climate change considerations in such assessment.

#### **ARTICLE 86 APPLICATION OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT**

The relevant ministries or institutions shall incorporate findings and decisions by the National Council for Sustainable Development into the proposal that each ministry or institution has proposed before it is finalized and shall demonstrate in the final proposal how the Strategic Environmental Assessment findings and decision were incorporated, including reasons for any changes made or not made, and for any alternatives selected or not selected.

The ministry or institution that is the proposal's owner shall do a presentation on its final proposal which includes a presentation on how to implement the decision and findings of Strategic Environmental Assessment report.

#### **ARTICLE 87 MONITORING**

The relevant ministries or institutions shall develop a program to monitor the environmental impacts resulted from the implementation of the proposed proposal.

The results of the monitoring report of Strategic Environmental Assessment shall be made publicly available to the relevant ministries or institutions and to the public in accordance with the provisions of this Code.

### **TITLE 3 ENVIRONMENTAL IMPACT ASSESSMENT**

#### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 88 ENVIRONMENTAL IMPACT ASSESSMENT**

This title determines environmental impact assessments caused by all development projects that may create impacts on the environment, health, society, economy and culture.

#### **ARTICLE 89 OBJECTIVES OF ENVIRONMENTAL IMPACT ASSESSMENT**

An Environmental Impact Assessment has the following objectives:



- a) To determine that Environmental Impact Assessment must exist for both public and private development project, before being submitted to competent unit or ministry and the Royal Government to make decision;
- b) To promote public participation and the rights of the public to receive information about development project that may cause impacts on environment, health, economy, society, and culture;
- c) To ensure that Environmental Impact Assessment is conducted in an effective, transparent, and equitable manner; and
- d) To promote the effectiveness of the establishment and the monitoring of the implementation of the measures for preventing, avoiding, or mitigating negative impacts as well as the measures for repairing, restoring, or compensating for the damages caused by development projects.

#### **ARTICLE 90 THE FRAMEWORK OF ENVIRONMENTAL IMPACT ASSESSMENT APPLICATION**

Environmental Impact Assessment applies to both public and private development projects which include proposed projects, existing projects and projects in operation in the territory of the Kingdom of Cambodia.

Environmental Impact Assessment also applies to development projects that have not conducted Environmental Impact Assessment including the projects that have received or have not received permission letter, licenses, decisions from competent ministries or institutions that approve the projects.

Environmental Impact Assessment also applies to any development projects that may cause trans-boundary impacts on environment, health, economy, society and culture in cases where there is an acceptance through a bilateral or multilateral agreement, or an international treaty on Trans-Boundary Environmental Impact Assessment to which the Kingdom of Cambodia is a signatory.

Criteria and the screening of the types of projects that are required to conduct Environmental Impact Assessment shall be determined by a specific legal instrument of the ministry or institution responsible for environment.

#### **ARTICLE 91 EXCEPTIONAL PROJECTS**

This Code does not apply to State's development projects or State activities that have been approved by the Royal Government or the National Assembly and that are considered to be necessary and emergency projects relating to national security, territorial integrity, national

sovereignty, or disaster management.

## **CHAPTER 2**

### **PRINCIPLES OF ENVIRONMENTAL IMPACT ASSESSMENT**

#### **ARTICLE 92 FUNDAMENTAL PRINCIPLE OF ENVIRONMENTAL IMPACT ASSESSMENT**

All development projects must properly assess the impacts on the environment, economy, society, health and culture with prior approval of the ministry or institution responsible for environment before being sent to the government for decision.

Issuance of licenses or permission letters to development projects by Approval Ministry-Institution shall be done in accordance with conditions determined in the Environmental Impact Assessment Approval Letter and Certificate. Licenses, permission letters, or decisions that are in contradiction to the spirit of this provision are considered null and void.

#### **ARTICLE 93 GENERAL PRINCIPLES**

An Environmental Impact Assessment process is not valid unless that Environmental Impact Assessment process is done in accordance with conditions and general principles provided for in this Code.

#### **ARTICLE 94 PRECAUTIONARY PRINCIPLE**

The Precautionary Principle shall apply to the direct and indirect risks of implementing the development projects the same way as what is provided in Article 9 of this Code.

## **CHAPTER 3 RESPONSIBLE UNIT**

#### **ARTICLE 95 RESPONSIBLE COMPETENCE**

The ministry or institution responsible for environment is the assisting body of the Royal Government that has exclusive competence in managing Environmental Impact Assessment.

The ministry or institution responsible for environment has the following duties and roles:

- a) Establishing Expert Review Committee as necessary;
- b) Issuing of the Environmental Impact Assessment Approval Letter and Certificate;
- c) Adopting Guidelines on Screening Criteria;

- d) Determining Criteria of the Scope of Project and Terms of Reference;
- e) Adopting Guidelines on Environmental Impact Assessment and/or Environment Management Plan;
- f) Implementing principles on Environmental Impact Assessment and/or Environmental Management Plan that have been approved and implemented by the ministry or institution responsible for environment;
- g) Adopting Guidelines for Public Participation in Environmental Impact Assessment process;
- h) Determining Conditions, Qualifications, formalities and Procedures for the Registration of Environmental Impact Assessment Consultants; and
- i) Establishing and developing the legal framework for the implementation of Transboundary Environmental Impact Assessment, including but not limited to legal instruments, guidelines, and the methodology of Transboundary Environmental Impact Assessment.

#### **ARTICLE 96 RESPONSIBILITIES OF THE ENVIRONMENTAL IMPACT ASSESSMENT UNIT**

The Environmental Impact Assessment Unit is the direct assisting body of the ministry or institution responsible for environment for Environmental Impact Assessment.

The Environmental Impact Assessment Unit has the functioning administrative structure at both national and sub-national levels.

The organization and functioning of the Environmental Impact Assessment shall be determined in a specific legal instrument by ministry or institution responsible for environment.

#### **ARTICLE 97 AUTHORITIES OF THE ENVIRONMENTAL IMPACT ASSESSMENT UNIT**

The Environmental Impact Assessment Unit has the following authorities:

- a) To review the Environmental Impact Assessment and issue permits and decisions on Environmental Impact Assessment related issues in accordance with the law and procedure in force after receiving the decision from the Minister of the ministry or institution responsible for environment; and
- b) To monitor, check, inspect, investigate, research, advise, and take actions itself or in cooperation with relevant stakeholders on the implementation of all projects and

activities.

## **ARTICLE 98 DUTIES AND ROLES**

The Environmental Impact Assessment Unit has the following duties and roles:

- a) Being in charge of implementing this law under the supervision of the ministry or institution responsible for environment;
- b) Being in charge of screening projects, determining the scoping of project, the terms of reference, reviewing Environmental Impact Assessment reports and all related documents, and ensuring that public participation is conducted in accordance with the provision of the Law; and
- c) Investigating and monitoring all project activities as set in the Environmental Management and Monitoring Plan after the project proponent has received the Environmental Impact Assessment Approval Certificate, to ensure compliance with this law.

## **ARTICLE 99 AUTHORITIES OF ENVIRONMENTAL IMPACT ASSESSMENT OFFICIAL**

Officials of the Environmental Impact Assessment Unit of the ministry or institution responsible for environment have the following authorities:

- a) To inspect and monitor compliance with the laws and regulations in force, guidelines, Environmental Protection Agreement, standards, Environmental Management Plans and other related environmental requirements. In necessary cases, Environmental Impact Assessment officials can order the project proponent to provisionally postpone activities or provisionally close the location of the project;
- b) To check documents and electronic data on environmental management and other records on development projects and project operations;
- c) To listen to and make minutes after listening to the answers of workers, employees, representatives of project proponents as well as other relevant persons;
- d) To order the workers, employees, managers, legal representatives, and agents of development projects to provide information, written documents, plans as well as minutes of all kinds that are related to the environmental management of a project proponent;
- e) To search the project site and seize evidence where a violation of laws or regulations on Environmental Impact Assessment or Environmental Management Plan is suspected

to have been committed;

- f) To meet with Boards of Directors, legal representatives, workers, and employees of development projects at least once per year in order to assess the implementation of this law and other relevant regulations; and
- g) To make minutes of searching and seizing of evidence in order to compile the case file of the commission of the offense against this or any other law in order to take measures in accordance with procedures in force.

## **ARTICLE 100 THE IMPLEMENTATION OF DUTIES AND ROLES OF CAPITAL AND PROVINCIAL DEPARTMENTS OF ENVIRONMENT**

Capital and Provincial Environmental Departments shall take part in implementing their duties and roles as stipulated in this Code in accordance with the laws and regulations in force as well as the assignment of the ministry or institution responsible for environment.

### **CHAPTER 4 ENVIRONMENTAL IMPACT ASSESSMENT PROCESS**

#### **SECTION 1 ENVIRONMENTAL IMPACT ASSESSMENT FOR PROPOSED PROJECTS**

#### **ARTICLE 101 PROJECT SCREENING**

The ministry or institution responsible for environment shall conduct screening to determine the type of development projects, to require the project proponent to prepare the following documents:

- a) An Initial Environmental Examination/Evaluation report with an attachment of Environmental Protection Agreement;
- b) An Environmental Impact Assessment report with an attachment of Environmental Protection Agreement; and
- c) An Environmental Protection Agreement.

The projects that are required to prepare Initial Environmental Examination/Evaluation or Environmental Impact Assessment, or Environmental Protection Agreement shall be determined by a legal instrument of the ministry or institution responsible for environment.

The projects that are required to prepare an Environmental Protection Agreement shall attach with it technical principles including but not limited to Environmental Protection Plan in accordance with the requirements of the ministry or institution responsible for environment.

The ministry or institution responsible for environment can determine additional screening of the type of project based on the scale of environmental and social impacts which shall be determined by a legal instrument of the ministry or institution responsible for environment.

#### **ARTICLE 102 TRANSFER OR CHANGE TO PROJECT PROPONENT**

In cases where there is any transfer or changes to the project proponent by any reasons, then the initial Environmental Examination/Evaluation and/or Environmental Impact Assessment Approval Letter and Certificate as well as contract and all conditions provided for in this paragraph shall be automatically transferred to the new project proponent. The Contract of Transfer or the changes of the project proponent shall not be valid for implementation unless the transfer or the changes are done after the ministry or institution responsible for environment has received notification about the changes.

#### **ARTICLE 103 REQUIREMENTS OF INITIAL ENVIRONMENTAL EXAMINATION /EVALUATION REPORTING**

Initial Environmental Examination/Evaluation report shall be required for:

- a) Projects listed in the specific legal instrument of the ministry or institution responsible for environment; or
- b) Projects that have prepared Environmental Protection Agreement and decided by the ministry or institution responsible for environment that they do Initial Environmental Examination/Evaluation.

When the proposed project is required to do an Initial Environmental Examination/Evaluation, the project proponent shall cooperate with consulting firms in order to prepare the Terms of Reference in accordance with the provisions and guidelines of the ministry or institution responsible for environment and submit to Environmental Impact Assessment Unit for final approval.

Project proponent and consulting firms shall prepare Initial Environmental Examination/Evaluation report based on the approved Terms of Reference.

#### **ARTICLE 104 REQUIREMENTS OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTING**

An Environmental Impact Assessment report shall be required for:

- a) Projects listed in the Sub-decree; or
- b) Projects that have received an Initial Environmental Examination/Evaluation and the result of the study demonstrate serious impacts on environment and society and the

ministry or institution responsible for environment requires the project to conduct an Environmental Impact Assessment.

When the proposed project is required to undertake an Environmental Impact Assessment report, the project proponent shall collaborate with consulting firms to draft the Terms of Reference in accordance with any provisions and guidelines of ministry or institution responsible for environment and submit to Environmental Impact Assessment Unit for final approval.

Project proponent and consulting firms shall prepare Environmental Impact Assessment report based on the approved Terms of Reference.

#### **ARTICLE 105 COMMENTS OF EXPERT REVIEW COMMITTEE**

All development projects that are required to perform an Environmental Impact Assessment are required to have technical comments from the Expert Review Committee.

The composition of the Expert Review Committee includes officials from the ministry or institution responsible for environment and relevant ministries and institutions, and independent experts with qualifications and appropriate experience in reviewing Environmental Impact Assessment reports.

Members of an Expert Review Committee shall be selected on a project-by-project basis by the ministry or institution responsible for environment based on the technical aspects of the Environmental Impact Assessment report.

The organization and functioning of the Expert Review Committee shall be determined by specific legal instrument of the ministry or institution responsible for environment.

The members of the Expert Review Committee shall be reimbursed for their services based on an agreement between the ministry or institution responsible for environment, each member, and project proponent.

#### **ARTICLE 106 REQUIREMENTS FOR ENTERING INTO ENVIRONMENTAL PROTECTION AGREEMENT**

An Environmental Protection Agreement shall be entered into by all projects that are listed in specific legal instrument of the ministry or institution responsible for environment or projects with little negative impacts on environment and society.

When the proposed project is required to conduct an EPA, the project proponent shall enter into to the EPA by attaching with it the technical principles including but not limited to Environmental Protection Plan and relevant documents and submit to Environmental Impact

Assessment Unit for final approval.

The form of EPA and EPP shall be determined by the ministry or institution responsible for environment.

#### **ARTICLE 107 VALIDITY OF INITIAL ENVIRONMENTAL EXAMINATION /EVALUATION REPORTS**

The Initial Environmental Examination/Evaluation or Environmental Impact Assessment report is only valid if:

- a) The report has been prepared by a legal entity to which the ministry or institution responsible for environment has granted accreditation as an Environmental Impact Assessment consulting firm; and
- b) The report has been prepared in accordance with the procedures, conditions and guidelines determined by a legal instrument of the ministry or institution responsible for environment.

#### **ARTICLE 108 ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANTS**

Environmental Impact Assessment Consultants, which could either be natural persons or legal entities, shall be under the management of the ministry or institution responsible for environment.

Environmental Impact Assessment Consulting Firms shall have Khmer nationality with the project team leader who is the consultant accredited by the ministry or institution responsible for environment.

All Environmental Impact Assessment consultants must be registered with the ministry or institution responsible for environment before professionally preparing Environmental Impact Assessment with an Environmental Impact Assessment consulting firm.

Registration of certificates of accreditation as an Environmental Impact Assessment Consultant shall be valid for a maximum period of five (5) years and may be renewed.

Qualifications, formalities, conditions and procedures for registration and renewal of registration for accreditation as Environmental Impact Assessment Consultant shall be defined by a legal instrument of the ministry or institution responsible for environment.

#### **ARTICLE 109 PERIOD FOR REVIEW AND COMMENT ON ENVIRONMENTAL PROTECTION AGREEMENT**

The ministry or institution responsible for environment has a period of 30 (thirty) working days



to review, comment, approve, reject, or require adjustment or correction to Environmental Protection Agreement and Environmental Protection Plan. The period is counted from the date of the submission of Environmental Protection Agreement, Environmental Protection Plan, and relevant documents.

#### **ARTICLE 110 PERIOD FOR REVIEW AND COMMENT ON INITIAL ENVIRONMENTAL EXAMINATION/EVALUATION**

The ministry or institution responsible for environment shall review and comment on the Initial Environmental Examination/Evaluation report within sixty (60) working days counting from the date of receiving the report. The period of sixty (60) days will expire when the ministry or institution responsible for environment has provided the comments regardless of whether the comment is in the form of rejection, approval, or an order to make modification or improvement on the reviewed report.

The period of sixty (60) days of working days for the review and comment shall always restart when the ministry or institution responsible for environment receives an application asking for review as well as the final Environmental Impact Assessment report which the project proponent has corrected in accordance with the order or instruction that ministry or institution responsible for environment has provided previously.

The project proponent shall be liable for any damages caused by their own mistakes for the slowness or failing to make correction in accordance with the above order or instruction.

#### **ARTICLE 111 PERIOD FOR REVIEW AND COMMENT ON ENVIRONMENTAL IMPACT ASSESSMENT**

The ministry or institution responsible for environment shall review and comment on the Environmental Impact Assessment report within ninety (90) working days counting from the date of receiving the report. The period of the ninety (90) days will expire when the ministry or institution responsible for environment has provided the comments regardless of whether the comments are in the form of rejection, approval, or an order to make modification or improvement on the reviewed report.

The period of ninety (90) days of working days for the review and comment shall always restart when the ministry or institution responsible for environment receives an application asking for review as well as the final Environmental Impact Assessment report which the project proponent has corrected in accordance with the order or instruction that ministry or institution responsible for environment has provided previously.

The project proponent shall be liable for any damages caused by their own mistakes for the slowness or fail to make correction in accordance with the above order or instruction.

## **ARTICLE 112 PUBLIC CONSULTATION MEETING**

During the period for review and comment determined in Article 110 and 111 of this Code, The ministry or institution responsible for environment shall review and comment on the Initial Environmental Examination/Evaluation or Environmental Impact Assessment report after:

- a) Listening to and considering the official presentation and defending of the report which is conducted by the project proponent and consulting firm;
- b) Considering the comments of direct or indirect project-affected people, opinion of the public and civil society;
- c) Considering the comments from relevant ministries or institutions; and
- d) Considering the proposed comments of the Expert Review Committee.

The ministry or institution responsible for environment is responsible for ensuring a fair public participation process by inviting representatives of relevant ministries or institutions, territorial authority, civil society, and project-affected persons to provide comments on the proposed project.

## **ARTICLE 113 APPROVAL OR REJECTION, OR ORDER TO ADJUST OR CORRECT INITIAL ENVIRONMENTAL EXAMINATION/EVALUATION OR ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

The provision of comments in the form of approval or rejection, or the ordering to make adjustments or corrections on Initial Environmental Examination/Evaluation or Environmental Impact Assessment shall be done by taking into consideration the advantages and disadvantages of environment, economy, society, and culture by examining the scope of the project, geographical location, potential impact, other special features of each project, and effectiveness of the implementation of management measures, and/or the protection of environmental quality and social impact mitigation in accordance with the level of the development of technology and science.

In case where the ministry or institution responsible for environment approves any Initial Environmental Examination/Evaluation or Environmental Impact Assessment report, the ministry or institution responsible for environment shall issue an Environmental Impact Assessment Approval Letter and Certificate for the project by attaching with it the Environmental Protection Agreement.

In case where the ministry or institution responsible for environment rejects an Initial Environmental Examination/Evaluation or Environmental Impact Assessment report, the ministry or institution responsible for environment shall provide the reasons for the decision.

In case where the ministry responsible for environment provide comments of ordering to make adjustments or corrections of the Initial Environmental Examination/Evaluation or Environmental Impact Assessment report, the ministry or institution responsible for environment shall provide reasons and clearly demonstrate the points that need to be adjusted or corrected.

#### **ARTICLE 114 GRANTING OF AN ENVIRONMENTAL IMPACT ASSESSMENT APPROVAL LETTER AND CERTIFICATE TO A LOCATION IN INDIGENOUS PEOPLE AREA**

Before the decision to grant an Environmental Impact Assessment Approval Letter and Certificate to development projects which are located in the areas where the indigenous people live, the ministry or institution responsible for environment, members of the Expert Review Committee and relevant stakeholders involved in the decision making must take strong heed and special consideration about the project in order to avoid negative impact on the culture, custom, tradition, livelihood, and the property of the indigenous people.

#### **ARTICLE 115 REJECTION OR ORDER TO ADJUST OR CORRECT**

The ministry or institution responsible for environment shall send the decision on the rejection or the order to make adjustment and correction in writing as well as the reasons or condition and/or the points that need to be adjusted or corrected to the project proponent and consulting firm in order to prepare the Environmental Impact Assessment report.

The ministry or institution responsible for environment shall send the Environmental Impact Assessment Approval Letter and Certificate as well as the Environmental Protection Agreement to the project proponent and relevant competent ministries and institutions including but not limited to Approval Ministries or institutions, Council for Development of Cambodia, Capital and Provincial Departments of Environment and relevant Commune and Sangkat Councils.

The ministry or institution responsible for environment shall disseminate its decision of approval which includes Environmental Management Plan and the above-mentioned relevant conditions to the public by making them publicly accessible in accordance with the circumstances and necessity.

#### **ARTICLE 116 PROHIBITION OF CONSTRUCTION ACTIVITIES OR PROJECT OPERATIONS**

Project proponents shall not commence any construction activities or Project operations until after the Environmental Impact Assessment Approval Letter and Certificate has been issued for the Project. The ministry or institution responsible for environment shall have the power to postpone all construction activities or Project operations that do not have an Environmental

Impact Assessment Approval Letter and Certificate.

All Concession Agreements that are granted by the Royal Government of Cambodia at both national level and Capital and Provincial level shall have an official Environmental Impact Assessment Approval Letter and Certificate with an attachment of Environmental Protection Agreement.

#### **ARTICLE 117 VALIDITY PERIOD OF ENVIRONMENTAL IMPACT ASSESSMENT APPROVAL LETTER AND CERTIFICATE**

The Environmental Impact Assessment Approval Letter and Certificate shall be valid for the life cycle of the project. In case where the ministry or institution responsible for environment finds that there are changes to Master Plan or that the Initial Environmental Examination/Evaluation or Environmental Impact Assessment reports are not adequate or effective for the implementation of impact mitigation measures, the ministry or institution responsible for environment has the rights to require the project proponent to re-prepare an Environmental Impact Assessment report and/or to update the existing Environmental Impact Assessment report in order to receive a new Environmental Impact Assessment Approval Letter and Certificate in accordance with conditions determined by ministry or institution responsible for environment.

### **SECTION 2 ENVIRONMENTAL IMPACT ASSESSMENT FOR EXISTING PROJECTS AND ONGOING PROJECTS**

#### **ARTICLE 118 INITIAL ENVIRONMENTAL EXAMINATION/EVALUATION OR ENVIRONMENTAL IMPACT ASSESSMENT REPORTING**

The ministry or institution responsible for environment in consultation with relevant Ministries or institutions shall prepare Guidelines based on project screening for the types of projects that have not conducted the Environmental Impact Assessment to require the project proponent to prepare an Initial Environmental Examination/Evaluation or Environmental Impact Assessment report for existing projects or ongoing projects.

The Guidelines shall be published within three (3) months after the ministry or institution responsible for environment has made decision on these guidelines.

Project proponents shall cooperate with consulting firms to complete their Initial Environmental Examination/Evaluation or Environmental Impact Assessment reports and submit these documents to the ministry or institution responsible for environment for review and comments in a period determined by the ministry or institution responsible for environment.

The ministry or institution responsible for environment shall review, comment, and make a decision on these Initial Environmental Examination/Evaluation or Environmental Impact Assessment reports in accordance with the provisions of Chapter 4 of this Code.

### **SECTION 3**

#### **CLIMATE CHANGE IMPACTS ASSESSMENT**

##### **ARTICLE 119 CLIMATE CHANGE IMPACTS ASSESSMENT**

The Environmental Impact Assessment must include assessment of impacts of proposed projects that contribute to climate change including a calculation of the greenhouse gas emission of the project including an analysis on future greenhouse gas emissions.

The project proponent shall assess both low greenhouse gas energy options and the need to mitigate climate induced changes to water supply.

##### **ARTICLE 120 ANALYSING AND ASSESSING POTENTIAL IMPACTS BY CLIMATE CHANGE**

All Environmental Impact Assessments must analyse and assess the potential impacts and vulnerabilities of the Project caused by climate change and development activities that are potentially imbalanced by affected environmental conditions, in order to achieve economic development with low greenhouse gas emission that is a primary target of Green Growth.

In conducting an Environmental Impact Assessment, the project proponent must include the assessment on the risks and vulnerability of the project to climate change, climate change resilience in order to propose mitigation measures for the risks of climate change impacts, and include emergency response planning and technology choices to prepare for climate change impacts.

### **SECTION 4**

#### **HEALTH IMPACT ASSESSMENT AND CUMULATIVE IMPACT ASSESSMENT**

##### **ARTICLE 121 HEALTH IMPACT ASSESSMENT**

All Initial Environmental Examination/Evaluations and Environmental Impact Assessments must include a Health Impact Assessment that includes:

- a) Baseline data on health in the project areas and of the affected populations;
- b) Description of potential project impacts due to construction, population influx and changes to the environment;
- c) The mitigation measures to offset, reduce or even eliminate negative impacts of the

project and measures that will be introduced by the project proponent to improve health of the local communities; and

- d) The issues related to monitoring health conditions and managing remaining impacts in the short and long-term for the project.

#### **ARTICLE 122 ANALYSING RISK OF HEALTH IMPACT ASSESSMENT**

In assessing the health impacts, project proponents must:

- a) Propose a safety and health management plan as part of the Health Impact Assessment for the working environment, analysing relevant risks and specific classes of hazards in the proposed project areas, including physical, chemical, biological, and radiological hazards; and
- b) Identify and assess the risks to, and potential impacts on, the safety and health of affected communities during the design, construction, operation, and decommissioning of the project, and establish preventive measures and management plans for the impacts during these stages.

#### **ARTICLE 123 CUMULATIVE IMPACT ASSESSMENT**

All Environmental Impact Assessments must analyse and evaluate the cumulative impact caused by existing and future projects in the surroundings of the Project, which may trigger significant environmental or social impacts.

In the cumulative impacts assessment report, the project proponent must evaluate the capacity of physical, biological and social economic resources to accommodate additional effects based on their own time and space parameters and project activities surrounding the project sites.

Project proponents must consider alternative mitigation measures to offset or avoid potential significant cumulative impacts.

### **CHAPTER 5 PUBLIC PARTICIPATION**

#### **ARTICLE 124 THE OBJECTIVE OF PUBLIC PARTICIPATION**

The main objective of public participation is to ensure that project-affected persons and relevant stakeholders:

- a) Are well informed about the project;
- b) Have the opportunity to be involved in the discussion and decision-making process

related to the project; and

- c) Have the opportunity to participate in the project monitoring.

Project proponents that are required to conduct an Environmental Impact Assessment shall include public involvement and consultation from local administrations, civil society, community representatives, the project-affected persons and other relevant stakeholders in the Environmental Impact Assessment process during project planning in order to:

- a) Identify areas of significance of environment, economy, society and culture;
- b) Collect opinions of stakeholders and integrate such opinions into the decision-making process;
- c) Review the project proposal and explain impacts on environment, economy, society, and culture; and
- d) Consider a wider range of alternatives and mitigation measures.

The public participation process in the stage of studying, consulting and reviewing the Environmental Impact Assessment report and project monitoring shall be determined by specific legal instrument of ministry or institution responsible for environment.

#### **ARTICLE 125 COMMENTS OF THE PUBLIC**

The Environmental Impact Assessment report shall:

- a) Record the public participation and the project proponent shall take this into account during the planning and conduct of Environmental Impact Assessment;
- b) Focus on the issues raised by women and those most vulnerable potentially impacted by the proposed project;
- c) Include the details of the project impacts on the public and the acceptance or rejection of the requests of the public; and
- d) Provide clear reasons why those concerns are rejected.

#### **ARTICLE 126 FREE, PRIOR, AND INFORMED CONSENT FOR COMMUNITIES**

The public participation process shall ensure that the consent of the project-affected communities to the proposed mitigation measures is based on the free, prior, and informed consent principle.

In the mitigation measures, the project proponent shall:

- a) Identify measures to improve the livelihood and to assist project affected persons; and
- b) Ensure that project-affected persons are involved in any resettlement planning to minimize the adverse effects of resettlement, to ensure that compensation for lost assets is fair, suitable and acceptable as equivalent to the market price and that the mitigation measures are appropriate and sustainable.

In cases where the project-affected community disagrees with the mitigation measures proposed by the project proponent, the development project still continues; however, the project proponent shall seek other appropriate mitigation measures or provide resolution of the impacts to the affected community.

The procedure of resettlement and solution of compensation to the affected community shall be determined by specific legal instrument of the ministry or institution responsible for environment.

The formalities and procedures of payment of compensation to the impacted community shall be determined by an Inter-Ministerial legal instrument between the ministry or institution responsible for environment and the ministry or institution responsible for economy and finance.

#### **ARTICLE 127 FREE, PRIOR, AND INFORMED CONSENT FOR INDIGENOUS PEOPLE**

Public participation for indigenous people in the public participation process requires the project's owner to provide a notice to the community about proposed mitigation measures of impacts before Initial Environmental Examination/Evaluation or Environmental Impact Assessment report is submitted to the ministry or institution responsible for environment. The project's owner shall provide sufficient time for the affected indigenous people community to consider such proposed mitigation measures of the impacts. The affected indigenous people community shall approve on the proposed mitigation measures of the impacts without any pressure or force from any natural person or legal entity.

The relevant indigenous people communities have rights to access to the free, prior, and informed consent for an approval of any development project that may affect their lands.

#### **ARTICLE 128 PUBLIC PARTICIPATION IN MITIGATION MEASURES**

The public participation process shall seek consent from the affected people by the project on the proposed mitigation measures. The project's owner shall provide a draft of the Environmental Management Plan that allows public participation in the monitoring process and compliance with requirements as stipulated in such Environmental Management Plan.

#### **ARTICLE 129 PUBLIC DISSEMINATION**



The ministry or institution responsible for environment shall ensure that Initial Environmental Examination/Evaluation and Environmental Impact Assessment reports and related documents, including the Environmental Impact Assessment Approval Letter and Certificate and Environmental Management Plan, shall be made publicly available, and that stakeholders and project-affected communities have access to clear and sufficient information.

At a minimum, the project proponent shall make publicly accessible copies of the Initial Environmental Examination/Evaluation or Environmental Impact Assessment, any Environmental Management Plan for the project, maps and plans of the project and all proposed mitigation measures for the project.

The procedures for public participation and access to information shall be determined by a specific legal instrument of ministry or institution responsible for environment.

## **CHAPTER 6 ENVIRONMENTAL MANAGEMENT PLANS AND MONITORING**

### **ARTICLE 130 MONITORING OF ENVIRONMENTAL MANAGEMENT PLAN IMPLEMENTATION**

The Environmental Impact Assessment Unit and Provincial/Capital Department of Environment are the monitoring authorities on Environmental Management Plans and following up on Environmental Management Plan implementation of project proponents by cooperation with the ministry or institution responsible for environment, relevant institutions, local authorities and stakeholders.

### **ARTICLE 131 PREPARATION OF AN ENVIRONMENTAL MANAGEMENT PLAN**

An Environmental Management Plan shall be prepared by the project proponent.

The Environmental Management Plan shall include the protection, mitigation, monitoring and management requirements that were identified in the Initial Environmental Examination/Evaluation and Environmental Impact Assessment reports.

The Environmental Management Plan shall be regularly updated to take into account any amendments in Environmental Standards, or changes in sector performance practices or other changing circumstances of the Project.

### **ARTICLE 132 INTERNAL ENVIRONMENTAL MANAGEMENT SYSTEM**

All development projects and project operators shall establish and maintain an Environmental Management System that shall ensure the self-monitoring procedures and methods as stipulated in their Environmental Management Plan.

In cases where the environmental impacts are greater than those estimated in the Environmental Impact Assessment report or Environmental Management Plan, then the ministry or institution responsible for environment shall require immediate action to remedy the impact or an adjustment of the Environmental Management Plan.

The adjusted Environmental Management Plan and monitoring program shall be approved by ministry or institution responsible for environment. A time limit to make adjustments or improvements shall be agreed upon in writing by all parties.

The project proponent shall prepare the environmental monitoring report every three (3) months and submit to Environmental Impact Assessment Unit for review and evaluation. The Environmental Impact Assessment Unit has the right to make site inspections and verify the monitoring data of the project proponent.

### **ARTICLE 133 RIGHTS TO REPORT ENVIRONMENTAL ISSUES**

Project-affected persons and all stakeholders shall have the right to report issues and grievances of environmental and social concerns to the project proponent and to petition competent authorities. Such issues will be addressed by a sub-national commission and it can continue to an inter-ministerial commission established as part of the Environmental Management Plan.

Relevant competent authorities shall respond to the grievance or petition and deal with concerned environmental and social issues within an appropriate time limit and inform the concerned persons accordingly.

The formalities and procedures of the grievance or petition shall be determined in accordance with procedure of environmental dispute resolution as stipulated in this Code.

### **ARTICLE 134 PROJECTS REQUIRED FOR EXTERNAL ENVIRONMENTAL AUDIT**

Those projects identified in the specific legal instrument of the ministry or institution responsible for environment on the list of projects that are required to have an external environmental audit shall be audited by an external environmental auditor as stipulated in a specific legal instrument on External Environmental Audit.

The external environmental auditor has the following roles and duties:

- a) Assist in maintaining proper environmental records correctly and completely;
- b) Provide a professional audit opinion as to whether the environmental statements present a full and fair view of the environmental management of a concerned project or its operations;

- c) Review the adequacy of internal environmental management and monitoring practices and procedures and make recommendations for remediation; and
- d) Inform about any irregularity or deficiency in its internal environmental management.

A copy of the audit report(s) produced by the External Environmental Auditor shall be made available to the ministry or institution responsible for environment.

#### **ARTICLE 135 ENVIRONMENTAL MONITORING REPORTING**

Each development project shall prepare an Environmental Monitoring Report of the project as follows:

- a) A Quarterly Report (every three months) covering all environmental management and monitoring results shall be submitted to the Environmental Impact Assessment Unit;
- b) Within three (3) months after the financial year the project proponent shall prepare and submit an annual environmental report, including the environmental auditor's opinions;
- c) Provide copies of the Project's annual environmental report to the public on request without charge; and
- d) Provide an electronic copy of the annual environmental report that shall be made publicly accessible by the ministry or institution responsible for environment and the project proponent.

#### **ARTICLE 136 QUARTERLY AND SEMI-ANNUAL REPORTS SUBMISSION**

Each development project with an Environmental Impact Assessment Approval Letter and Certificate shall submit a quarterly and semi-annual report to the Environmental Impact Assessment Unit concerning its environmental management and monitoring;

Project proponents have the obligation to promptly report a critical environmental problem to relevant and competent authorities and to the public to avoid negative impacts to the environment or society;

Project proponents shall provide information related to environmental management of the project to the ministry or institution responsible for environment in accordance with the request of the ministry or institution responsible for environment.

### **CHAPTER 7 TRANS-BOUNDARY IMPACT ASSESSMENT**

#### **ARTICLE 137 TRANS-BOUNDARY ENVIRONMENTAL IMPACTS ASSESSMENT**

A Project that has potentially significant trans-boundary environmental impacts is required to conduct a Trans-boundary Environmental Impact Assessment.

The ministry or institution responsible for environment shall establish Guidelines for screening criteria of environmental significance or thresholds for Trans-boundary Environmental Impact Assessment, in accordance with current principles of Trans-boundary Environmental Impact Assessment.

The formalities and procedure for the implementation of Trans-boundary Environmental Impact Assessment shall be determined by a specific legal instrument of the ministry or institution responsible for environment.

## **TITLE 4 ENVIRONMENTAL AUDITS, MONITORING, AND REPORTING**

### **CHAPTER 1 ENVIRONMENTAL AUDITS**

#### **ARTICLE 138 ENVIRONMENTAL AUDITS**

Implementation of any project or activity with approval or permit shall include conducting an environmental audit that is independent and documented.

An environmental audit includes as follows:

- a) Reviewing and ascertaining the project's or activity's compliance with the requirements of this Code and other legal instruments;
- b) Identifying the project or activity's ongoing impacts on the environment;
- c) Identifying any measures that may be adopted to rectify non-compliance; and
- d) Further minimizing impacts on the environment.

#### **ARTICLE 139 SCOPE OF PROJECTS OR ACTIVITIES SUBJECT TO ENVIRONMENTAL AUDIT**

Projects or activities that are the subject of an environmental audit and environmental audit procedure including timeframes shall be determined by relevant legal instrument of the ministry or institution responsible for environment.

#### **ARTICLE 140 ASSOCIATED COSTS**

All costs associated with the conduct of an environmental audit shall be borne by the operator

or owner of the project.

#### **ARTICLE 141 FAILURE TO COMPLY WITH AN ORDER OR REQUIREMENT**

In cases where a project or activity fails to comply with an order or requirement to conduct an environmental audit, the ministry or institution responsible for environment or an accredited environmental auditor appointed by the ministry or institution responsible for environment is authorized to conduct the environmental audit and shall have access to the project or activity's premises for the purposes of conducting the audit.

The project or activity owner or operator shall be required to reimburse the ministry or institution responsible for environment for costs associated with environmental audits performed by the ministry or institution responsible for environment or an environmental auditor appointed by the ministry or institution responsible for environment.

#### **ARTICLE 142 MONITORING AND REPORTING**

A natural person or legal entity subject to approvals or permits in accordance with this Code shall undertake monitoring and prepare a monitoring report in accordance with this Code and other relevant legal instruments.

#### **ARTICLE 143 REMEDY OF IMPACTS**

When an environmental audit reveals that a project or activity's impacts are greater than those estimated in the relevant Initial Environmental Evaluation, Environmental Impact Assessment Report, or relevant Environmental Management Plan, the ministry or institution responsible for environment shall require immediate action to remedy those impacts and order an adjustment to the relevant Environmental Management Plan as appropriate to avoid such impacts in the future.

#### **ARTICLE 144 ACCESS TO INFORMATION**

The ministry or institution responsible for environment shall make all environmental audit reports publicly available after the environmental audit is submitted to the ministry or institution responsible for environment.

### **CHAPTER 2**

#### **APPOINTMENT AND QUALIFICATIONS OF ENVIRONMENTAL AUDITORS**

#### **ARTICLE 145 ACCREDITATION REQUIREMENT**

Only natural persons or legal entities accredited in accordance with this Title and any legal instruments issued in accordance with this Title shall be authorized to perform environmental audits. Any natural person or legal entity conducting an environmental audit shall be accredited and authorized by the ministry or institution responsible for environment. Procedures and

guidelines for the recognition of environmental audits shall be determined by legal instrument of the ministry or institution responsible for environment.

## **BOOK 3 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY MECHANISMS**

### **TITLE 1 DISASTER RISK REDUCTION AND MANAGEMENT**

#### **CHAPTER 1 DISASTER MANAGEMENT PLANNING AND PRINCIPLES**

##### **ARTICLE 146 SCOPE OF APPLICATION**

This Title applies to disaster risk reduction and management in the Kingdom of Cambodia.

The ministry or institution responsible for environment shall support and cooperate with the National Committee for Disaster Management in its efforts to:

- a) Establish the wide and collective method of disaster risk reduction and management to reduce all natural or human made disasters affecting the environment;
- b) Prevent, mitigate, and prepare prior to disaster, respond to emergency during disaster, and restore after disaster;
- c) Support the enhancement of duties and roles of National Committee for Disaster Management as stipulated in the in-forced Law on Disaster Management;
- d) Assess the root causes of vulnerabilities to potential and existing disasters;
- e) Strengthen the Kingdom of Cambodia's institutional capacity for disaster risk reduction and management; and
- f) Work with local communities, relevant ministries or institutions, and other stakeholders to build resilience of local communities to disasters including but not limited to climate change impacts and adaptation.

##### **ARTICLE 147 PLANNING AND PRINCIPLES FOR DISASTERS MANAGEMENT AFFECTING THE ENVIRONMENT**

The ministry or institution responsible for environment shall support and cooperate with the National Committee for Disaster Management in its efforts to:

- a) Assist the planning of disaster risk reduction addressing the natural or human made disasters affecting the environment; and

- b) Establish and implement a legal instrument in order to study the risk evaluation and seek techniques to adapt to climate change and establish preparedness plan for all natural and human made disasters affecting the environment and the plans for an emergency response.

#### **ARTICLE 148 AWARENESS, TRAINING, AND EDUCATION**

The ministry or institution responsible for environment shall support and cooperate with the National Committee for Disaster Management to promote public awareness, develop and provide training and education, and encourage involvement related to disaster risk reduction and disaster prevention and control, including the establishment of early warning systems.

#### **ARTICLE 149 PUBLIC PARTICIPATION AND ACCESS TO ENVIRONMENTAL INFORMATION**

The development, updating, and sharing of disaster risk reduction planning and information shall be in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Title 3 of this Code.

#### **ARTICLE 150 CONSULTATION REQUIREMENTS**

The National Committee for Disaster Management and relevant ministries or institutions shall consult with the ministry or institution responsible for environment for all legal instruments and other disaster management planning related to natural or human made disasters affecting the environment.

### **TITLE 2 CLIMATE CHANGE**

#### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 151 SCOPE OF APPLICATION**

The National Council for Sustainable Development is responsible for the administration and coordination of climate change related activities in accordance with this Code and any other relevant legal instruments. All relevant ministries or institutions are responsible for implementation in accordance with their respective mandate.

#### **ARTICLE 152 ROLES AND RESPONSIBILITIES**

The National Council for Sustainable Development shall take the lead in international climate change negotiations, provide technical support through its General Secretariat and other relevant institutions to the relevant ministries or institutions, serve as focal point with all relevant stakeholders on climate change policy and programming, and recommend policy

measures to the Royal Government of Cambodia.

## **CHAPTER 2**

### **POLICIES, STRATEGIES, PLANS TO RESPOND TO CLIMATE CHANGE**

#### **ARTICLE 153 NATIONAL CLIMATE CHANGE RESPONSE**

The National Council for Sustainable Development shall develop, update, and coordinate, in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code , a long-term national climate change response addressing climate change mitigation, adaptation, finance, technology development and transfer, and capacity building in accordance with the relevant national climate change policies and any international climate change and sustainable development agreements to which the Kingdom of Cambodia is a party.

#### **ARTICLE 154 NATIONAL STRATEGIC DEVELOPMENT PLAN**

The ministry or institution responsible for planning shall:

- a) Integrate climate change considerations in the National Strategic Development Plan;
- b) Develop guidance on compliance with the National Strategic Development Plan; and
- c) Issue guidance to relevant ministries or institutions and ensure compliance in cooperation with the National Council for Sustainable Development.

#### **ARTICLE 155 SECTORAL PLANS, BUDGETS, AND FRAMEWORKS**

All relevant ministries or institutions shall identify, integrate, and implement climate change response activities into all relevant sectoral plans, budgets, and monitoring frameworks in accordance with the relevant national climate change policies, legal instruments issued by any relevant ministries, and any international climate change and sustainable development agreements to which the Kingdom of Cambodia is a party.

The National Council for Sustainable Development shall provide technical advice on integrating climate change response activities into all relevant sectoral plans, budgets, and frameworks.

#### **ARTICLE 156 DEVELOPMENT AND INVESTMENT PLANNING**

The ministry or institution responsible for economy and finance, the ministry or institution responsible for planning, the National Committee for Sub-National Democratic Development, and the Council for the Development of Cambodia shall take into account climate change impacts and solutions in all development and investment planning.



All sub-national authorities shall cooperate with provincial departments of all relevant ministries or institutions to integrate climate change impacts and response measures in all development and investment planning, including but not limited to land use planning. Climate change activities that exceed the financial capacities or geographical jurisdiction of a sub-national authority shall be referred to the higher level for consideration.

#### **ARTICLE 157 PLANS AND STRATEGIES TO RESPOND TO CLIMATE CHANGE**

All sub-national authorities shall design and implement plans and strategies to respond to climate change in accordance with the relevant national climate change policies, in cooperation with provincial departments of the relevant ministries or institutions.

### **CHAPTER 3 IMPLEMENTATION OF CLIMATE CHANGE RESPONSES**

#### **ARTICLE 158 TYPES OF CLIMATE CHANGE RESPONSES**

The National Council for Sustainable Development and all relevant ministries or institutions shall coordinate with all relevant stakeholders to implement climate change responses as follows:

- a) Climate change adaptation actions including but not limited to:
  - i) Assessing vulnerability of biological, social, and economic systems to climate change, including but not limited to climate sensitive sectors and geographical areas prone to climate related disasters, and identifying opportunities for climate change adaptation;
  - ii) Developing and implementing climate resilient and low carbon infrastructure, including but not limited to for agriculture, fisheries, transport, and energy sectors;
  - iii) Developing and implementing management measures for protected areas to adapt to climate change;
  - iv) Improving early warning systems and the timely dissemination of climate information;
  - v) Promoting sustainable livelihood practices that increase resilience to climate change; and
  - vi) Improving access to affordable energy, water, transport, health, and sanitation services, in particular targeting the most vulnerable populations;
- b) Climate change mitigation actions including but not limited to:

- i) Promoting and improving energy efficiency throughout the Kingdom of Cambodia;
  - ii) Promoting the development and use of renewable energy throughout all sectors;
  - iii) Increasing resilient decentralized grid energy production, and off-grid energy production;
  - iv) Promoting the development and use of mass public transportation, and the use of fuel-efficient transportation and low-carbon transportation;
  - v) Increasing forest cover and promoting sustainable use of production forests, and mechanisms to promote forest conservation, including but not limited to REDD+; and
  - vi) Promoting proper soil and land use management practices to protect carbon sinks and limit greenhouse gas emissions; and
- c) Enabling activities including but not limited to:
- i) Strengthening technical and institutional capacity to implement climate response;
  - ii) Strengthening climate change knowledge on adaptation and mitigation practices and technologies best suited to the Cambodian context;
  - iii) Promoting research, technology transfer, education, international cooperation in all areas of climate change;
  - iv) Raising public awareness climate change; and
  - v) Mobilizing climate finance.

## **ARTICLE 159 FACILITATING COOPERATION AND ESTABLISHING PARTNERSHIPS**

The National Council for Sustainable Development shall:

- a) Facilitate inter-ministerial cooperation and sub-national authority participation in the design and implementation of climate change activities, including but not limited to providing a mechanism for inter-ministerial technical discussions; and
- b) Establish partnerships and Memoranda of Understanding for the implementation and scale up of climate change responses and interventions between government and non-government entities, including but not limited to Nationally Appropriate Mitigation

Actions.

#### **ARTICLE 160 CLIMATE CHANGE IN IMPLEMENTATION ACTIVITIES**

The relevant ministries or institutions shall include climate change considerations into the design of all implementation activities, and consider the impact of such activities on greenhouse gas emissions, climate risk exposure, and adaptive capacity.

The National Council for Sustainable Development shall provide technical advice to all relevant ministries or institutions on design of implementation activities, including but not limited to sector-specific pilot response measures, technologies, and processes.

#### **ARTICLE 161 CLIMATE CHANGE IN DECISION-MAKING**

All relevant ministries or institutions shall ensure that climate change is considered in all relevant decision making processes regarding the implementation of activities under their jurisdiction.

#### **ARTICLE 162 LEGAL INSTRUMENT FOR CLIMATE CHANGE ADAPTATION AND MITIGATION**

The ministry or institution responsible for environment shall develop a legal instrument for climate change adaptation and mitigation. The legal instrument shall be updated every five (5) years.

### **CHAPTER 4**

#### **MONITORING AND EVALUATION OF CLIMATE CHANGE RESPONSE**

#### **ARTICLE 163 NATIONAL MONITORING AND EVALUATION FRAMEWORK**

The National Council for Sustainable Development shall develop and manage a national monitoring and evaluation framework, in cooperation with the ministry or institution responsible for planning and other competent ministries or institutions, to track the Kingdom of Cambodia's progress in addressing challenges posed by climate change and to inform the review and update of the Kingdom of Cambodia's climate change response.

This framework shall include an analysis of the level of readiness of the Kingdom of Cambodia's institutions to effectively implement the Kingdom of Cambodia's climate change response as well as of the performance of climate interventions in reducing vulnerability and lowering carbon emissions and transitioning to low carbon resilient development.

#### **ARTICLE 164 SECTORAL MONITORING AND EVALUATION FRAMEWORKS**

All relevant ministries or institutions shall develop and manage the respective sectoral climate change monitoring and evaluation frameworks to track effectiveness of response measures laid

out in the relevant sectoral climate change response plans, with support from and regularly reporting to the National Council for Sustainable Development. Such frameworks shall be developed in accordance with the relevant legal instruments issued by the National Council for Sustainable Development.

#### **ARTICLE 165 LEGAL INSTRUMENT FOR MONITORING AND EVALUATION FRAMEWORKS**

The National Council for Sustainable Development shall issue a legal instrument for developing and managing national and sectoral climate change monitoring and evaluation frameworks with one (1) year of the adoption of this Code. Such legal instrument shall comply with the public participation and access to environmental information provisions in Book 1 Title 2 of this Code and Book 1 Title 3 of this Code.

#### **ARTICLE 166 MONITORING AND EVALUATION ACTIVITIES**

The National Council for Sustainable Development shall coordinate and conduct climate change related monitoring and evaluation activities in accordance with the relevant legal instruments.

The relevant ministries or institutions shall conduct all required monitoring and evaluation activities in accordance with relevant provisions of this Title, in accordance with the relevant legal instruments.

All sub-national authorities shall conduct monitoring and evaluation activities in accordance with national and sectoral monitoring and evaluation frameworks and instruments, in accordance with the relevant legal instruments and in cooperation with provincial departments of the relevant ministries or institutions and the National Council for Sustainable Development.

#### **ARTICLE 167 REPORTING ON MONITORING AND EVALUATION**

All relevant ministries or institutions shall report in a timely manner to the National Council for Sustainable Development on the relevant indicators of the national monitoring and evaluation framework, other climate change related monitoring and evaluation instruments, and relevant sectoral monitoring and evaluation frameworks, in accordance with the relevant legal instruments. Such information shall be made publicly accessible in accordance with the public participation and access to environmental information provisions Book 1 Title 2 of this Code and Book 1 Title 3 of this Code.

#### **ARTICLE 168 INTERNATIONAL REPORTING**

The National Council for Sustainable Development shall report to international bodies on the implementation of the Kingdom of Cambodia's climate change response, including but not limited to commitments in accordance with international climate change and sustainable

development agreements to which the Kingdom of Cambodia is a party.

#### **ARTICLE 169 MEASURING, REPORTING, VERIFICATION, AND EVALUATION INSTRUMENTS FOR CLIMATE CHANGE**

The National Council for Sustainable Development shall develop a legal instrument on the establishment and management of specific measuring, reporting, verification, and evaluation instruments, in consultation with all relevant ministries or institutions and in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code. Such legal instrument shall be in compliance with the United Nations Framework Convention for Climate Change and the requirements of results-based climate finance mechanisms.

All relevant ministries or institutions shall establish, manage, and conduct measurement, reporting, and verification instruments and procedures in accordance with the relevant legal instrument issued by the National Council for Sustainable Development, and in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code. All sub-national authorities shall assist the relevant ministries or institutions in conducting measurement, reporting, and verification procedures, in accordance with the relevant legal instrument.

#### **ARTICLE 170 MAINSTREAM CLIMATE CHANGE MONITORING AND EVALUATION FRAMEWORKS**

All relevant ministries or institutions shall mainstream sectoral climate change monitoring and evaluation frameworks into their overall monitoring and evaluation instruments.

### **CHAPTER 5 CLIMATE CHANGE INFORMATION**

#### **ARTICLE 171 CLIMATE CHANGE INFORMATION**

The National Council for Sustainable Development shall collect, update, manage, and make publicly available climate change information relevant to the implementation of an effective climate change response in Cambodia, in cooperation with the ministry or institution responsible for planning, the ministry or institution responsible for national statistics, and all other relevant ministries or institutions, in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code.

Climate change information includes but is not limited to:

- a) Climate-related risk mapping, climate change scenarios, and assessment of vulnerability and adaptation options and capacity;

- b) Reference forest levels and emission factors, in accordance with the relevant legal instruments;
- c) Greenhouse gas emissions and sources;
- d) Options to reduce greenhouse gas emissions and promote resilient low carbon;
- e) Certified emission reductions from the Kingdom of Cambodia's participation in results-based climate financing mechanisms;
- f) Mapping of climate change adaptation and mitigation related projects and interventions implemented in the Kingdom of Cambodia, including but not limited to monitoring of external support received;
- g) Best adaptation and mitigation practices applicable to the Cambodian context, including but not limited to feasibility and cost effectiveness of interventions, and lessons learned from projects and interventions implemented in the Kingdom of Cambodia, including but not limited to piloting or testing innovative adaptation and mitigation technologies; and
- h) Reporting from monitoring and evaluation instruments for climate change in accordance with this Title.

#### **ARTICLE 172 COOPERATION TO MAKE CLIMATE CHANGE INFORMATION PUBLICLY AVAILABLE**

All relevant ministries or institutions shall cooperate with the National Council for Sustainable Development to collect, update, manage, and make publicly available climate change information relevant to their respective sectors as well as information on the implementation of climate change interventions, including but not limited to results of relevant monitoring and evaluation indicators and lessons learned from the implementation of pilot activities. Such information shall be made publicly available in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code.

#### **ARTICLE 173 LEGAL INSTRUMENT ON CLIMATE CHANGE INFORMATION**

The National Council for Sustainable Development shall develop a legal instrument on the production and management of climate change related data and information, including but not limited to methodologies, data collection procedures, and disclosure requirements.

#### **ARTICLE 174 DATA PRODUCING AND DATA SHARING AGREEMENTS**

The National Council for Sustainable Development may enter into data producing and data sharing agreements with relevant ministries or institutions and other public and private entities

in order to strengthen and increase access to quality assured climate change related data and information relevant to the implementation of the Kingdom of Cambodia's climate change response.

#### **ARTICLE 175 REPORTING OF CLIMATE CHANGE INFORMATION**

All relevant ministries, institutions, and other public and private entities, in cooperation with the National Council for Sustainable Development and in accordance with the relevant legal instruments, shall:

- a) Report on greenhouse gas emissions from their respective sector or jurisdiction; and
- b) Report on certified emission reduction from results-based climate finance mechanisms.

All relevant ministries or institutions shall report to the National Council for Sustainable Development on climate change response implementation progress, including but not limited to results of existing sectoral monitoring and evaluation indicators.

#### **ARTICLE 176 PUBLICLY ACCESSIBLE INFORMATION SYSTEM**

The National Council for Sustainable Development shall establish and manage a publicly accessible information system to consolidate all government- and stakeholder-produced climate change information. Such system shall be developed in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code.

All relevant ministries, institutions, and stakeholders shall cooperate with the National Council for Sustainable Development in establishing and regularly updating this information system, in accordance with the relevant legal instrument issued by the National Council for Sustainable Development.

### **SECTION 1 GREENHOUSE GAS INVENTORY**

#### **ARTICLE 177 ESTABLISHING GREENHOUSE GAS INVENTORY**

The National Council for Sustainable Development shall establish and manage a publicly accessible national greenhouse gas inventory, in accordance with any relevant international rules and guidance.

#### **ARTICLE 178 LEGAL INSTRUMENT ON GREENHOUSE GAS INVENTORY**

The National Council for Sustainable Development shall develop a legal instrument on the collection, production, quality assurance and submission of inventory data, including but not limited to establishing relevant emission factors for categories of emission sources and sinks,

establishing forest referent levels, collecting activity data, and reporting requirements. Such legal instrument may include sanctions applicable to public and private entities for non-compliance.

#### **ARTICLE 179 COMPLIANCE WITH LEGAL INSTRUMENT ON GREENHOUSE GAS INVENTORY**

All project proponents and relevant ministries or institutions shall provide information for the greenhouse gas inventory in compliance with the relevant legal instrument on the collection, production, quality assurance, and submission of inventory data issued by the National Council for Sustainable Development.

### **SECTION 2 NATIONAL REGISTRY FOR GREENHOUSE GAS EMISSION REDUCTIONS PROJECTS**

#### **ARTICLE 180 NATIONAL REGISTRY FOR GREENHOUSE GAS EMISSION REDUCTIONS PROJECTS**

The National Council for Sustainable Development shall establish and manage a publicly accessible National Registry for Greenhouse Gas Emission Reductions. Such registry shall integrate registries previously established under the relevant results-based climate finance mechanisms, and may include other carbon crediting mechanisms which adopt similar requirements to the results-based mechanisms established under the United National Framework Convention on Climate Change. Such registry shall be developed in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code.

#### **ARTICLE 181 LEGAL INSTRUMENT ON SUBMISSION OF INFORMATION TO THE NATIONAL REGISTRY FOR GREENHOUSE GAS EMISSION REDUCTIONS PROJECTS**

The National Council for Sustainable Development shall develop a legal instrument on the submission of information to the National Registry for Greenhouse Gas Emission Reductions, in accordance with the relevant international rules and guidance. Such legal instrument may include sanctions applicable to public and private entities for non-compliance with such instruments.

#### **ARTICLE 182 COMPLIANCE WITH LEGAL INSTRUMENT ON NATIONAL REGISTRY FOR GREENHOUSE GAS EMISSION REDUCTIONS PROJECTS**

All entities participating in results-based climate finance mechanisms, including but not limited to those mechanisms not established under the United National Framework Convention on Climate Change, shall comply with the relevant legal instrument on the submission of



information to the National Registry for Greenhouse Gas Emission Reductions.

## **CHAPTER 6**

### **INSTITUTIONAL CAPACITY BUILDING, TECHNOLOGY DEVELOPMENT AND TRANSFER, AND KNOWLEDGE**

#### **ARTICLE 183 DEVELOPMENT OF INSTITUTIONAL CAPACITY**

The Royal Government of Cambodia shall develop institutional capacity, invest in technology development and transfer, build knowledge, and raise awareness at all levels to understand and address climate change and to enable the effective implementation of The Kingdom of Cambodia's climate change response.

#### **ARTICLE 184 REGULAR ASSESSMENTS OF INSTITUTIONAL CAPACITY**

The National Council for Sustainable Development, in cooperation with relevant ministries or institutions, shall conduct regular assessments of institutional capacity for the implementation of the national climate change response, develop programs to bridge key capacity gaps, and mobilize resources for the implementation of capacity development programs.

#### **ARTICLE 185 STRENGTHENING INSTITUTIONAL AND INDIVIDUAL CAPACITIES**

The National Council for Sustainable Development, in cooperation with all relevant ministries or institutions, shall strengthen the Kingdom of Cambodia's enabling environment, institutional and individual capacities to address climate change.

#### **ARTICLE 186 CLIMATE CHANGE EDUCATION AND TRAINING**

The National Council for Sustainable Development and all relevant ministries or institutions shall promote education and training programs on climate change, in accordance with the environmental education and awareness provisions in accordance with Book 7 of this Code.

#### **ARTICLE 187 PARTICIPATION IN CLIMATE CHANGE EDUCATION AND TRAINING**

All relevant officials shall participate in education and training programs to ensure understanding of the complexities of addressing climate change.

#### **ARTICLE 188 MECHANISMS TO BUILD KNOWLEDGE AND PROMOTE RESEARCH**

The National Council for Sustainable Development shall, in cooperation with the relevant stakeholders, strengthen and develop mechanisms to build knowledge and promote research on climate change adaptation and mitigation practices and technologies.

## **CHAPTER 7 FINANCING FRAMEWORK FOR CLIMATE CHANGE**

### **ARTICLE 189 DEVELOPMENT OF FINANCING FRAMEWORK**

The National Council for Sustainable Development, in cooperation with the ministry or institution responsible for economy and finance, shall develop and manage a financing framework for climate change activities. Such framework shall include an analysis of financing needs, a strategy to meet these needs by using available domestic and external sources of finance, as well as any capacity development measures, financial mechanisms or institutional reforms required to mobilize and manage climate change finance in the most efficient manner. Such framework shall be developed in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code.

### **ARTICLE 190 SITE-SPECIFIC FINANCE**

The ministry or institution responsible for economy and finance shall, upon the request of the ministry or institution responsible for environment, authorize site-specific fund accounts for participating stakeholders for environmental finance mechanisms, including but not limited to REDD+ projects, in accordance with the provisions on economic measures, accounts, fees, and funds in Book 8 Title 2 of this Code.

## **SECTION 1**

### **ALLOCATION OF CLIMATE CHANGE RESOURCES IN THE NATIONAL AND SUB-NATIONAL BUDGETS**

### **ARTICLE 191 CLIMATE CHANGE IN NATIONAL BUDGET**

The ministry responsible for economy and finance, with technical support from the National Council for Sustainable Development, shall consider climate change impacts and solutions in the national budget process. The National Council for Sustainable Development shall provide to the ministry or institution responsible for economy and finance an annual analysis of climate change risks and priorities. The ministry or institution responsible for economy and finance shall consider and integrate this analysis in annual budget formulation circulars, and include guidance on the integration of climate change impacts and solutions in programme budget guidelines and procedures.

The ministry or institution responsible for economy and finance shall track and make publicly available information on the allocation, spending, and effectiveness of climate change finance through the national budget.

### **ARTICLE 192 CLIMATE CHANGE IMPACTS AND SOLUTIONS IN BUDGET SUBMISSIONS**

All relevant ministries or institutions and all sub-national authorities shall include climate change impacts and solutions in their budget submissions, in accordance with the relevant legal instrument issued by the ministry responsible for economy and finance.

**SECTION 2**  
**PROMOTION OF CLIMATE-SMART INVESTMENTS FROM THE PRIVATE**  
**SECTOR**

**ARTICLE 193 PROMOTION OF CLIMATE-SMART INVESTMENTS**

The National Council for Sustainable Development, in cooperation with the ministry or institution responsible for economy and finance and with participation from all relevant ministries or institutions, shall consult with all relevant stakeholders on potential fiscal measures, regulations, standards and market-based mechanisms to promote climate-smart investments in the Kingdom of Cambodia, in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code.

**SECTION 3**  
**MOBILIZATION OF EXTERNAL CLIMATE CHANGE FINANCE**

**ARTICLE 194 COORDINATING EXTERNAL CLIMATE CHANGE FINANCE**

The National Council for Sustainable Development shall coordinate the mobilization of external climate change finance in the most efficient and effective manner, while ensuring alignment of these external resources with the Kingdom of Cambodia's climate change priorities.

**ARTICLE 195 MONITORING EXTERNAL CLIMATE CHANGE FINANCE**

The National Council for Sustainable Development shall cooperate with the ministry or institution responsible for economy and finance and the Council for the Development of Cambodia to monitor external climate change finance and ensure integration of climate change in negotiations with development partners on their strategies for the Kingdom of Cambodia.

**SECTION 4**  
**PROMOTION OF RESULTS-BASED CLIMATE FINANCE MECHANISMS**

**ARTICLE 196 DESIGNATED NATIONAL AUTHORITY**

The National Council for Sustainable Development shall be the Designated National Authority for results-based climate finance. The National Council for Sustainable Development shall review, approve, and validate all projects seeking endorsement from the Royal Government of Cambodia to participate in results-based climate financing mechanisms including but not limited to those in accordance with the Clean Development Mechanism, the Joint Crediting

Mechanism, Nationally Appropriate Mitigation Actions, and REDD+. The National Council for Sustainable Development shall ensure that these projects comply with the relevant national climate change plans and strategies.

#### **ARTICLE 197 PROMOTING PARTICIPATION IN RESULTS-BASED FINANCE MECHANISMS**

The National Council for Sustainable Development shall promote participation in results-based climate finance mechanisms, including but not limited to through:

- a) Issuing guidance on accessing climate change finance through participating in results-based climate finance mechanisms;
- b) Maintaining and disseminating information on sources, options, priorities and potential for emission reductions in the Kingdom of Cambodia; and
- c) Maintaining and disseminating information on emission reductions from participating projects through the National Registry for Greenhouse Gas Emissions Reduction Projects, including but not limited to information on the volume of climate change financing mobilized through the participation of public and private entities in results-based climate finance mechanisms, and results achieved.

### **TITLE 3 SUSTAINABLE CONSUMPTION AND PRODUCTION**

#### **CHAPTER 1 GENERAL PROVISIONS**

#### **SECTION 1 PROMOTION OF SUSTAINABLE CONSUMPTION AND PRODUCTION**

#### **ARTICLE 198 SUSTAINABLE CONSUMPTION**

The ministry or institution responsible for environment, with the endorsement of the National Council for Sustainable Development, shall coordinate with other relevant ministries or institutions to develop relevant policy documents on sustainable consumption. Such policy documents shall include but not be limited to:

- a) Programs to improve environmental performance of consumption patterns, including through the increased supply and demand for more environmentally friendly products, services, and technologies; and
- b) Policies to engage the private sector, civil society organizations, the relevant ministries or institutions, and citizens and promote more resource-efficient and less environmentally damaging consumption, including but not limited to areas of water and

energy consumption, hazardous waste generation, waste management, tourism, and infrastructure development.

#### **ARTICLE 199 SUSTAINABLE PRODUCTION**

The ministry or institution responsible for environment, with the endorsement of the National Council for Sustainable Development, shall coordinate with other relevant government ministries or institutions, including the ministry or institution responsible for industry, to develop relevant policy documents on sustainable production. Such policy documents shall include but not be limited to:

- a) Programs to improve environmental performance of products and production practices; and
- b) Policies to engage the private sector, civil society organizations, the relevant ministries or institutions, and citizens and promote more resource-efficient and less environmentally damaging production.

#### **ARTICLE 200 ENVIRONMENTAL TECHNOLOGY VERIFICATION**

The ministry or institution responsible for environment, in coordination with the ministry or institution responsible for industry, and other relevant ministries or institutions, shall develop a program for environmental technology verification applicable to environmental technologies, including but not limited to technologies used by industry, forestry, agriculture, mining, service industries, and households. This program shall be based on international good practices in environmental technology verification.

#### **ARTICLE 201 REGISTER OF VERIFIED ENVIRONMENTAL TECHNOLOGY**

The ministry or institution responsible for environment, in cooperation with the ministry or institution responsible for industry and other relevant ministries or institutions, shall develop and make publicly available a register of verified environmental technology, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

### **SECTION 2 SUSTAINABLE PROCUREMENT**

#### **ARTICLE 202 LEGAL INSTRUMENT ON SUSTAINABLE PROCUREMENT**

The National Council for Sustainable Development, in cooperation with the ministry responsible for economy and finance, shall develop a legal instrument on sustainable procurement focusing on the inclusion of environmental criteria during the process of procuring goods, services, works, and utilities while achieving value for money on a whole life-cycle basis to minimize the environmental burden from consumption and facilitate demand

for environmentally friendly products and services.

Such legal instrument shall be based on relevant international standards.

### **ARTICLE 203 OBJECTIVES**

The legal instrument on sustainable procurement shall:

- a) Encourage resource efficiency;
- b) Designate categories and priority rankings of products and services, including but not limited to environmentally sound technology and green finance;
- c) Define minimum environmental criteria and performance requirements, including but not limited to resource efficiency, reduction, reuse, recycling of waste, integrated waste management, and cleaner production, for each category of products and services based on the environmental impact of such products and services;
- d) Define reporting requirements for categories of products, services, and magnitude of procurement;
- e) Provide guidance for selecting appropriate suppliers;
- f) Provide guidance for decision-making based on environmental considerations, including but not limited to weighing environmental criteria against other purchasing criteria including but not limited to economic considerations price, performance and quality;
- g) List sanctions for breaches of environmental performance requirements of products and services; and
- h) Define measures for ministries or institutions responsible for procurement to encourage and assist stakeholders in undertaking sustainable procurement practices.

### **ARTICLE 204 APPLICATION OF LEGAL INSTRUMENT ON PROCUREMENT PRACTICES**

The ministries or institutions responsible for procurement shall incorporate the legal instrument on sustainable procurement into procurement practices for all publicly procured products and services, including but not limited to those that are:

- a) Procured under national and sub-national authority entity budgets;
- b) Procured by relevant ministries or institutions that are subject to procurement regulations; and

- c) Procured under donor-funded projects.

#### **ARTICLE 205 INCORPORATION OF SUSTAINABLE PROCUREMENT PRACTICES**

The National Council for Sustainable Development, in coordination with the ministry responsible for economy and finance, shall ensure that all ministries or institutions responsible for procurement have integrated and implemented the relevant legal instrument on sustainable procurement practices.

#### **ARTICLE 206 TRAINING**

The National Council for Sustainable Development, in coordination with the ministry responsible for economy and finance, shall provide relevant training opportunities regarding sustainable procurement practices for all ministries or institutions responsible for procurement.

#### **ARTICLE 207 ANNUAL REPORT**

The ministries or institutions responsible for procurement shall produce an annual report on the implementation of the legal instrument on sustainable procurement. Such report shall include:

- a) A list of environmentally-friendly products and services purchased during the fiscal year;
- b) Analysis of integration and implementation of environmental criteria in procurement; and
- c) Annual plans for procuring priority-listed environmentally-friendly products and services.

The ministries or institutions responsible for procurement shall provide this report to the National Council for Sustainable Development and the ministry responsible for economy and finance.

#### **ARTICLE 208 ACCESS TO ENVIRONMENTAL INFORMATION**

The National Council for Sustainable Development shall ensure that all annual reports on the implementation of sustainable procurement practices are publicly accessible, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 209 ASSESSMENT OF PRACTICES**

The National Council for Sustainable Development and the ministry or institution responsible for economy and finance shall use information from the annual reports on the implementation of sustainable procurement practices to determine problems and inefficiencies of the

implementation of the relevant legal instrument on sustainable procurement, and shall, in consultation with the relevant stakeholders, revise the relevant legal instrument as necessary.

#### **ARTICLE 210 ENVIRONMENTALLY FRIENDLY PRODUCTS**

The responsible ministries or institutions shall remove barriers to the introduction, purchase, use, import, and export of environmentally friendly products to encourage suppliers to comply with this Code.

### **SECTION 3 VOLUNTARY ENVIRONMENTAL LABELLING**

#### **ARTICLE 211 ECOLABEL**

The ministry or institution responsible for environment, in cooperation with the ministry or institution responsible for industry, shall develop a voluntary standardized system of labelling products and services named “Ecolabel” with information on environmental burden, including but not limited to material content, energy inputs, and outputs.

#### **ARTICLE 212 PRODUCTS AND SERVICES CATEGORIES**

The ministry or institution responsible for environment shall determine categories of products and services to be recognized, criteria and standards, a process for certification and auditing, and rules of use within one (1) year of the enactment of this Code.

The determination of ecolabeling and information on environmental burden on the categorized product and services shall be determined by legal instrument of the ministry or institution responsible for environment.

#### **ARTICLE 213 PRODUCTS AND SERVICES INVENTORY**

The ministry or institution responsible for environment shall maintain and make publicly accessible an inventory of products and services with Ecolabel certification in accordance with the access to environmental information provision in Book 1 Title 3 of this Code.

#### **ARTICLE 214 FAVOURED PROCUREMENT**

The relevant competent government ministries or institutions shall ensure that products and services with Ecolabel certification are favoured in procurement decisions.

### **SECTION 4 RESOURCE EFFICIENCY ASSESSMENT**

#### **ARTICLE 215 SCOPE OF APPLICATION**



All legal entities in specified sectors with a level of resource consumption, environmental impact, or risk in exceedance of standards to be established by the ministry or institution responsible for environment shall be required to conduct a Resource Efficiency Assessment once every three (3) years.

The ministry or institution responsible for environment shall develop a legal instrument to determine the relevant sectors, the standards, and the form, content, requirements, and procedures for Resource Efficiency Assessments.

All approvals, permits, or licences for all sectors specified by the relevant legal instrument require Resource Efficiency Assessment approval to be complete.

#### **ARTICLE 216 RESOURCE EFFICIENCY ASSESSOR**

Resource Efficiency Assessments shall be conducted by a qualified resource efficiency assessor. The cost of assessment shall be paid by the legal entity undertaking a resource efficiency assessment.

#### **ARTICLE 217 TRAINING RESOURCE EFFICIENCY ASSESSORS**

The ministry or institution responsible for environment shall establish a system for training qualified resource efficiency assessors. The list of qualified assessors shall be made publicly available and shall be updated annually.

#### **ARTICLE 218 ASSESSMENT REPORTS**

Upon completion of a Resource Efficiency Assessment, the assessor shall submit a report of the findings of the assessment and any identified mitigation measures. The report shall be submitted to the ministry or institution responsible for environment in accordance with procedures in effect.

#### **ARTICLE 219 EVALUATION OF REPORTS**

The ministry or institution responsible for environment shall evaluate and provide approval of Resource Efficiency Assessment reports in accordance with the requirements and standards to be established in the legal instrument.

#### **ARTICLE 220 ENVIRONMENTAL AUDITING**

The ministry or institution responsible for environment may conduct an environmental audit of the relevant legal entities to verify Resource Efficiency Assessment findings and implementation of identified mitigation measures, in accordance with the provisions on environmental audits, monitoring, and reporting in Book 2 Title 4 of this Code.

#### **ARTICLE 221 GUIDELINES, TRAINING, AND FACILITATION**

The ministry or institution responsible for environment shall coordinate with the ministry or institution responsible for industry, other relevant ministries or institutions, industry associations, and other stakeholders to:

- a) Develop guidelines regarding resource efficiency, reducing environmental impacts from product consumption, and cleaner production;
- b) Establish an information portal loaded with common implementation practice for cleaner production and resource-efficient for manufacturing and related sectors;
- c) Provide regular training and networking based on actual implementation results and experiences;
- d) Facilitate sectoral consultations with technical, management, and other experts; and
- e) Facilitate access to financing from the financial sector for investment in resource efficiency technologies.

## **SECTION 5 EXTENDED PRODUCER RESPONSIBILITY**

### **ARTICLE 222 EXTENDED PRODUCER RESPONSIBILITY PROGRAM**

The ministry or institution responsible for environment, in coordination with relevant ministry or institution, shall establish the program in order to foster responsibility for post-consumer waste by producers. Such program shall address the following:

- a) The products, product groups, and waste streams for which mandatory and voluntary participation in the extended producer responsibility program is applicable;
- b) Targets for collection, recycling, and extraction;
- c) Quotas for taking back products;
- d) Responsibilities for each actor in the supply chain, including but not limited to domestic producers and importers of foreign products and technologies,
- e) Capacity development for stakeholders, and
- f) Legally binding targets and producer responsibilities as appropriate.

## **TITLE 4 ENVIRONMENTAL LAND USE PLANNING AND SUSTAINABLE CITIES**

### **CHAPTER 1**

## **GENERAL PROVISIONS**

### **ARTICLE 223 SCOPE OF APPLICATION**

The scope of this Title includes all lands and land resources within the Kingdom of Cambodia.

### **ARTICLE 224 ENVIRONMENTAL LAND USE PLANNING AND SUSTAINABLE CITIES**

The competent government ministries or institutions shall incorporate the following into land use planning procedures, land use plans, and development of sustainable cities:

- a) Environmental conservation and sustainable development objectives;
- b) Public participation and access to environmental information provisions; and
- c) Mechanisms to prevent, manage, and mitigate environmental risks and consequences of inadequate land use planning and rapid urban development.

### **ARTICLE 225 USE OF SCIENTIFIC EVIDENCE FOR PLANNING AND MANAGEMENT MEASURES**

Environmental land use planning and sustainable city management measures shall be based on the best available scientific evidence and include the use of regionally-significant technology and planning instruments.

## **CHAPTER 2 ROLES AND RESPONSIBILITIES**

### **ARTICLE 226 RESPONSIBLE AUTHORITIES FOR LAND USE MANAGEMENT**

The ministry or institution responsible for land management, urban planning and construction has the authority to manage land use and construction to ensure the effective, sustainable, equitable, harmonized, and integrated development and use of all land and land resources in coordination with the ministry or institution responsible for environment.

### **ARTICLE 227 RESPONSIBLE AUTHORITIES FOR PERMITS, LICENCES, AND APPROVALS**

The responsible authorities for permits, licences, and approvals shall review permits, licences, and approval of land use and development in compliance with separate specific laws and other legal instruments to ensure construction and land use in accordance with construction permits and approvals, and in accordance with the relevant environmental standards.

### **ARTICLE 228 APPROVAL OF LAND USE PLANNING REQUIREMENTS**

The ministry or institution responsible for environment, in cooperation with the relevant sub-national authorities, shall review the environmental land use planning requirements of all land use plans submitted to the relevant ministries or institutions for approval to ensure satisfaction of the relevant sustainable land use planning requirements.

#### **ARTICLE 229 REQUIREMENT FOR APPROVAL LETTER AND CERTIFICATE**

The ministry or institution responsible for land management, urban planning, and construction shall not issue any construction permits or approvals for development projects, activities, programs, or plans that have not been granted an Approval Letter and/or Certificate on Environmental Impact Assessment issued by the ministry or institution responsible for environment.

#### **ARTICLE 230 ASSISTANCE AND TECHNICAL GUIDANCE**

The ministry or institution responsible for environment shall provide assistance and technical guidance regarding:

- a) Sustainably harmonizing environmental protection, conservation, and national development objectives;
- b) Ensuring that resources are managed sustainably by encouraging resource managers and decision makers to review cross-sectoral inter-linkages and impacts;
- c) Strengthening coordination between the relevant national ministry/ institution, sub-national ministry/ institution, and stakeholders;
- d) Engaging with government ministries or institutions, the private sector, community and non-governmental stakeholders, and researchers to exchange knowledge, information, and concerns relevant to land use planning and sustainable cities; and
- e) Collecting qualitative and quantitative data and using decision-making support systems to ensure a comprehensive understanding of issues for different sectors and levels of the management of government.

#### **ARTICLE 231 COOPERATION BETWEEN MINISTRIES**

The ministry or institution responsible for environment shall support and cooperation with the ministry or institution responsible for land management, urban planning, and construction; other competent ministries or institutions; non-governmental organizations; and stakeholders on the implementation and enforcement of the environmental land use planning requirements in accordance with this Title.

### **CHAPTER 3 ENVIRONMENTAL LAND USE PLANNING**

## **ARTICLE 232 SCOPE OF APPLICATION**

All projects, development, programs and action plans related to land use and construction shall have a permit, licence, or approval issued by the ministry or institution responsible for land management, urban planning and construction and an Approval Letter or Certificate on Environmental Impact Assessment Report issued by the ministry or institution responsible for environment.

## **ARTICLE 233 ENVIRONMENTAL LAND USE PLANNING REQUIREMENTS**

The ministry or institution responsible for land management, urban planning, and construction with jurisdiction over land use planning in the location of the proposed project, development, program, or plan shall ensure the following environmental land use planning requirements are sufficiently addressed:

- a) Requirement to conduct meaningful consultations with all stakeholders on the project proponent's land use plan;
- b) Requirement to obtain the free, prior, and informed consent of indigenous peoples whose rights on land may be affected by the proposed project, activity, program or plan;
- c) Requirement to address how the proposed project, activity, program, or plan fits within existing land use management plans, land use master plans, and green city strategic plans, and how it will fit within any land use master plan in development;
- d) Requirement to research and acquire best available, detailed, and site-specific data pertaining to current and future land uses including but not limited to land resource inventory, present land uses, infrastructure, surrounding population, communities and their cultural practices and livelihood systems, land tenure including but not limited to customary tenure, social structure, government, plants, normal and cross-boundary movement of wildlife, natural disturbances, hydrological functions, energy flows, and any other information pertaining to current land uses;
- e) Requirement to utilize best technology to conduct thorough integrated spatial mapping of all landscapes, including but not limited to the mapping and/or valuation of natural resources and natural resources goods and services, land use configurations, land tenures, and cultural heritage sites within and adjacent to all proposed development sites;
- f) Requirement to address the issue of carbon neutrality and waste emission and include goals and plans to reduce and offset carbon emissions and waste flows associated with all proposed operations;
- g) Requirement to address flood prevention and contain thorough plans for:

- i) Overall water drainage and runoff within and downstream of the development or land use plan area;
  - ii) Surface water and ground water pollution risks and issues and treatment and disposal of wastewater; and
  - iii) The limitation of and management for solid and liquid waste streams including but not limited to disposal locations;
- h) Requirement to include measures to promote sustainable management of all forests located within and adjacent to the operating area of all proposed projects, activities, programs, or plans;
- i) Requirement to address and utilize safe and efficient road circulation and parking systems within the operating area and to ensure that those road and parking systems are safely and efficiently connected to roads outside the operating area;
- j) Requirement to address, and include goals and measures to mitigate, any potential adverse effects that all projects, activities, programs, or plans may have on:
  - i) Government-owned lands designated as national cultural, historical, or heritage sites;
  - ii) Biodiversity Conservation Corridors or Protected Areas that are designated or established at national and subnational level;
  - iii) Areas inhabited or subject to traditional use by indigenous peoples;
  - iv) Ramsar sites;
  - v) UNESCO sites;
  - vi) Any area listed in a legal instrument as an area containing critical freshwater, marine, or coastal ecosystems or high landscape conservation value, species biodiversity, or ecosystem conservation value; and
  - vii) Any other area designated for protection or other special status by a competent ministry or institution;
- k) Requirement to address goals and measures for the preservation and/or enhancement of any historical, cultural, or natural resource values located within or adjacent to all proposed operating sites;
- l) Requirement to address and accept all potential obligations and responsibilities in the course of development and operation in accordance with the Polluter Pays Principle;

and

- m) Requirement that certain proposed development projects dedicate a percentage of the total area of the proposed development project as Open Green Space.

The ministry or institution responsible for environment and the ministry or institution responsible for land management, urban planning, and construction shall determine the requirements for Open Green Space in a legal instrument.

In cases where a proposed project, activity, program or plan does not require Environmental Impact Assessment and Initial Environmental Impact Assessment, the ministry or institution responsible for land management, urban planning, and construction may exempt a proposed project, activity, program, or plan from some or all of the requirements as stipulated in Article 233.

#### **ARTICLE 234 ACCESS TO ENVIRONMENTAL INFORMATION**

All land use plans, integrated spatial maps, and other planning documents generated as part of the land use planning process shall be filed with the ministry or institution responsible for land management, urban planning, and construction, the ministry or institution responsible for environment, the local municipality, and the relevant sub-national authorities and shall be made publicly available.

#### **ARTICLE 235 FEES AND CHARGES**

The ministry or institution responsible for land management, urban planning, and construction may charge sufficient cost to provide administration relevant to the land use requirement in accordance with this Title.

#### **ARTICLE 236 MODIFICATIONS TO APPROVED LAND USE PLANS**

Land Use Plans shall be modified in compliance with additional environmental land use planning requirements.

The relevant project proponents or authorities proposing the modification of the land use plan shall prepare documentation detailing the following:

- a) Proofing the scientific and socio-economic reasons for the proposed modification to the land use plan;
- b) Illustrating the efforts that have been made to retain the current land use status;
- c) Illustrating the manner in which the modification to permitted land use classification will have an effect on the livelihood of local communities and businesses; and

- d) Illustrating any other information necessary to justify the proposal.

Any proposal to modify any approved land use plan shall be subject to the provisions on public participation and access to environmental information in Book 1 Title 2 and Book 1 Title 3 of this Code.

#### **ARTICLE 237 REQUIREMENTS FOR PERMITS, LICENCES, AND APPROVAL CERTIFICATES**

The relevant government entity shall ensure that all permits, licences, or approvals comply with the environmental land use plan requirements, land management plans approved for use by the relevant ministries or institutions, and other land use management policies.

All natural persons or legal entities shall take action that is consistent with an approved land use plan.

In case of absence of a guiding land management plan, land use master plan, or land use plan, the grant of a property development permit, licence, or approval shall comply with the environmental land use requirements in accordance with this Code.

### **CHAPTER 4 SUSTAINABLE CITIES**

#### **SECTION 1 RESPONSIBLE INSTITUTION**

##### **ARTICLE 238 SUSTAINABLE CITY STRATEGIC PLAN**

The ministry or institution responsible for environment, in cooperation with the ministry or institution responsible for land management, urban planning, and construction shall establish sustainable city strategic planning.

##### **ARTICLE 239 RESPONSIBLE AUTHORITY**

The ministry or institution responsible for land management, urban planning, and construction shall be the responsible authority for ensuring compliance with the duties and responsibilities as stipulated in Article 238.

#### **SECTION 2 SUSTAINABLE CITY STEERING COMMITTEES**

##### **ARTICLE 240 CITY STEERING COMMITTEE**

The ministry or institution responsible for land management, urban planning, and construction shall establish sustainable city steering committee and secretariat if necessary.



Each steering committee shall be comprised of four (4) core technical working groups as follows:

- a) On urban planning and transport;
- b) Manufacturing and energy;
- c) Waste management and urban vulnerability; and
- d) Public space, cultural heritage, and built environment.

The composition, duties, responsibilities, and requirements of the sustainable city steering committee and the core technical working groups shall be determined by legal instrument of the ministry or institution responsible for land management, urban planning, and construction.

#### **ARTICLE 241 SUSTAINABLE CITY STRATEGIC PLANNING**

The capital city, provincial cities, and all other cities shall each establish a separate detailed sustainable city strategic plan in accordance with geographic, demographic, and actual situations of each city.

The completion of Sustainable City Strategic Plans for each category of city shall follow the process and requirements for the completion of the Sustainable City Strategic Planning framework as defined in a legal instrument by the ministry or institution responsible for environment in cooperation with the ministry or institution responsible for land management, urban planning, and construction.

The ministry or institution responsible for environment in cooperation with the ministry or institution responsible for land management, urban planning, and construction shall draft a strategic plan for sustainable cities and convene core technical working groups to support a strategic plan for a city that has failed to establish a sustainable city strategic plan or core technical working groups.

#### **ARTICLE 242 ACCESS TO ENVIRONMENTAL INFORMATION AND PUBLIC PARTICIPATION**

The ministry or institution responsible for land management, urban planning, and construction shall ensure access to environmental information and public participation regarding the sustainable city strategic planning as stipulated in accordance with Book 1 Title 2 and Book 1 Title 3 of this Code.

#### **ARTICLE 243 REVIEW AND REVISION OF SUSTAINABLE CITY STRATEGIC PLANS**

Master and detailed Sustainable City Strategic Plans shall be reviewed and revised at least every five (5) years depending on the changes of actual situation of socio-economic development.

## **TITLE 5        SUSTAINABLE TOURISM**

### **CHAPTER 1 SUSTAINABLE TOURISM DEVELOPMENT**

#### **ARTICLE 244 SCOPE OF APPLICATION**

This Title applies to all tourism projects in the Kingdom of Cambodia, including those that are in Biodiversity Conservation Corridors and Protected Areas that are designated or established at the national or sub-national level.

#### **ARTICLE 245 SUSTAINABILITY REVIEW**

Each existing tourism project or facility, shall be required to perform a sustainability review.

The ministry or institution responsible for tourism, in cooperation with the ministry or institution responsible for environment, shall develop a legal instrument on sustainability review, including criteria and procedures, for tourism projects.

The sustainability review legal instrument shall:

- a) Be based on international best practices including but not limited to those minimizing the degradation of tangible or intangible resources; and
- b) Include specific criteria for review of projects in Biodiversity Conservation Corridors and Protected Areas that are designated or established at the national or sub-national level.

#### **ARTICLE 246 RESOURCE EFFICIENCY ASSESSMENT**

Any tourism project or facility that causes environmental impacts in exceedance of any permitted or approved limits or that is not in compliance with the standards of the sustainability review shall be required to perform a resource efficiency assessment in accordance with the provisions in Book 3 Title 3 of this Code.

The ministry or institution responsible for tourism, in cooperation with the ministry or institution responsible for environment, shall develop a legal instrument on resource efficiency assessment for tourism projects.

### **CHAPTER 3**

## **COLLABORATIVELY MANAGED COMMUNITY-BASED ECO-TOURISM**

### **ARTICLE 247 COLLABORATIVE MANAGEMENT**

Any proposed tourism project in a Biodiversity Conservation Corridor or Protected Area that is designated or established at the national or sub-national level shall be eligible for inclusion in Collaborative Management arrangements in accordance with the provisions of Book 4 Title 3 of this Code.

### **ARTICLE 248 ENTRANCE FEES**

The ministry or institution responsible for environment may charge entrance fees for entry into tourism projects in Biodiversity Conservation Corridors and Protected Areas that are designated or established at the national or sub-national level.

The ministry or institution responsible for environment, in consultation with the ministry or institution responsible for tourism, the affected communities, and all relevant stakeholders, shall determine the schedule of fees on a site-specific basis.

These fees shall be received by the ministry or institution responsible for environment to be used exclusively for management of the Biodiversity Conservation Corridors and Protected Areas that are designated or established at the national or sub-national level for which the entrance fee was charged. Other benefit sharing mechanisms shall be determined on a per-project basis in consultation with all relevant stakeholders.

### **ARTICLE 249 ECOTOURISM**

The ministry or institution responsible for tourism, in cooperation with the ministry or institution responsible for environment, shall develop a legal instrument on the development and management of sustainable and responsible collaboratively managed, community-based ecotourism. The legal instrument shall meet the Association of Southeast Asian Nations Community-Based Tourism Standard.

## **TITLE 6 SUSTAINABLE ENERGY**

### **CHAPTER 1 SUSTAINABLE ENERGY**

#### **ARTICLE 250 SCOPE OF APPLICATION**

This Title applies to electricity production and distribution and use of electricity services in the Kingdom of Cambodia.

#### **ARTICLE 251 SUSTAINABLE ENERGY PRINCIPLES**

The Royal Government of Cambodia shall apply sustainable energy principles and prioritize, whenever possible, the development of sustainable energy projects to meet the present and future demand for energy for the Kingdom of Cambodia.

The ministry or institution responsible for environment, the ministry or institution responsible for energy, other relevant ministries and institutions, and public legal entities shall apply sustainable energy principles in their decisions and programming. The relevant ministries and institutions shall ensure that private legal entities apply sustainable energy principles in the projects developed under their authority.

#### **ARTICLE 252 SUSTAINABLE ENERGY**

The objectives of sustainable energy shall be achieved by the following methods:

- a) Support and promotion of sustainable energy projects;
- b) Consideration of the Kingdom of Cambodia's international climate change commitments in all decisions on energy projects;
- c) Adoption of a clear sustainable energy target;
- d) Prioritisation of investment in sustainable energy projects;
- e) Consideration of financial incentives to promote sustainable energy projects;
- f) Promotion of environmentally friendly technology;
- g) Support for decentralised sources of energy and mini- and micro-grid systems; and
- h) Promotion of household rooftop solar and other household generation and storage systems.

### **CHAPTER 2 SUSTAINABLE ENERGY PLANNING**

#### **ARTICLE 253 NATIONAL SUSTAINABLE ENERGY AND ELECTRICITY PLAN**

The ministry or institution responsible for energy, in cooperation with the ministry or institution responsible for environment shall develop a National Sustainable Energy and Electricity Plan, in cooperation with the relevant ministries and institutions, as well as consulting civil society organisations and communities impacted by the development of energy and electricity projects.

The National Sustainable Energy and Electricity Plan shall include the sustainable energy goals for the Kingdom of Cambodia.

In developing the National Sustainable Energy and Electricity Plan, ministry or institution responsible for energy, in cooperation with the ministry or institution responsible for environment shall prepare a Strategic Environmental Assessment, in accordance with the provisions in Book 2 Title 2 of this Code.

#### **ARTICLE 254 PLAN COMPONENTS**

The National Sustainable Energy and Electricity Plan shall be a tool for policymaking and a guide for administrative actions. The plan shall include, but is not limited to:

- a) Research into the development of a renewable portfolio standard policy to increase the amount and/or proportion of renewable energy purchased in a particular jurisdiction;
- b) An assessment of the current state of the energy and electricity generation and transmission infrastructure;
- c) A description of the available projects to be developed for provision of fuels and generation of electricity, as well as for transmission of electricity;
- d) Specific targets for sustainable energy generation;
- e) An examination of the waste generated by renewable energy projects. Plans shall be developed for recycling or managing any potential waste generated by renewable energy development;
- f) An analysis of the environmental impact of the planned energy and electricity generation projects; and
- g) Integrated resource use planning, in which competing resources are evaluated based on the costs and benefits of each, taking into account those life-cycle costs and negative social and environmental externalities.

#### **ARTICLE 255 PLAN COMPLIANCE AND REPORTING**

The ministry or institution responsible for energy shall be responsible for the National Sustainable Energy and Electricity Plan compliance.

The ministry or institution responsible for energy shall publish an annual report on the development of and compliance with National Sustainable Energy and Electricity Plan, in accordance with the access to environmental information provisions of Book 1 Title 3 of this Code.

#### **ARTICLE 256 AREAS PROHIBITED FOR ENERGY PROJECTS**

No energy projects shall be permitted within:

- a) State public land designated as national cultural, historical, or heritage sites;
- b) Biodiversity Conservation Corridors, Protected Areas that are designated or established at the national or sub-national level, with the exception of off-grid, village or household level installations;
- c) Areas inhabited or subject to traditional use by indigenous peoples, except in instances where the free, prior, and informed consent of the affected indigenous peoples has been granted, with the exception of off-grid, village or household level installations;
- d) Ramsar sites;
- e) UNESCO sites; and
- f) Any area listed in a legal instrument as an area containing:
  - i) Critical freshwater, marine, or coastal ecosystems; or
  - ii) High landscape conservation value, species biodiversity, or ecosystem conservation value.

### **CHAPTER 3**

#### **PROMOTION OF ENVIRONMENTALLY FRIENDLY TECHNOLOGY**

##### **ARTICLE 257 EFFICIENT, LOW EMISSION, LOW WASTE TECHNOLOGY**

The ministry or institution responsible for energy shall review every energy project to ensure that it applies energy efficient, low emission, and low waste technology. The ministry or institution responsible for energy shall review every energy project using best available technology and international good practice in the relevant energy sector.

##### **ARTICLE 258 BEST AVAILABLE TECHNOLOGY AND LEAST IMPACT ALTERNATIVE**

In accordance with the environmental assessment provisions of Book 2 Title 3 of this Code, the ministry or institution responsible for environment shall not approve the Initial Environmental Evaluation or Environmental Impact Assessment for any energy project that uses technology that is not best available technology or that may impact the environment more than an available alternative. The project proponent may be required to submit alternative designs that are more efficient and generate less waste and emissions while still achieving the stipulated objectives of the project.

##### **ARTICLE 259 PROMOTION OF ELECTRICITY SUPPLY**

The Royal Government of Cambodia, including all relevant ministries and institutions and public legal entities responsible for electricity production, distribution, and management of use of electricity services, shall promote the supply of electricity both from the national grid as well as from decentralized sources that can be implemented by natural persons or private legal entities. Electricity users shall be encouraged to install decentralized technologies and shall not be required to use a specific source of energy generation.

#### **ARTICLE 260 PROMOTION OF MINI- AND MICRO-GRID SUPPLY**

The relevant ministries and institutions shall support the provision of mini- and micro-grid supply. The mini-grid operator will have the option to:

- a) Continue to supply to consumers and exist in parallel with the national grid; or
- b) Continue to supply to consumers and sell excess or unsold electricity to the national grid at the interconnection point and draw power from the mini-grid.

In cases where the mini-grid connects with the national grid to sell surplus power, the mini-grid operator shall enter into a power purchase agreement with the public legal entity responsible for electricity production, distribution, and management of use of electricity services.

#### **ARTICLE 261 RIGHT TO TRANSFER OWNERSHIP**

The mini-grid operator shall also have the unilateral right to decide the transfer of ownership of all distribution and generation assets of the mini-grid to the public legal entity responsible for electricity production, distribution, and management of use of electricity services. The transfer transaction price shall comply with the current free market value of these transferred assets, as agreed to by the parties.

#### **ARTICLE 262 HOUSEHOLD RENEWABLE ELECTRICITY GENERATION**

Household renewable electricity generation shall not require a permit from any relevant ministry or institution to be installed, as long as the household uses certified equipment, in adherence with the terms of this Code and other relevant legal instruments.

#### **ARTICLE 263 BUSINESS OR COMMUNITY SUSTAINABLE ENERGY**

Businesses or communities that develop sustainable energy systems for their own provision of electricity have the right to connect to the existing grid, as agreed to by the relevant parties.

#### **ARTICLE 264 THRESHOLD FOR PERMITS**

The Royal Government of Cambodia shall ensure that the requirement for obtaining permits or licenses does not prevent:

- a) Businesses and communities, or a third-party developer in agreement with the business or community, from developing sustainable energy solely for the provision of electricity to the user as long as:
  - i) The business or community or third-party developer uses certified equipment, in compliance with the provisions of this Code; and
  - ii) The business or community or third-party developer uses specific technology to ensure that any electricity injected into the grid is minimal, so as to protect grid infrastructure from surge damage; and
- b) Private legal entities from developing sustainable energy in the Kingdom of Cambodia.

Private legal entities shall not be limited in the number of permits or licenses they obtain from the authority responsible for regulating electricity production, distribution, and use of electricity services for small-scale projects, with a generation capacity below five (5) megawatts.

The public legal entity responsible for electricity production, distribution, and management of use of electricity services shall regulate the injection of electricity into the grid in order to ensure reliability and safety.

#### **ARTICLE 265 PROHIBITION OF PRIVILEGE**

The Royal Government of Cambodia shall guarantee that no private legal entity has privilege above others, including in the securing of all permits and licenses, and in the negotiation of conditions of contracts agreed with relevant ministries and institutions.

All decisions for granting permits and licenses and formalizing other relevant terms for contracts shall be made based on technical and economic evidence, as accepted under international good practices.

When selecting a private legal entity to develop an energy or electricity generation or transmission related project in the Kingdom of Cambodia, the Royal Government of Cambodia shall mandatorily include in the application process the possibility for open competition and other private legal entities to submit offers, ensuring that those private legal entities can have timely and reasonable access to prepare their proposals.

### **CHAPTER 4**

#### **QUALITY CONTROL FOR SUSTAINABLE ENERGY GENERATION PRODUCTS**

##### **ARTICLE 266 INDEPENDENT ENTITY**



The authority responsible for regulating electricity production, distribution, and use of electricity services shall establish an independent entity within one (1) year from the enactment of this Code to control the quality of the energy generation devices supplied and used for the national market, in order to ensure that they comply with health, safety, and environmental standards. The independent entity shall be tasked with conducting audits, tests, and certifications of such devices.

#### **ARTICLE 267 CERTIFICATION OF QUALITY**

The independent entity shall verify that the quality of the products sold in the Kingdom of Cambodia for energy generation have received a certification of quality before they are commercialized. Certification may be administered by International Organisation for Standardization standards.

Verification of imported equipment shall be made at customs. Verification for national products shall be made by the independent entity before commercialization to the public.

#### **ARTICLE 268 WARRANTY STANDARDS**

The independent entity shall oversee and ensure that renewable energy product warranty standards are met and complied with. Depending on the terms of the warranty contract, in the case of a defect, malfunction, or failure to conform to warranty standards, the warrantor shall at a minimum remedy the consumer product within a reasonable time.

### **CHAPTER 5 REGULATION BY TYPE OF ENERGY OR ELECTRICITY PROJECT**

#### **SECTION 1 SOLAR POWER**

#### **ARTICLE 269 TARIFF EXEMPTIONS**

All solar panels, batteries, and other components used in the installation of solar household systems shall be exempt from paying import tariffs to encourage their dissemination and increased electrification of households in the Kingdom of Cambodia.

Solar household systems are subject to international and Cambodian quality standards and quality control inspections carried out by the independent entity to be established under Chapter 4 of this Title.

The independent entity and the authority responsible for regulating electricity production, distribution, and use of electricity services shall monitor that solar home systems are of a high quality, are installed correctly, and that the initial up-front costs of purchase and installation are recovered.

## **ARTICLE 270 REGULATION OF EXCESS ELECTRICITY TO THE GRID**

In the case of the supply of excess electricity to the grid by rooftop solar installations, the added supply of electricity shall be managed by the public legal entity responsible for electricity production, distribution, and management of use of electricity services. Any natural person or private legal entity that owns a rooftop solar installation for its own consumption has the legal right to connect to the grid.

The authority responsible for regulating electricity production, distribution, and use of electricity services shall develop a legal instrument for the regulation, standardization, and commissioning of renewable electricity sold to the grid by businesses or communities within one (1) year of the enactment of this Code.

## **ARTICLE 271 NET METERING**

The authority responsible for regulating electricity production, distribution, and use of electricity services shall develop a legal instrument on net metering for rooftop systems connected to the grid.

The net-metering legal instrument shall establish the rate for the electricity sold to the public legal entity responsible for electricity production, distribution, and management of use of electricity services. The beneficiary shall pay to the utility on a net meter reading basis only.

The public legal entity responsible for electricity production, distribution, and management of use of electricity services shall be responsible for implementation of the net metering legal instrument.

An agreement on installing net metering and monthly invoice issuance between the public legal entity responsible for electricity production, distribution, and management of use of electricity services and the owner of the building or solar facility shall be made.

## **ARTICLE 272 RIGHT TO CONNECT TO THE GRID**

Solar facilities operated by businesses or communities, whether using photovoltaic or concentrated solar modules, shall be allowed to connect to and supply electricity to the grid.

The public legal entity responsible for electricity production, distribution, and management of use of electricity services may own, operate, and maintain solar facilities and shall have the right to sub-contract the operation and maintenance.

## **ARTICLE 273 PILOT FEED-IN TARIFF SYSTEM**

In the term of one (1) year, the authority responsible for regulating electricity production, distribution, and use of electricity services shall develop a legal instrument on a pilot feed-in-

tariff system in which the government offers a fixed rate for the purchase of the renewable electricity generated from solar facilities or other renewable energy generation systems.

The objectives of the feed-in-tariff pilot shall be to ensure a level cost of energy over time, to decrease the cost to the end user, and to assist the project proponent's recovery of investment and maintenance costs.

The legal instrument shall establish a fixed tariff rate to be paid for renewable electricity for the entire duration of the pilot.

## **SECTION 2 NUCLEAR ENERGY**

### **ARTICLE 274 NUCLEAR ENERGY REGULATION**

Nuclear energy shall be developed only under full control and ownership of the Royal Government of Cambodia with international oversight and application of health, safety, and environment protection standards.

The Royal Government of Cambodia shall develop a legal instrument on nuclear energy and safety. The legal instrument shall include but shall not be limited to the requirements for the structure and organization of the relevant ministries and institutions for overseeing nuclear energy generation projects.

The Royal Government shall not receive nuclear waste from other countries, in any condition or under any circumstance.

### **ARTICLE 275 TRAINING**

The ministry or institution responsible for energy may organize a process for training for its employees in cooperation with the International Atomic Energy Agency.

## **SECTION 3 TRANSMISSION AND GRID CONNECTIONS**

### **ARTICLE 276 TRANSMISSION EFFICIENCY REQUIREMENTS**

Transmission projects shall use the most efficient technology in order to reduce electricity losses. The ministry or institution responsible for environment shall deny the approval of an Environmental Impact Assessment if the most efficient technology available at the time of the application for approval is not used. The technology applied shall be required to be the one that is economically and environmentally competitive compared to the electricity losses that it helps to avoid.

### **ARTICLE 277 DIGITAL COMMUNICATIONS TECHNOLOGY**

In order to allow renewable energy generation to be connected to the grid and to efficiently use electricity generated from sustainable sources, the Royal Government of Cambodia shall develop an electrical grid that uses digital communications technology to detect and react to local changes in usage and generation of energy.

The Royal Government of Cambodia shall design a program to implement this technology in the national electricity grid as soon as the given technology is acquired. A pilot program shall be prepared by the ministry or institution responsible for energy and shall be concluded and ready to be implemented within three (3) years of the enactment of this Code.

The costs for the implementation of grid technology and procedures shall be fairly distributed among all users of the grid.

### **ARTICLE 278 EXPANSION OF THE GRID**

Based on social, economic, and environmental considerations, the Royal Government of Cambodia may halt the expansion of the grid to specific areas of the country. In such case, the Royal Government of Cambodia shall promote and execute programs to provide decentralized solutions to households based on end user needs, both for electricity and energy generation.

### **ARTICLE 279 ACCESS TO ENVIRONMENTAL INFORMATION**

The relevant authority shall make publicly available the voltage and quality of electricity that is supplied and delivered by the grid, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code. The relevant authority shall publish voltage and electricity quality in order to prevent damage to transmission infrastructure or other interruptions in service provision.

## **CHAPTER 6 ENERGY EFFICIENCY**

### **ARTICLE 280 ENERGY AND ELECTRICITY MANAGEMENT SYSTEMS STANDARDS**

The ministry or institution responsible for energy and the ministry or institution responsible for environment shall develop a legal instrument on energy and electricity management systems based on the International Electro-Technical Commission standards and International Organisation for Standardization 50001 standards.

The ministry or institution responsible for energy, in cooperation with the ministry or institution responsible for environment shall within one year (1) year of the enactment of this Code develop a legal instrument for all ministries and institutions on compliance with

efficiency plans and policies and for the enforcement of Electro-Technical Commission standards.

The ministry or institution responsible for energy shall, in cooperation with the ministry or institution responsible for environment, annually report publicly on energy efficiency progress and act to ensure compliance with energy efficiency standards, in accordance with the access to environmental information provisions of Book 1 Title 3 of this Code.

## **TITLE 7 RESPONSIBLE EXTRACTIVE INDUSTRIES**

### **CHAPTER 1**

#### **SCOPE AND ENVIRONMENTAL PLANNING FOR EXTRACTIVE INDUSTRIES**

##### **ARTICLE 281 SCOPE OF APPLICATION**

This Title applies to extractive industries resources, including oil, gas, minerals, metals, other geological materials mined from the earth, and any other resources established by legal instrument by the relevant ministries or institutions.

This Title applies to exploration, extraction, closure, and rehabilitation of any extractive industries project in the Kingdom of Cambodia that are subject to the environmental assessment and monitoring provisions of Book 2, except for Articles 285 and 286 of this Code, which apply to all extractive industries.

##### **ARTICLE 282 STRATEGIC ENVIRONMENTAL ASSESSMENT**

The ministry or institution responsible for mines shall create a sector-based Strategic Environmental Assessment for the exploration or extraction of each specific extractive industries resource in the Kingdom of Cambodia in accordance with the provisions in Book 2 Title 2 of this Code.

A Strategic Environmental Assessment developed under this Chapter shall be required to identify and provide a framework for project proponents to integrate into all stages of project development, the following:

- a) Biodiversity and landscape conservation requirements;
- b) Threats to endangered species, habitats, and ecosystem conservation values; and
- c) Livelihoods of local communities and indigenous peoples.

##### **ARTICLE 283 EXISTING EXPLORATION AND EXTRACTION**

For each specific extractive industries resource for which exploration or extraction has

occurred prior to the enactment of this Code, the ministry or institution responsible for mines shall complete the preparation of and make publicly available, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code, a Strategic Environmental Assessment within two (2) years of the enactment of this Code t.

#### **ARTICLE 284 NEW EXPLORATION AND EXTRACTION**

For each specific extractive industries resource for which exploration or extraction has not occurred prior to the enactment of this Code, the ministry or institution responsible for mines shall finalize and make each such Strategic Environmental Assessment publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code, prior to:

- a) Approving any permit or licence for any exploration or extraction; and
- b) The commencement of any exploration or extraction.

#### **ARTICLE 285 ARTISANAL AND SMALL-SCALE MINING**

The relevant ministries or institutions shall establish a legal instrument on artisanal and small-scale mining to:

- a) Provide for artisanal and small-scale mining rights to citizens;
- b) Ensure safe, efficient, and environmentally sustainable artisanal and small-scale mining activities;
- c) Promote and adopt international best standards and practices in the management of artisanal and small-scale mining;
- d) Establish a process for designating, in consultation with relevant stakeholders and local communities, areas for artisanal mining; and
- e) Require and provide assistance for artisanal miners to develop and implement a safety and security plan.

#### **ARTICLE 286 AREAS PROHIBITED FOR EXTRACTIVE INDUSTRIES PROJECTS**

No extractive industry projects shall be permitted within:

- a) State public land designated as national cultural, historical, or heritage sites;
- b) The core zone or conservation zone of any Biodiversity Conservation Corridor and, Protected Areas that are designated or established at the national or sub-national level;

- c) Areas inhabited or subject to traditional use by indigenous peoples, except in instances where the free, prior, and informed consent of the affected indigenous peoples has been granted;
- d) Ramsar sites;
- e) UNESCO sites; and
- f) For the purposes of this Article, any area listed in a legal instrument as an area containing:
  - i) Critical freshwater, marine, or coastal ecosystems; or
  - ii) High landscape conservation value, species biodiversity, or ecosystem conservation value.

## **CHAPTER 2**

### **BEST AVAILABLE TECHNOLOGY FOR THE EXTRACTIVE INDUSTRIES**

#### **ARTICLE 287 DUTY TO AVOID ENVIRONMENTAL HARM**

Project proponents shall be required to use best available technology and good practice in order to avoid causing pollution or any other environmental harm and to maximize efficiency when conducting extractive industries activities.

#### **ARTICLE 288 LIST OF BEST AVAILABLE TECHNOLOGY AND GOOD PRACTICE**

The ministry or institution responsible for mines, in cooperation with the ministry or institution responsible for environment, shall maintain a list of the best available technology and good practice for each specific extractive industry resource.

The ministry or institution responsible for mines shall:

- a) Commence compiling an initial list of best available technology and commence public consultation on the proposed list, within one (1) year of the enactment of this Code; and
- b) Finalize a the list of each such best available technology and make publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code within eighteen (18) months of the enactment of this Code.

#### **ARTICLE 289 LIST UPDATE FREQUENCY**

The ministry or institution responsible for mines, in cooperation with the ministry or institution responsible for environment, shall update the list of best available technology for each specific

extractive industry resource at least every two (2) years.

#### **ARTICLE 290 REQUIREMENTS TO AVOID ENVIRONMENTAL HARM**

Consistent with the listed best available technology, project proponents of extractive industries projects shall:

- a) Adequately manage waste rocks and tailings to ensure structural stability, control discharge, and protect against the potential impacts of acid mine drainage, metal leaching, or loss of containment;
- b) Avoid building riverine or shallow marine tailings; and
- c) Consider the construction of zero discharge tailings, including permanent storage, after decommissioning.

### **CHAPTER 3**

#### **CYANIDE AND MERCURY USE IN GOLD AND SILVER MINING**

##### **ARTICLE 291 CYANIDE AND MERCURY SAFETY CERTIFICATION**

Project proponents of gold and silver mining projects shall be required provide documentation to the ministry or institution responsible for environment to certify that the cyanide and mercury to be used in their gold or silver mining operations was purchased in a safe and environmentally friendly manner.

##### **ARTICLE 292 RESPONSIBILITY AND LIABILITY**

Any purchase and sale agreements or other agreements and arrangements between producers, distributors, transporters, operators, or project proponents shall establish responsibility and appropriately allocate liability with respect to safety, security, release prevention, training, and emergency response in relation to the use of cyanide and mercury in gold or silver mining projects.

##### **ARTICLE 293 REQUIREMENTS FOR USE OF CYANIDE AND MERCURY**

For cyanide and mercury to be used in gold or silver mining projects, relevant ministries or institutions shall ensure that facilities handling such substances are in accordance with the International Cyanide Management Code and adhere to the following requirements:

- a) Unloading, storage, and mixing facilities are designed and operated consistent with sound and accepted engineering practices, quality control and quality assurance procedures, and release prevention and containment measures;
- b) Unloading, storage, and mixing facilities are operated using inspections, preventive



- maintenance, and contingency plans to prevent or contain releases and control and respond to worker exposures;
- c) Cyanide and mercury facilities are operated and monitored to protect worker health and safety, and the effectiveness of health and safety measures is periodically evaluated;
  - d) Management and operating systems are designed and implemented to protect human health and the environment, including contingency planning and inspection and preventive maintenance procedures;
  - e) A comprehensive water management program is implemented to protect against unintentional releases;
  - f) Measures to protect plants and animals from potential adverse effects of cyanide and mercury processes are implemented;
  - g) Measures to protect plants and animals from direct and indirect discharges of cyanide and mercury processes to surface water are implemented;
  - h) Monitoring programs to evaluate the effects of cyanide and mercury use on plants and animals and surface and ground water quality are implemented;
  - i) Emergency response plans and procedures to respond to worker exposure to cyanide and mercury are developed and implemented;
  - j) Procedures for internal and external emergency notification and reporting are implemented;
  - k) Meaningful stakeholder engagement is undertaken for communities to communicate issues of concern, in accordance with the public participation provisions in Book 1 Title 2 of this Code; and
  - l) Appropriate operational and environmental information regarding cyanide and mercury management is made available to stakeholders, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

## **CHAPTER 4 INFORMATION DISCLOSURE**

### **ARTICLE 294 APPLICABLE INFORMATION**

Relevant ministries and institutions shall ensure that details of each extractive industries project, including all applicable Strategic Environmental Assessments, Environmental Impact Assessments, Initial Environmental Evaluations, Environmental Management Plans, environmental audits, environmental monitoring reports, and other agreements between

national and sub-national administrations and project proponents, are made available to the public, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code, and furnished to potentially affected communities and residents in a manner that is comprehensible and in the appropriate language and format.

#### **ARTICLE 295 RESTRICTIONS TO CONFIDENTIALITY**

Relevant ministries and institutions shall ensure that no data relating to any extractive industries project shall be considered confidential if it relates to human health or the environment, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

### **BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES**

#### **TITLE 1 BIODIVERSITY CONSERVATION CORRIDORS AND NATURAL PROTECTED AREAS**

##### **CHAPTER 1 ESTABLISHMENT AND DECLASSIFICATION PROCEDURES**

#### **ARTICLE 296 PURPOSE OF BIODIVERSITY CONSERVATION CORRIDORS**

Biodiversity Conservation Corridors are specially determined protected landscapes containing Natural Protected Areas that are designated or established at the national or sub-national level; Community Protected Areas; Community Forests; other areas of significant natural resource conservation, ecosystem services, or local community and indigenous peoples' livelihood values; and other lands that have a vital role in maintaining forest cover or that provide connectivity between key biodiversity areas.

Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level are established and managed to secure for perpetuity the Kingdom of Cambodia's biological diversity, ecosystem services, natural and cultural resources, and sustainable local livelihoods.

#### **ARTICLE 297 RESPONSIBILITY FOR BIODIVERSITY CONSERVATION CORRIDORS**

The ministry or institution responsible for environment shall be responsible for nominating areas to be managed as Biodiversity Conservation Corridors or Natural Protected Areas that are designated or established at the national level. The establishment of new Biodiversity Conservation Corridors or Natural Protected Areas that are designated or established at the national level or expansion of the boundaries of existing Biodiversity Conservation Corridors

or Natural Protected Areas that are designated or established at the national level shall be by relevant legal instrument.

The relevant sub-national authorities shall be responsible for nominating or establishing Natural Protected Areas that are designated or established at the sub-national level as appropriate. The establishment of new Natural Protected Areas that are designated or established at the sub-national level or expansion of the boundaries of existing areas shall be by relevant legal instrument.

Any decision to establish or expand any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level shall be subject to the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 298 DECLASSIFICATION OF BIODIVERSITY CONSERVATION CORRIDORS**

Declassification or reduction of all or part of a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level is solely reserved for circumstances in which the biodiversity conservation and ecosystem services value of the area have been reduced to such a degree that restoration is not feasible.

Declassification of all or part of a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level shall occur by the relevant legal instrument following recommendation by the ministry or institution responsible for environment and the National Biodiversity Steering Committee under the National Council for Sustainable Development.

Declassification of all or part of any Natural Protected Area that is designated or established at the sub-national level shall occur by appropriate legal instrument following recommendation by the provincial department responsible for environment and the National Biodiversity Steering Committee under the National Council for Sustainable Development.

Any decision to declassify or reduce any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level shall be subject to the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 299 SPECIAL DESIGNATION OF SITES**

The Royal Government of Cambodia may establish, modify, or take such other steps as required in any area of national or international significance so as to be designated a World or Regional Heritage Site, Ramsar Site, or Biosphere Reserve provided that the area responds to

criteria stipulated by such international conventions or treaties.

An area already designated as World or Regional Heritage Site, Ramsar Site, or Biosphere Reserve shall require interventions by the Royal Government of Cambodia to ensure its management and conservation are consistent with procedures and relevant regulations.

Any such area that has already been acknowledged by international treaty or convention shall be determined in a relevant legal instrument.

## **CHAPTER 2 MANAGEMENT, USE AND OTHER REQUIREMENTS**

### **ARTICLE 300 PLANNING, ZONING, AND MANAGEMENT PLANNING REQUIREMENTS**

All Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level shall be subject to the land use planning, zoning, and management planning requirements in Title 2 of this Book.

Any land use planning, zoning, and management planning that is already existing prior to the enactment of this Code is completed for any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level shall remain valid and be deemed consistent with the provisions of this Code.

Any land use planning, zoning, and management planning that prior to the enactment of this Code is in process for any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level shall continue, incorporating the requirements of this Code.

Those areas within Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level that are subject to Collaborative Management shall be subject to the land use planning, zoning, and management planning requirements in Title 3 of this Book.

### **ARTICLE 301 MORATORIUM ON COMMERCIAL AND DEVELOPMENT ACTIVITY**

No new commercial or development activity may be undertaken in any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level until the land use planning, zoning, and management processes stipulated in Title 2 and Title 3 of this Book are completed, unless explicitly stated by relevant legal instrument. The issuance of any such legal instrument shall be preceded by an Environmental Impact Assessment for the proposed commercial or development activity and

shall be subject to the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

**CHAPTER 3**  
**NEW BIODIVERSITY CONSERVATION CORRIDORS AND STATUS OF**  
**CURRENT NATURAL PROTECTED AREAS**

**ARTICLE 302 ESTABLISHMENT OF BIODIVERSITY CONSERVATION CORRIDORS**

Biodiversity Conservation Corridors are established. The establishment of Biodiversity Conservation corridors shall be made by relevant legal instruments.

**ARTICLE 303 CONTINUANCE OF NATURAL PROTECTED AREAS**

All Natural Protected Areas that are designated or established at the national level that have been legally established pursuant to relevant legal instruments retain their full legal status as Protected Areas, including the protections, boundaries, and management arrangements currently in place.

The land use planning, zoning and management of any Natural Protected Areas that are designated or established at the national or sub-national level may occur:

- a) Separately for that specific area;
- b) As an integrated process that applies to an entire Biodiversity Conservation Corridor;
- c) As both (a) and (b); or
- d) As within the process of Collaborative Management for that area.

**TITLE 2       MANAGEMENT OF BIODIVERSITY CONSERVATION**  
**CORRIDORS AND NATURAL PROTECTED AREAS**

**CHAPTER 1**  
**GENERAL PROVISIONS**

**ARTICLE 304 SCOPE AND OBJECTIVES OF THIS TITLE**

This Title sets out the framework of management, conservation, and development of all Biodiversity Conservation Corridors and Natural Protected Areas that that are designated or established by legal instrument at the national or sub-national level, including all sub-classifications, sub-zones, and all other underlying land use classifications and categories within these areas. This Title also applies to any specially designated nature reserve zone, species conservation zone, biosphere conservation zone, and any other duly established

terrestrial, freshwater, or marine conservation zone.

In areas subject to the Collaborative Management provisions of Title 3, Book 4 of this Code, this Title supports the implementation of Collaborative Management as specified in this Title and in Title 3.

In areas subject to the Sustainable Forest Management provisions of Title 4, Book 4 of this Code, this title supports the implementation of Sustainable Forest Management as specified in this Title and Title 4.

### **ARTICLE 305 OBJECTIVES OF BIODIVERSITY CONSERVATION CORRIDORS AND NATURAL PROTECTED AREAS**

All Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level shall be managed according to the following objectives:

- a) Biodiversity, wildlife, and natural resource conservation;
- b) Conservation of ecosystem values, goods, and services, and
- c) Livelihoods development of local communities.

### **ARTICLE 306 BIODIVERSITY CONSERVATION CORRIDOR MANAGEMENT PLANS**

Each Biodiversity Conservation Corridor shall be subject to a Biodiversity Conservation Corridor Management Master Plan. Subordinate, site-specific management plans within any Biodiversity Conservation Corridor may be created to improve implementability on a site-specific basis and in accordance with Natural Protected Area and Collaborative Management designations.

Any Natural Protected Areas that are designated or established at the national level that are within a Biodiversity Conservation Corridor may be subject to an individual management plan in addition to the Biodiversity Conservation Corridor Management Master Plan. Any such individual management plan shall be integrated into the Biodiversity Conservation Corridor Management Master Plan. Any individual management already existing prior to the enactment of this Code shall remain effective and be eligible for integration into a Biodiversity Conservation Corridor Management Plan.

Any Natural Protected Areas that are designated or established at the national or sub-national level that are not within a Biodiversity Conservation Corridor and any Natural Protected Areas that are designated or established at the sub-national level shall be subject to

an individual management plan.

### **ARTICLE 307 MANAGEMENT OF BIODIVERSITY CONSERVATION CORRIDORS**

All Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level shall be eligible for Collaborative Management, in accordance with the Collaborative Management provisions in Title 3 of this Book.

Until such time as Collaborative Management is established in any portion of any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level, such areas shall be managed in accordance with this Title.

Any Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level that do not become subject to Collaborative Management, shall continue to be managed in accordance with this Title.

## **CHAPTER 2 RESPONSIBLE MINISTRIES OR INSTITUTIONS**

### **ARTICLE 308 RESPONSIBILITIES OF THE RELEVANT MINISTRIES OR INSTITUTIONS**

The management of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level shall be the responsibility of the ministry or institution responsible for environment, sub-national authorities, and other institutions in accordance with the Collaborative Management provisions in Title 3 of this Book.

The management of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level shall guarantee the rights of local communities, indigenous peoples, and the public:

- a) To be consulted and participate in the decision-making on the sustainable management and conservation of biodiversity;
- b) To provide consent in accordance with the principle of Free, Prior, and Informed Consent as required by this Code;
- c) To fully participate in the planning, sustainable use and management of these areas; and
- d) To ensure fair and equitable access to all such areas for local resource users, consistent with zoning classifications and restrictions.

In cases where indigenous peoples are present in the area, or have a collective attachment or interest in the area, special and differentiated consultation procedures shall be conducted to ensure that their rights and interests, including their traditional, customary rights, are addressed and properly upheld.

The management and conservation activities to occur in Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level are as follows:

- a) Throughout all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, the provisions of this Title shall apply until such time as Collaborative Management is established in any portion of these areas, after which time such areas shall be managed in accordance with the Collaborative Management provisions in Title 3 of this Book. In such instances, any land use planning, zoning, and management planning already conducted pursuant to this Title shall apply to any subsequent Collaborative Management that may occur in such areas.
- b) Any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level, or any portion of these areas, that does not become subject to Collaborative Management, shall continue to be managed according to this Title.

#### **ARTICLE 309 RESPONSIBILITIES OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR ENVIRONMENT**

In managing Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, the ministry or institution responsible for environment shall:

- a) Provide the overall framework, oversee and manage, and give technical support to the overall process for developing and implementing the land use planning, zoning classification, and management of the Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level;
- b) Ensure effective monitoring and oversight of the management of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level;
- c) Establish sustainable finance mechanisms for Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level in accordance with the sustainable financing mechanisms of Book 8 of this Code;



- d) Oversee and provide support to the process of integration of Community Forests, Community Protected Areas, Community Fisheries, and other local and customarily acknowledged areas into overall Biodiversity Conservation Corridors and Natural Protected Areas management frameworks;
- e) Direct and support the patrolling, monitoring, investigation, and enforcement within all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level; and
- f) Conduct technical work in studies, research, reporting, and awareness-raising as required to promote the sustainable management and long-term conservation of the Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level.

### **ARTICLE 310 RIGHTS OF OFFICIALS OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR ENVIRONMENT**

In managing Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level, officials of the ministry or institution responsible for environment have the following rights and responsibilities:

- a) Regularly conduct patrolling, monitoring, investigation, and enforcement activities of all kinds;
- b) Inspect and issue licenses, permits, and other relevant documents;
- c) Take action to prevent and control forest fires;
- d) Control export and import of plants, animals, seeds, and samples from or into the Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level;
- e) Promote education and dissemination among the public and coordinate with local indigenous communities;
- f) Perform the role as Environment and Natural Resources Judicial Police Officers
- g) Conduct consultations with relevant stakeholders regarding the establishment and management of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level;
- h) Abide by obligations related to receiving Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level financing;

- i) Collaborate with local and indigenous communities; sub-national authorities; relevant technical partners with experience in the [research, protection, management of natural resources in the Kingdom of Cambodia, and conservation organizations that are involved in the conservation of the areas, and any interested stakeholders, to establish Collaborative Management of such areas, as stipulated in Title 3 of this Book; and
- j) Other detailed rights and responsibilities as contained in this Code and other relevant legal instruments.

### **ARTICLE 311 RESPONSIBILITIES OF THE SUB-NATIONAL AUTHORITIES**

Other sub-national authorities shall have the following roles and responsibilities:

- a) Support Biodiversity Conservation Corridor and Natural Protected Areas Directors, relevant technical partners, and other stakeholders in the development of land use plans, zoning classifications, and individual management plans for Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level;
- b) Coordinate with relevant ministries or institutions, relevant technical partners with experience in the research, protection, management of natural resources in the Kingdom of Cambodia, and all relevant stakeholders for the implementation of activities in Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, including Community Protected Areas, Community Forests, land titling, zoning, biodiversity monitoring and research, ecotourism and education, as well as the arrest and prosecution of persons conducting illegal activities;
- c) Disseminate laws and regulations related to conservation and protected areas management, in coordination with local stakeholders;
- d) Inspect licenses, permits, and other relevant documents relating to Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level and participate in all law enforcement activities related to environment and natural resource conservation matters;
- e) Issue any licences, permits, or other relevant documents relating to Natural Protected Areas established at the provincial, district, or commune level;
- f) Regularly conduct patrolling, monitoring, investigation, and enforcement activities of all kinds;
- g) Collaborate with local and indigenous communities, national level institutions, relevant technical partners with experience in the research, protection, management of natural

resources in the Kingdom of Cambodia, and any interested stakeholders to establish Collaborative Management of such areas, as stipulated in Title 3 of this Book; and

- h) Such other activities as may be stipulated in a legal instrument describing the details of decentralization of natural resources management.

### **ARTICLE 312 REQUIRED EXPERIENCE AND TRAINING**

Biodiversity Conservation Corridor Directors, Natural Protected Area Directors, other field-based Biodiversity Conservation Corridor and nationally-designated Natural Protected Area management and technical staff, and Directors of the provincial departments responsible for environment shall be appointed based on possessing adequate qualifications as follows:

- a) Necessary educational and professional qualifications; and
- b) Experience in forestry, environment and natural resource management, biodiversity conservation, law enforcement, or other relevant fields.

Directors and other relevant staff of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national level and Directors of the provincial departments responsible for environment shall be required to complete courses and trainings at the National Environment and Natural Resources Training Academy.

## **CHAPTER 3**

### **LAND USE PLANNING IN BIODIVERSITY CONSERVATION CORRIDORS AND NATURAL PROTECTED AREAS**

#### **ARTICLE 313 REQUIREMENT FOR LAND USE PLANNING OF BIODIVERSITY CONSERVATION CORRIDORS**

All Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level shall be subject to land use planning, which shall serve as an integral component of and support tool to the management planning process for all such areas.

Each site-specific land use plan shall be updated every twenty (20) years, or earlier if required.

#### **ARTICLE 314 REQUIREMENT OF MINISTRY OR INSTITUTION RESPONSIBLE FOR ENVIRONMENT TO CONDUCT LAND USE PLANNING**

The ministry or institution responsible for environment and relevant sub-national authorities shall conduct land use planning for all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, as part of the management planning process.

Land use planning shall be conducted in in collaboration with relevant technical partners with experience in the research, protection, management of natural resources in the Kingdom of Cambodia and any interested stakeholders, including Collaborative Management Committees and Collaborative Management community members in those areas under Collaborative Management, and any other communities located within the area subject to land use planning.

In those areas subject to Collaborative Management, land use planning may also be conducted as part of the Collaborative Management process in accordance with the Collaborative Management provisions in Title 3 of this Book.

Such Collaborative Management land use planning may be conducted:

- a) Prior to and separate from the land use planning provided for in this Chapter;
- b) Simultaneously with and integrated into the land use planning provided for in this Chapter; or
- c) Subsequent to, and consistent with, the land use planning provided for in this Chapter.

Any land use planning, and also any zoning and management planning, conducted under this Title shall, to the greatest extent possible, be consistent with any former or subsequent land use planning, zoning, and management planning conducted in accordance with the Collaborative Management provisions in Title 3 of this Book.

#### **ARTICLE 315 LAND USE PLANNING OBJECTIVES**

Land use planning for all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level shall be carried out in the following manner:

- a) Conduct appropriate consultations with stakeholders;
- b) Research and acquire detailed, site-specific data of physical, biological, social, and economic factors, including best available data regarding land resource inventory, present land uses, infrastructure, population, natural resources and biodiversity, land tenure, customary rights, social structure, cultural livelihood factors, government, plants, natural disturbances, hydrological functions, energy flows, normal and cross-boundary movement of wildlife, and any other information pertaining to current land uses;
- c) Conduct thorough integrated spatial mapping of all landscapes, land use configurations, land tenures, cultural heritage sites, and important biological corridors within and adjacent to all Biodiversity Conservation Corridors and Natural Protected Areas that

are designated or established at the national or sub-national level .

- d) Acquire best available data about potential land uses and immediately foreseeable environmental impacts of potential land uses within and adjacent to all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level;
- e) Acquire the best available data on the economic values of natural capital within and adjacent to all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, and ecosystem service supplied by natural capital;
- f) Identify environmental issues and natural resource management issues that are related to socio-economic development and sustainable environmental management;
- g) Consult with qualified land and resource conservation experts, relevant technical partners with experience in the [research, protection, management of natural resources in the Kingdom of Cambodia, and, where indigenous peoples are present, qualified social specialists with expertise in the communities concerned, throughout the comprehensive land use planning process.

#### **ARTICLE 316 OUTCOMES OF LAND USE PLANNING**

Upon completion of the land use planning process, the ministry or institution responsible for environment shall formalize the integrated spatial maps and submit them to the department responsible for Geographic Information Systems of the ministry or institution responsible for environment and/or the Cambodian Environmental Mapping Centre in accordance with the access to environmental information provision in Book 1 Title 3 of this Code.

#### **ARTICLE 317 LAND USE PLANNING PROCESSES AND CRITERIA**

The land use planning process in this Chapter supports zoning classification and management planning and applies to all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level.

Considering time and resource constraints, the ministry or institution responsible for environment and relevant sub-national authorities, in collaboration with technical partners may determine on a case-by-case basis the extent of land use planning that is feasible in any Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level.

Land use planning requirements in this Chapter shall not delay the process of zoning and overall management planning for any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level.

## **ARTICLE 318 PROPOSALS TO MODIFY LAND USE PLAN**

For any proposed modification of land use plan for any Biodiversity Conservation Corridors or Natural Protected Areas that are designated or established at the national or sub-national level, or any portion of such areas, the natural persons or legal entities proposing the modification shall prepare documentation detailing the following:

- a) The scientific and socio-economic reasons for the proposed modification to land use master plan;
- b) The efforts that have been made to retain the current land use status;
- c) The manner in which the modification to permitted land use classification will enhance the livelihood of local communities, ensure the continuation of customary land use patterns, and ensure there will be no significant impact areas of high conservation value;
- d) The means by which the loss of conservation and ecosystem value will be offset; and
- e) Any other information necessary to justify the proposal.

Any proposal to modify the land use plan of any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level shall be subject to the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

Thereafter, any such approval of modification shall only be granted in written form by the ministry or institution responsible for environment, in a decision demonstrating careful consideration of the documentation provided.

## **CHAPTER 4 MANAGEMENT ZONES OF BIODIVERSITY CONSERVATION CORRIDORS AND NATURAL PROTECTED AREAS**

### **ARTICLE 319 DESIGNATION OF MANAGEMENT ZONES**

Consistent with the outcomes of any land use planning process that may have been performed according to this Title, the ministry or institution responsible for environment and relevant sub-national authorities shall designate management zones for all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level. The designation of management zones shall promote the management of these areas according to objectives stipulated in this Title.

Such Zones shall be designated on a site-specific basis, considering each management zone type, as well as the extent of each zone type to be included in each area, and any sub-zone

categories that may be appropriate on a site-specific basis.

Site-specific zoning designations shall be made in collaboration with relevant technical partners with experience in the research, protection, management of natural resources in the Kingdom of Cambodia and any interested stakeholders, including Collaborative Management Committees and Collaborative Management community members in those areas under Collaborative Management, and any other communities located in the area, and shall be subject to the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

The ministry or institution responsible for environment and sub-national authorities shall provide all relevant national level ministries and institutions and sub-national authorities, units and departments the opportunity to participate in the management zone designation process and shall inform them of the results of the zoning designation process which shall be binding on all ministries or institutions.

All management zoning designations shall utilize the following zoning framework in addition to any further site-specific sub-zoning:

- a) **Core Zone:** management area(s) of the highest conservation value containing threatened, endangered, and critically endangered species, and the most fragile ecosystems. Access to the Core Zone is prohibited except for 1- duly authorized officials, 2- researchers who, with prior permission from the ministry or institution responsible for environment, conduct nature and scientific studies for the purpose of preservation and protection of biological resources and natural environment, and 3- implementers of Collaborative Management that have a signed agreement to collaboratively manage the relevant areas, with such access described by the precise terms of the agreement and limited to monitoring, law enforcement, and low-impact ecotourism. When in the interests of national security, and with the express prior authorisation from the Prime Minister, security, and defence sectors may access the Core Zone. When accessing the Core Zone, the security and defence sectors shall inform the ministry or institution responsible for environment, the provincial department responsible for environment and Natural Protected Area Director, and other relevant authorities when any such access is required, and shall cooperate with the ministry or institution responsible for environment and all other relevant authorities and actors to minimize any disturbance to the Core Zone to the greatest extent possible.
- b) **Conservation Zone:** management area(s) of high conservation value containing threatened, endangered, and critically endangered species, fragile ecosystems, natural resources, watershed areas, and natural landscapes, often located adjacent to a Core Zone. Access to the Conservation Zone is allowed only with prior consent of the relevant ministries or institutions including the implementers of Collaborative

Management that have a signed agreement to collaboratively manage the relevant areas. When in the interests of national security, and with the express prior authorisation from the Prime Minister, security and defence sectors may access the Conservation Zone. When accessing the Conservation Zone, the security and defence sectors shall inform the ministry or institution responsible for environment, the provincial department responsible for environment and Natural Protected Area Director, and other relevant authorities when any such access is required, and shall cooperate with the ministry or institution responsible for environment and all other relevant authorities and actors to minimize any disturbance to the Conservation Zone to the greatest extent possible. Low impact tourism operations, small-scale subsistence uses of timber, fuel wood, and small scale use of non-timber forest products to support local communities and local indigenous peoples' livelihood may be allowed under terms set by the ministry or institution responsible for environment or other relevant authorities including the implementers of Collaborative Management that have a signed agreement to collaboratively manage the relevant areas, provided that they do not present serious adverse impacts on biodiversity conservation and ecosystem value within the zone.

- c) Sustainable Use Zone: management area(s) of both high economic potential and significant conservation and ecosystem value, with high potential for contributing to the sustainable livelihood of local communities including indigenous peoples' communities. In addition to the small-scale subsistence uses permitted in the Conservation Zone, limited and small scale harvesting and production activities are permitted in this zone. Any such uses shall be consistent with relevant land use planning and management established for the zone, and subject to approval from the ministry or institution responsible for environment or other relevant ministries or institutions including the implementers of Collaborative Management that have a signed agreement to collaboratively manage the relevant areas. These activities may include such community-based commercial activities as afforestation, small scale silviculture, plantation, and commercial non-timber forest product cultivation, provided that no such activities may cause significant impact to existing biodiversity conservation and ecosystem values. Forest clearing and large-scale commercial agribusiness activities are not permitted.
- d) Community Zone: Management area(s) for socio-economic development of the local communities and indigenous peoples and, in addition to the uses permitted in the Sustainable Use Zone, may contain existing residential lands, paddy field, and field garden or swidden. Any commercial sale of timber and fuel wood from the Sustainable Use Zone or Community Zone must be in accordance with the area's approved management plan and a permit from the relevant authorities including the implementers of Collaborative Management that have a signed agreement to collaboratively manage the relevant areas.

## **ARTICLE 320 DETERMINATION OF AREAS SUITED TO COMMERCIAL**



## **ACTIVITY**

The ministry or institution responsible for environment, sub-national authorities, and Collaborative Management Committees and other relevant ministries, institutions or legal entities with management authority within any portion of a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level, may determine that certain portions of the Sustainable Use Zone or Community Zone with both high economic potential and low conservation and ecosystem value are best suited to commercial activity.

Upon making such a determination, and prior to undertaking any such commercial activity, the relevant entities shall:

- a) Conduct appropriate consultations with relevant technical partners with experience in the [research, protection, management of natural resources in the Kingdom of Cambodia, any interested stakeholders, and the affected local communities and obtain prior consent of such communities to the proposed commercial activity; and
- b) Divulge financial arrangements and projected revenue from such commercial activity to all interested stakeholders.

Upon fulfilment of the criteria in the preceding paragraph, the relevant entities shall create a new sub-zone to completely encompass the proposed commercial activity, such sub-zone being classified as a Tourist Zone, a Community Agriculture Development Zone, or other relevant zone as required.

After establishing this sub-zone, the relevant entities may enter into arrangements for such commercial activity. All revenue generated from such activities shall be deposited into an appropriate site-specific account created in accordance with the provisions in Book 8 Title 2 of this Code, and be used exclusively for the benefit of the local communities in the area and the conservation of the Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level in which the commercial activity is located.

The processes of sub-zoning and of making arrangements for commercial activity, and all details of such sub-zoning arrangements shall be fully disclosed and the public shall be allowed to access information and the opportunity to provide inputs in accordance with the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

## **ARTICLE 321 MAP OF EACH BIODIVERSITY CONSERVATION CORRIDOR**

Upon completion of the zoning process, the relevant authorities shall formalize the map for

each Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level. The boundaries and zones shall be publicly available and disseminated to all interested stakeholders, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 322 UPDATING OF ZONING AND MAPPING**

Each site-specific zoning designation and mapping shall be updated every twenty (20) years, or earlier if required.

#### **ARTICLE 323 PROPOSALS TO MODIFY ZONE DESIGNATIONS**

Any proposal to modify the zone designation of any Biodiversity Conservation Corridor, Natural Protected Area that is designated or established at the national or sub-national level, or any portion thereof, from a more highly protected status to a lower protected status, shall include documentation detailing the following:

- a) The scientific and socio-economic reasons for the proposed modification to zone classification;
- b) The efforts that have been made to retain the current zoning status;
- c) The manner in which the modification to zone classification will enhance the livelihood and customary rights of local communities;
- d) The means by which the loss of conservation and ecosystem value will be offset;
- e) Appropriate consultations with any interested stakeholders and the affected local communities, including the prior consent of such communities to the proposed modification; and
- f) Such other information to justify the proposal.

Any proposal to modify the zone classification of any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level shall be subject to the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

Thereafter, any such approval of modification shall only be granted in written form by the ministry or institution responsible for environment, in a decision demonstrating careful consideration of the documentation provided.

### **CHAPTER 5**

#### **STRATEGIC MANAGEMENT PLANS FOR BIODIVERSITY CONSERVATION CORRIDORS AND NATURAL PROTECTED AREAS MANAGEMENT**

## **ARTICLE 324 DEVELOPMENT OF NATIONAL BIODIVERSITY CONSERVATION CORRIDOR AND NATURAL PROTECTED AREAS STRATEGIC MANAGEMENT PLAN**

The ministry or institution responsible for environment shall develop a framework National Biodiversity Conservation Corridor and Natural Protected Areas Strategic Management Plan. The ministry or institution responsible for environment shall ensure that the Plan is compatible and consistent with other national plans and strategies and that it properly includes budgetary considerations.

## **ARTICLE 325 PROPOSALS FOR REVIEWING AND REVISING PLANS**

The ministry or institution responsible for environment shall make proposals for review and revision of the National Biodiversity Conservation Corridor and Natural Protected Areas Strategic Management Plan every ten (10) years, or earlier if changes are needed to achieve the ministry or institution responsible for environment's purpose(s), vision, goals, or objectives in Biodiversity Conservation Corridor and Natural Protected Areas Management.

The National Biodiversity Conservation Corridor and Natural Protected Areas Strategic Management Plan shall be created and revised in accordance with the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

## **ARTICLE 326 DEVELOPMENT OF MANAGEMENT PLANS**

For all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level that are not subject to the Collaborative Management provisions in Title 2 of this Book, the ministry or institution responsible for environment or sub-national authorities shall develop site-specific management plans in accordance with the National Biodiversity Conservation Corridor and Natural Protected Areas Strategic Management Plan.

A site-specific management plan should, at a minimum, include a description of the natural and cultural values of the site; an analysis of the threats and issues having an impact on these values; and, a set of strategic objectives and management actions that will address these threats.

The process for the development of these site-specific management plans shall involve coordination and consultations with sub-national authorities, local communities and indigenous peoples living inside and adjacent to Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, relevant technical partners with experience in the research, protection, management of natural resources in the Kingdom of Cambodia, any interested stakeholders, and including private sector entities such as economic land concession owners.

Each site-specific management plan shall be revised every ten (10) years from its date of approval, or earlier if changes are required to achieve the management objectives as stated in the management plan.

Site-specific management plans shall be revised in accordance with the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 327 CONTINUANCE OF COMMUNITY PROTECTED AREAS, COMMUNITY FORESTS, AND OTHER AREAS**

Any Community Protected Areas, Community Forests, Community Fisheries Areas, and other local and customarily acknowledged areas that are already existing upon the enactment of this Code shall remain valid, and all rights, responsibilities, and obligations regarding such areas shall remain legally valid, unless and until such time as each area may be incorporated into or transformed into a Collaborative Management Zone as stipulated in Title 2 of this Book.

### **CHAPTER 6 PERMITS AND APPROVALS**

#### **ARTICLE 328 AUTHORITY TO ISSUE PERMITS, AGREEMENTS, AND CONTRACTS**

The ministry or institution responsible for environment or other relevant sub-national authorities has the authority to issue permits, agreements, or contracts for conservation in Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level. All such permits, agreements and contracts shall be issued in accordance with the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 329 PERMITTED DEVELOPMENT IN ZONES**

Development of any permanent buildings or infrastructure, any type of commercial activity whatsoever, and any land clearing or bulldozing shall be strictly prohibited in the Core and Conservation Zones.

Low impact, non-permanent infrastructure consistent with the area management plan may be permitted in the Core and Conservation Zones.

Any commercial activity in the Sustainable Use or Community Zones must be consistent with the management plan for these areas. Forest clearing and large-scale commercial agri-business activities are not permitted in the Sustainable Use or Community Zones, but commercial activity may be permitted in a sub-zone specially created as stipulated in Article 322 of this

Code. Revenue from any such commercial activity shall be used for the direct benefit of the local communities in the area and the conservation of the area in which the commercial activity is located.

Any such commercial activities are subject to public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code, and shall be approved by the relevant ministries, institutions or legal entities with management authority in the area.

#### **ARTICLE 330 PROPOSALS REQUIRING PRIOR APPROVAL**

Any proposal for plants, seeds, wildlife or fish to be brought into or taken out of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, cross breeding of wild species or fish of all species; shall be subject to prior research, analysis, and approval by the ministry or institution responsible for environment and the Biodiversity Technical Working Group of the National Council for Sustainable Development.

#### **ARTICLE 331 REQUIREMENT FOR RESEARCH, DIAGNOSIS AND EVALUATION**

All non-commercial export, import, or exchange of wildlife between the Kingdom of Cambodia and other countries shall be subject to comprehensive research, diagnosis, and evaluation by the ministry or institution responsible for environment in collaboration with relevant technical partners with experience in the research, protection, management of natural resources in the Kingdom of Cambodia. Permission for such activities shall only be granted by the ministry or institution responsible for environment, if the proposed activities are in accordance with the laws and regulations of the Royal Government of Cambodia of Cambodia and international conventions to which the Kingdom of Cambodia is a party.

#### **ARTICLE 332 PROHIBITIONS AGAINST SETTING FIRES**

Setting forest fire in Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level without a permit is prohibited.

The use of fire in Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level is prohibited unless permitted by the competent, responsible institution.

#### **ARTICLE 333 PROHIBITIONS AGAINST FISHING**

Fishing inside the Core Zone of a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level is strictly prohibited.

Fishing with illegal gears inside any zone of a Biodiversity Conservation Corridor or Natural

Protected Area that is designated or established at the national or sub-national level is strictly prohibited, including chemical and other poisonous substances, electrocution, mosquito nets, explosives, spear in combination with projected light, gill net, or seine net with mesh size smaller than one and one half (1 ½) centimetre, encircling net with light.

Placing a barrier or obstruction in any aquatic system within a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level that prevents the free passage of fish is prohibited without a permit.

Draining, or attempting to drain or pump dry an aquatic system within a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level, in order to catch or kill fish in any manner whatsoever is strictly prohibited.

Damage to spawning grounds, banks, or spawn of fish is strictly prohibited inside all zones of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level.

Establishment or operation of an aquaculture process is strictly prohibited inside Core Zones and Conservation Zones. Any aquaculture process in the sustainable use or Community Zone shall require a permit and be subject to monitoring to ensure no adverse impacts on surrounding areas.

### **ARTICLE 334 PROTECTIONS AGAINST DESTRUCTIVE PRACTICES**

Any destructive practices (activities) or harms caused by illegal land encroachment, collection, clearance, commercialization, pollution in the areas containing valuable biological resources, forest fire, swidden and commercial agriculture, transmission of diseases and pests including invasive plants and animals are prohibited in all Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level.

Prohibited practices (activities) considered destructive and harmful include:

- a) Removal or destruction of official boundary markers or posts, or placement of private boundary markers or posts;
- b) Collection of timber and non-timber products, fishery products, and natural resources in a manner violating the recognized and authorized access rights and management plan, or by persons without a valid permit;
- c) Felling, pruning, clearing, damaging, or poisoning plants or trees, or uprooting tree stumps without a valid permit;

- d) Catching, hunting, collecting, and harassing wild eggs, offspring and birds by any means;
- e) Destroying water quality in all forms, poisoning, using chemical substances, disposing of solid and liquid wastes into water or on land, and using electric shock equipment as stipulated in the wildlife protection, conservation, and management provisions in Title 5 of this Book;
- f) Bringing snares or materials to build snares, traps, hunting guns, or any other materials used to harm or kill wildlife into the Core Zone and Conservation Zone;
- g) Hunting wildlife in the Core Zone and Conservation Zone;
- h) Stocking, buying, selling, possessing, trading, breeding, keeping, maintaining, transporting, consuming, storing, and any other uses of wildlife as stipulated in the wildlife protection, conservation, and management provisions in Title 5 of this Book;
- i) Destroying natural forests, natural grassland, wetlands, plants, and wildlife habitats;
- j) Bringing or releasing any non-native plants or animals, including cattle, livestock, and dogs, into the Core Zone or Conservation Zone;
- k) Cross breeding of any wildlife or fish species;
- l) Illegal fishing practices harmful to natural resources, both marine and freshwater, flooded forests, mangroves, corals and seaweeds, rivers, and wetlands;
- m) Establishment of bases for processing Khlem Chan (*Auilaria crassna*), Mreah Prov (*Ocimum sanctum*), Vor Romeat (*Teramnus labialis*) or other non-timber forest products and freshwater and marine aquaculture that may cause pollution or destructive effects to the biota and ecosystem;
- n) Mining activities including survey, testing, exploration, and extraction of minerals within the Core Zone and Conservation Zone;
- o) Dredging or extraction of sand and other minerals or resources from rivers, riverbanks, or coastal areas within the Core Zone and Conservation Zone; and
- p) Development of small-scale dams or irrigation within the Core Zone and Conservation Zone.

### **ARTICLE 335 PROHIBITED PROCESSING AND OPERATIONS**

Processing natural resources products and by-products, establishing and operating sawmill bases for wood processing, timber processing plants, shops to process natural resource products

and by-products, fisheries and all kinds of kilns in the Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, are strictly prohibited, with the exception of non-timber forest product processing plants operated and maintained by local communities and indigenous peoples, which may be permitted within the Sustainable Use Zone and Community Zone. However, processing of Voromean and Mareah Prov are strictly prohibited anywhere within Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level.

Establishing wildlife capture, raising, stocking, breeding, maintaining, or farming operations for commercial purposes, or any other non-conservation purposes, inside or within twenty (20) kilometres of a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level is strictly prohibited.

Transporting illegally harvested natural resources inside all zones of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level is prohibited. Transportation of natural resources inside all zones of all such areas without a valid permit is prohibited.

#### **ARTICLE 336 HARVESTING RESIN**

Harvesting resin within the Conservation Zone or Sustainable Use Zone of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level is prohibited without a valid permit.

Resin harvesting permits must be carried on persons at all times whilst accessing the Conservation Zone and Sustainable Use Zone, and produced for inspection as required.

A resin harvesting permit gives permission to the identified user to harvest resin in a particular location inside a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level, in accordance with customary user rights of local communities and indigenous peoples.

Individuals wishing to obtain a resin harvesting permit must submit a written application to the provincial department responsible for environment.

Permit applications may be delivered by any applicant to a commune office, which shall transfer such application(s) to the Director of the provincial department responsible for environment and Director of the relevant Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level.

Within one (1) month of receipt, resin harvesting applications for Conservation Zones of



Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, will be reviewed, and if appropriate, approved and permits issued by the Director of the provincial department responsible for environment and Director of the relevant Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level.

Permits shall be granted with preference to those local community members who are already collecting resin as part of their local livelihood upon the enactment of this Code.

No resin harvesting permit will be issued to any person who used to commit any illegal activities inside a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level.

No resin harvesting permit shall be issued to any person that the provincial department responsible for environment or Biodiversity Conservation Corridor Director or Natural Protected Area Director has reasonable cause to believe, or evidence to prove, that the individual has participated in or had any involvement with commercial hunting and trade of wildlife.

Transfer of resin harvesting permits from one person to another is prohibited.

A resin harvesting permit is valid for one (1) year; thereafter it will be reviewed and renewed annually.

Where a resin harvesting permit is lost the holder of a permit must immediately inform the provincial department responsible for environment, and Director of the Biodiversity Conservation Corridor or Natural Protected Area Director if appropriate, and cease all resin harvesting activities until a replacement permit is issued.

The Biodiversity Conservation Corridor Director, Natural Protected Area Director, or Director of the provincial department responsible for environment may suspend or cancel any resin harvesting permit granted under this Title, to be recorded in writing with stated reasons.

### **ARTICLE 337 COMMERCIAL ECOTOURISM**

Any natural person, legal entity, or community that conducts commercial eco-tourism within the boundary of a Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level, must have an agreement with the relevant ministries or institutions or Collaborative Management Committee for the proposed eco-tourism activities and arrangements.

The ministry or institution responsible for environment, sub-national authorities, and

Collaborative Management Committees, shall, when considering proposals for additional ecotourism operations, consult any stakeholders, relevant technical partners with experience in the research, protection, management of natural resources in the Kingdom of Cambodia, and those communities already operating eco-tourism in the vicinity of the proposed activity.

**CHAPTER 7**  
**MONITORING AND EVALUATION OF BIODIVERSITY CONSERVATION**  
**CORRIDOR MANAGEMENT**

**ARTICLE 338 MANAGEMENT PLAN MONITORING**

Management plans for Biodiversity Conservation Corridors and Protected Areas that are designated or established at the national or sub-national level shall contain indicators for achieving conservation, ecosystem value and livelihood objectives. Reports on the progress of achieving these indicators shall be publicly reported every two (2) years.

**ARTICLE 339 MANAGING AND MONITORING LAW ENFORCEMENT**

All Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level shall employ a system and database for managing and monitoring law enforcement and patrolling efforts. Reports of such activities shall be made publicly available on an annual basis.

**TITLE 3      COLLABORATIVE MANAGEMENT OF NATURAL**  
**RESOURCES**

**CHAPTER 1**  
**ESTABLISHMENT OF COLLABORATIVE MANAGEMENT**

**ARTICLE 340 SCOPE**

This Title applies to all areas that are eligible for implementation of Collaborative Management.

All Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level; Community Protected Areas; Community Forests; communities that have previously submitted applications for Community Forest status or that have documented intent to apply for Community Forest status; other state public lands with ecosystem or conservation values; and indigenous peoples' or other customarily conserved lands shall be eligible to be managed in accordance with the principles of Collaborative Management stipulated in this Title.

**ARTICLE 341 PRINCIPLES**

Collaborative management is a mechanism of land and natural resources management and local livelihood development in which national and sub-national authorities and local communities share roles and responsibilities in the sustainable use, management, and protection of natural resources and biodiversity, according to clearly described roles and responsibilities.

#### **ARTICLE 342 CONTINUANCE OF COMMUNITY-BASED NATURAL RESOURCES MANAGEMENT MECHANISMS**

Community-based natural resources management areas such as Community Protected Areas, Community Forests, and Community Fisheries which already exist or are under the approval process at the time of the adoption of this Code, shall maintain their legal status until such time as they may become incorporated into or transformed into a Collaborative Management Protection Zone, at which time they shall become automatically recognized as components of a Collaborative Management Protection Zone, subject to Collaborative Management rules and regulations.

### **CHAPTER 2 IMPLEMENTATION OF COLLABORATIVE MANAGEMENT**

#### **ARTICLE 343 RIGHT TO CONDUCT COLLABORATIVE MANAGEMENT**

Local communities, groups of local communities, and indigenous peoples, including their organizations and associations, in cooperation with relevant sub-national authorities, have the right to organize and conduct Collaborative Management throughout Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, or other state public lands with ecosystem or conservation values, including lands classified in accordance with the sustainable forest management provisions in Title 4 of this Book.

#### **ARTICLE 344 COLLABORATIVE MANAGEMENT ARRANGEMENTS**

In preparing to conduct Collaborative Management, the representatives of local communities, indigenous peoples, and sub-national authorities shall determine Collaborative Management arrangements, including site-specific land use planning and zoning for Collaborative Management Protection Zones, local community eligibility requirements for Collaborative Management, and other Collaborative Management requirements.

#### **ARTICLE 345 SUPPORT FOR COLLABORATIVE MANAGEMENT**

In preparing such Collaborative Management arrangements, the representatives of local communities, indigenous peoples, and sub-national authorities shall coordinate with the ministry or institution responsible for environment, relevant staff from any Biodiversity

Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level, and any other relevant institutions, who each shall support the proponents during the preparation of arrangements.

In preparing Collaborative Management arrangements, the representatives of local communities, indigenous peoples, and sub-national authorities shall utilize technical advice from relevant technical partners with experience in the research, protection, management of natural resources in the Kingdom of Cambodia, meaning those conservation organizations involved in the conservation of the relevant areas, and any other interested stakeholders. Specific roles for these relevant technical partners with experience in the [research, protection, management of natural resources in the Kingdom of Cambodia in the implementation of Collaborative Management may be included in the Collaborative Management arrangements.

#### **ARTICLE 346 CONTENT OF COLLABORATIVE MANAGEMENT ARRANGEMENTS**

Collaborative Management arrangements shall contain:

- a) Structure of a Collaborative Management Committee;
- b) Membership and voting rights of all Collaborative Management community members, with special attention to the relationship and dependency of indigenous peoples on their customary lands and resources;
- c) Proposed land use planning and zoning for the Collaborative Management Protection Zone and a proposed Collaborative Management Plan. Any land use planning, zoning, and management planning conducted under this Title shall, to the greatest extent possible, be consistent with any former or subsequent land use planning, zoning, and management planning conducted in accordance with the Biodiversity Conservation Corridors and Natural Protected Areas management provisions in Title 2 of this Book; and
- d) Proposed Management Plan, prepared to a standard in accordance with local resources and capacities, reflecting the knowledge and vision of the representatives of local communities, indigenous peoples, and sub-national authorities who will be primarily responsible for the implementation of Collaborative Management.

#### **ARTICLE 347 REVIEW OF COLLABORATIVE MANAGEMENT ARRANGEMENTS**

The ministry or institution responsible for environment shall review all arrangements according to clear criteria and procedures and shall provide comments to the proponents within three (3) months of receipt. These comments may include:

- a) A decision to initiate the conduct of Collaborative Management in the proposed area;
- b) A decision to initiate the conduct of Collaborative Management in the proposed area upon integration of the ministry or institution responsible for environment's comments into the arrangements; or
- c) Instructions to the proponents to modify the arrangements for resubmission.

In case of resubmission, the ministry or institution responsible for environment shall review any modified arrangements submitted within three (3) months of receipt.

All documents related to the Collaborative Management arrangements, including its review by the ministry or institution responsible for environment, shall be publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 348 COLLABORATIVE MANAGEMENT AGREEMENTS**

Upon approval of Collaborative Management arrangements, the Collaborative Management Committee shall enter into a Collaborative Management Agreement with the ministry or institution responsible for environment and/or sub-national authorities. The precise roles and responsibilities of all stakeholders in an individual Collaborative Management Protection Zone shall be stipulated in the Collaborative Management Agreement.

The Collaborative Management Agreement shall be for a period of unlimited duration, subject only to the conditions set forth in this Title.

All documents related to the approval of Collaborative Management arrangements and the Collaborative Management Agreement shall be publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 349 LEGAL RECOGNITION OF COLLABORATIVE MANAGEMENT AGREEMENTS**

Approval of the Collaborative Management Agreement shall create legal recognition for the relevant Collaborative Management Protection Zone as an administrative unit. Properly established Collaborative Management Protection Zones shall maintain this legal status for a period of unlimited duration, subject to satisfactory implementation of Collaborative Management responsibilities

Approval of the Collaborative Management Agreement shall vest the Collaborative Management Committee with the status of a legal entity, with all the rights and obligations of legal entities, including rights to manage funds, enter into agreements and transactions, and

generate income.

### **ARTICLE 350 COLLABORATIVE MANAGEMENT FUND**

A special Collaborative Management Fund shall be created to provide support for Collaborative Management activities within each Collaborative Management Protection Zone. The Fund shall be under the control of the Collaborative Management Committee of each Collaborative Management Protection Zone and shall be transparently established and managed, in accordance with the provisions in Book 8 Title 2 of this Code.

The Collaborative Management Committee may receive funds and generate income from the following sources:

- a) Environmental and Social Fund;
- b) Other public and private sources;
- c) Taxes, rental leases, and usage, recreational, or access fees;
- d) Donations, endowments, and grants; and
- e) Sustainable finance mechanisms for payment for natural resource goods and services / ecosystem services originating from the Collaborative Management Protection Zone.

### **ARTICLE 351 USE OF INCOME, FEES, OR CONTRIBUTIONS**

Any income, fees, or contributions received in the course of implementing Collaborative Management shall be used exclusively for the benefit of the local communities in the Collaborative Management Protection Zone, for the further support of Collaborative Management implementation, and for the overall conservation of the Collaborative Management Protection Zone and adjacent areas under conservation status. Precise means of distribution of such income, fees, or contributions shall be described in the Collaborative Management Agreement.

Any income, fees, or contributions received in the course of its management of the Collaborative Management Protection Zone shall be exempt from taxation and VAT (Value Added Taxes), charges, or fees imposed by the specific law and other relevant legal instruments.

### **ARTICLE 352 REGULATION OF IMPLEMENTATION OF COLLABORATIVE MANAGEMENT**

Implementation of Collaborative Management shall be subject to strict monitoring and oversight by the ministry or institution responsible for environment. Collaborative Management Committees shall submit annual reports describing activities and results and

demonstrating achievement of targets and indicators.

#### **ARTICLE 353 REVOCATION OF COLLABORATIVE MANAGEMENT AGREEMENTS**

The ministry or institution responsible for environment shall have the right to revoke a Collaborative Management Agreement or cancel a Collaborative Management Protection Zone where it determines that Collaborative Management is not being implemented in accordance with the approved Collaborative Management Plan and such non-compliance results in a material breach of the Collaborative Management Plan, or that a major violation of law has occurred in the implementation of Collaborative Management.

Prior to the revocation of Collaborative Management rights the parties shall meet in good faith efforts to resolve the matter. The affected Collaborative Management committee shall also have the right to appeal any revocation decision in accordance with the provisions in Book 9 of this Code.

#### **ARTICLE 354 COLLABORATIVE MANAGEMENT LEGAL INSTRUMENT**

The ministry or institution responsible for environment shall issue a legal instrument on the details of Collaborative Management, including detailed roles, rights and responsibilities, criteria, and procedures for reviewing Collaborative Management arrangements, Collaborative Management Protection Zone zoning criteria and procedures, planning and management, funding mechanisms, member eligibility, benefit sharing, dispute resolution, reporting, and other implementation steps, within two (2) years of the entry into force of this Code,

#### **ARTICLE 355 PROMOTION AND SUPPORT OF COLLABORATIVE MANAGEMENT**

Other relevant ministries or institutions shall take all actions necessary to promote and support the implementation of Collaborative Management within the areas under their authority or in areas in which such ministries or institutions share authority with the ministry or institution responsible for environment and/or its sub-national authorities.

#### **ARTICLE 356 PROHIBITED ACTIONS**

It is prohibited for any natural person or legal entity to take any action that is in contravention of an approved Collaborative Management Agreement or any of the rights and responsibilities pursuant to it.

### **CHAPTER 3 COLLABORATIVE MANAGEMENT DURATION AND LAND TENURE**

#### **ARTICLE 357 COLLABORATIVE MANAGEMENT COMMUNAL LAND TITLE**

## **RIGHTS**

Upon designation of a Collaborative Management Protection Zone according to this Title, those communities located within the Collaborative Management Protection Zone shall receive Collaborative Management Communal Land Title Rights, whose validity shall remain for the full duration of the Collaborative Management Protection Zone.

Regardless of any additional registration or requirements, such Collaborative Management Communal Land Title Rights may not be infringed by any legal entity without the community's prior consent.

### **ARTICLE 358 CONTENT OF COLLABORATIVE MANAGEMENT COMMUNAL LAND TITLE RIGHTS**

The Collaborative Management Communal Land Title Rights include the right for communities within the Collaborative Management Protection Zone to reside in, conserve, manage, and receive benefits from the sustainable use of natural resources in line with their customary and traditional land tenure and traditional livelihood practices within the Collaborative Management Protection Zone and to exclude or restrict access of outsiders to the Zone according to an approved Collaborative Management Plan.

These Collaborative Management Communal Land Title Rights do not include the right to sell or transfer the lands designated as Collaborative Management Protection Zones.

### **ARTICLE 359 DURATION OF COLLABORATIVE MANAGEMENT COMMUNAL LAND TITLE RIGHTS**

The Collaborative Management Communal Land Title Rights set out in this Chapter are fixed to the duration of the Collaborative Management Protection Zone for an unlimited duration and are conditioned upon fulfilment of Collaborative Management responsibilities.

### **ARTICLE 360 REVOCATION OF COLLABORATIVE MANAGEMENT COMMUNAL LAND TITLE RIGHTS**

The failure by communities to comply with the Collaborative Management Plan and other Collaborative Management rules and regulations shall result in revocation of the Collaborative Management Communal Land Title Rights with respect to those communities. However, a failure of a party other than the communities to comply with the Collaborative Management Plan and other Collaborative Management rules and regulations, including a failure that results in the cancellation of a Collaborative Management Agreement as stipulated in Article 353 of this Code, shall not result in revocation of the Collaborative Management Communal Land Title Rights with respect to those communities.

Such Collaborative Management Communal Title rights may not be transferred to any person



or community outside the Collaborative Management Protection Zone.

#### **ARTICLE 361 ADDITIONAL RIGHTS**

Collaborative Management Communal Land Title Rights are in addition to any other rights that indigenous communities may receive, including rights under other legal provisions and legal instruments.

#### **ARTICLE 362 EFFECT OF OTHER PROTECTED AREA DESIGNATIONS**

The current or future establishment of any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level in any area where indigenous peoples are present or have a collective attachment or interest, shall not impact on any current or future claims that indigenous peoples have to their lands under other legal provisions or legal instruments.

### **TITLE 4 SUSTAINABLE FOREST MANAGEMENT**

#### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 363 SCOPE OF APPLICATION**

This Title applies to Sustainably Managed Forests, which are areas designated as such by the relevant ministries or institutions in forested areas. Sustainably Managed Forests are located outside of Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level, do not include any other state public lands with ecosystem or conservation values, and do not include any indigenous peoples' or other customarily conserved lands.

#### **ARTICLE 364 PURPOSE**

The purpose of this Title is to define the framework for Sustainable Forest Management, including the management, harvesting, small-scale development, commercial use, and conservation of forested areas, in order to maintain and enhance long-term economic viability and environmental and social benefits, including the well-being of people, environmental quality, and sustainable markets and yields.

#### **ARTICLE 365 OBJECTIVES**

Sustainably Managed Forests shall be managed in accordance with the objectives and principles in Book 1 Title 1 of this Code and the following specific objectives:

- a) Preserve social, economic, and environmental benefits;

- b) Conserve, enhance, and restore biological diversity and ecosystem values;
- c) Improve local livelihoods and cultural heritage; and
- d) Promote sustainable development.

## **CHAPTER 2 RESPONSIBLE ENTITIES**

### **ARTICLE 366 ROLES AND RESPONSIBILITIES**

The competent ministries or institutions responsible for Sustainable Forest Management, and relevant sub-national authorities, shall:

- a) Oversee the implementation of Sustainable Forest Management, which includes the planning, permitting, management, and oversight of sustainable forestry practices;
- b) Prepare guidelines and procedures for effective enforcement;
- c) Study and collect data on forests regarding scientific purposes and economic, social, and environmental factors, in order to establish metrics and standards and develop management plans for Sustainable Forest Management;
- d) Ensure the timely and complete assessment of all forest and other development related activities that may have a significant adverse social and environmental impact prior to approval of such activities;
- e) Make proposals for the establishment and modification of Sustainably Managed Forests as required by the Royal Government of Cambodia or pursuant to regional and international conventions, protocols, and agreements;
- f) Promote education and dissemination of information to the public to demonstrate the importance of managing, maintaining, and protecting forest resources, as well as to encourage participation in the conservation and protection of natural resources within the Sustainably Managed Forests;
- g) Restore the ecological services on degraded forest lands and reforest the Sustainably Managed Forests to promote and achieve REDD+ and other conservation goals, taking into consideration criteria such as forest canopy cover and minimum height of trees at maturity, as well as forest classification;
- h) Clearly define the legal status of all lands to be managed as Sustainably Managed Forests, including existing customary tenure and use rights, including boundaries;
- i) Develop and implement measures, including cooperation with other ministries or

institutions, to systematically protect the forest from unauthorized or illegal resource use, settlement, and other illegal activities.

- j) Publicise and implement full transparency in all aspects of Sustainable Forest Management.
- k) Improve enforcement through cooperation with other ministries or institutions, sub-national authorities, and local communities and indigenous peoples:
  - l) Conduct crime monitoring and reporting;
  - m) Deploy rapid response capacity on forest crime information; and
  - n) Engage with local communities and indigenous peoples on all aspects of Sustainable Forest Management.

#### **ARTICLE 367 OBLIGATION TO CONSERVE AND RESTORE**

The competent ministries or institutions responsible for Sustainable Forest Management and relevant sub-national authorities, shall maintain, conserve, and/or restore environmental values and ecosystem services within Sustainably Managed Forests and shall avoid, repair, or mitigate negative environmental impacts to:

- a) Intact forests and waterways;
- b) Environmental quality of soils, water, and air;
- c) Integrity of soil and ecosystems; and
- d) Viability of species, especially rare or endemic species.

#### **ARTICLE 368 OTHER OBLIGATIONS**

The competent ministries or institutions responsible for Sustainable Forest Management, and relevant sub-national authorities, shall ensure:

- a) That products are harvested at or below a level that can be permanently sustained;
- b) Local processing, services, and value adding are used where available;
- c) Participation in International Forest Product and Management Certification programs with assistance from the relevant ministry or institution; and
- d) Chain-of-custody practices are implemented for products not used for domestic consumption.

### **CHAPTER 3**

#### **CLASSIFICATION OF SUSTAINABLY MANAGED FORESTS**

##### **ARTICLE 369 CLASSIFICATIONS**

The competent ministries or institutions responsible for Sustainable Forest Management, including the relevant sub-national authorities, shall identify, classify and map all Sustainably Managed Forests. Classification shall be based on maps, scientific data, assessments, and planning, and shall take into account:

- a) The ecological, economic, societal, and cultural functions of the forest;
- b) Forest diversity, identified by vegetation structure and composition as related to hydric and substrate characteristics;
- c) Goals to reduce emissions from deforestation and forest degradation and sustainable management of forests, conservation, and enhancement of forest carbon stocks through REDD+; and
- d) All relevant requirements pursuant to international agreements and national development goal and policies.

This identification, mapping, and classification process shall be done in accordance with the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

Sustainably Managed Forests shall be classified as Private Forests, Sustainable Production Forests, Restoration Forests, Stock Forests, or Economic Land Concessions as follows:

- a) Private Forests shall include forest lands that are subject to a private land title;
- b) Sustainable Production Forests shall include state public lands consisting of degraded forest, afforestation lands, reforestation lands, and forest suitable for tree plantation. Commercial activity in Sustainable Production Forests is subject to permit;
- c) Restoration Forests shall include state public lands that include degraded forest that can be maintained, restored and conserved;
- d) Stock Forests shall include state public lands consisting of forested areas held in reserve for future sustainable production or conservation; and
- e) Economic Land Concessions.

Sustainably Managed Forests shall not include:

- a) Lands located within Biodiversity Conservation Corridors and Natural Protected Areas that are designated or established at the national or sub-national level;
- b) Any other state public lands with existing ecosystem or conservation values; or
- c) Indigenous peoples' or other customarily conserved lands.

No such lands shall be classified according to this Title or included in any land use maps of Sustainably Managed Forests created according to this Title.

The competent ministries or institutions responsible for Sustainable Forest Management may create additional forest classifications for Sustainably Managed Forests, including recreation forests, community production forests, experimental forests and restoration forests. Additional forest classifications shall be evaluated on adherence to sustainability principles and management plan goals.

#### **ARTICLE 370 LAND USE MAP FOR SUSTAINABLY MANAGED FORESTS**

In coordination with the ministry or institution responsible for land management, urban planning, and construction, and in consultation with sub-national authorities, and the relevant communities and indigenous peoples, the competent ministries or institutions responsible for Sustainable Forest Management shall assess boundaries and demarcate Sustainably Managed Forests according to classifications and establish a land use map of Sustainably Managed Forests.

This land use map shall be completed prior to any permitting, production or other uses in sustainably Managed Forests, and shall be done in accordance with the public participation provisions in Book 1 Title 2 and the access to environmental information provision in Book 1 Title 3 of this Code.

#### **ARTICLE 371 CHANGE IN CLASSIFICATION OF SUSTAINABLE MANAGED FOREST**

Any proposal to modify any classification within any Sustainably Managed Forest, or any portion thereof, shall include documentation detailing the following:

- a) The scientific and socio-economic reasons for the proposed modification to classification;
- b) The efforts that have been made to retain the current classification status;
- c) The manner in which the modification to classification will enhance the livelihood and customary rights of local communities;

- d) The expected nature of gains in conservation and ecosystem value or the means by which any loss of conservation and ecosystem value will be offset;
- e) Appropriate consultations with any interested stakeholders and the affected local communities, including the prior consent of such communities to the proposed modification; and
- f) Such other information to justify the proposal.

Any proposal to modify the classification of any Sustainably Managed Forest, or any portion thereof, shall be subject the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

Thereafter, any such approval of modification shall only be granted in written form by the competent ministries or institutions, in a decision demonstrating careful consideration of the documentation provided.

## **CHAPTER 4 SUSTAINABLE FOREST USE PLANNING**

### **ARTICLE 372 DEVELOPMENT OF SUSTAINABLE USE PLANS**

The competent ministries or institutions responsible for Sustainable Forest Management shall develop and implement five (5) year sustainable use plans and five (5) year management plans for all Sustainably Managed Forests. All plans shall be consistent with this Title.

### **ARTICLE 373 CONSIDERATIONS FOR SUSTAINABLE USE PLANS**

Sustainable use plans shall take into account the following factors:

- a) Forest types and qualities, based on forest inventory data;
- b) Ecological values of forest;
- c) Location of indigenous peoples and local communities and their livelihood needs; and
- d) Positive and negative externalities of operation.

### **ARTICLE 374 CONTENT OF SUSTAINABLE USE PLANS**

Sustainable use plans shall include the following matters:

- a) Management of active Economic Land Concession areas;
- b) Use of silvicultural practices, including allowable annual harvests within different

management areas;

- c) Afforestation, reforestation, and plantation in degraded areas;
- d) Forest monitoring and law enforcement; and
- e) Engagement with local communities and indigenous peoples in managing forests.

#### **ARTICLE 375 ECONOMIC LAND CONCESSIONS**

The competent ministries or institutions responsible for Sustainable Forest Management shall ensure that all existing Economic Land Concessions are managed in accordance with the objectives and framework of this Title.

In addition to management by the competent ministries or institutions responsible for Sustainable Forest Management, all existing Economic Land Concessions that abut, border, or are wholly or partially located within any Biodiversity Conservation Corridor or Natural Protected Area that is designated or established at the national or sub-national level, shall be subject to the management supervision of that ministry or institution responsible for such area or areas and administered in a manner compatible with the broader conservation management objectives of such areas to the greatest extent possible.

### **CHAPTER 5 PERMITS AND APPROVALS**

#### **ARTICLE 376 RELEVANT ACTIVITIES**

Any natural or legal person proposing to undertake any of the following activities in any portion of any Sustainably Managed Forest shall apply for a permit from the relevant ministries or institutions:

- a) Production of timber products and non-timber forest products for commercial use;
- b) Management of timber products and non-timber forest products for commercial use;
- c) Harvesting and selling of timber products and non-timber forest products for commercial purposes in accordance with an annual harvesting quota, which shall include a security deposit to guarantee payment of royalties and premiums, set by the relevant ministry or institution;
- d) Transporting of timber products and non-timber forest products in accordance with an annual transport quota set by the relevant ministry or institution;
- e) Exporting of timber products and non-timber forest products in accordance with an annual export quota set by the relevant ministry or institution;

- f) Use of forests to conduct technical or scientific research, including extraction for the purpose of silviculture research or forest improvement; agricultural education or training; irrigation or agricultural purposes upon the agreement of the ministry or institution responsible for water resources and meteorology; establishment of a botanical garden, transferring nursery, or experimental station; or to establish recreation, ecotourism, or film or video documentation;
- g) Establishment of a stock place to sell and distribute timber products and non-timber forest products;
- h) Establishment of a processing facility for forestry industry, sawmill, or timber products and non-timber forest products;
- i) Establishment of any kilns using timber products and non-timber forest products as raw material;
- j) Production of charcoal and firewood; and
- k) Any other commercial activities pursuant to this Code.

All permit applications pursuant to this Article shall be made publicly available in accordance the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 377 CONSIDERATIONS FOR PERMIT APPLICATIONS**

The competent ministries or institutions responsible for Sustainable Forest Management, in reviewing any permit application, shall consider the following:

- a) The compatibility of the proposed project with landscape conservation objectives in the vicinity;
- b) The degree to which the proposed project supports and increases local livelihoods;
- c) The extent to which the proposed project preserves biodiversity and ecosystem values;
- d) Consistency of the proposed project with national and local land use plans;
- e) Consistency of the proposed project with the Sustainable Use Plan for the Sustainably Managed Forest in which the proposed activity is located, and
- f) The extent to which the proposed project employs best practices in all aspects of proposed preparation, operation, and restoration.

#### **ARTICLE 378 CONSULTATIONS**

Prior to making a determination on any permit application, the competent ministries or



institutions responsible for Sustainable Forest Management shall conduct appropriate consultations with relevant technical partners with experience in the [research, protection, management of natural resources in the Kingdom of Cambodia, any interested stakeholders, and the affected local communities, obtaining prior consent of such communities to the proposed commercial activity, and divulge financial arrangements and projected revenue from such commercial activity to all interested stakeholders.

The full permit application and approval process, and all details of any proposed or approved commercial activity in any Sustainably Managed Forests, shall be fully disclosed and subject to the public participation provisions in Book 1 Title 2 and the access to environmental information provisions in Book 1 Title 3 of this Code.

The details of the permit application and approval process for all activities in Sustainably Managed Forests shall be stipulated in a legal instrument by the competent ministries or institutions.

## **CHAPTER 6 CUSTOMARY USER RIGHTS**

### **ARTICLE 379 PURPOSE**

For local communities and indigenous peoples living within or near Sustainably Managed Forests, the State shall recognize and ensure their traditional user rights within Sustainably Managed Forests for the purpose of traditional customs, beliefs, religions, and living as defined in this Chapter.

### **ARTICLE 380 TRADITIONAL USER RIGHTS**

The traditional user rights of local communities and indigenous peoples for forest products and by-products shall not require a permit. Traditional user rights consist of:

- a) The collection of dead wood, picking wild fruit, collecting honey, taking resin, and collecting other forest by-products;
- b) Using timbers to build houses, stables for animals, fences, and to make agricultural instruments;
- c) Grass cutting or unleashing livestock to graze within the forests;
- d) Using other forest products and by-products consistent with traditional family use; and
- e) The right to barter or sell forest by-products shall not require a permit if those activities do not cause significant threat to the sustainability of the forest. The customers or any third party who has obtained forest by-products from local communities for the

purposes of commerce, must obtain a permit pursuant to this Title.

## **CHAPTER 7 COMMERCIAL ACTIVITY MANAGEMENT PLANS AND REPORTS**

### **ARTICLE 381 SCOPE OF MANAGEMENT PLANS**

Management plans shall be developed for all commercial activity occurring within each Sustainably Managed Forest and shall be proportionate to scale, intensity, and risks of each such commercial activity. The management plans shall be implemented and updated regularly based on monitoring information in order to promote adaptive management.

### **ARTICLE 382 CONTENT OF MANAGEMENT PLANS**

Management plans shall:

- a) Define the specific area to be subject to commercial activity, including descriptions and locations of the intended specific activities;
- b) Define goals, objectives, and desired outcomes of the commercial activity in terms of resources used and social and income criteria;
- c) Define roles and responsibilities for all relevant stakeholders;
- d) Set quotas for timber and non-timber forest product harvests;
- e) Set schedules and timelines for implementation;
- f) Set budgets;
- g) Define best management practices to be used and actions to be avoided, based on relevant guidelines;
- h) Define planned use of silvicultural practices;
- i) Set procedures for forest product certification, where relevant;
- j) Define forest product processing and transportation; and
- k) Set procedures for monitoring, evaluation, and reporting.

### **ARTICLE 383 FOREST MANAGEMENT REPORTS**

The competent ministries or institutions responsible for Sustainable Forest Management shall annually prepare Forest Management Report on the implementation of the Management Plans in each Sustainably Managed Forest.

All Sustainable Use Plans, Management Plans, and Forest Management reports shall be made publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

## **CHAPTER 8 ROYALTIES AND PREMIUMS ON FOREST PRODUCTS**

### **ARTICLE 384 ROYALTIES AND PREMIUMS**

Any natural person or legal entity harvesting timber products and non-timber forest products for commercial purposes within Sustainably Managed Forests shall pay royalties and premiums to the competent ministries or institutions responsible for Sustainable Forest Management.

The rules for assessments of quality and quantity, including requiring assessment prior to transport; and amounts, method of payment, and receipt of revenues from royalties and premiums on timber products and non-timber forest products shall be determined by legal instrument.

### **ARTICLE 385 REDISTRIBUTION TO LOCAL COMMUNITIES**

A portion of all royalties and premiums collected shall be redistributed to local communities according to the amount determined by legal instrument of the competent ministries or institutions responsible for Sustainable Forest Management. The remainder of all royalties and premiums shall go to the national budget.

### **ARTICLE 386 RELEVANT ACTIVITIES**

Payment of royalties and premiums shall not be required for:

- a) The harvesting of timber products and non-timber forest products from private forests; and
- b) Collection of timber products and non-timber forest products by local communities exercising customary user rights or in a Community Forest under a Community Forest agreement.

### **ARTICLE 387 SCIENTIFIC PURPOSES**

Any timber products and non-timber forest products collected from Sustainably Managed Forests for scientific purposes are not required for payment of royalties and premiums.

### **ARTICLE 388 PAYMENT DEADLINE**

All relevant royalties and premiums shall be paid prior to the transfer or sale of any Forest

Products or rights to a third party.

#### **ARTICLE 389 DELAY OF PAYMENT**

If a permit holder does not pay royalties and premiums by the agreed scheduled date, the with competent ministries or institutions responsible for Sustainable Forest Management shall have the authority to seize the timber products and non-timber forest products and detain such products as State property until legal resolution of the dispute. Delay of payment of royalties or premiums may be approved in accordance with criteria established in a legal instrument by the competent ministries or institutions responsible for Sustainable Forest Management.

#### **ARTICLE 390 PROCEDURES OF ROYALTIES PAYMENT**

The procedure of royalty payments shall be established in a legal instrument of the competent ministries or institutions.

### **CHAPTER 9 OTHER MECHANISMS FOR SUSTAINABLE FOREST MANAGEMENT**

#### **ARTICLE 391 RESTORATION AND ENHANCEMENT**

The competent ministries or institutions responsible for Sustainable Forest Management shall maintain and enhance the overall ecosystem and biodiversity value of areas located within Sustainably Managed Forests.

Any project approved in a Sustainably Managed Forest in accordance with this Title shall include as a component of its operation the restoration or afforestation of an area of degraded forest land of equal size as the commercial activity to be undertaken.

The competent ministries or institutions responsible for Sustainable Forest Management shall establish the necessary operating structures to promote restoration and afforestation of degraded forests and shall develop appropriate mechanisms within one (1) year of the enactment of this Code.

#### **ARTICLE 392 TREE PLANTATIONS**

The competent ministries or institutions responsible for Sustainable Forest Management shall issue a legal instrument as well as program and technical guidance to determine special rules on tree plantations in order to encourage individuals and project developers to plant and maintain tree plantations that follow principles and standards for sustainable forest management and that are compatible with landscape environmental, social, economic, and resource goals.

#### **ARTICLE 393 SUSTAINABLE CHARCOAL AND FIREWOOD**

The competent ministries or institutions responsible for Sustainable Forest Management shall promote sustainable charcoal and firewood production and consumption through financial and fiscal incentives for certified sustainable producers. These incentives shall be developed in a legal instrument.

#### **ARTICLE 394 FOREST FIRE PREVENTION AND CONTROL**

The competent ministries or institutions responsible for Sustainable Forest Management shall develop a legal instrument to determine areas for forest fire control, forest fire prevention and the creation of Forest Fire-Fighter Committees as a rule for implementation in all forest areas shall be determined by an appropriate legal instrument of the competent ministries or institutions responsible for Sustainable Forest Management. Citizens, armed forces, and authorities of all levels shall have the obligations for forest maintenance and protection, fire prevention and fighting against forest fires.

#### **ARTICLE 395 INTERNATIONAL FOREST PRODUCT AND MANAGEMENT CERTIFICATION**

The competent ministries or institutions responsible for Sustainable Forest Management shall develop a legal instrument enabling and describing the procedures by which the Kingdom of Cambodia shall participate in International Forest Product and Management Certification programs and implement chain-of-custody practices for products not used for domestic consumption.

#### **ARTICLE 396 FOREST LAW ENFORCEMENT AND GOVERNANCE AND TRADE PROGRAMME**

The competent ministries or institutions responsible for Sustainable Forest Management shall develop and implement a comprehensive Forest Law Enforcement and Governance and Trade Programme to strengthen the management, protection, and development of Sustainably Managed Forests in a transparent, fair, and efficient manner. Specific objectives of the Forest Law Enforcement and Governance and Trade programme shall be to:

- a) Strengthen forest law with control, prevention, suppression and elimination of all illegal forest activities;
- b) Ensure that appropriate laws and policies are developed and made operational;
- c) Promote good governance through improved conflict management capacity;
- d) Mainstream sustainable forest use, public rights and obligations;
- e) Improve the capacity building of law enforcement officials of the competent ministries or institutions responsible for Sustainable Forest Management;

- f) Adopt efficient methods to detect, monitor and suppress illegal forest activities; and
- g) Awareness raising to the public on the law and relevant regulations of the forest law enforcement.

#### **ARTICLE 397 NATION-WIDE LICENSING AND MONITORING SYSTEM**

The competent ministries or institutions responsible for Sustainable Forest Management shall develop a nation-wide licensing and monitoring system to track the production and use of all timber products originating from Sustainably Managed Forests. Compliance with the tracking system shall be a strict requirement of any natural person or legal entity operating pursuant to a permit issued in accordance with this Title.

The competent ministries or institutions responsible for Sustainable Forest Management shall establish the details of this nation-wide licensing and monitoring system within one (1) year of the enactment of this Code.

#### **ARTICLE 398 FUNDING MECHANISMS**

The competent ministries or institutions responsible for Sustainable Forest Management may maintain any relevant existing funding mechanisms, or create new funding mechanisms as required, in order to give effect to this Title.

### **TITLE 5 WILDLIFE PROTECTION, CONSERVATION, AND MANAGEMENT**

#### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 399 ROLES AND RESPONSIBILITIES OF RELEVANT GOVERNMENT ENTITIES**

All relevant government entities shall seek to protect and conserve wildlife and shall utilise their authorities.

The Ministry Responsible for Environment has the overall jurisdiction and responsibility for designation, management, and protection of wildlife in the Kingdom of Cambodia.

The Biodiversity Technical Working Group of the National Council for Sustainable Development has the mandate to oversee the status of wildlife and to facilitate inter-ministerial decisions related to biodiversity management and conservation.

Sub-national administrations shall have such roles and responsibilities as described in this Title and other relevant legal instruments specifying the role of sub-national administrations in

environment and natural resources management.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora Scientific and Management Authority of the Kingdom of Cambodia shall maintain its full operations under the jurisdiction of the relevant government entities.

The Wildlife Rapid Rescue Team shall maintain its full operations under the jurisdiction of the relevant government entities.

#### **ARTICLE 400 DUTIES OF THE MINISTRY RESPONSIBLE FOR ENVIRONMENT**

The Ministry Responsible for Environment, with other government entities and sub-national administrations, has the following main duties:

- a) To prepare guidelines and procedures for effective wildlife protection, conservation and management of this Title;
- b) To develop and implement strategies, management plans, and action plans to conserve threatened species in line with international conventions to which the Kingdom of Cambodia is a signatory party
- c) To prevent wildlife crimes both inside and outside of Biodiversity Conservation Corridors and nationally-designated Protected Areas, including at international import-export points, stocking, transportation, trading places, and places or businesses where illegally harvested wildlife may be consumed;
- d) To actively enforce relevant laws and regulations, and to investigate, monitor and file complaints to the court on all wildlife offences
- e) To create and manage accurate record keeping and databases on all wildlife crimes and criminals;
- f) To use existing counter wildlife trafficking networks, and develop additional strategies where necessary, in order to combat wildlife crimes occurring in other countries and wildlife criminals that may be using the Kingdom of Cambodia as a source and destination to other countries;
- g) Update the classifications of all wildlife species following the process;
- h) To develop and implement research, monitoring, protection and conservation programmes for wildlife, and on the status of classified threatened species;
- i) To prepare guidelines and management the issuance of hunting permits for local communities and indigenous peoples within and outside of Biodiversity Conservation

Corridors, nationally-and subnationally-designated Protected Areas;

- j) Review, reject or approve applications for special exceptions on hunting of wildlife under Chapter 4 of this Title;
- k) To provide oversight, monitoring, and regulation of the operation of zoological facilities, conservation breeding centres, rescue and rehabilitation centres, and commercial wildlife farming facilities;
- l) Review, reject or approve applications for non-lethal capture of wildlife for conservation breeding purposes;
- m) To ensure that all permits and permitting processes are transparently managed and prices of permits are clearly made publicly available;
- n) To develop and maintain wildlife health surveillance strategies in collaboration with other relevant government entities, and facilitate rapid responses to cases and outbreaks of wildlife diseases and other health issues;
- o) To collaborate with other government entities and engage in international cooperation; and
- p) To promote public education and outreach programmes that demonstrate the importance of the protection, conservation, and sustainable management of wildlife.

#### **ARTICLE 401 DUTIES OF PROVINCIAL DEPARTMENTS OF ENVIRONMENT**

The Provincial Departments of Environment and staff in Biodiversity Conservation Corridors, nationally-and-subnationally-designated Protected Areas with oversight and support from the Ministry Responsible for Environment and in coordination with relevant government entities, and in technical partners that are involved in the conservation of these areas, have the following main duties:

- a) To help develop and implement strategy of management plans and action plans to conserve threatened species in compliance with international conventions to which the Kingdom of Cambodia is the signatory party;
- b) To prevent wildlife crimes;
- c) To enforce laws and legal instruments through investigations, and file complaints to the court on wildlife offences committed in the Kingdom of Cambodia;
- d) To regularly maintain a database of all wildlife offences and offenders following guidelines from the Ministry Responsible for Environment;



- e) To receive and consider hunting permit applications and issue hunting permits for local communities and indigenous ethnic minority groups that meet the guidelines from relevant government entities;
- f) To monitor the implementation of hunting permits and suspend or revoke the permits of persons caught in violation of the permits;
- g) To regularly maintain a database of hunting permits and hunters, for the purpose of monitoring, evaluation and regulation, and to submit regular copies of the database to the Ministry Responsible Environment;
- h) To implement wildlife health surveillance strategies, in collaboration with other relevant government entities, and respond rapidly to cases and outbreaks of wildlife diseases and other health issues; and,
- i) To conduct on-site monitoring audits of main wildlife farming facilities and wildlife conservation breeding facilities in order to make recommendations for improvements and review new applications for permits in order to reject or approve;
- j) To review, evaluate and make recommendations for necessary changes, all Environmental Impact Assessments and Strategic Environmental Assessments that have identified adverse impacts on the basis of scientific reports and data; and
- k) To coordinate and collaborate with other government entities, civil society and non-government organisations in the fulfilment of these duties.

#### **ARTICLE 402 COOPERATION OF RELEVANT GOVERNMENT ENTITIES**

All ministries/ institutions with a responsibility to prevent crime have the responsibility to coordinate, collaborate, and share information with the Ministry Responsible for Environment on offences involving wildlife throughout the Kingdom of Cambodia, including but not limited to:

- a) National and international investigations of wildlife crime and wildlife criminals, including offences committed by natural persons and legal entities;
- b) Seizures of wildlife and wildlife parts and trophies, made under this Code or any other relevant legal instrument; and
- c) All court cases involving wildlife and wildlife parts and trophies.

The Ministry Responsible for Environment may issue guidelines regarding the means of coordination, collaboration, and information sharing regarding wildlife crimes among government entities; however, the duty to coordinate, collaborate, and share information shall be binding on all government entities upon enactment of this Code, regardless of the issuance

of any such guidelines.

The Ministry Responsible for Environment may establish and lead an inter-agency Wildlife Crime Taskforce for the purpose of reducing and preventing wildlife crime and to coordinate collaborative efforts across government entities and law enforcement entities, including international cooperation.

#### **ARTICLE 403 COMPOSITION OF BIODIVERSITY TECHNICAL WORKING GROUP**

The Biodiversity Technical Working Group of the National Council for Sustainable Development, shall be composed of as follows:

- a) Biological experts and ecologists from the Ministry Responsible for Environment;
- b) Ministry of Agriculture, Forestry and Fisheries; other relevant government entities;
- c) Scientific, educational, and other relevant institutions and organisations
- d) Technical partners participating in the protection of Biodiversity Conservation Corridors, nationally-and-sub-nationally-designated Protected Areas.

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year in order to:

- a) Review the National List of Threatened Wildlife Species and provide recommendations to the Ministry Responsible for Environment regarding any necessary updates to the list and Schedule classifications;
- b) Review, make recommendations for necessary changes, and approve species management and recovery plans for implementation, on the basis of scientific reports and data;
- c) Help to resolve any conflicts or complaints around scheduled species and actions that might result in extinction; and
- d) Issue recommendations, based on scientific understanding, on hunting quotas for local communities and indigenous groups' subsistence and customary use.

### **CHAPTER 2 CLASSIFICATION OF WILDLIFE SPECIES**

#### **ARTICLE 404 NATIONAL LIST OF THREATENED WILDLIFE SPECIES**

The Ministry Responsible for Environment shall maintain the record or update National List

of Threatened Wildlife Species occurring within the Kingdom of Cambodia after the enactment of this Code. this list shall be made publicly available.

#### **ARTICLE 405 CATEGORIES OF WILDLIFE SPECIES**

Wildlife Species listed on The National List of Threatened Wildlife Species shall be categorised into the following schedules:

- a) Schedule 1. All species, including those non-native to Cambodia, listed as Extinct in the Wild, Critically Endangered, or Endangered on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species, and species of natural or cultural heritage or significant economic importance to Cambodia. All species non-native to Cambodia listed on Appendix 1 of Convention on International Trade in Endangered Species of Wild Fauna and Flora are also included in Schedule 1, for example African elephants, rhinoceroses;
- b) Schedule 2. All species, including those non-native to Cambodia, listed as Vulnerable, Near Threatened, Data Deficient, or Not Evaluated, on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species and all species non-native to Cambodia and listed as Appendix 2 of Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- c) Schedule 3. All species, including those non-native to Cambodia, listed as Least Concern on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species, unless specified in Schedule 4, and all species non-native to Cambodia and listed on Appendix 3 of Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- d) Schedule 4. All species considered common in Cambodia as approved by the Biodiversity Technical Working Group of the National Council for Sustainable Development.

In instances where a species may be classed under different schedules according to the International Union for Conservation of Nature and Natural Resources Red List and Convention on International Trade in Endangered Species of Wild Fauna and Flora Appendices, the higher schedule applies. Any newly described species without an International Union for Conservation of Nature and Natural Resources categorization will be assigned to Schedule 1 unless otherwise categorized by the Ministry Responsible for Environment.

Species included in the four Schedules shall be listed in a legal instrument to be developed by the Ministry Responsible for Environment in consultation with relevant ministry/ institution and technical partners. The establishment and applicability of the four schedules shall be effective immediately upon enactment of this Code, based on the International Union for

Conservation of Nature and Natural Resources Red List and Convention on International Trade in Endangered Species of Wild Fauna and Flora appendices, and is not dependent on the development of legal instruments.

#### **ARTICLE 406 UPDATING THE LIST OF THREATENED WILDLIFE SPECIES**

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year to review and provide recommendations to the Ministry Responsible for Environment to update the List of Threatened Wildlife Species and the Schedule classifications of wildlife species that are native and non-native to the Kingdom of Cambodia.

The updated classifications of wildlife species will be based on the categorization of species on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species and on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Additionally, any species may be upgraded to a higher Schedule category on the basis of factors including:

- a) High levels of threat to the Cambodian population of the species;
- b) The status of the Cambodian population of the species meeting International Union for Conservation of Nature and Natural Resources criteria for Critically Endangered or Endangered; and
- c) Important cultural or natural heritage value to the people and Kingdom of Cambodia.

These updates shall be approved by legal instrument and distributed to relevant government entities, sub-national administrations, law enforcement entities, Collaborative Management Committees and provincial courts.

No species can be down-listed from Schedule 1, 2, or 3 without a corresponding change in its current listing on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species.

#### **ARTICLE 407 PETITION TO UPDATE**

Any interested person or organisation may petition the Ministry Responsible for Environment to update the classification of any wildlife species in Cambodia. Such petitions shall provide data and information to support the updated classification. The Ministry Responsible for Environment shall respond to such petitions, with reasons as to why the petition was either granted or rejected, within sixty (60) days of the receipt of the petition.

Any documents, data, or other information used for the re-classification of any wildlife species, whether done pursuant to a petition or otherwise, shall be made publicly available by Ministry Responsible for Environment or other relevant government entity in possession of such documents, data, or other information, in accordance with Book 1 General Provisions Title 3 Access to Environmental Information of this Code.

### **CHAPTER 3 PROHIBITIONS ON HUNTING**

#### **ARTICLE 408 GENERAL PROHIBITIONS**

The following prohibitions apply to all hunting on public and private lands, and State lands outside of Biodiversity Conservation Corridors, nationally-and-sub-nationally-designated Protected Areas:

- a) Hunting of all species listed on Schedules 1 and 2 is prohibited in all areas, except under special circumstances defined under Chapter 5 of this Title;
- b) Hunting of all species on Schedules 1, 2, 3 and 4 using prohibited means is prohibited;
- c) Production, possession, manufacturing, purchase, transport and use of snares, traps and nets for land based use, home-made guns, poisons, and other prohibited means of hunting is prohibited at all times in all locations;
- d) It is prohibited to hunt, pursue, or harass any wildlife from or by means of a vehicle, including but not limited to, on water or land, or by aircraft, or to use an aircraft, motor vehicle, boat or other mechanized vehicle for the purpose of driving or stampeding any wild animals;
- e) Hunting of species listed on Schedule 3 and 4 outside of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level is permitted by local communities for subsistence/customary use by persons holding a valid permit, in accordance with Chapter 5 of this Title; and
- f) Hunting of species listed on Schedules 1, 2, and 3 for commercial purposes is prohibited.

#### **ARTICLE 409 PROHIBITIONS FOR BIODIVERSITY CONSERVATION CORRIDORS**

The following prohibitions apply to all hunting within Biodiversity Conservation Corridors, Protected Areas, and any other protected areas established at the provincial, district or commune level:

- a) All hunting of species listed on Schedules 1, 2, 3 and 4 is prohibited within the Core Zones and Conservation Zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level. These zones shall remain inviolate to hunting to protect species populations and reduce disturbance to wildlife. These zones will act as a reservoir or source of animals, which may disperse into other zones;
- b) Hunting of Schedule 3 and Schedule 4 species for customary use/subsistence use of local communities and indigenous ethnic minority groups living within or adjacent to Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level is permitted in the Sustainable Use Zone and Community Zone only, using permitted means only, and only by persons holding a valid hunting permit;
- c) Hunting quotas for local communities and indigenous peoples will be assigned by the Provincial Department of Environment, the Director of a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district or commune level or Collaborative Management Committee, with oversight by the Ministry Responsible for Environment and in coordination with technical partners, sub-national administrations. Quotas will be listed on individual hunting permits;
- d) Hunting of Schedule 3 and 4 species, by any person or entity other than local communities and indigenous ethnic minority groups holding individual valid hunting permits, is prohibited inside Biodiversity Conservation Corridors, nationally-and-sub-nationally-designated Protected Areas;
- e) Hunting of any wildlife for commercial purposes is completely prohibited at all times in all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level;
- f) Hunting of Schedule 3 and Schedule 4 species for crop protection purposes, within 20m of farmland, is allowed in the Community Zone only via permitted means of hunting, through the issuing of a permit from the Provincial Department of Environment and Protected Area Director with oversight by the Ministry Responsible for Environment and in coordination with relevant legal entities. Hunting of Schedule 1 and 2 species for crop protection purposes inside the Community Zone is prohibited;
- g) It is prohibited to possess, erect, maintain, transport or bring any equipment that could be used to hunt animals via prohibited means into all zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level and Collaborative Management Protection Zones, including but not limited to snares, traps, guns or other

homemade weapons, wire, bicycle or motorbike brake cable, electrocution equipment, nets, mesh, fishing line, and any form of pesticide or termiticide or chemical that can be used as a poison;

- h) Anyone transporting or in possession of a Schedule 3 or Schedule 4 species inside a protected area shall have a valid hunting permit;
- i) Capture of wildlife for the purpose of establishing or maintaining a wildlife farm, a zoological institution, private collection, is completely prohibited from Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level and Collaborative Management Protection Zones;
- j) Capture of wildlife for the purpose of establishing or maintaining a conservation breeding facility is permitted under Article 418 of this Title, which shall be specifically approved in advance by the Ministry Responsible for Environment; and
- k) All domestic dogs, hunting dogs and livestock are prohibited inside the Core Zones and Conservation Zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level and Collaborative Management Protection Zones.

## **CHAPTER 4 SPECIAL EXCEPTIONS ON HUNTING OF WILDLIFE**

### **SECTION 1 LETHAL CONTROL**

#### **ARTICLE 410 LETHAL CONTROL DETERMINATIONS**

The Protected Area Director or official of the Nature Conservation and Protection Administration may, if he/she is satisfied that any wild animal has become dangerous to human life or is so injured or diseased as to be beyond recovery, by order in writing and stating the reasons therefore, permit an official of the Ministry Responsible for Environment or Department of Environment to destroy such an animal.

#### **ARTICLE 411 DECISIONS**

A decision regarding lethal control shall follow guidelines in consideration of safety, animal welfare, and value of the animal for species conservation to be established by the Ministry Responsible for Environment.

#### **ARTICLE 412 METHODS**

Methods of lethal control shall follow guidelines ensuring animal welfare and minimizing risks

to other animal or human life to be established by the Ministry Responsible for Environment.

#### **ARTICLE 413 OBLIGATION TO DESTROY**

Any wild animal killed or wounded due to danger to human life or being beyond recovery according to this Article shall be the property of the State and shall be destroyed following approved methods outlined in Chapter 11.

#### **ARTICLE 414 SCHEDULE 1 AND 2 SPECIES**

For a species listed on Schedule 1 or 2, authorisation for lethal control shall be granted by the Ministry Responsible for Environment or Provincial Department of Environment.

#### **ARTICLE 415 SCHEDULE 3 AND 4 SPECIES**

For a species listed on Schedule 3 or 4, authorisation for lethal control shall be granted by the Director of the Biodiversity Conservation Corridor, nationally-and-sub-nationally-designated Protected Area, or any other protected areas established.

#### **ARTICLE 416 NON-NATIVE SPECIES**

Non-native species to Cambodia listed under Schedule 1 or Schedule 2 and which pose a threat to native Cambodian biodiversity may be managed in the wild, or on private property, if action or threat under Species Management and Recovery Plans require approval, in writing, from the Ministry Responsible Environment.

#### **ARTICLE 417 NON-LETHAL CAPTURE FOR CONSERVATION PURPOSES**

Non-lethal capture of any wildlife listed on any Schedule of this Title, for conservation breeding or conservation management purposes, via any means shall be approved by the Ministry Responsible for Environment via the issuance of a specific permit in writing. Permit applications shall demonstrate the benefit(s) to the species in question and compliance with approved procedures, regarding animal welfare, capture, transportation, and husbandry protocols.

#### **ARTICLE 418 CONSERVATION MANAGEMENT**

Conservation breeding or conservation management includes:

- a) Translocation of any wild animal to an alternative suitable habitat, for the purpose of reintroduction, re-stocking or supplementation of wild populations or to prevent the inevitable extinction of a wild population;
- b) Research or population management of wildlife, without killing or destroying wild animals; and



- c) Capture of wild animals for the explicit purpose of establishing and maintaining a secure conservation breeding population of a globally threatened species in a registered conservation breeding facility, and to produce captive bred animals for release back into the wild. Such capture shall be endorsed by both the Biodiversity Technical Working Group of the National Council for Sustainable Development and the relevant International Union for Conservation of Nature and Natural Resources Species Survival Commission Specialist Group Chair.

#### **ARTICLE 419 TRANSLOCATION**

Translocation and capture of wild animals for conservation breeding or conservation management of Schedule 1 and Schedule 2 species will only be permitted by the Ministry Responsible for Environment if these activities are in accordance with approved Species Management and Recovery Plans or recommendations of the Biodiversity Technical Working Group of the National Council for Sustainable Development.

#### **ARTICLE 420 HEALTH MONITORING AND QUARANTINE PROCEDURES FOR TRANSLOCATION**

Health monitoring and quarantine procedures for the translocation of wildlife or transfer of wild animals between a captive and wild population shall follow approved procedures.

### **SECTION 2 ZOOLOGICAL INSTITUTIONS**

#### **ARTICLE 421 REQUIREMENTS**

All zoological institutions shall hold a valid permit for the facility and all of the animals in the institution's collection. A schedule of permitting fees shall be developed and published by the Ministry Responsible for Environment, in consultation with relevant government entities. Revenue collected from permits shall be used to support the conservation of wildlife and biodiversity in the Kingdom of Cambodia, including the implementation of Species Management and Recovery Plans, or any other use as recommended by the Biodiversity Technical Working Group of the National Council for Sustainable Development and Ministry Responsible for Environment.

#### **ARTICLE 422 PROHIBITIONS**

It is prohibited to hunt, capture, or collect from the wild any species listed on Schedules 1 and 2 for zoological institutions.

#### **ARTICLE 423 APPLICATIONS**

Applications to capture from the wild any species listed on Schedule 3 or 4 for the purpose of zoological institutions shall be reviewed and if appropriate, approved, by the Ministry

Responsible for Environment

#### **ARTICLE 424 ISSUING AND SUSPENDING PERMITS**

No permit shall be issued to any zoological institution involved in illegal hunting and trade of wild animals, or without valid permits or legal documentation for the animals in their facility. The Ministry Responsible for Environment have the right to suspend permits, close down facilities and confiscate animals if they do not comply with the provisions of this Title and regulations issued by the Ministry Responsible for Environment.

### **CHAPTER 5 HUNTING PERMITS**

#### **ARTICLE 425 HUNTING PERMITS**

Hunting of wildlife listed on Schedules 3 and 4 is prohibited without a valid permit.

A hunting permit gives permission to the identified user to hunt in a particular location, for example in the Sustainable Use and Community Zone of a Biodiversity Conservation Corridor or Protected Area or in a Collaborative Management Protection Zone.

#### **ARTICLE 426 OBLIGATIONS OF HUNTING**

Hunting permits shall be carried on persons at all times while hunting, and produced for inspection as required.

Holders of a hunting permit may be required to provide samples or parts of the harvested wildlife to relevant government entities, as part of wildlife health monitoring activities. No financial compensation shall be provided in exchange for wildlife samples or parts.

#### **ARTICLE 427 APPLICATIONS**

Natural persons wishing to obtain a hunting permit shall submit a written application to the Provincial Department of Environment, Collaborative Management Committee, or the Director of the relevant Biodiversity Conservation Corridor, nationally-and-sub-nationally-designated-or established Protected Area, as appropriate.

Hunting applications for Sustainable Use Zones and Community Zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level and Collaborative Management Protection Zones will be reviewed, and if appropriate, approved.

Permits shall be issued by the Collaborative Management Committee or the Director of the relevant Biodiversity Conservation Corridor, nationally-and-sub-nationally-designated-or

established Protected Area, in consultation with interested stakeholders involved in the protection of the Biodiversity Conservation Corridors and provincial, district and commune protected areas.

Hunting applications for areas outside of Biodiversity Conservation Corridors, nationally-and-sub-nationally-designated-or established Protected Areas, will be reviewed, and if appropriate, permits shall be issued by the Director of the Provincial Department of Environment.

#### **ARTICLE 428 ISSUANCE**

All hunting applications, approvals, and permits shall be subject to oversight by the Ministry Responsible for Environment.

A hunting permit may be granted, revoked, or refused, or conditions or restrictions imposed as the Director of Provincial Department of Environment, Collaborative Management Committee or Director of any Biodiversity Conservation Corridor, nationally-and-sub-nationally-designated-or established Protected Area based on the following requirements:

- a) All permits shall be issued in a transparent manner;
- b) Only one hunting permit shall be granted per household;
- c) No hunting permit will be issued to any person involved in any incidents of illegal hunting;
- d) No hunting permit will be issued to any person that the Provincial Department Of Environment, Collaborative Management Committee, or Director of any Biodiversity Conservation Corridor, nationally-and-sub-nationally-designated-or established Protected Area has reasonable cause to believe, or evidence to prove, has participated in or had any involvement with commercial hunting and illegal trade of wildlife;
- e) No hunting permit shall be transferred from one person to another; and
- f) A hunting permit shall be valid for three (3) month, thereafter it will be reviewed and can be renewed.

Where a hunting permit is lost, the holder of a permit shall immediately inform the Provincial Department of Environment, Collaborative Management Committee or Director of any Biodiversity Conservation Corridor, nationally-and-sub-nationally-designated-or established Protected Area and cease all hunting activities until a replacement permit is issued.

#### **ARTICLE 429 DATABASE**

All Provincial Departments of Environment Directors, Collaborative Management

Committees, and Directors of Biodiversity Conservation Corridors, nationally-designated Protected Areas, other protected areas established at the provincial, district or commune level, shall manage a database for hunting permits and hunters, for the purpose of monitoring and regulating these activities.

Copies of the database will be sent annually to the Ministry Responsible for Environment and technical partners involved in the protection of the Biodiversity Conservation Corridors and provincial, district, and commune protected areas and the preservation of wildlife species throughout the Kingdom of Cambodia.

The database shall also be made publicly available in accordance Access to Environmental Information of this Code.

#### **ARTICLE 430 SUSPENSION OR CANCELLATION OF PERMITS**

The Provincial Departments of Environment Director, Collaborative Management Committee, or Director of any Biodiversity Conservation Corridor, nationally-and-sub-nationally-designated-or established Protected Areas, or other protected area established at the provincial, district or commune level, may suspend or revoke any hunting permit granted under this Title, to be recorded in writing, based on the following:

- a) A hunting offence against a Schedule 1 species will result in a hunting permit being revoked, in addition to penalties as stipulated in this Code;
- b) A hunting offence against a Schedule 2 species will result in a hunting permit being revoked with new permit applications being denied for the remaining time, in addition to penalties as stipulated in this Code;
- c) A hunting offence against a Schedule 3 species will result in a hunting permit being revoked with new permit applications being denied for the remaining time, in addition to penalties as stipulated in in this Code; and
- d) Any person who has had their permit revoked in cases of illegal hunting or trade of wildlife will result in the prevention of permits being issued indefinitely.

All hunting permit revocations shall be subject to oversight by the Ministry Responsible for Environment.

### **CHAPTER 6 PROHIBITION OF TRADE, TRAFFICKING OR COMMERCE IN WILD ANIMALS, TROPHIES, ANIMAL PARTS AND ALL DERIVATIVES OF WILD ANIMALS**

#### **ARTICLE 431 PROHIBITED ACTIVITIES**

All trade, transport, shipment, import, export, re-export, possession, sale, purchase, transferral, storing, gifting, consumption, farming and any other commercial uses of wildlife or any parts thereof listed on Schedule 1, Schedule 2, and Schedule 3 is prohibited.

Offering or advertising for sale any wildlife or parts thereof listed on Schedule 1, Schedule 2, and Schedule 3 is prohibited.

Counterfeit products advertised as being made from wildlife or parts thereof is also considered an offence and will be treated the same as offences involving genuine wildlife and parts thereof.

#### **ARTICLE 432 PROHIBITION FOR THE NATURAL PERSON OR LEGAL ENTITY**

It is prohibited for any person, organisation, company or other entity, to purchase, receive or acquire any wildlife or wild animals, on Schedule 1, Schedule 2, or Schedule 3, or any animal parts, trophies, or meat. In this Code, animal part refers to any part, component, or product of any wildlife, whether captive or wild, and includes an article or object in which the whole or any part of such animal has been used.

No person, organisation, company or other entity, shall include in their business:

- a) A manufacturer of, or dealer, of wildlife, wild animals, trophies or animal parts listed on Schedule 1, 2, or 3;
- b) A taxidermist with respect to any wildlife, wild animals or any animal parts or trophies of wild animals listed on Schedule 1, 2, or 3;
- c) A dealer in trophies derived from any wildlife listed on Schedule 1, 2, or 3;
- d) A dealer in any captive wild animals listed on Schedule 1, 2, or 3;
- e) A dealer, cook or server of meat derived from any wildlife or wild animal listed on Schedule 1, 2, or 3; or
- f) An importer, exporter or re-exporter of wildlife, wild animals, wild animal meat or trophies listed on Schedule 1, 2, or 3.

### **CHAPTER 7**

#### **CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES**

##### **ARTICLE 433 APPLICABLE SPECIES**

Referring to law and regulation on International Trade in Endangered Wild Animal and Plant Species, this Chapter applies to the species listed in:

- a) Appendix 1 of Convention on International Trade in Endangered Species of Wild Fauna and Flora, equivalent to a Schedule 1 species;
- b) Appendix 2 of Convention on International Trade in Endangered Species of Wild Fauna and Flora, equivalent to a Schedule 2 species; and
- c) Appendix 3 of Convention on International Trade in Endangered Species of Wild Fauna and Flora, equivalent to a Schedule 3 species.

#### **ARTICLE 434 PROHIBITED ACTIVITIES**

No person without a Convention on International Trade in Endangered Species of Wild Fauna and Flora permit may:

- a) Import or bring into the country from a foreign country a species of flora or fauna listed on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora to which this Chapter applies;
- b) Export or take out of the country to a foreign country a species of flora or fauna listed on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora to which this Chapter applies; and
- c) Re-export, convey or transport through the country to a foreign country a species of flora or fauna listed on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora to which this Chapter applies.

### **CHAPTER 8 INTERNATIONAL COOPERATION**

#### **ARTICLE 435 PREVENTING, IDENTIFYING, AND COMBATING OFFENCES**

Notwithstanding any other law, the Ministry Responsible for Environment and other relevant government entities and sub-national governments shall cooperate and provide personal or other information to a foreign law enforcement authority of another State and, where relevant, international regional organisations, for the purpose of preventing, identifying, and combating the offences covered by this Title in either jurisdiction.

#### **ARTICLE 436 INVESTIGATIONS AND PROCEEDINGS**

The Ministry Responsible for Environment and other relevant government entities and sub-national administrations shall also cooperate with a foreign law enforcement authority or international regional organisations, with regard to:

- a) Providing items, substances, documents or records for analytical or investigative purposes;

- b) Seconding or exchanging personnel, including by making experts available and the posting of liaison officers;
- c) Joint investigations;
- d) Prosecution of judicial proceedings; and
- e) Other administrative assistance.

The Ministry Responsible for Environment may negotiate and conclude agreements with foreign law enforcement authorities or international regional organisations, for the purposes of enhancing law enforcement cooperation to prevent, identify and combat the offences to which these legal provisions apply.

## **CHAPTER 9 SPECIES MANAGEMENT AND RECOVERY PLANS**

### **ARTICLE 437 SPECIES MANAGEMENT AND RECOVERY PLANS**

The Ministry Responsible Environment shall develop Species Management and Recovery Plans for all Schedule 1 species and Schedule 2 species native to Cambodia. Plans should cover a ten (10) year period and a single plan can cover multiple species, including plant species.

The Ministry Responsible for Environment shall coordinate with other relevant government entities and technical experts to develop the Species Management and Recovery Plan. The Ministry Responsible for Environment shall also provide for public consultation during the development of the Species Management and Recovery Plan in accordance with Book 1 General Provisions Title 3 Public Participation of this Code.

All proposed Species Management and Recovery Plans shall be reviewed and approved by the Biodiversity Technical Working Group of the National Council for Sustainable Development prior to being implemented.

Provincial Departments of Environment shall be the primary implementing government entities, with oversight from Ministry Responsible Environment and the Biodiversity Technical Working Group, and in coordination with other relevant government entities and technical partners participating in the conservation of wildlife species throughout the Kingdom of Cambodia.

### **ARTICLE 438 REQUIREMENTS OF SPECIES MANAGEMENT AND RECOVERY PLAN**

The Ministry Responsible for Environment shall define within Species Management and

Recovery Plans:

- a) The necessary conservation and protection actions into species management and recovery plans.
- b) Shall identify the important habitats for the conservation of species and shall prescribe habitat-specific and landscape-specific management actions necessary to achieve conservation plan.
- c) Specific Species Management and Recovery Plans may be incorporated within Biodiversity Conservation Corridor or protected area management plans.
- d) Shall include objective, measurable criteria which when met, would result in improved conservation status of the target species and estimates of the time and financial resources required to carry out those measures.
- e) May include translocations, ex-situ conservation and conservation breeding, and conservation reintroductions.

**ARTICLE 439 ENVIRONMENTAL IMPACT ASSESSMENTS**

All Environmental Impact Assessments for projects, plans, or activities that may potentially impact known habitats of Schedule 1 and/or Schedule 2 species, shall consider and incorporate by reference that wildlife species' Species Management and Recovery Plan, and shall demonstrate that the project, plan, or activity will not diminish natural populations of Schedule 1 and/or Schedule 2 species or hinder the rehabilitation of natural populations of the species through implementation of the Species Management and Recovery Plan.

In instances where a species has been added to the National List of Threatened Wildlife Species but the Species Management and Recovery Plan for that species has not yet been completed, all Environmental Impact Assessments for projects, plans, or activities that will potentially impact such species shall demonstrate that the project, plan, or activity will not diminish any natural populations of the species.

**ARTICLE 440 MONITORING AND REPORTING**

The Ministry Responsible for Environment, in cooperation with all relevant stakeholders, shall be responsible for the implementation of a monitoring system to monitor effectively the status of all Schedule 1 and Schedule 2 species that have recovered to a point which in accordance with the provisions of this Title, have been removed from Schedule 1 or Schedule 2.

The Ministry Responsible for Environment shall publicly report on the status of Schedule 1 and Schedule 2 species, in accordance with the access to information provisions in Book 1 General Provisions Title 3 Access to Environmental Information of this Code.



#### **ARTICLE 441 GRANTING LICENCES AND PERMISSIONS**

All relevant government entities responsible for granting permissions for any projects or activities within the distribution range of species listed on Schedule 1 and Schedule 2 shall refer to Species Management and Recovery Plans and Biodiversity Conservation Corridor and Protected Areas Management Plans prior to granting any licence or permission.

#### **ARTICLE 442 MONITORING SPECIES STATUS**

The Ministry Responsible for Environment shall, in cooperation with other relevant stakeholders, effectively monitor the status of all native species on Schedule 1 and Schedule 2, until no less than five (5) years after the status of the species has been changed to Schedule 3 or 4 in accordance with the procedures outlined in Chapter 3 of this Title.

The Ministry Responsible for Environment shall report publicly on the status of Schedule 1 and Schedule 2 species in accordance with Book 1 General Provisions Title 3 Access to Environmental Information in this Code.

#### **ARTICLE 443 COMPENSATORY PAYMENT**

The Ministry Responsible for Environment shall develop policies and guidelines on the compensatory payment determination caused by natural person or legal entities that cause damage done to wildlife. Such payments shall be used to implement species recovery and management plans.

### **CHAPTER 10 MANAGEMENT OF CONSERVATION BREEDING, WILDLIFE RESCUE CENTRES, AND ZOOLOGICAL INSTITUTIONS**

#### **ARTICLE 444 REGISTRATION**

All conservation breeding facilities, wildlife rescue centres, and zoological institutions shall be registered with the relevant government entity and hold a valid operational permit.

#### **ARTICLE 445 PROHIBITIONS**

It is prohibited to keep in captivity, as pets, display, or working animals, any individuals of native Schedule 1, 2, or 3 species outside licensed and managed conservation breeding, wildlife rescue centres, or zoological institutions, unless the species is provided with specific exemption by the Ministry Responsible for Environment.

#### **ARTICLE 446 PERMITS**

All conservation breeding facilities, wildlife rescue centres, and zoological institutions wishing to keep multiple species shall obtain the necessary permits for all species.

#### **ARTICLE 447 COMPLETELY PROHIBITED SPECIES**

Biodiversity Technical Working Group of the National Council for Sustainable Development any species can incorporate wildlife species into framework prescribed as completely prohibited to be kept in captivity.

#### **ARTICLE 448 INSPECTIONS**

All conservation breeding facilities, wildlife rescue centres, and zoological institutions will be subject to regular inspections by the Ministry Responsible for Environment.

#### **ARTICLE 449 SUSPENSIONS AND REVOCATIONS**

The Ministry Responsible for Environment, other government entities, and law enforcement entities reserve the right to temporarily suspend or revoke operational permits, and confiscate any wildlife in captivity, if satisfactory conditions for keeping wildlife are not being met.

#### **ARTICLE 450 MONITORING AND RECORDING**

All conservation breeding facilities, wildlife rescue centres, and zoological institutions, are responsible for recording births, deaths, and transfers of all wildlife listed on Schedule 1, 2, and 3. This information shall be shared with authorities during annual inspections and any individuals not accounted for will be considered illegally hunted.

#### **ARTICLE 451 TRANSFERS AND TRANSLOCATIONS**

The Ministry Responsible for Environment and other relevant government entities and technical partners shall be notified in advance of any transfers or translocations of species listed on Schedule 1 and 2 between facilities. A Transportation Permit shall be issued and carried at all times. Movements of animals between breeding centres shall be accurately recorded and traceable, communicated in a transparent manner, and made available to regulatory agency inspection teams.

#### **ARTICLE 452 DISPOSAL OF ANIMAL PARTS, MEAT, OR TROPHIES**

Animal parts, meat, or trophies from wild animals that have died in captivity shall be disposed of following the guidelines referred to in Chapter 11 of this Title. Keeping whole bodies, or parts of dead animals at conservation breeding facilities, wildlife rescue centres, private collections, zoological institutions, or other facility is prohibited.

#### **ARTICLE 453 REQUIREMENTS FOR TREATMENT AND FACILITIES**

All wildlife held in captivity, including zoological institutions, private collections, rescue centres, and conservation breeding facilities, shall be cared for in a humane and appropriate manner to ensure animal welfare protocols are carried out. The Ministry Responsible for

Environment, Biodiversity Technical Working Group of the National Council for Sustainable Development, or other government entities may develop in collaboration with technical partners and others involved in the research, protection, and care of these species, and issue guidelines on husbandry and animal welfare protocols.

#### **ARTICLE 454 CONFISCATION**

Where diet, cages, enclosures, husbandry, hygiene, health, or other requirements of wildlife are not being adequately met following approved international standards, the Ministry Responsible for Environment, other government entities, and law enforcement entities, reserve the right to confiscate the wild animals in question.

#### **ARTICLE 455 GENETIC DIVERSITY**

Any facilities undertaking conservation breeding of Schedule 1 or Schedule 2 animals shall ensure maximum retention of genetic diversity and natural behaviour through:

locations that implement conservation wildlife species breeding shall establish a studbook for the relevant species detailing all individuals of the breeding programme, provision of suitable husbandry and enclosures and acceptable standards of animal welfare in accordance with guidelines.

All breeding events and bloodlines shall be accurately recorded with founding animals and their offspring clearly identifiable. All individuals of these species are to be permanently marked in order to facilitate tracking of parentage and origin.

#### **ARTICLE 456 NATIONAL DATABASE**

The Ministry Responsible for Environment shall develop and manage a national database for the close and strict monitoring and management of captive wildlife and facilities.

#### **ARTICLE 457 RELEASE**

Where animals have undergone a period of time in captivity or have been captive born and are subsequently being considered for release, International Union for Conservation of Nature and Natural Resources protocols shall be complied with wherever possible. Health checks shall be conducted prior to release, a suitable release site identified and prepared, acclimation of the animals to the release site, and post-release monitoring implemented if necessary.

### **CHAPTER 11 MANAGEMENT OF CONFISCATED WILDLIFE AND THEIR PARTS**

#### **ARTICLE 458 WILDLIFE MANAGEMENT PROCEDURES**

All wildlife and their parts confiscated under this Title shall either be:

- a) In the case of live, native wildlife, assessed for health and suitability prior to being released into its natural habitat if appropriate to do so, or sent to an approved rescue centre;
- b) In the case of dead wildlife and their parts, destroyed, maintained or stored following the approved procedures; and
- c) In the case of live non-native species, sent to an approved rescue centre pending repatriation where applicable.

#### **ARTICLE 459 BIOSAFETY PROCEDURES**

All persons involved in the confiscation of live wildlife and their parts shall follow appropriate biosafety procedures to avoid any contamination of other animals or humans with dangerous infectious or non-infectious agents.

The transportation of confiscated wildlife shall follow approved first aid, emergency care and humane transportation procedures.

Confiscated items may be subject to sampling for wildlife health monitoring purposes, following health monitoring strategies and protocols established by the Ministry Responsible for Environment in coordination with other relevant government entities and technical partners.

#### **ARTICLE 460 EVIDENCE**

In instances where confiscated items need to be maintained as evidence for court cases, all dead wildlife and their parts listed on Schedule 2, 3, and 4, shall be kept secure at an institution deemed suitable by the Ministry Responsible for Environment following appropriate management and security protocols until such time as the court case is completed.

No live wildlife shall be kept as evidence for the courts, apart from photographic evidence and legal documentation. All live wildlife seized shall receive immediate first aid care, emergency care, and be handed over to the specialized counter wildlife trafficking unit to be dispatched to an approved wildlife rescue centre.

Once a court case has been completed or a court orders the management of evidence, all dead wildlife and their parts listed on Schedule 2, 3, and 4 maintained as evidence shall be returned to the Ministry Responsible for Environment and destroyed in accordance with the approved procedures.

All seizures of wildlife and their parts listed on Schedule 1 shall be immediately transferred to the responsibility of the Ministry Responsible for Environment, to implement appropriate

security and destruction protocols that meet government guidelines and to maintain regularly updated national inventories of these products to help prevent illegal trafficking.

#### **ARTICLE 461 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA REPORTING**

All law enforcement entities that have seized Convention on International Trade in Endangered Species of Wild Fauna and Flora-listed animals or body parts from other countries shall, within forty-eight (48) hours of confiscation, report to the Cambodian Convention on International Trade in Endangered Species of Wild Fauna and Flora Management Authority.

The Cambodian Convention on International Trade in Endangered Species of Wild Fauna and Flora Management Authority shall report to the Convention on International Trade in Endangered Species of Wild Fauna and Flora Secretariat in compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora reporting obligations.

When Convention on International Trade in Endangered Species of Wild Fauna and Flora-listed species are seized during transit through the Kingdom of Cambodia or delivered to the Kingdom of Cambodia as a destination, the Ministry Responsible for Environment or other government entity shall take action to destroy the seized material in accordance with Convention on International Trade in Endangered Species of Wild Fauna and Flora regulations and in cooperation with the Convention on International Trade in Endangered Species of Wild Fauna and Flora Management Authority of Cambodia and specialized counter trafficking wildlife law enforcement entities.

#### **ARTICLE 462 INTERNATIONAL LAW ENFORCEMENT COOPERATION**

The Ministry Responsible for Environment may negotiate and conclude agreements with foreign law enforcement authorities or international regional organisations for the purposes of enhancing law enforcement cooperation to prevent, identify, and combat the offences to which these legal provisions apply.

### **CHAPTER 12 MANAGEMENT OF WILDLIFE FARMS**

#### **ARTICLE 463 PROHIBITIONS**

It is prohibited to establish wildlife farms, or any other facility that will breed wildlife, without a permit from the Ministry Responsible for Environment.

It is prohibited, under any circumstances, to raise, keep, breed, stock and maintain any wildlife on Schedules 1 and 2 in wildlife farms or any other captive facility for commercial purposes.

It is prohibited, under any circumstances, to raise, keep, breed, stock and maintain any wildlife

in wildlife farms or any other captive facility inside or within twenty (20) kilometres of a Biodiversity Conservation Corridor, nationally-and-sub-nationally-designated Protected Area.

It is prohibited to introduce wild-caught animals into wildlife farms. Wildlife farms shall only obtain or purchase animals from other farms that have a valid permit.

#### **ARTICLE 464 EXEMPTION FOR WILDLIFE FARM OPERATOR**

Wildlife farm operator shall only keep the species for which they obtained permission from the Ministry Responsible for Environment.

#### **ARTICLE 465 REGULATION**

The Ministry Responsible for Environment has the authority to develop, issue, and enforce guidelines for the establishment, operation, maintenance, inspection, monitoring, and regulation of all facilities in the Kingdom of Cambodia that raise, breed, keep, stock, and maintain wildlife.

The Ministry Responsible for Environment has the authority to inspect, monitor, regulate, revoke the permits of, close and file cases to the court regarding any existing wildlife farms that may be engaged in prohibited hunting or trade activities as outlined in this Title, or that fail to satisfy the regulatory guidelines issued by the Ministry Responsible for Environment or other relevant government entities.

#### **ARTICLE 466 INVENTORY AND RECORDS**

All wildlife on wildlife farms shall be individually identified at all times.

The wildlife farm operator shall maintain, accurate inventory records in a form acceptable to the Ministry Responsible for Environment, indicating with respect to each animal kept:

- a) The animal's species;
- b) The animal's unique identification, including any changes in unique identification and the date the change occurred;
- c) The animal's sex;
- d) The animal's date of birth;
- e) If the animal was not born on the operator's wildlife farm:
- f) The date on which the wildlife farm operator acquired the animal;
- g) The name and address of the person from whom the animal was acquired; and

- h) The location of the farm from which the animal was acquired;
- i) The animal's date of death, the cause of death, if known, and any test results; and
- j) Where the animal is removed from the operator's wildlife farm:
- k) The date of removal;
- l) The location to which the animal was moved; and
- m) The name and address of the person acquiring the animal.

#### **ARTICLE 467 SALE OF FARMED WILDLIFE AND WILD ANIMAL PRODUCTS**

Restrictions regarding the sale of farmed wildlife and wild animal products include:

- a) No wildlife farm shall sell or trade live animals to anyone other than a permitted wildlife farm;
- b) No wildlife farm shall purchase or trade live or slaughtered animals from anyone other than a permitted wildlife farm; and
- c) Any commercial transaction involving animals from wildlife farms shall be recorded and produced for inspection as required.

#### **ARTICLE 468 QUARANTINE AND HEALTH MONITORING**

Appropriate quarantine and health monitoring shall precede any introduction of new animals to the farm.

If an animal is found dead on the farm, the wildlife farm operator shall immediately report the death to the Provincial Department of Environment. Dead animals shall be inspected, sampled and disposed of according to guidelines established by the Ministry Responsible for Environment in collaboration with other governmental and non-governmental entities.

The Ministry Responsible for Environment may request mandatory surveillance of diseases of special concern according to the following requirements:

- a) The Ministry Responsible for Environment shall maintain and publish a list of diseases of special concern for which surveillance is mandatory in wildlife farms, and develop corresponding protocols in collaboration with relevant ministries;
- b) The wildlife farm operator shall immediately report to the Provincial Department of Environment when a wild animal is known or suspected to carry a disease of special concern, and when a wild animal is known or suspected to have been in contact with

another diseased animal;

- c) No person shall keep, hide, transport, sell, give or consume any farmed wildlife that is known or suspected to carry a disease of special concern or have died of unknown cause on the farm;
- d) The wildlife farm operator shall abide by the protocols established by the Ministry Responsible Environment; and
- e) Failure to comply with the disease surveillance protocols may result in temporary or permanent closure of the farm.

#### **ARTICLE 469 MINIMUM REQUIREMENTS**

The Ministry Responsible for Environment, in consultation with relevant government entities and technical partners, shall establish minimum requirements for farm facilities and enclosures that shall follow animal husbandry and animal welfare protocols.

The Ministry Responsible for Environment may control at any time the compliance of a wildlife farm to these requirements and shall cooperate with technical wildlife husbandry partners and specialized counter wildlife trafficking entities to conduct annual inspections.

Operators who fail to comply with the established requirements may have their permit withdrawn or cancelled and additional penalties applied in Book 9 Environmental Offences, Enforcement and Remedies Title 1 Environmental Offences and Penalties of this Code.

#### **ARTICLE 470 GENERAL REQUIREMENTS**

The permitted wildlife farm operator shall at all times provide appropriate care to the farmed wildlife animals:

- a) Transportation of wild animals to the farm and from the farm shall comply with humane transportation protocols;
- b) Every wildlife farm operator shall ensure the animals have adequate shelter, food, fresh water, shade, and space and that enclosures are cleaned daily and are not crowded;
- c) The handling of animals shall be carried out in accordance with generally accepted practices in regard to management, husbandry, slaughter, and animal welfare; and
- d) In case the operator fails to provide adequate care and handling of animals, the Ministry Responsible for Environment and Provincial Department of Environment may withdraw or cancel a wildlife farming permit, and temporarily or permanently close the wildlife farm.



#### **ARTICLE 471 PREVENTION OF ESCAPE**

No wildlife farm operator shall allow captive wildlife to roam free, escape from captivity, or be released to the wild. In case of escape from captivity, the farm operator shall:

- a) Notify the Provincial Department of Environment within twenty-four (24) hours; and
- b) Make all reasonable efforts to restore the escaped wildlife to captivity.

#### **ARTICLE 472 HUMANE SLAUGHTER**

The slaughter of farmed wildlife shall be conducted in a humane manner. The Ministry Responsible for Environment shall produce guidelines for the slaughter of farmed wildlife in collaboration with the Department of Animal Health and Production.

#### **ARTICLE 473 TRANSPORT**

Every wildlife farm operator shall transport, or cause to be transported, all captive wildlife according to relevant legal procedures and guidelines produced by the Department of Animal Health and Production.

#### **ARTICLE 474 NON-LIABILITY OF THE MINISTRY RESPONSIBLE FOR ENVIRONMENT**

The Ministry Responsible for Environment shall not be liable Despite anything in the Title or regulations:

- a) Ministry Responsible for Environment for injury or property damage caused by farmed wildlife or by the escape from captivity of farmed wildlife; and
- b) Ministry Responsible for Environment for the loss or death of any wildlife through escape from captivity or death from disease, notwithstanding that the Ministry Responsible for Environment may have required a farmed wildlife animal to be destroyed due to escape or disease.

#### **ARTICLE 475 OBLIGATIONS OF WILDLIFE FARM OPERATOR**

Any wildlife farm operator existing on the date of enactment of this Code shall:

- a) Apply for a permit within one hundred-eighty (180) days; and
- b) Comply with the requirements of these regulations relating to the operation of wildlife farms.

### **CHAPTER 13 WILDLIFE HEALTH SURVEILLANCE**

#### **ARTICLE 476 STRATEGY FOR WILDLIFE DISEASE SURVEILLANCE**

The Ministry Responsible for Environment shall establish a strategy for wildlife disease surveillance and wildlife health monitoring in coordination with other government entities and technical partners.

The Ministry Responsible for Environment shall investigate, document and respond to all wildlife mortality events and disease outbreaks in coordination with other governmental and non-governmental entities.

The Ministry Responsible for Environment shall communicate the outcomes and findings of wildlife health surveillance and disease outbreak investigations to counterparts in animal and public health in a timely manner, as well as to relevant international health organisations, particularly in the case of zoonotic diseases.

#### **ARTICLE 477 QUARANTINE**

Prior to wildlife translocation or any transfer of animals between captive and wild populations, wildlife animals shall be quarantined and inspected by an authorized person who shall confirm in writing that:

- a) The animals have been held in quarantine for not less than fourteen days and inspected prior to release;
- b) The animals did not exhibit any signs of disease or injury;
- c) The animals have been positively and uniquely identified; and
- d) The animals have been tested and are free from diseases of special concern for that species.

#### **ARTICLE 478 REPORTING**

The Provincial Department of Environment and the Ministry Responsible for Environment shall be informed immediately in case a wild animal becomes diseased or dies during the course of a quarantine.

### **CHAPTER 14 GENERAL REGULATIONS**

#### **ARTICLE 479 REGULATIONS**

The Ministry Responsible for Environment may make such regulations as may be expedient or necessary for better carrying out the provisions of this Title or for prescribing anything that may be, or is required to be, prescribed under this Title.

Regulations may be made in respect of, but not limited to, the following:

- a) The administration and management of wildlife inside and outside of Biodiversity Conservation Corridors, nationally-and-sub-nationally-designated-and established Protected Areas;
- b) Management of hunting applications and permits and issuance of quotas;
- c) The conditions under which wildlife may be kept in captivity, including zoological facilities, rescue centres, wildlife farms and conservation breeding centres;
- d) The establishment, operation, maintenance, inspection, monitoring and regulation of wildlife farms, zoological institutions, wildlife rescue centres, conservation breeding centres, and any other facilities keeping wildlife;
- e) Procedures for the effective enforcement of this Title;
- f) Management of evidence confiscated under this Title, including of appropriate security and welfare for seized live wildlife (from Schedules 1, 2 ,3, and 4) and security protocols for products from Schedule 1 species;
- g) The fees payable under this Title,
- h) Procedures for the translocation, transportation, capture, handling and sampling of wildlife,
- i) Procedures for ensuring wildlife welfare;
- j) Establishment, operation, and responsibilities of the Biodiversity Technical Working Group of the National Council for Sustainable Development;
- k) Procedures for recording offences against wildlife;
- l) Methods for humane slaughter of wildlife in wildlife farms;
- m) Payment of compensatory mitigation for damage done to wildlife, by natural persons or legal entities; and
- n) Monitoring of offences and offender.

## **TITLE 6 PROTECTION OF THREATENED PLANTS AND ECOSYSTEMS**

### **CHAPTER 1**

## **GENERAL PROVISIONS**

### **ARTICLE 480 ROLES AND RESPONSIBILITIES OF MINISTRY RESPONSIBLE FOR ENVIRONMENT**

The Ministry Responsible for Environment shall have the authority to:

- a) Classify, manage and protect threatened plants and ecosystem;
- b) Oversee, regulate, and enforce laws relating to the designation and management of threatened plants and ecosystems;
- c) Manage invasive, non-native, or non-naturally occurring species of plants;
- d) Undertake measure of the conservation and management by the appropriate government entity shall be based on the best scientific evidence and shall prevent the loss of threatened plants and ecosystems; and
- e) Manage and maintain dominant ecological characteristics of the plant or ecosystem occur within their natural ranges of variation.

### **ARTICLE 481 COOPERATION OF RELEVANT GOVERNMENT ENTITIES**

All government entities with a responsibility to prevent relevant crime have the responsibility to coordinate, collaborate, and share information, as required by Ministry Responsible for Environment guidelines, with the Ministry Responsible for Environment on offences involving threatened plants and ecosystems, including but not limited to:

- a) National and international investigations of illegal plant or timber possession, trade, or transport;
- b) Seizures of threatened plants or timber possessed illegally, made under this Code and other relevant laws and regulations; and
- c) All court cases involving threatened plants and ecosystems.

### **ARTICLE 482 BIODIVERSITY TECHNICAL WORKING GROUP COMPOSITION**

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall be composed of:

- a) Biological experts and ecologists from the Ministry Responsible for Environment;
- b) Relevant competent ministry/ institution,

- c) Scientific, educational and other relevant institutions and organization
- d) Technical partners participating in the protection of Biodiversity Conservation Corridors, nationally-and-sub-nationally-designated-and-established Protected Areas, and the preservation of plant species and ecosystems throughout the Kingdom of Cambodia.

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year in order to:

- a) Review the National List of Threatened Plant Species, the National List of Threatened Ecosystems, and the National List of Invasive Species and provide recommendations to the Ministry Responsible for Environment regarding any necessary updates to the lists and Schedule classifications; and
- b) Review, make recommendations for necessary changes, and approve species management and recovery plans for implementation, on the basis of scientific reports and data.

## **CHAPTER 2**

### **CLASSIFICATION OF PLANT SPECIES**

#### **ARTICLE 483 NATIONAL LIST OF THREATENED PLANT SPECIES**

The Ministry Responsible for Environment shall create and maintain a publicly available National List of Threatened Plant Species occurring within the Kingdom of Cambodia. Upon enactment of this Code, the National List of Threatened Plant Species will adopt all plant species known to occur in the Kingdom of Cambodia that are listed on the International Union for Conservation of Nature Red List. The National List of Threatened Plant Species will continually adopt any new plant species added to the International Union for Conservation of Nature Red List that are known to occur in the Kingdom of Cambodia, effective immediately upon their listing on the International Union for Conservation of Nature Red List.

#### **ARTICLE 484 CATEGORIES OF THREATENED PLANT SPECIES**

Species listed on The National List of Threatened Plant Species shall be categorised into the following schedules:

- a) Schedule 1. All species, including those non-native to the Kingdom of Cambodia, listed as Extinct in the Wild, Critically Endangered, or Endangered on the International Union for Conservation of Nature Red List of Threatened species, or those species which have been added to the aforementioned categories on The National List of Threatened Plant Species. All species non-native to the Kingdom of Cambodia listed on Appendix 1 of Convention on International Trade in Endangered Species of Wild Fauna and Flora are

also included in Schedule 1;

- b) Schedule 2. All species, including those non-native to the Kingdom of Cambodia, listed as Vulnerable, Near Threatened, Data Deficient, or Not Evaluated, on the International Union for Conservation of Nature Red List of Threatened Species, those species which have been added to the aforementioned categories on The National List of Threatened Plant Species, and all species non-native to the Kingdom of Cambodia and listed as Appendix 2 of Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- c) Schedule 3. All species, including those non-native to the Kingdom of Cambodia, listed as Least Concern on the International Union for Conservation of Nature Red List of Threatened Species, and all species non-native to the Kingdom of Cambodia and listed on Appendix 3 of Convention on International Trade in Endangered Species of Wild Fauna and Flora.

In instances where a species may be classed under different schedules according to the International Union for Conservation of Nature and Natural Resources Red List and Convention on International Trade in Endangered Species of Wild Fauna and Flora Appendices, the higher schedule applies. Any newly described species without an International Union for Conservation of Nature and Natural Resources categorization will be assigned to Schedule 1 unless otherwise categorized by the Ministry Responsible for Environment.

Species included in the three Schedules shall be listed in a legal instrument to be developed by the Ministry Responsible for Environment in consultation with relevant government entities. The establishment of the three schedules shall be effective immediately upon enactment of this Code, based on the International Union for Conservation of Nature Red List and Convention on International Trade in Endangered Species of Wild Fauna and Flora appendices, and is not dependent on the development of legal instruments.

#### **ARTICLE 485 UPDATING THE LIST OF THREATENED PLANT SPECIES**

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year to review and provide recommendations to the Ministry Responsible for Environment to update the List of Threatened Plant Species and the Schedule classifications of threatened plant species.

At the time that any plant species listed on the International Union for Conservation of Nature Red List that was previously not known to occur in the Kingdom of Cambodia is discovered to occur in the Kingdom of Cambodia, it shall be added to The National List of Threatened Plant Species.

Plant species that do not occur on the International Union for Conservation of Nature Red List

may be added to The National List of Threatened Plant Species. Such additions shall be made with reference to criteria set forth in the International Union for Conservation of Nature Red List Categories and Criteria, version 3.1, second edition.

The updated classifications of plant species will be based on the categorization of species on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species and on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Additionally, any species may be upgraded to a higher Schedule category on the basis of factors including:

- a) High levels of threat to the Cambodian population of the species;
- b) The status of the Cambodian population of the species meeting International Union for Conservation of Nature and Natural Resources criteria for Critically Endangered or Endangered; and
- c) Important cultural or natural heritage value to the people and Kingdom of Cambodia International Union for Conservation of Nature and Natural Resources.

These updates shall be approved by legal instrument and distributed to relevant government entities, sub-national administrations, law enforcement agencies, Collaborative Management Committees and provincial courts.

No species can be down-listed from Schedule 1 or 2, without a corresponding change in its current listing on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species.

#### **ARTICLE 486 PETITION TO UPDATE**

Any interested person or organisation may petition the Ministry Responsible for Environment to add any plant species to the National List of Threatened Plant Species. Such petitions shall provide data and information to support the listing of the species on the National List. The Ministry Responsible for Environment shall respond to such petitions, with reasons as to why the petition was either granted or rejected, within sixty (60) days of the receipt of the petition.

Any documents, data, or other information used for the listing of a species shall be made publicly available by the Ministry Responsible for Environment or other relevant government entity in possession of such documents, data, or other information, in accordance with Book 1 General Provisions Title 3 Access to Environmental Information of this Code.

### **CHAPTER 3**

## **PROHIBITIONS ON ACTIVITIES AFFECTING THREATENED PLANT SPECIES HABITAT AND PLANT COLLECTION**

### **ARTICLE 487 PROHIBITED ACTIVITIES FOR THREATENED PLANT SPECIES HABITAT**

The destruction or alteration of the natural habitat of a threatened plant species that is determined by appropriate authorities to cause, directly or indirectly, the destruction of a threatened plant in its natural habitat except where provided for in Chapter 4 of this Title shall be prohibited. In this Title, natural habitat denotes habitat in which a population or individual lives wherein the habitat has not been significantly altered by man for agricultural or anthropogenic uses from its natural state.

### **ARTICLE 488 PROHIBITED ACTIVITIES FOR THREATENED PLANTS**

The collection, destruction, consumption, sale, trade or transport of any threatened plants, or derivatives thereof, that are listed on The National List of Threatened Plant Species shall be prohibited, except where provided for in Chapter 4 of this Title.

### **ARTICLE 489 PROHIBITED ACTIVITIES IN BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS**

The collection or destruction of any plants inside of Biodiversity Conservation Corridors, Protected Areas, and any other protected areas established at the provincial, district, or commune level shall be prohibited, except where provided for in Chapter 4 of this Title or in proper accordance with a Biodiversity Conservation Corridor or protected area management plan.

## **CHAPTER 4 GRANTING PERMITS FOR SPECIAL PURPOSES**

### **ARTICLE 490 FAMILY-SCALE AND MEDICINAL USE**

The Ministry Responsible for Environment may grant special permission for the collection, sale, trade, or transport of threatened plants, or derivatives thereof, for family-scale use and medicinal use. Any special permission granted under this Chapter shall stipulate appropriate restrictions on scale and timeframe such that the activities practiced under this permission will not diminish natural populations or hinder the rehabilitation of natural populations of the threatened plants, as determined by the best available science at the time of granting.

The Ministry Responsible for Environment shall develop permitting procedures, criteria, and regulations in a legal instrument.

### **ARTICLE 491 SCIENTIFIC PURPOSES**



The Ministry Responsible for Environment may grant special permission for the collection of threatened plants for scientific purposes, unless such collection is determined to have the potential to cause the extinction of the threatened plant, or cause irreparable damage to the natural population of the threatened plant as determined by the best available science at the time of granting. Permits granted for scientific purposes may only be granted to those representing a recognized academic institution, research institution, conservation organisation, herbarium, or botanical garden. Under no circumstances may special permission for the collection of threatened plants for scientific purposes be granted to any person or entity with commercial interests in such collection.

The Ministry Responsible for Environment shall develop permitting procedures, criteria and regulations in a new legal instrument.

#### **ARTICLE 492 ABSENCE OF SUFFICIENT SCIENTIFIC INFORMATION**

The Ministry Responsible for Environment shall deny special permissions under this chapter where there is not sufficient scientific information to make a determination of the impact of the activities on the threatened plant species or its habitat, with the exception of special permissions being granted strictly for scientific purposes. In such cases where special permissions are granted for scientific purposes despite the absence of sufficient scientific information to make a clear determination, the Ministry Responsible for Environment shall use its best judgment to place restrictions on the scope of collection that will minimize the possibility that the activities will cause the extinction of the threatened plant, or cause irreparable damage to the natural population of the threatened plant.

#### **ARTICLE 493 SUSPENSION OR CANCELLATION OF PERMITS**

The Ministry Responsible for Environment shall retain the authority to temporarily or indefinitely suspend or cancel any permits granted under this Chapter based upon new data, scientific information, or newly identified threats to the threatened plant species or its habitat.

### **CHAPTER 5 PLANT SPECIES MANAGEMENT AND RECOVERY PLANS**

#### **ARTICLE 494 SPECIES MANAGEMENT AND RECOVERY PLANS**

The Ministry Responsible for Environment shall develop Species Management and Recovery Plans for all threatened plant species native to the Kingdom of Cambodia listed on Schedule 1 of The National List of Threatened Plant Species. Plans shall cover a ten (10) year period and a single plan may cover multiple species, including wildlife species.

The Ministry Responsible for Environment shall coordinate with other relevant government entities and technical experts to develop the Species Management and Recovery Plan. The Ministry Responsible for Environment shall also provide for public consultation during the

development of the Species Management and Recovery Plan in accordance with Book 1 General Provisions Title 3 Public Participation of this Code.

All proposed Species Management and Recovery Plans shall be reviewed and approved by the Biodiversity Technical Working Group of the National Council for Sustainable Development prior to being implemented.

Provincial Departments of Environment shall be the primary implementing government entities, with oversight from Ministry Responsible for Environment and the Biodiversity Technical Working Group, and in coordination with other relevant government entities and technical partners.

#### **ARTICLE 495 SPECIES MANAGEMENT AND RECOVERY PLANS**

The Ministry Responsible for Environment shall plan the Species Management and Recovery Plans of plant species by specifically determining:

- a) The necessary conservation and management actions of ecologically functional populations of listed species persist in the Kingdom of Cambodia. An ecologically functional population is a population of a size and dynamism such that it is not only viable, but also able to provide the ecological services and roles of natural, undisturbed population to the surrounding ecosystem;
- b) The inclusion of identification of threats both direct and indirect and the actions required to mitigate these threats and secure populations;
- c) The identification of the important habitats for the conservation of species and shall prescribe habitat-specific and landscape-specific management actions necessary to achieve the Species Management and Recovery Plan's goal for the conservation and survival of the species; and
- d) Being incorporated within Biodiversity Conservation Corridor or nationally-and-sub-nationally-designated-and-established protected area management plans.

Species Management and Recovery Plans shall include objective, measurable criteria which, when met, shall result in improved conservation status of the target species and its habitat, and said Species Management and Recovery Plans shall also include estimates of the time and financial resources required to carry out those measures.

#### **ARTICLE 496 ENVIRONMENTAL IMPACT ASSESSMENTS**

All Environmental Impact Assessments for projects, plans, or activities that may potentially impact known habitats of threatened plant species, shall, in accordance with Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code,

consider and incorporate by reference that plant species' Species Management and Recovery Plan, and shall demonstrate that the project, plan, or activity will not diminish natural populations of threatened plants or hinder the rehabilitation of natural populations of the threatened plants through implementation of the Species Management and Recovery Plan.

In instances where a plant species has been added to the National List of Threatened Plant Species but the Species Management and Recovery Plan for that species has not yet been completed, all Environmental Impact Assessments for projects, plans, or activities that will potentially impact such species shall demonstrate that the project, plan, or activity will not diminish any natural populations of the species.

## **CHAPTER 6**

### **CLASSIFICATION OF THREATENED ECOSYSTEMS**

#### **ARTICLE 497 NATIONAL LIST OF THREATENED ECOSYSTEMS**

The Ministry Responsible for Environment shall create and maintain a publicly available National List of Threatened Ecosystems occurring within the Kingdom of Cambodia, which shall document ecosystems that are threatened irrespective of the presence or absence of threatened plants or wildlife within said ecosystem. Upon enactment of this Code, The National List of Threatened Ecosystems shall adopt all ecosystems that occur in the Kingdom of Cambodia that are listed on the International Union for Conservation of Nature Red List of Ecosystems. The National List of Threatened Ecosystems shall continually adopt any new ecosystems added to the International Union for Conservation of Nature Red List of Ecosystems that occur in the Kingdom of Cambodia, effective immediately upon their listing with the International Union for Conservation of Nature Red List of Ecosystems.

#### **ARTICLE 498 CATEGORIES OF THREATENED ECOSYSTEMS**

Ecosystems listed on The National List of Threatened Ecosystems shall be further categorized into the following schedules:

- a) Schedule 1. All ecosystems listed as Extinct in the Wild, Critically Endangered, or Endangered on the International Union for Conservation of Nature Red List of Threatened Ecosystems, or those ecosystems that have been added to the aforementioned categories on The National List of Threatened Ecosystems;
- b) Schedule 2. All ecosystems listed as Vulnerable, Near Threatened, Data Deficient, or Not Evaluated, on the International Union for Conservation of Nature Red List of Threatened Ecosystems, and those ecosystems that have been added to the aforementioned categories on The National List of Threatened Ecosystems; and
- c) Schedule 3 - All ecosystems listed as Least Concern on the International Union for Conservation of Nature Red List of Threatened Ecosystems.

## **ARTICLE 499 UPDATING THE LIST OF THREATENED ECOSYSTEMS**

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year to review and provide recommendations to the Ministry Responsible for Environment to update the List of Threatened Ecosystems and the Schedule classifications of threatened ecosystems.

Threatened ecosystems in the Kingdom of Cambodia that do not occur on the International Union for Conservation of Nature Red List of Ecosystems may be added to The National List of Threatened Ecosystems. Such additions shall be made with reference to the criteria set forth in the International Union for Conservation of Nature Red List of Ecosystems Categories and Criteria.

## **ARTICLE 500 PETITION TO UPDATE**

Any interested person or organisation may petition the Ministry Responsible for Environment to add any ecosystem to the National List of Threatened Ecosystems. Such petitions shall provide data and information to support the listing of the Ecosystem on the National List. The Ministry Responsible for Environment shall respond to such petitions, with reasons as to why the petition was either granted or rejected, within sixty (60) days of the receipt of the petition.

Any documents, data, or other information used for the listing of an ecosystem shall be made publicly available by the Ministry of the Environment or other relevant government entity in possession of such documents, data, or other information, in accordance with Book 1 General Provisions Title 3 Access to Environmental Information of this Code.

## **CHAPTER 7 THREATENED ECOSYSTEM MANAGEMENT AND RECOVERY PLANS**

### **ARTICLE 501 ECOSYSTEM MANAGEMENT AND RECOVERY PLANS**

The Ministry Responsible for Environment shall develop Ecosystem Management and Recovery Plans for all threatened ecosystems listed on The National List of Threatened Ecosystems. Plans shall cover a ten (10) year period.

The Ministry Responsible for Environment shall coordinate with other relevant government entities to develop the Ecosystem Management and Recovery Plan. The Ministry Responsible for Environment shall also provide for public consultation during the development of the Ecosystem Management and Recovery Plan in accordance with Book 1 General Provisions Title 3 Public Participation of this Code.

All proposed Ecosystem Management and Recovery Plans shall be reviewed and approved by the Biodiversity Technical Working Group of the National Council for Sustainable

Development prior to being implemented.

## **ARTICLE 502 ECOSYSTEM MANAGEMENT AND RECOVERY PLANS**

The Ministry Responsible for Environment shall clearly define Ecosystem Management and Recovery Plans as follows:

- a) The necessary conservation and management actions required to ensure persistence and ecological integrity of listed ecosystems in the Kingdom of Cambodia. Ecological integrity denotes the ability of an ecological system to support and maintain a community of organisms that has a species composition, diversity, and functional organisation comparable to those of natural habitats within a region.
- b) The inclusion of identification of their ecological functions and values, geographical scope, the key focal ecological resources within the ecosystem, ecological threats both direct and indirect, ecological indicators that can be actively monitored, and a range of ecologically acceptable and unacceptable values for each of the ecological indicators. Ecological threat denotes any man-made, introduced, or unnatural element that has the potential to disrupt a natural ecosystem and/or cause ecological indicators to have values outside of the ecologically acceptable range of variation.

An ecological indicator is a specific, measurable property, component, or condition of an ecosystem that is sensitive to the changes in key attributes of the ecological system, wherein the ecological indicator will have an ecologically acceptable range of variation. Examples include. total number of mature individuals in a population, or ratio of natural to non-natural vegetation.

Upon any ecological indicator having a value that is deemed not acceptable, the relevant government entities shall take mitigation steps determined by the best available science at that time that aim to achieve an acceptable value for the ecological indicator.

## **ARTICLE 503 ENVIRONMENTAL IMPACT ASSESSMENTS**

All Environmental Impact Assessments for projects, plans, or activities that will potentially impact listed Threatened Ecosystems shall, in accordance with Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code, consider and incorporate by reference that ecosystem's Ecosystem Management and Recovery Plan and shall demonstrate that the project will not diminish the ecological integrity of the ecosystem or hinder the rehabilitation and/or management of the threatened ecosystem through implementation of the Ecosystem Management and Recovery Plan.

In instances where an ecosystem has been added to the National List of Threatened Ecosystems but the Ecosystem Management and Recovery Plan for that ecosystem has not yet been

completed, all Environmental Impact Assessments for projects, plans, or activities that will potentially impact such ecosystems shall demonstrate that the project, plan, or activity will not diminish the ecological integrity of the ecosystem.

## **CHAPTER 8 MANAGEMENT OF INVASIVE SPECIES**

### **ARTICLE 504 NATIONAL LIST OF INVASIVE SPECIES**

The Ministry Responsible for Environment shall create and maintain a National List of Invasive Species that either currently occur in the Kingdom of Cambodia or would pose a threat if introduced in the Kingdom of Cambodia. Invasive species are those that are not native to a specific location or ecosystem, and which have the ability and/or tendency to spread to a degree that can cause damage to the environment, economy, or human health.

The introduction of invasive species into the natural environment or agricultural landscape, unless approved by the Ministry Responsible for Environment, shall be prohibited.

### **ARTICLE 505 INVASIVE SPECIES MANAGEMENT PLAN**

The Ministry Responsible for Environment shall develop an Invasive Species Management Plan to address all invasive species currently known to occur in the Kingdom of Cambodia. The Invasive Species Management Plan will seek to eradicate and/or minimize the impacts of invasive species on the environment, economy, and human health. An Invasive Species Management Plan may address the management of one species in isolation or a group of more than one invasive species, and shall be valid for a period of ten (10) years.

The Ministry Responsible for Environment shall coordinate with other relevant government entities to develop the Invasive Species Management Plan. The Ministry Responsible for Environment shall also provide for public consultation during the development of the Invasive Species Management Plan in accordance with Book 1 General Provisions Title 3 Public Participation of this Code.

All proposed Invasive Species Management Plans shall be reviewed and approved by the Biodiversity Technical Working Group of the National Council for Sustainable Development prior to being implemented.

## **CHAPTER 9 MANAGEMENT OF CONFISCATED THREATENED PLANTS OR DERIVATIVES THEREOF**

### **ARTICLE 506 MANAGEMENT OF CONFISCATED THREATENED PLANTS OR DERIVATIVES**

All threatened plants or derivatives thereof confiscated under this law shall either be:

- a) In the case of living specimens, whenever possible, appropriately re-introduced into the original habitat or given to an appropriate institution for propagation or research purposes. Example of appropriate institutions include recognized academic institution, research institution, conservation organisation, herbarium, or botanical garden; or
- b) In the case of dead plants or non-propagative derivatives thereof; maintained, stored, or destroyed following approved procedures by the Ministry Responsible for Environment.

#### **ARTICLE 507 MANAGEMENT OF EVIDENCE PRIOR TO COMPLETION OF COURT CASE**

In instances where confiscated items need to be maintained as evidence for court cases, all high-value plant materials or derivatives shall be kept secure by the Ministry Responsible for Environment or Provincial Department of Environment following appropriate management and security protocols until such time as the court case is completed or the court orders the management of evidence.

#### **ARTICLE 508 MANAGEMENT OF EVIDENCE FOLLOWING COMPLETION OF COURT CASE OR THE COURT ORDERS OF THE MANAGEMENT OF EVIDENCE**

Once a court case has been completed, all plant materials or derivatives thereof maintained as evidence shall be returned to the Ministry Responsible for Environment for public benefit, or, in the case of high-value or luxury timber, destroyed. Plant and timber products shall not be sold at public auction.

### **CHAPTER 10 OTHER REGULATIONS**

#### **ARTICLE 509 REGULATIONS**

The Minister Responsible for Environment may make such regulations as necessary for the following:

- a) The administration and management of threatened plants;
- b) The maintenance and preservation of threatened ecosystems;
- c) The importation and use of invasive species;
- d) The means of disposing of any high value confiscated plant products such as timber;  
and

- e) The fees payable under this Code.

## **TITLE 7 COASTAL ZONE MANAGEMENT**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 510 NATIONAL COMMITTEE ON COASTAL DEVELOPMENT AND MANAGEMENT**

The National Committee on Coastal Development and Management shall have the authority to manage the Coastal Zone of the Kingdom of Cambodia and to oversee and regulate all development or other activities affecting the Coastal Zone in accordance with objectives as follow:

- a) The incorporation of environmental conservation and sustainable development objectives into Coastal Zone management;
- b) Public participation and access to information on all decisions about the management of the Coastal Zone in accordance with Provisions on Access to Environmental Information of this Code; and
- c) The incorporation of climate change mitigation and adaptation strategies into projects and activities in the Coastal Zone.

#### **ARTICLE 511 RESPONSIBILITIES OF THE NATIONAL COMMITTEE ON COASTAL DEVELOPMENT AND MANAGEMENT**

National Committee on Coastal Development and Management shall have rule and duty as follow:

- a) Take full account of, and minimize, the potential impacts to coastal waters by managing natural resources and human activity in the coastal watershed;
- b) Manage natural resources and human activity in the Coastal Zone in a fully integrated way in order to avoid or minimize unintended impacts to Coastal Waters;
- c) Actively and comprehensively manage all land-based and shoreline sources of solid, liquid, and airborne environmental contaminants that may enter coastal waters;
- d) Control and manage defence of the Coastal Zone from erosion, storm surges, and similar impacts;
- e) Protect the shoreline through appropriate zoning and development guidelines; and



- f) Implement the relevant reports from National Committee for the Coastal Management and Development.

#### **ARTICLE 512 ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

All activity, development, construction, or other type of projects that have a significant impact on the environment in the Coastal Zone shall be subject to an Initial Environmental Evaluation or Environmental Impact Assessment in accordance with the provisions of environmental assessment.

### **CHAPTER 2 COASTAL SUBZONES**

#### **ARTICLE 513 COASTAL SUBZONES**

The Coastal Zone consists of three subzones:

- a) Coastal waters, including those waters extending seaward 5 km. from the shoreline, including the associated submerged lands;
- b) Coastal lands, including those emergent lands extending inland from the shoreline for a distance of five (5) km, including the intertidal zone; and
- c) Coastal watershed, including the entirety of the combined watersheds draining to the marine waters of Cambodia.

#### **ARTICLE 514 FUTURE DEVELOPMENT IMPACTS**

The National Committee on Coastal Development and Management, in coordination with other relevant government entities, shall develop a legal instrument in order to sustainably manage proposed future development and associated environmental impacts.

### **CHAPTER 3 CLIMATE CHANGE PLANNING AND SUSTAINABLE DEVELOPMENT IN THE COASTAL ZONE**

#### **ARTICLE 515 TECHNICAL SUPPORT OF NATIONAL COUNCIL ON SUSTAINABLE DEVELOPMENT**

The National Council on Sustainable Development shall provide technical support to the National Committee on Coastal Development and Management to ensure the effective and efficient implementation of policies to protect and enhance the environment and natural resources and ensure the sustainable development of the Coastal Zone.

#### **ARTICLE 516 CONSIDERATIONS**

Prior to determining any approval or permit for any project or activity in the Coastal Zone, the National Committee on Coastal Development and Management shall take into account the climate change related matters, including but not limited to the following:

- a) Impacts caused by climate change, including but not limited to coastal erosion and inundation;
- b) Evacuation procedures;
- c) Disaster risk management; and
- d) Climate change strategies, plans, policies, and reports developed by the National Council on Sustainable Development, other relevant government entities, and relevant non-governmental organisations.

#### **ARTICLE 517 RESTRICTIONS**

No development or activity shall be approved in the Coastal Zone unless there is clear evidence that the development or activity will include full consideration of the potential impacts of climate change in the Coastal Zone on the proposed project. This shall include any impacts on or from the proposed project or development as a result of storm events, inundation, coastal erosion, and any other factor.

#### **ARTICLE 518 REQUIREMENTS**

Prior to issuing any approval or permit for development in the Coastal Zone, the National Committee on Coastal Development and Management shall ensure:

- a) The proposed project is consistent with the planning and management objectives of the subzone or subzone in which is occurs;
- b) The project owners or proponents have demonstrated that they have taken all reasonable steps to avoid and minimize impacts to streams, wetlands, and marine waters within the Coastal Zone;
- c) The conditions of the approval or permit are in accordance with the environmental impact assessment provisions of;
- d) Potential impacts of climate change, including future inundation hazard areas for coastal lands, have been considered, and infrastructure protections from climate change have been ensured;
- e) Potential impacts from sediment and effluent discharges into the Coastal Zone have been minimized or avoided, with efficient management of waste; and

- f) Land reclamation works have been fully minimized.

#### **ARTICLE 519 PROHIBITED ACTIVITIES**

All activity, construction, or other type of project, including sand mining and infrastructure projects, that results in loss or damage to any of the following shall be prohibited in the Coastal Zone:

- a) Coral reefs;
- b) Sea grass or sea grass areas;
- c) Fisheries breeding areas; and
- d) Mangrove forest or remnant mangrove forest.

#### **ARTICLE 520 PUBLIC PARTICIPATION AND ACCESS TO INFORMATION**

The National Committee on Coastal Development and Management shall comply with all the requirements for public participation and access to information in accordance with this Code.

#### **ARTICLE 521 PROMOTION OF PUBLIC PARTICIPATION**

The National Committee on Coastal Development and Management may issue further instruments to promote public participation in the management of the Coastal Zone.

### **TITLE 8 SUSTAINABLE WATER RESOURCES MANAGEMENT**

#### **CHAPTER 1 GENERAL PROVISIONS**

#### **SECTION 1 PURPOSE AND PRINCIPLES**

#### **ARTICLE 522 PRINCIPLES OF INTEGRATED WATER RESOURCES MANAGEMENT**

Water and water resources shall be managed and developed based on the following principles of integrated water resources management:

- a) Social equity, which ensures equal access for all users, particularly marginalised and underrepresented groups, to an adequate quantity and quality of water necessary to sustain human well-being;
- b) Economic efficiency, which brings the greatest benefit to the greatest number of users

possible with the available financial and water resources; and

- c) Ecological sustainability, which requires that adequate allocation be made to sustain the natural functioning of threatened species and water-dependent ecosystems, which are a dynamic combination of plant, animal, micro-organism species, communities, their non-living environment, and the ecological processes between them interacting as a functional unit.

#### **ARTICLE 523 CONSIDERATIONS IN IMPLEMENTATION**

The Ministry Responsible for Water Resources and Meteorology shall take into account:

- a) All aspects of water resources;
- b) Linkages between water resources and other components of the natural environment, including land, fisheries, flora, and fauna; and
- c) The requirements for effective and sustainable water use by human beings and the natural environment.

#### **ARTICLE 524 COOPERATIVE FRAMEWORK OF RELEVANT MINISTRY/ INSTITUTION**

All relevant ministry/ institution with mandated responsibilities for water use, development, and sustainable management of living aquatic resources and their associated ecosystems shall cooperate and manage collective water resource.

#### **ARTICLE 525 STAKEHOLDER PARTICIPATION**

Relevant and competent ministry/ institution shall cooperate with other ministries/ institutions, private sectors, civil society organization for the management, investment, exploitation, conservation, and development of water resources.

#### **ARTICLE 526 OWNERSHIP OF WATER RESOURCES**

All water and water resources are owned by the state.

#### **ARTICLE 527 DIVERSION OF WATER**

The diversion of water from the territory of the Kingdom of Cambodia shall be permitted and enacted by legislative branch.

### **CHAPTER 2 WATER RESOURCES MANDATES**

**SECTION 1**  
**LEAD MINISTRY MANDATES**

**ARTICLE 528 DUTIES OF THE MINISTRY RESPONSIBLE FOR WATER RESOURCES AND METEOROLOGY**

The Ministry Responsible for Water Resources and Meteorology shall

- a) Manage, lead, and supervise the implementation the management of water an meteorology; and
- b) Conduct consultations with other concerned ministries and stakeholders relevant to the process of management.

**ARTICLE 529 CENTRALIZED INVENTORY OF WATER RESOURCE**

The Ministry Responsible for Water Resources and Meteorology shall maintain a centralized inventory of the water resources of the Kingdom of Cambodia, including the location, quantity, and quality of the resources during each year.

**ARTICLE 530 DATA ON WATER RESOURCES**

Data on quantity and quality, and any other water-related information collected by all levels of government entities, shall be submitted to the Ministry Responsible for Water Resources and Meteorology on the Ministry of Water Resources and Meteorology requested by the Ministry. The submission of data collected by other government entities to the Ministry of Water Resources and Meteorology shall occur at least once every one (1) year.

**ARTICLE 531 AVAILABILITY OF DATA**

The data and information submitted under Article 530 of this Code, except for information classified as confidential, shall be provided free of charge to all government entities and any other interested stakeholders for the public interest. The Ministry Responsible for Water Resources and Meteorology may require the payment of a fee for data and information requested for commercial purpose.

**ARTICLE 532 ISSUANCE OF LEGAL INSTRUMENTS**

The Ministry Responsible for Water Resources and Meteorology may establish legal instruments as following:

- a) Areas where the take or interference of water, or the construction of infrastructure, is prohibited;
- b) The regulation of infrastructure to take or interfere with water resources;

- c) The creation and management of authorities for river basins, which are geographical areas determined by the watershed limits of the system of waters, including surface and underground waters;
- d) Priority matters for inclusion in river basin water resources plans;
- e) Incentives for research on, or the development of, new technologies that will contribute to the reduction of waste and improvement in water quality, and increase water use efficiency;
- f) Incentives and disincentives, including financial mechanisms such as use charges and inclining block tariffs, to encourage the efficient use of water resources;
- g) The creation and management of water user communities, including farmer water user communities;
- h) The declaration of protected water use zones;
- i) The designation and management of flood retention areas;
- j) The infilling or alteration of wetlands, marshes, ravines, or gulches;
- k) The regulation of the development of groundwater, which is water flowing within a saturated soil, rock medium, fractures, or other cavities within the ground, and the groundwater development industry, including but not limited to:
  - i) Qualifications for bore contractors and bore pump installers;
  - ii) Evidence required by a holder of a certificate that a drilling machine is being operated under a certificate;
  - iii) The taking of samples, tests, analyses, surveys, logs, and other bore data, and the submission of them to the Ministry Responsible for Water Resources and Meteorology;
  - iv) The reclamation of bores and the methods and requirements to be observed in reclamation operations;
  - v) Remedial action to be taken with respect to problem bores;
  - vi) The control of flowing bores;
  - vii) The methods of drilling and digging bores, and of determining sources of groundwater;
  - viii) The precautions and measures to be taken prior to and during the drilling,

digging and development of a bore;

- ix) Respecting the maintenance of inactive bores;
  - x) Respecting the on-going maintenance and operation of active bores; and
- l) The imposition of fees and charges to cover the costs of managing water resources in accordance with this Title.

## **SECTION 2 GOVERNMENT COORDINATION**

### **ARTICLE 533 NATIONAL COMMITTEE OF RIVER BASIN PLANNING AND MANAGEMENT**

A National Committee of River Basin Planning and Management shall be established by relevant legal instrument under the jurisdiction of the Ministry of Water Resources and Meteorology, involving the composition from relevant ministry/ institution and the Cambodia National Mekong Committee.

### **ARTICLE 534 DUTIES OF THE NATIONAL COMMITTEE OF RIVER BASIN PLANNING AND MANAGEMENT**

The duties of the National Committee of River Basin Planning and Management shall include:

- a) Coordinating and overseeing the development of a national level strategic plan for water;
- b) Monitoring and evaluating the implementation of a national level strategic plan for water for the management, protection, conservation, and development of river basins;
- c) Mediating and resolving any conflicts in management, protection, conservation, and development of river basins; and
- d) Undertaking any other tasks as directed by the Royal Government of Cambodia.

### **ARTICLE 535 RIGHT AND DUTY TO PARTICIPATE IN THE USE, DEVELOPMENT AND THE MANAGEMENT OF THE BASIN IN ITS TERRITORY OF AN INTERNATIONAL RIVER**

The Kingdom of Cambodia has the right and duty to participate in the utilization, development, and management of the basins in its territory of an international river, which is a river geographically situated in the territory of two or more states, consistent with the obligations arising from the international agreements to which the Kingdom of Cambodia is a party.

## **ARTICLE 536 OPTIMUM AND EFFECTIVE USE**

The Ministry Responsible for Water Resources and Meteorology shall consider the optimum and effective use of the Mekong River Basin, consistent with the governing principles of the Cambodia National Mekong Committee.

### **CHAPTER 3 WATER RESOURCES PLANNING**

#### **SECTION 1 OBJECTIVES AND PRINCIPLES**

## **ARTICLE 537 PURPOSE OF NATIONAL STRATEGIC WATER PLAN**

A national level strategic plan for water shall be prepared to provide guidance for pursuing the:

- a) Objectives of this Title;
- b) Long-term water supply security within the Kingdom of Cambodia;
- c) Sustainability of the water resources of the Kingdom of Cambodia;
- d) Protection of water and flow dependent ecosystems; and
- e) Fair and effective allocation and utilization of water to prevent disasters and conflicts.

## **ARTICLE 538 NATIONAL LEVEL STRATEGIC PLAN**

The Ministry Responsible for Water Resources and Meteorology shall plan for the allocation and sustainable management of water to meet the Kingdom of Cambodia's future water requirements through a national level strategic plan for water and by preparing river basin water resources plans.

In preparing a national level strategic plan for water and river basin water resources plans, the Ministry Responsible for Water Resources and Meteorology shall coordinate with relevant stakeholders.

The preparation of a national level strategic plan for water and any river basin water resources plans shall meet the public participation and access to environmental information requirements.

## **ARTICLE 539 DELEGATION OF AUTHORITY**

The preparation and implementation of river basin water resources plans may be delegated from the Ministry Responsible for Water Resources and Meteorology to river basin authorities established under the relevant legal instrument.



#### **ARTICLE 540 INFORMATION FOR PLANNING PURPOSES**

The Ministry Responsible for Water Resources and Meteorology shall collect, store, make available, and use information for planning purposes by:

- a) Regularly measuring and keeping publicly available records of the volume and quality of water in the Kingdom of Cambodia;
- b) Collecting information, including from other Ministries and non-government organisations, on the water requirements of, and impacts of water management on, natural ecosystems, fish habitats and populations, and threatened species;
- c) Collecting information about future water requirements; and
- d) Continually upgrading the national monitoring network to ensure that information under this Article can be collected.

#### **ARTICLE 541 TECHNICAL ADVISORY BOARD**

The Ministry Responsible for Water Resources and Meteorology may establish a technical advisory board that is comprised of technical experts who meet qualifications established by the Ministry Responsible for Water Resources and Meteorology to advise on matters about:

- a) A proposed or draft river basin water resources plan;
- b) A proposed amendment to a river basin water resources plan; and
- c) The grant of authorisations under Chapter 4 of this Title.

#### **ARTICLE 542 REQUIREMENTS FOR NATIONAL STRATEGIC WATER PLAN**

The national level strategic plan for water shall include but shall not be limited to the following matters:

- a) Identification of ecosystems and species of concern that are dependent on water and environmental flows;
- b) Predictions of long term water demand;
- c) Identification of long term climate and weather trends;
- d) Predictions of future water availability and variability;
- e) Options for meeting future water requirements;
- f) Options for managing future water demand;

- g) Prioritization of water uses;
- h) Ensuring that infrastructure does not block water flows, and that there is sufficient flow for navigable passage;
- i) Drought management strategies;
- j) Flood management strategies; and
- k) Water quality performance objectives.

## **SECTION 2 RIVER BASIN WATER RESOURCES PLANS**

### **ARTICLE 543 PURPOSE OF RIVER BASIN WATER RESOURCES PLAN**

The Ministry Responsible for Water Resources and Meteorology shall prepare river basin water resources plans to:

- a) Define the availability of water for any purpose;
- b) Provide a framework for sustainably managing water and the taking of water;
- c) Identify priorities and mechanisms for dealing with future water requirements;
- d) Provide a framework for establishing water allocations; and

Provide a framework for reversing, where practicable, degradation that has occurred in natural ecosystems, including but not limited to stressed rivers.

### **ARTICLE 544 GROUNDWATER**

River basin water resources plans shall also regulate the extraction of groundwater in circumstances where the Ministry Responsible for Water Resources and Meteorology is satisfied that there is a risk that extracting, or interfering with, groundwater in the area may significantly affect the:

- a) Availability of water for existing users;
- b) Water requirements of natural ecosystems;
- c) Quality of water; or
- d) Achievement of any of the other objectives or outcomes in a plan.

### **ARTICLE 545 MORATORIUM ON DEVELOPMENT**

When the Ministry Responsible for Water Resources and Meteorology issues a notice of intent to prepare a river basin water resources plan, a moratorium on development within the watershed of that river basin shall take effect and remain in force until either:

- a) The water resources plan is approved in a relevant legal instrument; or
- b) The Ministry Responsible for Water Resources and Meteorology issues a notice withdrawing the intent to prepare a water resources plan and stating the reasons for withdrawal.

#### **ARTICLE 546 RULES OF MORATORIUM ON DEVELOPMENT**

While a moratorium under Article 545 of this Code is in effect:

- a) No application under this Code shall be accepted or processed, even if submitted before the moratorium came into effect, if granting the application could have one or more of the following effects:
  - i) Increase the amount of water that may be taken;
  - ii) Change the location from which water may be taken;
  - iii) Increase the rate at which water may be taken;
  - iv) Change the flow conditions under which water may be taken; or
  - v) Change the purpose for which the water may be taken;
- b) New works shall not be physically started in the area covered by the moratorium;
- c) Works that have been started may be completed only with the express written approval of the Ministry Responsible for Water Resources and Meteorology and subject to any conditions, including a completion date, imposed by the Ministry Responsible for Water Resources and Meteorology; and
- d) Completed works in existence shall not be raised, enlarged, deepened, or changed.

#### **ARTICLE 547 NUMBER OF PLANS IN EFFECT**

Only one (1) river basin water resources plan shall be in effect at any given time within a single river basin, except when separate plans are prepared for surface water and groundwater resources.

#### **ARTICLE 548 REQUIREMENTS OF RIVER BASIN WATER RESOURCES PLAN**

A draft river basin water resources plan shall:

- a) State the purpose of the draft plan;
- b) Contain a map of the proposed plan area;
- c) State the water to which the draft plan is intended to apply;
- d) state the prioritisation of water and water resource users such that critical human needs and ecosystem services receive sufficient water and water resources prior to allocation of surplus water and water resources to other users;
- e) State the outcomes, including but not limited to, the ecological outcomes, pertaining to any ecosystem in its component parts, including aquifers; drainage basins; catchments; sub-catchments; all permanent and intermittent watercourses, which are a river, creek, or other stream, including in the form of an anabranch or and all natural or modified channels, for the sustainable management of the water;
- f) To the extent possible using the best scientific information available, state the strategies proposed to achieve the outcomes identified under subsection 0, including but not limited to limits on total abstractions from the basin;
- g) State the strategies proposed for the establishment of water allocations for the proposed plan area;
- h) State the environmental management rules and water sharing rules for the water to which the draft plan is intended to apply;
- i) Identify any water infrastructure, (including large and minor dams, weirs, diversion canals, dykes or embankments, large and minor drainage systems, irrigation system, large and small reservoirs, aqua-ducts or conduits, wells pumps and boreholes, hydropower dams, and such other structures or installations as are constructed or used for the purpose of diverting, storing, conveying, abstracting, using, conserving, and protecting water resources for drainage purposes of inundated areas, or for the prevention and mitigation of the effects of floods and of other water-related emergency situations,) including their operations to which the draft plan is intended to apply ;
- j) Identify the full supply levels, which are the levels of a dam's water surface when water storage is at maximum operating level without being affected by flood, for any dams included in the infrastructure identified in subsection f);
- k) State the water and natural ecosystem monitoring and reporting requirements, which may include indicators of river basin health, to assist in assessing the effectiveness of the proposed management strategies in achieving the outcomes mentioned in subsection e);

- l) State the periodic reporting requirements for the draft plan;
- m) Include a schedule of proposed arrangements for implementing the draft plan;
- n) Include information about any unallocated water available for future consumptive purposes and the priorities and processes for allocating or reserving of the water;
- o) Establish a process for granting, reserving or otherwise dealing with any unallocated water to which the draft plan is intended to apply;
- p) State criteria for adjusting existing water access entitlements if necessary to achieve the plan outcomes; and
- q) State criteria for addressing any degradation that has occurred in natural ecosystems.

#### **ARTICLE 549 MEKONG RIVER PLANS**

A river basin water resources plan that covers water resources of the Mekong River shall also consider:

- a) Transboundary flows of water into the Kingdom of Cambodia;
- b) Any legal or equitable requirements for transboundary flows of water downstream of the Kingdom of Cambodia in accordance with the provisions of the United Nations Convention on the Law of Non-Navigational Uses of International Watercourses;
- c) Other transboundary environmental matters; and
- d) The existence, operation, and requirements of intergovernmental agreements relating to the Mekong River.

#### **ARTICLE 550 DRAFT RIVER BASIN WATER RESOURCES PLAN**

The draft river basin water resources plan shall provide a framework for establishing water access entitlements by stating the following:

- a) Environmental flow objectives (flow objectives for the protection of the health of natural ecosystems for the achievement of ecological outcomes including details about the timing, duration, frequency, rate, and magnitude of flow);
- b) Water access entitlement security objectives (objectives that may be expressed as a performance indicator and stated in a river basin water resources plan for the protection of the probability of being able to obtain water in accordance with a water access entitlement);

- c) Performance indicators (measures that can be calculated to assess the impact of an allocation and management decision or proposal on water access entitlements and natural ecosystems) for environmental flow objectives and water access entitlement security objectives; and
- d) Priorities for the granting of water access entitlements.

#### **ARTICLE 551 CONSIDERATIONS FOR DRAFT PLAN**

The Ministry Responsible for Water Resources and Meteorology shall consider the following when preparing a draft river basin water resources plan:

- a) The volume and quality of water in the plan area;
- b) National, and sub-national objectives and priorities for promoting sustainable development;
- c) Any regional plan for the area;
- d) The duration, frequency, size, and timing of water flows necessary to support natural ecosystems and species of concern as assessed using the best scientific information available;
- e) Any beneficial flooding and drying necessary to support natural ecosystems and species of concern;
- f) The underground water levels and underground water recharge processes necessary to support natural ecosystems and species of concern;
- g) The contribution to water management of associated habitats and ecosystems, including forests and wetlands, that support the objectives of the river basin water resources plan;
- h) Existing entitlements to access, use or interfere with water;
- i) The Kingdom of Cambodia's future water requirements, including cultural, economic, environmental, and social requirements;
- j) Cultural, economic, environmental, and social values;
- k) Technical assessments for the draft plan;
- l) The effects the draft plan will have on water not covered by the draft plan;
- m) The effects the taking, or interfering with, water not covered by the draft plan will have on water covered by the draft plan;

- n) The sustainable resource management strategies and policies for the river basin or underground water basin, including any relevant coastal zone;
- o) All submissions about the proposed draft plan; and
- p) The public interest.

#### **ARTICLE 552 NOTICE OF DRAFT PLAN**

The Ministry Responsible Water Resources and Meteorology shall publish a notice to relevant ministries and public when the draft river basin water resources plan has been prepared.

#### **ARTICLE 553 PUBLIC PARTICIPATION**

Any natural person or legal entity may make a submission to the Ministry Responsible for Water Resources and Meteorology about any aspect of a draft river basin water resources plan, including any matters not included in that draft plan by the date stated in the notification published under Article 552 of this Title in accordance with the public participation provisions of this Code.

#### **ARTICLE 554 CONSIDERING PUBLIC COMMENT**

Before finalizing the river basin water resources plan, the Ministry Responsible for Water Resources and Meteorology shall consider all submissions made in accordance with Article 553 of this Title about the draft plan.

#### **ARTICLE 555 FINAL PLAN**

A final river basin water resources plan does not have effect until it is approved by the Council of Ministers.

#### **ARTICLE 556 APPROVED PLAN**

An approved river basin water resources plan expires after ten (10) years unless prior to that time it is:

- a) Repealed; or
- b) Replaced by another water resources plan that has commenced and that states it is a replacement plan.

#### **ARTICLE 557 AMENDMENTS AND NEW PLANS**

The Ministry Responsible for Water Resources and Meteorology may, of its own accord or in response to a petition filed with the Ministry Responsible for Water Resources and Meteorology by a natural person or legal entity:

- a) Amend a river basin water resources plan; or
- b) Prepare a new river basin water resources plan to replace an existing plan.

#### **ARTICLE 558 JUSTIFICATIONS FOR AMENDMENTS OR NEW PLANS**

The Ministry of Water Resources and Meteorology shall may amend or prepare new basin water resources plan in compliance with Article 557 of this Title:

- a) The outcomes of a river basin water resources plan are not being achieved; or
- b) The objectives of a river basin water resources plan, or the strategies for achieving the plan's outcomes, are no longer appropriate for the plan area.

#### **ARTICLE 559 PUBLIC PARTICIPATION**

When amending an existing river basin water resources plan under Article 557 of this Title, the Ministry Responsible for Water Resources and Meteorology shall comply with this Chapter and the public participation and access to information requirements of this Code.

### **CHAPTER 4 AUTHORISATIONS**

#### **SECTION 1 GENERAL PROVISIONS**

#### **ARTICLE 560 RIGHT TO USE WATER RESOURCES**

Every natural person has the right to take and use water resources without the need for an authorisation under this Chapter for:

- a) Vital human needs, including drinking, washing, bathing, sanitation, the irrigation of domestic gardens and orchards, and other domestic purposes; and
- b) Emergency purposes, including firefighting.

#### **ARTICLE 561 PROTECTION OF LEGAL RIGHTS OF OTHERS**

Taking and using water resources under Article 560 of this Code shall be done in a manner that does not affect any legal rights of any other natural person.

#### **ARTICLE 562 RIGHTS OF LAND OWNERS AND OCCUPIERS**

Land owners and occupiers have the right to collect and use rainwater and water naturally flowing over their land without authorisation under this Chapter if done in accordance with



Article 560 of this Title, unless the natural flow of water is hindered by the construction of roads, fences, dykes, impoundments, or ponds.

#### **ARTICLE 563 ACTIVITIES REQUIRING AUTHORISATION**

The following activities are prohibited unless allowed by an authorisation issued in accordance with this Chapter and undertaken in accordance with all conditions of the authorisation:

- a) Any interference, diversion, abstraction, or use of water resources, other than in accordance with Articles 560, 561, and 562 of this Code,
- b) The construction or operation of any infrastructure to interfere with, divert, or abstract water resources, other than in accordance with Article 561 and Article 562 of this Code;
- c) The extraction of sand, soil, stones, gravel, minerals, petroleum, and gas from the beds (which in relation to any body of water is the portion of land normally covered by water) and banks, (which in relation to any body of water is the land normally inundated by the water contained in such body of water, together with soil, rock, or any other material immediately adjacent thereto, but not including any land which is only occasionally inundated by such water), of any watercourse, lake, wetland, floodplain, spring, or reservoir; and
- d) The filling, lining, channelling, or alteration of any watercourse, lake, wetland, floodplain, spring, or reservoir.

#### **ARTICLE 564 THRESHOLDS FOR INTERFERENCE, DIVERSION, ABSTRACTION, OR USE**

The Ministry Responsible for Water Resources and Meteorology may establish by relevant legal instrument thresholds for the interference, diversion, abstraction, or use of water resources for certain purposes that do not require an authorisation under Article 563 of this Code.

#### **ARTICLE 565 APPLICATION FOR AN AUTHORISATION**

An application for an authorisation under this Chapter shall be accompanied by all other approvals required under this Code.

### **SECTION 2 INFRASTRUCTURE LICENCES**

#### **ARTICLE 566 INFRASTRUCTURE LICENCES**

The Ministry Responsible for Water Resources and Meteorology shall grant infrastructure licences to all infrastructure identified in a river basin water resources plan under Sub-section i) of Article 548 of this Code.

#### **ARTICLE 567 PURPOSE OF INFRASTRUCTURE LICENCE**

An infrastructure licence authorises its holder to interfere with the flow of water to the extent necessary to operate the water infrastructure to which the licence applies.

#### **ARTICLE 568 REQUIREMENT FOR INFRASTRUCTURE LICENCE**

The Ministry Responsible for Water Resources and Meteorology shall determine in a legal instrument the requirements for an infrastructure licence.

### **SECTION 3 WATER ACCESS ENTITLEMENTS**

#### **ARTICLE 569 REGISTER OF WATER ACCESS ENTITLEMENTS**

The Ministry Responsible for Water Resources and Meteorology shall maintain a register of all water access entitlements.

#### **ARTICLE 570 CONDITIONS OF WATER ACCESS ENTITLEMENTS**

The abstraction, taking, or diversion of water resources can only be undertaken in accordance with a water access entitlement issued by the Ministry Responsible for Water Resources and Meteorology.

#### **ARTICLE 571 LEGAL RIGHT TO WATER ACCESS ENTITLEMENT**

A natural person with a legal right to a parcel of land may apply to the Ministry Responsible for Water Resources and Meteorology for a water access entitlement to take or interfere with water from:

- a) A watercourse, lake, or spring on or adjoining any of the land;
- b) An aquifer (a geological formation where underground water accumulates permanently) under any of the land;
- c) Water flowing across any of the land; or
- d) Infrastructure operated under an infrastructure licence that can supply the water to the land.

#### **ARTICLE 572 PROCEDURES AND REQUIREMENTS FOR APPLICATION**

The Ministry Responsible for Water Resources and Meteorology shall determine in a legal instrument the procedure and requirements for an application for a water access entitlement.

#### **ARTICLE 573 PUBLIC NOTICE**

Once the Ministry Responsible for Water Resources and Meteorology is satisfied that it has sufficient information to decide the application, it shall issue a public notice about the application stating:

- a) Details of the application;
- b) Where the application may be viewed; and
- c) A date, at least thirty (30) days after the public notice is issued, by which written submissions on the application may be made to the Ministry Responsible for Water Resources and Meteorology.

#### **ARTICLE 574 PROCEDURE AND REQUIREMENTS FOR DETERMINATION**

The procedure and requirements for determining approval or denial of a water access entitlement shall be determined in the relevant legal instrument.

#### **ARTICLE 575 THRESHOLD AMOUNTS OF WATER ALLOCATION**

The nominal volume stated on a water allocation is the maximum amount of water that may be taken during a particular period of time or in particular circumstances, subject to any water sharing rules established by a river basin water resources plan that applies to the water access entitlement.

#### **ARTICLE 576 ANNOUNCEMENTS OF WATER ACCESS ENTITLEMENTS**

Prior to the start of each water year, which is the accounting period prescribed under a river basin water resources plan, legal instrument, or water access entitlement for the plan area or entitlement, the Ministry Responsible for Water Resources and Meteorology shall declare the announced entitlement that can be taken under a water access entitlement for that year, in accordance with the water sharing rules and priority groups established by a river basin water resources plan.

#### **ARTICLE 577 ANNOUNCED ENTITLEMENT**

The announced entitlement:

- a) Is a percentage of the nominal volume of a water access entitlement that may be taken in a water year;
- b) Shall be decided before the start of the water year to which the announced entitlement relates;
- c) Is determined based on the actual seasonal availability of water from which the entitlement is accessed;

- d) May be increased during the water year;
- e) May be different in different sub-areas of a basin;
- f) May be announced differently for each water access entitlement within a priority group;  
and
- g) Does not apply to authorisations with the purpose of urban or town water supply.

#### **ARTICLE 578 ENTITLEMENTS MANAGED UNDER A RIVER BASIN WATER RESOURCES PLAN**

For a water access entitlement that is managed under a river basin water resources plan:

- a) Water can only be taken in accordance with that plan;
- b) If there is a conflict between the plan and the water access entitlement, the plan prevails;  
and
- c) The water access entitlement cannot be changed in any way that would reduce the amount of, or negatively impact on the conditions under which, water can be taken for the duration of the plan, unless the Ministry Responsible for Water Resources and Meteorology provides the entitlement holder with agreed compensation.

#### **ARTICLE 579 ADJUSTMENTS TO THE NOMINAL VOLUME**

The nominal volume of a water allocation and any other conditions may be adjusted at the end of the life of the river basin water resources plan under which it is managed, without any compensation payable.

#### **ARTICLE 580 SUPPLY AGREEMENT FOR INFRASTRUCTURE LICENCES**

If a water access entitlement relates to water resources provided by infrastructure that is managed under an infrastructure licence, a supply agreement shall exist between the water access entitlement holder and the infrastructure licence holder unless they are the same legal entity.

#### **ARTICLE 581 STANDARD SUPPLY AGREEMENT**

The Ministry Responsible for Water Resources and Meteorology shall prepare a standard supply agreement for the storage and or delivery by infrastructure licence holders of water under water access entitlements, which:

- a) Shall be publicly accessible; and

- b) May vary for different locations.

#### **ARTICLE 582 APPLICATION OF STANDARD SUPPLY AGREEMENT**

The standard supply agreement under Article 581 of this Code for the location to which the water access entitlement relates applies to the water access entitlement unless a separate supply agreement has been:

- a) Agreed between the infrastructure licence holder and the water access entitlement holder; and
- b) Submitted to the Ministry Responsible for Water Resources and Meteorology.

### **SECTION 4 RIVERINE PROTECTION**

#### **ARTICLE 583 PERMITTED ACTIVITIES**

A person may apply to the Ministry Responsible for Water Resources and Meteorology for a permit to do either or both of the following activities:

- a) Excavate in a watercourse, lake, wetland, floodplain, spring, or reservoir; and
- b) Place fill in a watercourse, natural lake, wetland, floodplain, spring, or reservoir.

#### **ARTICLE 584 PROCEDURE AND REQUIREMENTS FOR APPLICATIONS**

The Ministry Responsible for Water Resources and Meteorology shall determine in a legal instrument the procedure and requirements for an application for a permit under this Section.

#### **ARTICLE 585 PUBLIC NOTICE**

Once the Ministry Responsible for Water Resources and Meteorology is satisfied that it has sufficient information to decide the application, it shall issue a public notice about the application stating:

- a) Details of the application;
- b) Where the application may be viewed; and
- c) A date, at least thirty (30) days after the public notice is issued, by which written submissions on the application may be made to the Ministry Responsible for Water Resources and Meteorology.

#### **ARTICLE 586 PROCEDURE AND CONSIDERATIONS FOR APPROVAL**

The procedure and required considerations for determining approval or denial of an application for a permit under this Section, and the conditions of a permit if an application is approved, shall be determined in the relevant legal instrument.

## **SECTION 5 GROUNDWATER DEVELOPERS**

### **ARTICLE 587 CERTIFICATIONS**

A natural person may apply to the Ministry Responsible for Water Resources and Meteorology to be a certified:

- a) Water bore driller;
- b) Water bore digger; or
- c) Groundwater pump installer.

### **ARTICLE 588 PROCEDURE FOR APPLICATION**

The Ministry Responsible for Water Resources and Meteorology shall determine in a legal instrument the procedure for an application for a certificate.

### **ARTICLE 589 PROCEDURE FOR APPROVAL OR DENIAL**

The procedure for determining approval or denial of an application for a certificate shall be determined in the relevant legal instrument.

### **ARTICLE 590 CONDITIONS OF CERTIFICATE**

The conditions of the certificate shall be determined in the relevant legal instrument.

### **ARTICLE 591 PROCEDURE TO CANCEL A CERTIFICATE**

The procedure to cancel a certificate shall be determined in the relevant legal instrument.

### **ARTICLE 592 PROOF OF CERTIFICATE**

An authorised officer may require any natural person to provide proof as a certificate under this section for inspection, if the officer reasonably suspects such person is:

- a) Drilling, digging, deepening, enlarging, or casing a water bore;
- b) Removing, replacing, altering or repairing the casing, lining, or screening of a water bore;

- c) Decommissioning a water bore; or
- d) Installing, replacing, altering, or decommissioning a pump.

#### **ARTICLE 593 PROHIBITED ACTIVITIES**

It is prohibited to any activity that doesn't have a certificate for inspection.

#### **ARTICLE 594 REPORTING REQUIREMENTS**

Any person undertaking work in relation to water bores for professional or commercial purposes shall supply the Ministry of Water Resources and Meteorology with a detailed report on the work. The information required to be included in the report shall be determined in the relevant legal instrument.

#### **ARTICLE 595 RECORD OF ACTIVITIES**

A certificate holder shall keep information prescribed under the relevant legal instrument about any activity the holder may carry out under this Code and provide this information to the Ministry Responsible for Water Resources and Meteorology if requested.

### **SECTION 6 FORFEITURE OF AUTHORISATIONS**

#### **ARTICLE 596 CONDITIONS FOR FORFEITURE**

The Ministry Responsible for Water Resources and Meteorology shall determine in a legal instrument the conditions for starting a procedure to forfeit an authorisation.

#### **ARTICLE 597 PROCEDURE OF FORFEITURE**

The procedure to forfeit an authorisation shall be determined in the relevant legal instrument.

### **CHAPTER 5 REQUIRED AUTHORISATIONS**

#### **ARTICLE 598 THE AUTHORIZATION FOR WATER SUPPLY AND USE**

A person shall not take, supply, or interfere with water as determined in the article unless authorised to do so.

#### **ARTICLE 599 ABUSE**

The holder of an authorisation under this Title shall not contravene a condition of the authorisation.

## **ARTICLE 600 THE EMPOWERMENT TO COMPETENT OFFICERS**

The owner or occupier of any privately owned land shall not refuse access to that land by any competent officer of the Ministry Responsible for Water Resources and Meteorology tasked to conduct technical surveys, assessments or monitoring of matters related to this Title, unless:

- a) The Ministry of Water Resources and Meteorology has not provided the land owner or occupier with prior written notice; or
- b) The competent officer does not provide identification evidence and possess a letter of authorisation from the Ministry Responsible for Water Resources and Meteorology.

## **CHAPTER 6 TRANSITIONAL ARRANGEMENTS**

### **ARTICLE 601 LIST OF PRIORITY ACTIONS FOR THE PREPARATION OF RIVER BASIN WATER RESOURCES PLANS**

The Ministry Responsible for Water Resources and Meteorology shall establish an implementation schedule, including a list of priority actions, for the preparation of river basin water resources plans within one (1) year of the enactment of this Code.

### **ARTICLE 602 RESTRICTION FOR WATER ACCESS ENTITLEMENT**

A water access entitlement is not required for the following purposes:

- a) Irrigation of land of a total area less than ten (10) hectares;
- b) Clean water supply, in which the water used is less than forty (40) cubic meters per day;  
or
- c) Run-of-river hydropower, or other hydropower techniques, that do not require the impoundment, diversion or abstraction of water.

### **ARTICLE 603 UNDERTAKING THE ACTIVITIES OF THE LEGAL ENTITIES**

Any legal entity that has been undertaking activities covered by Chapter 4 of this Title without any prior authorisation from the Ministry Responsible for Water Resources and Meteorology, or sub-national Department of Water Resources and Meteorology, shall take action to comply with Chapter 4 of this Title within six (6) months of the enactment of this Code.

### **ARTICLE 604 BANKS AND SHORES DETERMINATION**

The banks and shores (referring to the land covered with sand or soil and declining towards the water in a body of water, occasionally inundated by such water) of river basin components and



features are measured as follows:

- a) Beach and estuary are measured to be one hundred (100) meters from the shore and mouth (the highest tide);
- b) River is measured to be fifty (50) meters from the river bank;
- c) Tributary is measured to be thirty (30) meters from the tributary bank;
- d) Creek is measured to be twenty (20) meters from the creek bank;
- e) Stream is measured to be ten (10) meters from the stream bank;
- f) Main Canal is measured to be ten (10) meters from the external part of canal dikes;
- g) Sub Canal is measured to be five (5) meters from the external part of canal dikes;
- h) Irrigated Canal is measured to be three (3) meters from the external part of canal dikes;
- i) Lake is measured to be fifty (50) meters from the maximum setting of water level in the basin;
- j) Floodplain is not measured in distance, but is defined as an area of reasonably flat land adjacent to a watercourse that:
  - i) Is covered from time to time by floodwater overflowing from the watercourse; and
  - ii) Does not, other than in an upper valley reach, restrict floodwater to generally following the path of the watercourse.

## **TITLE 9        SUSTAINABLE FISHERIES**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 605 FRAMEWORK OF SUSTAINABLE FISHERY RESOURCE**

Fisheries resources management in the Kingdom of Cambodia shall provide for the:

- a) Incorporation of environmental conservation and sustainable development objectives and principles into fisheries and fisheries resources management;
- b) Incorporation of public participation and access to information provisions into fisheries administration and fisheries resources management; and

- c) Management and mitigation of environmental risks and consequences of aquaculture development.

#### **ARTICLE 606 APPLICABLE RESOURCES**

The administration of fisheries and fisheries resources management in the Kingdom of Cambodia, including but not limited to:

- a) The application and interpretation of relevant laws and regulations on fisheries in line with international laws, covenants, and agreements;
- b) The implementation of strategic planning frameworks for fisheries with reference to the Cambodian Code of Conduct for Responsible Fisheries; and
- c) The administration of fisheries and fisheries resources management actions undertaken by the Fisheries Administration and other ministry/ institution and relevant stakeholders.

In those instances where the Ministry Responsible for Environment and Fisheries Administration share jurisdiction, duties and responsibilities regarding certain fisheries resources or geographic and administrative zones containing fisheries resources, the Ministry Responsible for Environment and Fisheries Administration shall cooperatively cooperate to manage those fishery resources and geographic and administrative zones in effective and sustainable manner.

#### **ARTICLE 607 CONSERVATION AND MANAGEMENT MEASURES OF FISHERY RESOURCE**

The relevant government entities shall develop and implement conservation and management measures to prevent overfishing and destructive fishing for any given fisheries stock or stock complex, and to ensure food security, income, and employment. Such fishery resource measures shall be:

- a) Based on the best scientific evidence available; and
- b) Supported by ongoing scientific research and data collection.

### **CHAPTER 2 SUSTAINABLE FRESHWATER FISHERIES MANAGEMENT**

#### **ARTICLE 608 REGULATIONS**

The relevant government entities shall establish by legal instrument regulations to support the conservation and sustainable management of freshwater fisheries including but not limited to the following:

- a) Community fisheries, rice field fisheries, community fish refuge ponds, community fisheries management and community benefit sharing, including integration with Book 4 Sustainable Management of Natural Resources Title 3 Collaborative Management of Natural Resources of this Code;
- b) Incorporation of data on water resources, water quality and flow, stock abundance, catch and effort, biodiversity, and other environmentally relevant factors into fisheries administration and management of fisheries resources;
- c) Strategies and management tools to conserve biodiversity, including non-target species, aquatic habitats including but not limited to wetlands, lakes, pools, and riffles, flooded forest, vegetation, and riparian and riverine features, and ecosystems;
- d) Mapping and monitoring of fisheries resources, including critical habitats, fisheries production, hydrological flow requirements, and significant riparian areas;
- e) Provision of fisheries information, including as contemplated in Article 608(d) of this Chapter, to other relevant government entities responsible for natural resources management and environmental conservation;
- f) Activities prohibited in the inland fisheries, including a prohibition on the harvest and landing of nationally and internationally listed endangered and threatened species;
- g) Fishing gear types prohibited for sale, possession, or use in the inland fisheries;
- h) In relation to migratory fish stocks, cooperation directly, or through relevant regional and international organisations in particular those along the Mekong River, with a view to ensuring conservation and promoting the achievement of sustainable yield of such species throughout their ranges;
- i) Criteria for conservation and restoration of aquatic habitats including pollution management and maintaining connectivity between aquatic habitats;
- j) Monitoring the impacts from water management infrastructure including but not limited to fish migration, sedimentation, and water temperature;
- k) Monitoring climate change impacts on fisheries resources; and
- l) Methods for assessing the environmental impact of new fishing gear and methods prior to allowing or prohibiting their use.

### **CHAPTER 3**

#### **SUSTAINABLE MARINE FISHERIES MANAGEMENT**

## ARTICLE 609 REGULATIONS

The relevant ministry/ institution shall establish by legal instrument regulations to support the conservation and sustainable management of marine fisheries including but not limited to the following matters:

- a) Regulating and limiting access to marine resources in the waters under the Kingdom of Cambodia's jurisdiction by Cambodian and foreign vessels by comprehensive vessel recording and licensing, the development of fishing access agreements, and enforcement;
- b) The collection of data on marine fisheries efforts, catch, and landings from all legal entities and natural persons that harvest fisheries resources or purchase fisheries resources harvested from the Kingdom of Cambodia's marine fisheries;
- c) Protection from fishing activities that negatively impact the benthic habitat connectivity between critical habitats, including mangroves, sea grasses, and coral reefs;
- d) Protection from fishing and non-fishing activities such as land filling, sedimentation, waste disposal, and bottom trawling;
- e) The creation and management of Marine Fisheries Management Areas to regulate fishing activities and protect mangrove, coral reef, and seagrass habitats;
- f) The management of community fisheries and community fishing areas and community benefit sharing;
- g) In relation to migratory fisheries stocks, cooperation directly or through relevant regional fisheries bodies and international organisations with relevant States with a view to ensuring conservation and promoting the achievement of sustainable yield of such species throughout their ranges;
- h) Activities prohibited in the marine fisheries, including the prohibition of the harvest, purchase, possession, landing, and offering to sell of any endangered or threatened species in accordance with national and international law or any internationally recognized listing of such species;
- i) Fishing gear types prohibited for sale, possession, or use in the marine fisheries;
- j) The import into the Kingdom of Cambodia of marine fisheries resources, including requiring importers to certify that such resources have been harvested in compliance with the fisheries laws of the country where the catch originates;
- k) Managing fishing capacity through monitoring control and surveillance;

- l) Combatting illegal, unreported, and unregulated fishing;
- m) Limiting fisheries by-catch of non-target species, including but not limited to seabirds, marine mammals, and sea turtles, including through the use of by-catch excluder devices and observer programmes; and
- n) Marine fisheries research.

#### **ARTICLE 610 FISHERIES MANAGEMENT PLANS**

The relevant government entities shall, in collaboration with relevant sub-national administrations, communities, and community fisheries, establish gear- and species-specific Fisheries Management Plans based on the best available scientific information and local knowledge and shall include, but not be limited to, the following matters:

- a) Closed seasons and areas;
- b) Details of the relevant fisheries, including the number of vessels involved, the type and quantity of fishing gear used, the species of marine life harvested, prohibited areas, and the geographic extent of the fisheries;
- c) An estimate of sustainable yield from the fisheries and its probable future condition, including a summary of the information used in making this determination;
- d) Definition of the conservation and management measures to be applied to the fisheries to reduce overfishing and destructive fishing such as bottom trawling; and
- e) Processes for monitoring and reviewing individual Fisheries Management Plans in close collaboration with relevant sub-national administrations, communities, and community fisheries.

#### **ARTICLE 611 CONSERVATION AND MANAGEMENT MEASURES**

The relevant government entities may establish in a legal instrument the following conservation and management measures in order to ensure sustainability of marine fisheries resources:

- a) Daily individual limits or quotas over a period of time for specific species of marine life,
- b) Minimum and maximum size and weight limits for any species of marine life, below or above which harvest is not permitted;
- c) Limited entry systems in relation to a harvest of any particular marine fisheries resource, stock, or stock complex, or in relation to a particular geographic area;

- d) Seasonal closures for any particular marine fisheries resource, stock, or stock complex, or in relation to a particular geographic area;
- e) Permanent or temporary area closures for the harvest of any particular marine fisheries resource, stock, or stock complex, or in relation to a particular geographic area; and
- f) Restrictions on the type, size, and amount of gear used to harvest any particular marine fisheries resource, or their use in any particular geographic area.

#### **ARTICLE 612 ANNUAL REPORT**

The relevant government entities shall publish an annual report on the state of marine fisheries resources, with reference to coral reefs, seagrass beds, and mangroves, and analysing links to climate change Provisions on Access to Environmental Information of this Code.

### **CHAPTER 4 AQUACULTURE**

#### **ARTICLE 613 NATIONAL AQUACULTURE STRATEGIES**

The development of, and subsequent revisions to, the national aquaculture strategies within Fisheries Administration plans and policies shall take into account the following matters:

- a) Proximity to and interactions with areas of significant ecosystems or high conservation value;
- b) Ambient water quality, water quality objectives and management arrangements, and water resources management arrangements; and
- c) Other uses of water that could be impacted by aquaculture, including but not limited to local communities.

#### **ARTICLE 614 AVOIDANCE AND MITIGATION MEASURES**

The relevant ministry/ institution may establish measures to avoid or mitigate environmental impacts of aquaculture, including but not limited to the following:

- a) Ensuring the implementation of good aquaculture practices and biosecurity measures;
- b) Permitted types, methods, and areas of aquaculture;
- c) Environmental monitoring and reporting requirements;
- d) The use of genetically modified stocks, exotic species, indigenous aquaculture species, small or juvenile fish, and the use of genetically modified feed;

- e) Procedures for the selection of broodstock and the production of eggs, larvae, and fry to avoid and mitigate risks to aquatic ecosystems;
- f) The use of therapeutants, hormones, antibiotics, and other disease control chemicals or methods;
- g) Certification standards for aquaculture operations, fish, and fish products, including source and quality of feed; and

Traceability guidelines to improve the identification of fish and fisheries product origins.

## **BOOK 5 CULTURAL HERITAGE CONSERVATION AND MANAGEMENT**

### **UNITARY TITLE CULTURAL HERITAGE CONSERVATION AND MANAGEMENT**

#### **CHAPTER 1 GENERAL PROVISIONS**

##### **ARTICLE 615 SCOPE OF APPLICATION FOR CULTURAL HERITAGE**

This Title applies to tangible and intangible cultural heritage of the Kingdom of Cambodia, including but not limited to pre-historic, pre-Angkor, Angkor, post-Angkor, colonial, and modern heritage. Cultural heritage of the Kingdom of Cambodia consists of the following:

- a) Monuments, architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings, and combinations of features, which are of local, provincial, or national value from the point of view of history, art, or science;
- b) Groups of buildings, groups of separate or connected buildings which, because of their architecture, their homogeneity, or their place in the landscape, are of local, provincial, or national value from the point of view of history, art, or science;
- c) Sites, works of man, the combined works of nature and man, and areas including archaeological sites that are of local, provincial, or national value from the historical, aesthetic, ethnological, or anthropological point of view; and
- d) Other items or things of an intangible or tangible nature that are of local, provincial, or national value from the historical, aesthetic, ethnological, or anthropological point of view.

## **ARTICLE 616 CULTURAL HERITAGE VALUE**

Cultural heritage value may be measured by the following:

- a) Determining the number of years, the age of the property, or based on its era;
- b) A new innovation which is valuable to the society;
- c) Cultural property which is of a special value for the nation including but not limited to cultural property that is of special value to a province, local community, or indigenous people;
- d) A movement of architecture which reflects national identity; and
- e) An architectural workmanship which influences the next generations.

## **ARTICLE 617 PROHIBITION OF IMPACT ON CULTURAL HERITAGE**

No competent ministry or institution shall take any action, or grant any permit or approval, that causes or is likely to cause an impact on the cultural heritage values of an item or place as stipulated in this Book except in accordance with a permit or approval granted by the ministry or institution responsible for cultural heritage.

No natural person or legal entity shall take any action that causes, or is likely to cause, an impact on the cultural heritage values of an item or place as stipulated in this Book except in accordance with a permit or approval granted by the ministry responsible for cultural heritage.

## **CHAPTER 2**

### **RESPONSIBILITY FOR CULTURAL HERITAGE PROTECTION**

#### **SECTION 1**

#### **EXISTING COMPETENT MINISTRIES AND INSTITUTIONS**

## **ARTICLE 618 EXISTING RESPONSIBILITIES OF COMPETENT INSTITUTIONS**

Competent institutions or authorities established for the purpose of the management of cultural heritage shall implement their existing roles and responsibilities in accordance with existing legal instruments, except as otherwise stipulated specifically in this Code.

## **ARTICLE 619 RESPONSIBILITIES OF THE MINISTRY RESPONSIBLE FOR CULTURAL HERITAGE**

The ministry or institutions responsible for cultural heritage is responsible for policy implementation and for action to protect cultural heritage.



## **ARTICLE 620 COOPERATION OF COMPETENT MINISTRY OR INSTITUTIONS**

The ministry or institutions responsible for cultural heritage shall develop a legal instrument on roles and responsibilities for cooperation between relevant ministries or institutions, sub-national authorities, and legal entities for the management of cultural heritage items.

### **SECTION 2 SUPREME COUNCIL ON NATIONAL CULTURE**

## **ARTICLE 621 RESPONSIBILITIES OF THE SUPREME COUNCIL ON NATIONAL CULTURE**

The Supreme Council on National Culture shall be reactivated and has the following responsibilities:

- a) Identify, protect, preserve, record and promote cultural heritage protection for present and future generations in the Kingdom of Cambodia;
- b) Formulate policies for protection and enhancement of cultural heritage of the Kingdom of Cambodia;
- c) Establish and prepare a strategic plan, and an action plan in order to protect, enhance, and manage cultural heritage;
- d) Examine cultural sites, pre-historic and historic monuments and list them as national cultural heritage;
- e) Protect and administer pre-historic and historic cultural property and antiquities of a physical nature;
- f) Administer and control the regions where listed monuments are situated, together with the collection of art objects associated with them; and
- g) Deliver authorisations for all archaeological research, conservation works, and any other activities concerning monumental sites and other cultural property of the nation.

The Supreme Council on National Culture shall meet every six (6) months in order to monitor the effective implementation to respond to cultural heritage protection.

## **ARTICLE 622 MEMBERS OF THE SUPREME COUNCIL ON NATIONAL CULTURE**

The Supreme Council on National Culture shall include the following members:

- a) Representative of the Prime Minister as the president;

- b) Representative of the Minister of the ministry or institution responsible for cultural heritage as vice-president;
- c) Representative of the Minister of the ministry or institution responsible for environment as member;
- d) Representative of the Minister of the ministry or institution responsible for industry and handicraft as member;
- e) Representative of the Minister of the ministry or institution responsible for land management, urban planning, and construction as member;
- f) Representative of the competent authorities as member;
- g) Representative of Governor of Phnom Penh City as member;
- h) Two Representatives of non-governmental organizations involved in heritage protection and conservation as members;
- i) Two technical experts with heritage qualifications or expertise as members;
- j) Representatives of any other ministries or institutions or legal entities whose activities concern the field of cultural heritage that the Supreme Council on National Culture may invite as needed.

#### **ARTICLE 623 MEETING PROCEDURES OF SUPREME COUNCIL ON NATIONAL CULTURE**

The Supreme Council on National Culture shall determine its meeting procedures with approval from the ministry or institution responsible for cultural heritage and in accordance with international best practice.

#### **ARTICLE 624 COOPERATION BETWEEN SUPREME COUNCIL ON NATIONAL CULTURE AND RELEVANT MINISTRIES OR INSTITUTIONS**

The Supreme Council on National Culture shall cooperate with the ministry or institution responsible for cultural heritage and other relevant ministries or institutions and legal entities to:

- a) Develop a policy for the enhancement of cultural heritage;
- b) Organize facilities to allow the public access to cultural heritage;
- c) Appoint supervisory and other staff to carry out this work;
- d) Organize a tourist network;

- e) Promote cultural values by mobilizing the necessary funds, educating the public, training staff, and carrying out research on physical cultural and historic heritage;
- f) Provide guarantees concerning the management responsibilities and obligations established by cultural conventions and other normative instruments to which the Kingdom of Cambodia is a party;
- g) Take the necessary steps to execute projects and any other action relating to the protection, preservation, restoration, and enhancement of the national heritage; and

Develop legal instruments to implement the Kingdom of Cambodia's international obligations for the protection of cultural heritage.

#### **ARTICLE 625 ACCESS TO ENVIRONMENTAL INFORMATION**

The Supreme Council on National Culture and the relevant ministries or institutions shall ensure that all documents relating to its meetings are made publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

### **CHAPTER 3 CREATION OF NATIONAL HERITAGE LIST**

#### **ARTICLE 626 NATIONAL HERITAGE LIST**

The ministry or institution responsible for cultural heritage shall establish a National Heritage List for the Kingdom of Cambodia.

#### **ARTICLE 627 ITEMS AND CATEGORIES FOR THE NATIONAL HERITAGE LIST**

The ministry or institution responsible for cultural heritage and the ministry or institution responsible for environment may add items to the National Heritage List for the Kingdom of Cambodia.

#### **ARTICLE 628 LISTING OF CULTURAL HERITAGE OR HERITAGE SITES**

The ministry or institution responsible for cultural heritage, and competent institutions or authorities established for the purpose of the management of cultural heritage shall record all heritage items and heritage areas on the interim listing of the National Cultural Heritage List.

The ministry or institution responsible for cultural heritage, and competent institutions or authorities established for the purpose of the management of cultural heritage shall also record any heritage item or heritage areas that are in danger of destruction on the emergency listing of the National Cultural Heritage List in order to perform emergency rescue for such heritage or heritage areas.

## **ARTICLE 629 LEGAL PROTECTIONS FOR HERITAGE ITEMS**

Heritage items that are listed in the National Heritage List shall be protected in accordance with this Code and other relevant legal instruments.

## **ARTICLE 630 UPDATING THE NATIONAL HERITAGE LIST**

The ministry or institution responsible for cultural heritage shall develop a legal instrument on updating the National Heritage List in consultation with the Supreme Council on National Culture, relevant ministries or institutions, and other stakeholders.

## **ARTICLE 631 PROTECTION AND CLASSIFICATION**

Culture heritage items shall remain on the National Heritage List and be protected from harm in accordance with the provisions of this Code until the ministry responsible for cultural heritage has classified them in accordance with the provisions of the relevant legal instrument on cultural heritage.

## **ARTICLE 632 LIST OF CLASSIFIED CULTURAL HERITAGE ITEMS**

The ministry or institution responsible for cultural heritage shall draw up a list of the cultural heritage items classified each year. This list shall be incorporated into the National Heritage List.

## **CHAPTER 4**

### **CREATION OF NATIONAL HERITAGE PROTECTED AREAS**

## **ARTICLE 633 ESTABLISHMENT OF NATIONAL HERITAGE PROTECTED AREAS**

National Heritage Protected Areas containing archaeological reserves or other sites of archaeological, anthropological, cultural, or historical value shall be established.

## **ARTICLE 634 ESTABLISHMENT OF BOUNDARIES AND MAPPING**

The boundaries of National Heritage Protected Areas shall be defined by a legal instrument from the ministry or institution responsible for cultural heritage.

## **ARTICLE 635 NATIONAL HERITAGE PROTECTED AREAS**

Areas containing heritage sites shall be called National Heritage Protected Areas. Biodiversity Conservation Corridors and Protected Areas that are designated or established at the national or sub-national level may include cultural heritage sites and items.

## **ARTICLE 636 PROTECTION OF ALL ITEMS OF CULTURAL HERITAGE**

Items of cultural heritage shall be protected in accordance with the provisions of this Code and other existing legal instruments whether or not those items are contained within a National Heritage Protected Area.

## **CHAPTER 5 CREATION OF URBAN HERITAGE ZONES**

### **ARTICLE 637 ESTABLISHING URBAN HERITAGE ZONES**

The ministry or institution responsible for cultural heritage may submit a request to the Supreme Council on National Culture for an urban area to be designated as an Urban Heritage Zone.

### **ARTICLE 638 PLANS FOR URBAN HERITAGE ZONES**

The ministry or institution responsible for cultural heritage shall develop a plan for the Urban Heritage Zone and the classification of the site in accordance with the provisions of this Book.

### **ARTICLE 639 NOTIFICATION**

The ministry or institution responsible for cultural heritage shall notify competent ministries or institutions of the proposed Urban Heritage Zone.

### **ARTICLE 640 ASSESSMENT OF HERITAGE VALUES**

The ministry or institution responsible for cultural heritage shall take into consideration and make an assessment of the heritage value prior to making a decision to approve any construction, demolition, or redevelopment within the proposed Urban Heritage Zone.

## **CHAPTER 6 PROTECTION OF CULTURAL HERITAGE**

### **SECTION 1**

#### **CHANCE DISCOVERIES DURING DEMOLITION, CONSTRUCTION, OR OTHER ACTIVITIES**

### **ARTICLE 641 GENERAL OBLIGATION FOR NOTIFICATION FOR CHANCE DISCOVERIES**

All persons who know or discover by chance any cultural heritage items or areas shall be required to report immediately to relevant authorities and competent ministries or institutions.

### **ARTICLE 642 OBLIGATION TO STOP WORK AND OF NOTIFICATION OF SUB- NATIONAL AUTHORITIES**

Any natural person, project proponent, location owner, or location renter that discovers by

chance during construction work any heritage items or areas, shall temporarily stop construction work and shall report to the sub-national authority, and shall send the heritage item to the sub-national authorities and relevant competent institutions without delay. Heritage items or areas include but are not limited to monuments, ruins, ancient objects, remains of inhabited sites, ancient burial sites, engravings, or any property likely to be of interest in the study of pre-history, history, archaeology, ethnology, palaeontology or other branches of science dealing with the past, or human sciences in general.

#### **ARTICLE 643 NOTIFICATION OF MINISTRY OR INSTITUTION RESPONSIBLE FOR CULTURAL HERITAGE**

The relevant sub-national authorities shall report to the ministry or institution responsible for cultural heritage and shall take the measures necessary to ensure the protection of the objects and the site of those heritage properties until the ministry or institution responsible for cultural heritage inspects the site.

The ministry or institution responsible for cultural heritage shall notify the relevant competent institutions or authorities established for the purpose of the management of cultural heritage.

#### **ARTICLE 644 PRELIMINARY DETERMINATION OF HERITAGE**

The ministry or institution responsible for cultural heritage shall make a preliminary determination about the significance of the heritage item within fourteen (14) days after receiving the notification or report. This period may be extended only one time by an additional fourteen (14) days. The ministry or institution responsible for cultural heritage shall provide a written notification to the project proponent or owner or property owner or renter about this extension period.

#### **ARTICLE 645 DECISION TO TEMPORARILY POSTPONE OR CONTINUE SUSPENSION OF WORK**

The ministry or institution responsible for cultural heritage shall issue a decision to temporarily postpone or continue the suspension of work on the site where the heritage item has been discovered. The decision to temporarily postpone or continue the suspension of work is valid for a period of thirty (30) days after conducting the preliminary determination as stipulated in Article 644 above.

In cases where the ministry or institution responsible for cultural heritage does not issue a new decision after the period of thirty (30) days has expired, the project proponent or owner or property owner or renter may continue their working activities.

#### **ARTICLE 646 PROHIBITION OF REMOVAL OR DESTRUCTION OF HERITAGE**

It is prohibited to remove or destroy heritage items that exist in any location on private land

unless allowed by the competent ministries or institutions.

#### **ARTICLE 647 OBLIGATION TO RECORD**

The project proponent or owner or property owner or renter has an obligation to record and photograph the heritage item in accordance with any instructions from the ministry or institution responsible for cultural heritage.

#### **ARTICLE 648 PROHIBITION TO FAIL TO COMPLY**

The failure to report a chance discovery or the destruction of a heritage item before the determination of heritage value shall result in cancellation of any permits or approvals.

### **SECTION 2**

#### **MARINE AND UNDERWATER CULTURAL HERITAGE PROTECTION**

#### **ARTICLE 649 UNDERWATER CULTURAL HERITAGE**

Underwater cultural heritage includes all traces of human existence having a cultural, historical, or archaeological character that have been partially or totally under water, periodically or continuously, for at least one hundred (100) years, and includes but is not limited to:

- a) Sites, structures, buildings, artefacts, and human remains, together with their archaeological and natural context;
- b) Vessels, aircraft, other vehicles or any part thereof, and their cargo or other contents, together with their archaeological and natural context; and
- c) Objects of prehistoric character.

#### **ARTICLE 650 DECLARATION FOR NATIONAL HERITAGE LIST**

The ministry or institution responsible for cultural heritage shall make a declaration regarding any item of underwater cultural heritage to place the item on the National Heritage List.

#### **ARTICLE 651 REPORTING OBLIGATION**

All natural persons or legal entities shall have the obligation to report to the ministry or institution responsible for cultural heritage any underwater item identified as a heritage item discovered by chance for determination regarding listing on the National Heritage List.

#### **ARTICLE 652 PROHIBITION TO DAMAGE, DESTROY, SALVAGE OR DISTURB**

All activities that cause damage, destruction, salvage, or disturbance to any underwater cultural heritage shall be prohibited.

## **ARTICLE 653 PROTECTION, SCIENTIFIC EVALUATION, AND EXPLORATION**

The ministry or institution responsible for cultural heritage shall develop a legal instrument to allow for the protection, scientific evaluation, and exploration of underwater cultural heritage.

## **ARTICLE 654 PERMITS AND APPROVALS**

The Supreme Council of National Heritage and the ministry or institution responsible for cultural heritage may issue permits and approvals for activities affecting underwater cultural heritage in accordance with the legal instruments.

### **SECTION 3 PERMITS FOR DEVELOPMENT PROJECTS AFFECTING CULTURAL HERITAGE**

## **ARTICLE 655 PROJECTS AND ACTIVITIES REQUIRING PERMITS**

All projects or activities that may impact on a heritage item or an item listed on the National Heritage List shall be required to have a permit before any work can be done that may harm the heritage item.

## **ARTICLE 656 PERMIT PROCEDURES**

The Supreme Council on National Heritage shall develop a legal instrument on the procedures for granting permits for activities that may harm heritage items.

## **ARTICLE 657 PROHIBITION TO DAMAGE, DESTROY, OR HARM**

All activities that cause damage, destruction, or harm to an item on the National Heritage List shall be prohibited unless a permit has been granted in accordance with this Title.

## **ARTICLE 658 PERMITS OR APPROVALS REQUIRED**

Any construction permit or approval by relevant ministries or institutions shall not be granted until a permit has been granted by the ministry or institution responsible for cultural heritage in accordance with the procedures of this Code and other relevant legal instruments.

## **ARTICLE 659 PROHIBITION FROM ISSUING PERMITS WITHOUT DETERMINATION**

Relevant competent ministries or institutions shall not grant any permit for any activities that may impact a heritage item unless the heritage value of the item has been assessed in accordance with the procedures of this Code and any other relevant legal instruments.

### **CHAPTER 7 ARCHAEOLOGICAL ENTITIES**



## **ARTICLE 660 ROLES AND RESPONSIBILITIES**

The Supreme Council on National Culture shall develop a legal instrument to determine the roles and responsibilities of the relevant ministries or institutions and national and sub-national authorities responsible for archaeological items in accordance with this Code and other relevant legal instruments.

## **ARTICLE 661 ROLES AND DUTIES OF EXISTING ENTITIES**

Competent institutions or authorities established for the purpose of the management of cultural heritage, shall implement their existing roles and responsibilities in accordance with existing legal instruments, except as otherwise stipulated specifically in this Code.

## **CHAPTER 8 DISPUTE RESOLUTION AND EMERGENCY ORDERS**

### **ARTICLE 662 DISPUTE RESOLUTION PROCEDURES**

In the event of any disputes, the parties shall follow the procedures established in Book 9 of this Code.

### **ARTICLE 663 REPRESENTATION OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR CULTURAL HERITAGE IN DISPUTES**

The ministry or institution responsible for cultural heritage shall be represented in any dispute resolution procedures that impact on cultural heritage values.

### **ARTICLE 664 EMERGENCY ORDERS TO HALT THREATENING OR ENDANGERING ACTIONS FOR HERITAGE ITEMS**

The Supreme Council on Heritage, the ministry or institution responsible for cultural heritage, and competent ministries or institutions may issue an emergency order to halt work, construction, or clearing if a heritage item or site is threatened or endangered, whether or not it is listed on the National Heritage List.

The period for the order to halt work shall be fourteen (14) days. This period may be extended only one time by an additional fourteen (14) days.

## **CHAPTER 9 HERITAGE MANAGEMENT PLANS**

### **ARTICLE 665 HERITAGE MANAGEMENT PLAN**

The ministry or institution responsible for cultural heritage may require the development of a Heritage Management Plan for a cultural heritage site listed on the National Heritage List or in

an Urban Heritage Zone. The Heritage Management Plan shall also establish protected zones and core zones.

#### **ARTICLE 666 STAKEHOLDER PARTICIPATION**

The Heritage Management Plan shall be developed in consultation with the local community and stakeholders, in accordance with the public participation provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 667 PREPARATION OF HERITAGE MANAGEMENT PLANS**

The ministry or institution responsible for cultural heritage shall develop a legal instrument on Heritage Management Plans in accordance with the principles developed by the International Council on Monuments and Sites and other international best practices.

#### **ARTICLE 668 CONSIDERATION OF IMPACTS ON LOCAL COMMUNITIES AND INDIGENOUS PEOPLES**

In developing the management plan for a heritage site, the competent ministry or institution shall take into account the impact of the heritage site on the local communities and indigenous peoples.

#### **ARTICLE 669 PUBLIC PARTICIPATION FOR HERITAGE MANAGEMENT PLANS**

All relevant ministries or institutions shall ensure that local communities and indigenous peoples are consulted prior to any decision regarding cultural heritage that may impact them in accordance with the public participation provisions in Book 1 Title 2 of this Code.

### **CHAPTER 10 PROMOTION AND PROTECTION OF INTANGIBLE HERITAGE**

#### **ARTICLE 670 MEASURES TO PROMOTE AND PROTECT INTANGIBLE HERITAGE**

The Supreme Council on National Heritage, in cooperation with the ministry or institution responsible for cultural heritage, shall develop a legal instrument to promote and protect intangible heritage.

#### **ARTICLE 671 PUBLIC PARTICIPATION FOR INTANGIBLE HERITAGE**

The Supreme Council on National Heritage shall make the legal instrument as stipulated in Article 670 publicly available for comment in accordance with public participation provisions in Book 1 Title 3 of this Code prior to approval by the Supreme Council on National Heritage.

### **CHAPTER 11**

## **EDUCATION AND AWARENESS**

### **ARTICLE 672 EDUCATION AND PUBLIC AWARENESS**

The ministry or institution responsible for cultural heritage, in cooperation with other relevant ministries or institutions and non-governmental organizations, shall develop education and public awareness programs for the conservation and protection of heritage items and sites.

### **ARTICLE 673 FEES AND CHARGES**

Management Plans for Heritage Areas may include the provision of entrance fees and charges, which are to be used for the promotion and protection of cultural heritage.

### **ARTICLE 674 MUSEUMS AND CULTURAL INSTITUTIONS**

The ministry or institution responsible for cultural heritage shall develop a legal instrument on licencing and management of museums and cultural institutions in accordance with international best practices and Cambodia's international obligations.

## **CHAPTER 12 ANTI-TRAFFICKING PROVISIONS**

### **ARTICLE 675 ANTI-TRAFFICKING TASK FORCE**

The ministry or institution responsible for cultural heritage shall, in cooperation with the ministry or institution responsible for environment and other relevant ministries or institutions and legal entities, including international ministries or institutions and non-governmental organizations, establish a task force to stop the trade and trafficking in cultural heritage.

### **ARTICLE 676 INTERNATIONAL COOPERATION**

The ministry or institution responsible for cultural heritage shall cooperate with relevant ministries or institutions, non-governmental organizations, and anti-trafficking organizations to stop the trade and trafficking of cultural heritage.

### **ARTICLE 677 RULES FOR RETURN**

The ministry or institution responsible for cultural heritage shall, in cooperation with other relevant ministries or institutions and international organizations and non-governmental organisations, develop a legal instrument on the return of the Kingdom of Cambodia's cultural heritage that has been taken out of the country.

## **BOOK 6 WASTE AND POLLUTION MANAGEMENT**

### **TITLE 1 GENERAL OBLIGATIONS FOR POLLUTION**

## **CONTROL**

### **CHAPTER 1 PROHIBITION ON POLLUTION**

#### **ARTICLE 678 GENERAL OBLIGATION FOR AIR, WATER, AND LAND POLLUTION**

A natural person or legal entity shall not pollute the air, water, or land.

#### **ARTICLE 679 WASTE**

A natural person or legal entity shall not transport, manage, store, treat, or dispose of any waste, whether solid or liquid or gas, or hazardous substances or waste, except in compliance with the terms of a permit that has been issued in accordance with the provisions of this Book and any relevant legal instruments.

#### **ARTICLE 680 NOISE AND VIBRATION**

A natural person or legal entity shall not cause any noise pollution or cause any vibration above the relevant environmental quality standards allowed in accordance with the provisions of this Book and any relevant legal instruments..

### **CHAPTER 2 PERMITS AND APPROVALS**

#### **ARTICLE 681 OBLIGATION TO COMPLY WITH PERMIT AND APPROVAL TERMS**

A natural person or legal entity shall comply with the terms of any permit or approval that has been issued.

#### **ARTICLE 682 ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

The ministry or institution responsible for environment shall apply relevant environmental quality standards and effluent standards when issuing permits or approvals in accordance with the provisions of this Code.

## **TITLE 2 ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

### **CHAPTER 1 DEVELOPING ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

### **ARTICLE 683 ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

The ministry or institution responsible for environment shall develop legal instruments on environmental quality standards and effluent standards.

### **ARTICLE 684 REQUIREMENTS FOR DEVELOPING ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

The ministry or institution responsible for environment shall take into account the following when developing environmental quality standards and effluent standards:

- a) The principles in Book 1 Title 1 of this Code;
- b) The potential for harm to human health;
- c) The potential for harm to vulnerable groups, including but not limited to children and older people;
- d) The potential for harm to the environment;
- e) Best available scientific information;
- f) Relevant Association of Southeast Asian Nations standards.
- g) Relevant international standards;
- h) Relevant best available techniques; and
- i) Relevant industry best practice.

### **ARTICLE 685 CATEGORIES OF ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

The ministry or institution responsible for environment may develop environmental quality standards and effluent standards for the following:

- a) Air emissions and atmospheric ambient air quality;
- b) Water quality for groundwater and surface water resources and marine and estuary water resources;
- c) Effluent, including waste water;
- d) Noise and vibration;

- e) Solid, liquid, and hazardous waste;
- f) Sustainable production and consumption;
- g) Energy efficiency; and
- h) Other emissions and other environmental quality goals as determined by the ministry or institution responsible for environment or the Royal Government of Cambodia.

## **CHAPTER 2**

### **APPLICATION OF ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

#### **ARTICLE 686 APPLICATION OF ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

Environmental quality standards and effluent standards shall be applied to all activities and any permits or approvals issued in accordance with this Code or any other legal instrument.

#### **ARTICLE 687 PERMITS AND APPROVALS**

The ministry or institution responsible for environment or any other relevant ministry or institution shall not issue any permit or approval that does not comply with the relevant environmental quality standards or effluent standards.

#### **ARTICLE 688 NON-COMPLIANCE**

Any permit or approval that does not comply with the relevant environmental quality standards or effluent standards shall be invalid.

## **CHAPTER 3**

### **INTERIM ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

#### **ARTICLE 689 IN-FORCE AND INTERIM ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

All in-force environmental quality standards and effluent standards in the Kingdom of Cambodia at the time of the enactment of this Code shall remain in force until there are new environmental standards and effluent standards developed.

If there are not in-force environmental quality standards and effluent standards for a specific category, the ministry or institution responsible for environment may apply relevant international standards, Association of Southeast Asian Nations standards, and industry best practice as interim standards.

#### **ARTICLE 690 DRAFT ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

The ministry or institution responsible for environment shall develop draft environmental quality standards and effluent standards. In developing draft environmental quality standards and effluent standards, the ministry or institution responsible for environment shall consult with the relevant ministries or institutions.

#### **ARTICLE 691 PUBLIC PARTICIPATION**

The ministry or institution responsible for environment shall make the draft environmental quality standards and effluent standards publicly available and shall receive comments in accordance with the public participation provisions in Book 1 Title 2 of this Code.

#### **ARTICLE 692 REVISED DRAFT ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

The ministry or institution responsible for environment shall take into consideration the comments received on the draft environmental quality standards and effluent standards, revise the draft environmental quality standards and effluent standards taking into account the comments, and explain the reasons for rejection of any comments.

#### **ARTICLE 693 AMENDMENTS OF ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

The ministry or institution responsible for environment shall update the environmental quality standards and effluent standards regularly. The ministry or institution responsible for environment shall amend the environmental quality standards and effluent standards in accordance with scientific and technological advances or requirement of work as and when necessary in the public interest.

#### **ARTICLE 694 RIGHT TO REQUEST AMENDMENTS OF ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

Any natural person or legal entity may request that the ministry or institution responsible for environment amend environmental quality standards or effluent standards based on new information.

#### **ARTICLE 695 PROCEDURES FOR DEVELOPING ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

The ministry or institution responsible for environment shall develop a legal instrument on the procedures for developing environmental quality standards and effluent standards.

#### **ARTICLE 696 ACCESS TO ENVIRONMENTAL INFORMATION**

The ministry or institution responsible for environment shall make the environmental quality standards and effluent standards publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

## **TITLE 3      MANAGEMENT OF HAZARDOUS SUBSTANCES**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 697 SCOPE OF APPLICATION**

This Title applies all hazardous substances or hazardous products in the Kingdom of Cambodia and applies to all natural persons and legal entities that produce, transport, purchase, sell, use, store, release, or dispose of hazardous substances or hazardous products and their derivatives at any stage of their life cycles in the Kingdom of Cambodia.

This Title does not apply to radioactive substances, pharmaceuticals, cosmetics, food additives or food products that are governed by separate laws and regulations.

The ministry or institution responsible for environment shall be responsible for the management of hazardous substances and hazardous products in cooperation with relevant ministries or institutions.

#### **ARTICLE 698 MANAGEMENT AND CONTROL MECHANISMS**

The ministry or institution responsible for environment, in cooperation with relevant ministries or institution, shall develop legal instruments for effective management and control of hazardous substances throughout their life cycles.

#### **ARTICLE 699 CRITERIA FOR DEFINING AND CATEGORIZING**

The ministry or institution responsible for environment shall develop a legal instrument on criteria for defining and categorizing hazardous substances. The criteria shall be based on relevant international agreements to which the Kingdom of Cambodia is a party, best practices, and best available scientific information.

The ministry or institution responsible for environment shall review and update the above legal instrument on a regular basis.

#### **ARTICLE 700 LIABILITY FOR HARM**

A natural person or legal entity that produces or uses hazardous substances for manufacturing or production of goods and products shall be liable for any harm to human health, property, or the environment caused by the hazardous substances during production or use for which they



have been deemed responsible.

## **CHAPTER 2 PROHIBITION ON HAZARDOUS SUBSTANCES**

### **ARTICLE 701 PROHIBITION OF MISBRANDING**

No natural person or legal entity shall undertake the following activities:

- a) The introduction or delivery of any misbranded hazardous substance or banned hazardous substance;
- b) The alteration, destruction, or removal of the whole or any part of the label of any hazardous substance during shipment or sale, whether first sale or sale at any time; and
- c) The receipt of any misbranded hazardous substance or banned hazardous substance and the delivery or proffered delivery thereof for pay or no pay.

### **ARTICLE 702 PROHIBITION OF PERSISTENT ORGANIC POLLUTANTS**

No natural person or legal entity shall manufacture, use, or distribute persistent organic pollutants totally banned by the Stockholm Convention, to which Cambodia is a party. The ministry or institution responsible for environment shall develop a list of banned persistent organic pollutants that includes all those persistent organic pollutants banned by the Stockholm Convention, to which Cambodia is a party.

### **ARTICLE 703 PROHIBITION OF LEAD IN PAINT AND CHILDREN'S PRODUCTS**

Paints that contain lead or lead compounds and in which the lead content is in excess of 90 ppm of the total non-volatile content of the paint or the weight of the dried paint film, are banned products.

Children's products bearing lead paint in which the lead content is in excess of 90 ppm by weight of the total non-volatile content of the paint or the weight of the dried paint film, are banned products.

### **ARTICLE 704 EFFECTIVE DATES FOR LEAD PAINT BAN**

The lead paint and lead product bans stipulated in Article 703 of this Code shall be effective as follows:

- a) Production, manufacturing, importing, or sale of children's products containing lead paint in which the lead content is in excess of 90 ppm by weight of the total non-volatile content of the paint or the weight of the dried paint film – three (3) years from the enactment of this Code;

- b) Production, manufacturing, or importing of paints as a pigment, a drying agent, or other intentional use, with more than 90 ppm of the total non-volatile content of the paint or the weight of the dried paint film for architectural, decorative, and household applications – three (3) years from the enactment of this Code;
- c) Production, manufacturing, or importing of paints as a pigment, a drying agent, or other intentional use, with more than 90 ppm of the total non-volatile content of the paint or the weight of the dried paint film for industrial applications – six (6) years from the enactment of this Code.

#### **ARTICLE 705 PROCEDURES FOR MONITORING AND ENFORCEMENT OF LEAD PAINT BAN**

The ministry or institution responsible for environment shall develop a legal instrument on monitoring and enforcement of the ban on lead paint and children's products bearing lead paint.

#### **ARTICLE 706 CONFISCATION AND SEIZURE OF BANNED OR MISBRANDED SUBSTANCES**

Any misbranded hazardous substance or hazardous product or banned hazardous substance or hazardous product shall be confiscated and seized.

#### **ARTICLE 707 PROHIBITION OF UN-REGISTERED SUBSTANCES**

No natural person or legal entity shall manufacture, possess, handle, store, transport, import, export, distribute, or use a hazardous substance or hazardous product that is not registered in accordance with this Title.

#### **ARTICLE 708 PROHIBITION OF NON-COMPLIANT PACKAGING**

No natural person or legal entity shall store, import, export, or distribute a hazardous substance or hazardous product that is not packaged in accordance with the regulations and the conditions of registration.

#### **ARTICLE 709 PROHIBITION OF FALSE OR MISLEADING PACKAGING AND ADVERTISING**

No natural person or legal entity shall package or advertise a hazardous substance or hazardous product in a way that is false, misleading, or likely to create an inaccurate impression regarding its character, value, quantity, composition, safety, or registration.

#### **ARTICLE 710 STANDARDS FOR SUBSTANCES CAUSING CORROSION, BURN, OXIDATION, OR OTHER INJURY**

No natural person or legal entity shall be allowed to use substances such as acid, gasoline, or

toxic chemicals that can cause corrosion, burn, oxidation, or other injury impacting health and human life, except in accordance with this Title.

### **CHAPTER 3**

## **REGISTRATION AND INFORMATION DISCLOSURE OF HAZARDOUS SUBSTANCES**

### **ARTICLE 711 REGISTRATION REQUIREMENTS AND PROCEDURES**

As required by the relevant legal instruments, natural persons and legal entities shall register any hazardous substances and hazardous products intended for manufacture, distribution, sale, or use in the Kingdom of Cambodia. Registration procedures shall be developed in a legal instrument.

### **ARTICLE 712 APPLICATION REQUIREMENTS**

An application for registration shall be submitted to the ministry or institution responsible for environment with at minimum information on the following:

- a) Manufacturing company;
- b) Chemical and common trade names of substances;
- c) Hazard classification;
- d) Amount;
- e) Purpose of import or use;
- f) Safety data sheets;
- g) Hazard statement;
- h) Potential risks to human health; and
- i) Address of delivery.

### **ARTICLE 713 REVIEW OF APPLICATION AND APPROVAL OF REGISTRATION**

Information on hazardous substances shall be reviewed and approved by the ministry or institution responsible for environment before submission to the relevant ministry or institution for approval. The ministry or institution responsible for environment may conduct additional tests and consultation to verify the accuracy of information provided. The ministry or institution responsible for environment shall approve the registration if it demonstrates no risk to human health or the environment.

The proponent of registration shall bear the burden of demonstrating that the standard for registration has been met.

#### **ARTICLE 714 OBLIGATION TO PROVIDE INFORMATION**

The relevant ministries or institutions shall provide information on all hazardous substances and products to the ministry or institution responsible for environment for inventory, monitoring, risk assessment, and inspection purposes.

If at any time a manufacturer or importer of a substance has additional information regarding significant adverse effects of the substance, the manufacturer or importer shall submit such information to the ministry or institution responsible for environment without delay.

#### **ARTICLE 715 PREVENTION, EMERGENCY RESPONSE, MITIGATION, MONITORING, AND RISK MANAGEMENT ACTION PLANS**

Following official registration, the natural person or legal entity shall develop action plans for hazardous substances for prevention, emergency response, mitigation, monitoring, and risk management.

Natural persons and legal entities shall be responsible for providing accurate information on hazardous substances to the relevant ministry or institution when requested.

#### **ARTICLE 716 REVOCATION OF REGISTRATION**

The ministry or institution responsible for environment shall revoke registration of a hazardous substance or of specific uses of a hazardous substance if it determines that the hazardous substance or the use of the hazardous substance poses a significant risk to human health or the environment.

The ministry or institution responsible for environment shall suspend registration of a hazardous substance or of specific uses of a hazardous substance if it determines that the hazardous substance or the use of the hazardous substance may pose a significant risk of imminent risk to human health or the environment.

### **CHAPTER 4 LABELLING OF HAZARDOUS SUBSTANCES**

#### **ARTICLE 717 REGULATIONS FOR LABELLING HAZARDOUS SUBSTANCES**

Natural persons or legal entities involved in production, packaging, distribution, transportation, or sale of hazardous substances or products shall apply correct labelling on hazardous substances and products following regulations stipulated in the relevant legal instruments.

## **ARTICLE 718 HAZARD CRITERIA**

Hazard criteria for health hazards and environmental hazards shall be based on the Globally Harmonized System for Classification and Labelling.

## **ARTICLE 719 OBLIGATION TO PROVIDE INFORMATION**

Natural persons or legal entities involved in the production, packaging, distribution, transportation, or sale of hazardous substances or products shall make publicly available, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code, information on safety data sheets, hazard prevention and mitigation, and health risks for all hazardous substances intended for distribution and sale in the Kingdom of Cambodia.

## **CHAPTER 5**

### **TRANSPORTATION, USE, AND DISPOSAL OF HAZARDOUS SUBSTANCES**

## **ARTICLE 720 TRANSPORTATION**

Any natural person or legal entity that transports hazardous substances shall abide by the provisions on transportation of hazardous substances or products as prescribed in this Title.

Transport operators and transport owners shall develop staff health and safety plans and response plans for substance specific hazardous materials incident response plans in order to:

- a) Identify and take necessary measures to minimize potential incidents and remedy consequences if they take place, including training all staff involved in transportation in safety measures and response plans; and
- b) Identify and notify the nearest relevant ministries or institutions if an incident occurs during transportation by road, inland waterway, railway, air, or sea.

Transport operators and transport owners shall ensure that any vehicle used in the transportation of hazardous substances or products is suitable for the transportation of that substance or product and that the vehicle is visibly marked with accurate hazard warning marks and symbols.

## **ARTICLE 721 REGULATIONS FOR TRANSPORTATION**

The ministry or institution responsible for environment shall coordinate with the ministry or institution responsible for transportation and other relevant ministries or institutions to develop a legal instrument on transportation of hazardous substances or products.

## **ARTICLE 722 RIGHTS AND OBLIGATIONS FOR USE**

All natural persons and legal entities have the right to use hazardous substances according to

terms stipulated by this Code and safety instructions of any hazardous substance.

#### **ARTICLE 723 PROHIBITED USES**

No natural person or legal entity shall use hazardous substances that can cause health hazards to human beings in food products, cosmetics, or toys.

#### **ARTICLE 724 USE IN SCIENTIFIC RESEARCH**

A natural person or legal entity using hazardous substances for scientific research shall:

- a) Use hazardous substances in accordance with the provisions in this Title;
- b) Ensure laboratories have sufficient equipment for safe storage and handling of hazardous substances and personal protective equipment for workers;
- c) Ensure hazardous substances have correct labelling in accordance with the regulations stipulated in the relevant legal instrument;
- d) Ensure laboratories have appropriate filing systems and records of hazardous substances being used;
- e) Dispose of hazardous substance or wastes in accordance with regulations stipulated in the waste management provisions in Title 4 of this Book; and
- f) Develop effective mechanisms to identify and minimize any potential hazards that may be caused by the use and disposal of hazardous substance or wastes.

#### **ARTICLE 725 DISPOSAL OF HAZARDOUS SUBSTANCES**

No natural person or legal entity shall burn or dispose of any hazardous substances or wastes into the environment without the approval of the ministry or institution responsible for environment.

Disposal of any part of a hazardous substance or its package shall be in accordance with the waste management provisions in Title 4 of this Book.

### **CHAPTER 6 HAZARDOUS SUBSTANCES SAFETY AND ACCIDENT PREVENTION, PREPAREDNESS, AND RESPONSES**

#### **ARTICLE 726 TECHNICAL CAPACITY**

Legal entities engaged in the production of hazardous substances or products shall have trained staff with technical capacity for use of environmental and social safeguarding equipment and

procedures, including the following:

- a) Workshops, storehouse, and technological equipment;
- b) General safety equipment and devices and specific equipment and devices for prevention and fighting of fire, explosions, lightning, hazardous substances leakages or dispersal, and other hazardous substances incidents;
- c) Labour protection equipment and devices;
- d) Environmental protection equipment and devices,
- e) Waste disposal and treatment systems; and
- f) Prevention and response planning, including hazard communication.

#### **ARTICLE 727 QUALIFICATIONS**

Natural persons and legal entities engaged in the production of hazardous substances or products shall have professional staff with qualifications relevant to the scope, type, and scale of the hazardous substance-related activity and thorough knowledge about technologies and hazardous substances safety plans and measures.

#### **ARTICLE 728 REGISTRATION AND PERMIT REQUIREMENTS**

Natural persons and legal entities engaged in production of hazardous substances or products shall have proper registration of the substances and manufacturing permits issued by the relevant ministry or institution.

#### **ARTICLE 729 REPORTING REQUIREMENTS**

Natural persons and legal entities engaged in the production of hazardous substances or products shall provide to the relevant ministries or institutions and the ministry or institution responsible for environment an annual report on manufacturing processes, the amount of hazardous ingredients, intended use, point of delivery, waste disposal and treatment systems, and safety plan and measures. The relevant ministries or institutions shall determine the required report format o in cooperation with the ministry or institution responsible for environment.

#### **ARTICLE 730 SAFETY REGULATIONS**

In order to ensure safety, natural persons and legal entities engaged in the production of hazardous substances or products shall:

- a) Strictly follow technical specifications, labelling, and safety instructions for hazardous

substance;

- b) Have prevention and emergency response measures, including but not limited to first aid, an evacuation plan, fire elimination equipment, and personal protective equipment for workers;
- c) Organize training on safe use and safe handling of hazardous substances; and
- d) Establish a hazardous substances emergency response plan.

#### **ARTICLE 731 ACCIDENT NOTIFICATION**

In case of accidents caused by hazardous substances, a natural person or legal entity shall cease immediately the activities relevant to the accident and immediately inform the relevant authorities and the ministry or institution responsible for environment. Adequate action shall be taken according to the prevention and emergency response plan to reduce impacts to human health and the environment.

Any natural person or legal entity directly involved in an accident shall immediately inform any local members of the public who may be affected by the accident of the exact risks posed to the human health, property, or the environment and shall advise the public on measures to mitigate those risks.

### **TITLE 4 WASTE MANAGEMENT**

#### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 732 SCOPE OF APPLICATION**

This Title applies to all hazardous and solid wastes within the Kingdom of Cambodia and all natural persons, legal entities, and ministries or institutions that generate, possess, transport, manage, store, treat, dispose, reclaim, or recycle hazardous or solid wastes in the Kingdom of Cambodia.

#### **ARTICLE 733 SOURCES OF HAZARDOUS AND SOLID WASTE**

Sources of waste shall include but may not be limited to housing, markets, supermarkets, recreational sites, public buildings, educational institutions, public and private business activities, services, handicrafts, factories and manufacturing facilities, agricultural activities, and mining activities.

#### **ARTICLE 734 ROLES AND RESPONSIBILITIES OF THE MINISTRY RESPONSIBLE FOR ENVIRONMENT**



The ministry or institution responsible for environment shall be responsible for the management of hazardous and solid waste in cooperation with other relevant ministries and institutions and in accordance with other relevant legal instruments on the management of hazardous and solid wastes.

The ministry or institution responsible for environment has the following roles and responsibilities for hazardous and solid waste management:

- a) Prepare policies, national strategic plans, and legal instruments relating to the management of hazardous and solid wastes in cooperation with relevant ministries or institutions and stakeholders;
- b) Provide technical advice and capacity building to relevant ministries or institutions, including sub-national authorities, responsible for the management of hazardous and solid wastes;
- c) Certify and provide accreditation to relevant ministries or institutions, including sub-national authorities, responsible for the management of hazardous and solid wastes;
- d) Coordinate with development partners, the private sector, and relevant ministries or institutions, to gather financial resources, means, and materials to support relevant ministries or institutions, including sub-national authorities, in the management of hazardous and solid wastes;
- e) Support and cooperate with relevant ministries or institutions, including sub-national authorities, to promote formal and informal education and awareness of environmentally safe management of hazardous and solid wastes and programs to reduce, reuse, and recycle waste and use recycled products.
- f) Monitor, inspect, and evaluate ministries or institutions, including sub-national authorities, responsible for the management of hazardous and solid wastes.

#### **ARTICLE 735 ROLES AND RESPONSIBILITIES OF OTHER RELEVANT MINISTRIES OR INSTITUTIONS**

The Royal Government of Cambodia shall develop a legal instrument to determine the roles and responsibilities of other relevant ministries or institutions and sub-national authorities in the management of hazardous and solid wastes.

#### **ARTICLE 736 LIABILITY FOR HARM**

Any natural person or legal entity that produces hazardous or solid waste shall be liable for any harm to human health, property, or the environment caused by the hazardous or solid waste for which they have been deemed responsible.

## **CHAPTER 2 CLASSIFICATION OF WASTES**

### **ARTICLE 737 CLASSIFICATION OF WASTES**

The ministry or institution responsible for environment shall develop a legal instrument to classify wastes within eighteen (18) months of the enactment of this Code.

### **ARTICLE 738 CLASSIFICATION REVIEW AND UPDATE**

The legal instrument classifying hazardous and solid wastes shall be reviewed and updated every five (5) years.

## **CHAPTER 3 HAZARDOUS WASTE MANAGEMENT**

### **ARTICLE 739 MANAGEMENT AND CONTROL OF HAZARDOUS WASTES**

The ministry or institution responsible for environment shall develop a legal instrument on management of hazardous waste from generation through final disposal or treatment.

### **ARTICLE 740 OBLIGATION TO STORE, MANAGE, AND DISPOSE OF HAZARDOUS WASTE**

The producer of the hazardous waste shall be required to store, manage, and dispose of the hazardous waste in accordance with the procedures stipulated in this Title

Any producers of hazardous wastes shall be responsible for the cost of their collection and disposal.

## **CHAPTER 4 SOLID WASTE MANAGEMENT**

### **ARTICLE 741 NATIONAL STRATEGIC WASTE MANAGEMENT PLAN**

The ministry or institution responsible for environment, in cooperation with other relevant ministries or institutions, shall develop a National Strategic Waste Management Plan focusing on reducing, reusing, and recycling waste, in accordance with the Strategic Environmental Assessment provisions in Book 2 Title 2 of this Code.

### **ARTICLE 742 IMPLEMENTATION OF THE NATIONAL STRATEGIC WASTE MANAGEMENT PLAN**

The ministry or institution responsible for environment shall develop a legal instrument to implement the National Strategic Waste Management Plan.

#### **ARTICLE 743 SECTOR-SPECIFIC PLANS**

The ministry or institution responsible for environment, in cooperation with relevant ministries or institutions, shall develop sector-specific plans for managing individual categories of waste in accordance with the National Strategic Waste Management Plan.

Each sector-specific plans for each category of waste shall include goals for progressive reduction of volume of waste and measures of reduction, reuse, and recycling.

#### **ARTICLE 744 IMPLEMENTATION OF SECTOR-SPECIFIC PLANS**

The ministry or institution responsible for environment shall develop a legal instrument to implement each sector-specific waste management plan.

#### **ARTICLE 745 REVIEW AND UPDATE WASTE MANAGEMENT PLANS**

The ministry or institution responsible for environment, in cooperation with relevant ministries or institutions, shall review and update all waste management plans every ten (10) years.

### **TITLE 5 WATER POLLUTION CONTROL**

#### **CHAPTER 1 GENERAL PROVISIONS**

The ministry or institution responsible for environment shall be responsible for the management of point source and nonpoint source water pollution.

#### **ARTICLE 747 LIABILITY FOR HARM**

Any natural person or legal entity that discharges any pollutant by any point source into any surface water or groundwater resource and or performs land use activities that generate any nonpoint source water pollution shall be liable for any harm to human health, property, or the environment caused by the point source or nonpoint source pollution for which they have been deemed responsible.

#### **CHAPTER 2 WATER POLLUTION POINT SOURCE CONTROL**

#### **ARTICLE 748 PROHIBITION OF POINT SOURCE POLLUTANT DISCHARGE**

The discharge of any pollutant by any point source into any surface water or groundwater resource is prohibited except in compliance with this Title.

#### **ARTICLE 749 RESPONSIBILITY FOR TREATMENT AND DISCHARGE**

The owner or operator of a point source is responsible for any discharge of pollutants, and any treatment operation prior to the discharge of pollutants, from the point source.

#### **ARTICLE 750 DISCHARGE PERMITS**

Pollutants shall be discharged from a point source into a surface water or groundwater resource only in compliance with a discharge permit issued by the ministry or institution responsible for environment for that point source.

A permit to be issued by the ministry or institution responsible for environment:

- a) Shall contain limits and/or control requirements consistent with this Title and any relevant legal instruments;
- b) May contain additional limits and/or requirements to control the discharge of any pollutant from a point source to protect the quality of the receiving surface water or groundwater and/or ecosystem and any other downstream water that may be affected by the discharge, including marine waters;
- c) Shall contain monitoring and reporting requirements, including related to:
  - i) Monitoring of the discharge quantity, quality, time, and duration;
  - ii) Monitoring of the quality of the receiving water and any other affected downstream waters, including marine waters and/or transboundary waters;
  - iii) Recordkeeping and reporting of monitoring information to the ministry or institution responsible for environment; and
  - iv) Indicators for monitoring purposes;
- d) Shall expire after one (1) year unless otherwise provided for in the permit; and
- e) May be revised or revoked at any time by a written notification, including reasons for the decision, issued to the owner or operator of the point source that has been issued a permit by the ministry or institution responsible for environment.

#### **ARTICLE 751 ADDITIONAL CONDITIONS**

The ministry or institution responsible for environment, in cooperation with ministries or institutions, may establish:

- a) Procedures for the application and renewal of permits;
- b) Permit fees for each permit applied for, issued, and/or renewed;

- c) Standard limits or requirements to control discharge using concentration levels and/or load based levels of any pollutant from a point source based on best available technology and best environmental management practices that are economically feasible, in accordance with the Environmental Quality Standards and Effluent Standards provisions in Title 2 of this Book.

### **CHAPTER 3**

#### **WATER POLLUTION NONPOINT SOURCE CONTROL**

##### **ARTICLE 752 RESPONSIBILITY FOR BEST MANAGEMENT PRACTICES**

Land use activities that generate nonpoint source pollution shall be required to implement relevant best management practices.

##### **ARTICLE 753 CATEGORIES OF NONPOINT SOURCES AND BEST MANAGEMENT PRACTICES**

The ministry or institution responsible for environment shall develop a legal instrument on categories of nonpoint sources and best management practices to reduce water pollution for each category.

### **CHAPTER 4**

#### **WATER POLLUTION POINT SOURCE MONITORING**

##### **ARTICLE 754 RESPONSIBILITY FOR POINT SOURCE DISCHARGE PERMIT MONITORING**

The monitoring of a point source discharge permit, and compliance with the limits, control requirements, and conditions of that permit, is the responsibility of the owner or operator of the point source that has been issued a permit by the ministry or institution responsible for environment.

##### **ARTICLE 755 SAMPLING AND MONITORING CERTIFICATION**

The owner or operator of the point source that has been issued a permit by the ministry or institution responsible for environment shall certify that the sampling and monitoring are performed in accordance with the requirements of the permit and any terms set by the ministry or institution responsible for environment.

##### **ARTICLE 756 NOTIFICATION REQUIREMENTS**

The owner or operator of the point source that has been issued a permit by the ministry or institution responsible for environment shall immediately inform the ministry or institution responsible for environment if any of the following occurs:

- a) A breach of the permit limits or control requirements, whether intentional or otherwise;
- b) A problem with the sampling equipment or results; or
- c) A failure in any pollution control equipment.

#### **ARTICLE 757 MONITORING ORDERS**

The ministry or institution responsible for environment may monitor and/or order an entity to monitor the discharge of any pollutant from any point source to any surface water or groundwater resource by notifying the owner or operator of the point source that has been issued a permit by the ministry or institution responsible for environment.

#### **ARTICLE 758 SURFACE WATER AND GROUNDWATER MONITORING**

The ministry or institution responsible for environment may monitor the water quality of any surface water or groundwater resource.

#### **ARTICLE 759 MONITORING SAMPLES**

The ministry or institution responsible for environment may receive and consider any monitoring samples taken from the underground source or a source of any person.

#### **ARTICLE 760 ANALYSIS OF MONITORING SAMPLES**

All monitoring samples shall be analysed by a laboratory of the ministry or institution responsible for environment or other laboratory that has been approved by the ministry or institution responsible for environment.

### **CHAPTER 5**

#### **TREATMENT AND REUSE OF WASTEWATER AND REMAINS**

#### **ARTICLE 761 SEWAGE SLUDGE AND BIO-SOLIDS**

The ministry or institution responsible for environment shall develop a legal instrument on sewage sludge or bio-solids, which shall include but is not limited to:

- a) Guidelines to encourage the use of sewage sludge or bio-solids;
- b) Guidelines for the responsible and safe use of sewage sludge or bio-solids;
- c) Minimum standards for wastewater treatment levels and/or methods for sewage sludge or bio-solids use;
- d) Incentives for the use of sewage sludge or bio-solids by agricultural applications; and

- e) Incentives for the use of sewage sludge or bio-solids in energy generation.

#### **ARTICLE 762 WATER REUSE**

The ministry or institution responsible for environment shall develop a legal instrument on water reuse, which shall include but is not limited to:

- a) Guidelines to encourage the reuse of treated wastewater;
- b) Guidelines for the responsible and safe reuse of treated wastewater;
- c) Obligations for operators of wastewater treatment facilities;
- d) Obligations for operators of water distribution systems;
- e) Applications for wastewater reuse;
- f) Minimum standards for wastewater treatment levels, methods, and distribution for reuse applications, in accordance with the Environmental Quality Standards and Effluent Standards provisions in Title 2 of this Book; and
- g) Incentives for wastewater reuse.

### **CHAPTER 6 OPERATOR CERTIFICATION**

#### **ARTICLE 763 CRITERIA FOR CERTIFICATION**

The ministry or institution responsible for environment shall develop a legal instrument on criteria and/or levels of certification for operators of point sources, which shall include but is not limited to requirements for education, training, experience, and/or proficiency.

### **CHAPTER 7 MARINE POLLUTION CONTROL**

#### **ARTICLE 764 SCOPE OF APPLICATION**

This Title applies to marine water-based sources of pollution within the Kingdom of Cambodia's territorial sea.

#### **ARTICLE 765 MARINE POLLUTION CONTROL**

The ministry or institution responsible for environment shall develop a legal instrument on marine pollution control, which shall include but is not limited to monitoring, evaluating, and reporting requirements, consistent with international agreements to which the Kingdom of Cambodia is a party that deal with marine water pollution control.

## **ARTICLE 766 POLLUTION FROM SHIPS**

The ministry or institution responsible for environment, in cooperation with relevant ministries or institutions, shall develop a legal instrument on preventing and minimizing pollution from ships, both accidental and from routine operations.

## **TITLE 6 AIR POLLUTION CONTROL**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 767 SCOPE OF APPLICATION**

This Title applies to all mobile and immobile sources of air pollution in the Kingdom of Cambodia, except for small scale or insignificant sources.

The ministry or institution responsible for environment shall be responsible for the management of air pollution.

#### **ARTICLE 768 LIABILITY FOR HARM**

Any natural person or legal entity that produces air pollution from a mobile or immobile source shall be liable for any harm to human health, property, or the environment caused by the air pollution from a mobile or immobile source for which they have been deemed responsible.

#### **ARTICLE 769 AIR QUALITY STANDARDS**

The ministry or institution responsible for environment shall develop a legal instrument on air quality standards within one (1) year of the enactment of this Code.

The legal instrument on air quality standards shall include:

- a) Ambient air quality standards that the ministry or institution responsible for environment has determined, based on best available scientific information, is sufficient to protect the environment;
- b) Standards for the emissions of air pollutants designed to achieve the ambient air quality standards;
- c) Definition and list of exempt small scale or insignificant sources; and
- d) Regulations for reducing indoor air pollution.

#### **ARTICLE 770 REVIEW AND UPDATE OF AIR QUALITY STANDARDS**



The ministry or institution responsible for environment shall review and update the legal instrument for air quality standards every ten (10) years, in accordance with the the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code.

#### **ARTICLE 771 DEVELOPMENT OF TECHNOLOGY TO REDUCE AND PREVENT AIR POLLUTION**

The ministry or institution responsible for environment shall promote and support research to develop and use technology to reduce and prevent air pollution from both mobile and immobile sources.

### **CHAPTER 2 AIR POLLUTION FROM MOBILE SOURCES**

#### **ARTICLE 772 PROHIBITION OF EMISSION OF AIR POLLUTANTS**

The emission of any air pollutant by any mobile source into the atmosphere is prohibited except in compliance with this Title.

The ministry or institution responsible for environment shall develop standards for the maximum level of air pollutants allowed to be emitted by mobile sources.

#### **ARTICLE 773 PROHIBITION TO EXCEED STANDARDS**

It is prohibited for any mobile source to emit any air pollutant in excess of the relevant standards.

#### **ARTICLE 774 PROHIBITION OF IMPORTATION, UTILISATION, AND PRODUCTION OF MOBILE SOURCES THAT EXCEED STANDARDS**

It is prohibited for produce, import, or use vehicles and machinery that emit air pollutants that exceed the relevant standards.

#### **ARTICLE 775 REGULATION OF FUELS AND FUEL ADDITIVES**

The ministry or institution responsible for environment, develop a legal instrument on fuel or fuel additives to regulate what manufacturers or processors of such fuel or fuel additives may sell, offer for sale, or introduce into commerce. The legal instrument shall include the following:

- a) Requirements for registration of fuels and fuel additives to determine which fuels and fuel additives will not produce emissions that will endanger the environment;
- b) Fuel or fuel additives, including any fuel or fuel additive used in non-road mobile

sources, that shall be prohibited from sale, being offered for sale, or introduced into commerce;, based on best available scientific information;

- c) Requirements regarding temporary prohibition waivers for use of fuel or fuel additives, which may occur in the case of a natural disaster, pipeline or refinery equipment failure, or other event that could not have been foreseen or prevented and was not due to a lack of prudent planning on the part of the suppliers of fuel or fuel additives to the province or region;
- d) Maximum concentration that any fuel or fuel additives used in fuel for non-road mobile sources, approved for sale by the ministry or institution responsible for environment;
- e) Maximum concentration or rate of emissions of nitrogen oxides, volatile organic compounds, and any other air pollutant that may be emitted by mobile sources in the legal instrument for air quality standards; and
- f) Maximum sulphur content requirements for diesel fuel, including diesel fuel used for non-road mobile sources.

#### **ARTICLE 776 VEHICLE BUY-BACK PROGRAM**

The ministry or institution responsible for environment shall develop a legal instrument on a program to promote clean air by purchasing older vehicles from citizens. This program shall provide a cash incentive to retire older polluting vehicles. The cash incentive shall not be based on the market value of the vehicle, but on whether the vehicle is running and driveable, the number of kilometres the vehicle has recorded, and whether there is any major damage to the vehicle.

### **CHAPTER 3 AIR POLLUTION FROM IMMOBILE SOURCES**

#### **ARTICLE 777 PROHIBITION OF EMISSION OF AIR POLLUTANTS**

The emission of any air pollutant into the atmosphere by any immobile source is prohibited except in compliance with a permit issued by the ministry or institution responsible for environment in accordance with this Title and any relevant legal instruments.

#### **ARTICLE 778 OWNER AND OPERATOR RESPONSIBILITIES**

The owner or operator shall be responsible for all air pollutants emitted into the atmosphere. The owner or operator shall also be responsible for compliance with emission standards determined by the ministry or institution responsible for environment.

#### **ARTICLE 779 CATEGORY-WIDE EMISSIONS STANDARDS**

The ministry or institution responsible for environment shall develop a legal instrument on category-wide emissions standards, based on the best available technology that is economically feasible, for categories of immobile sources of air pollutants.

#### **ARTICLE 780 STANDARDS FOR PERMITS FOR NEW OR EXISTING SOURCES**

The ministry or institution responsible for environment shall determine emissions standards for permits for applications from owners or operators of new or existing immobile source of air pollution as follows:

- a) For new or existing immobile sources with a relevant existing category-wide standard, the ministry or institution responsible for environment shall include a standard in the permit at least as stringent as the category-wide standard, except as stipulated in Article 781 for existing immobile sources; and
- b) For new immobile sources without a relevant existing category-wide standard, but the ministry or institution responsible for environment has previously issued a permit for a new immobile source in the same category containing a standard based on the best available economically feasible technology, the ministry or institution responsible for environment shall include in the permit a standard at least as stringent as that in the previous permit.

In either case, the ministry or institution responsible for environment may apply in the permit a standard that is more stringent than any relevant category-wide standard if the ministry or institution responsible for environment determines, based on best available scientific information, that the more stringent standard is required to achieve the relevant ambient air quality standards.

#### **ARTICLE 781 VARIANCES FOR EXISTING SOURCES**

The owner or operator of an existing source may apply for a variance from an otherwise relevant category-wide standard or prior permit determination of best available economically feasible technology. The owner or operator shall be required to demonstrate that a less stringent standard is warranted because the best available economically feasible technology is either not available or is not economically feasible for the particular existing source.

If the ministry responsible for environment determines that a less stringent standard is warranted, the ministry or institution responsible for environment shall determine the standard for an approved variance based on the best technology that is available and economically feasible for the particular existing source.

### **CHAPTER 4 PERMITS TO EMIT AIR POLLUTANTS FROM AN IMMOBILE SOURCE**

## **ARTICLE 782 PERMIT APPLICATIONS**

Any owner or operator of an immobile source shall be required to apply to the ministry or institution responsible for environment for permission to emit air pollutants into the atmosphere. The ministry or institution responsible for environment shall send a copy of such application to the relevant ministries or institutions.

Upon receipt of an application, the ministry or institution responsible for environment shall issue a permit in accordance with this Chapter. The ministry or institution responsible for environment shall send a copy of the permit to the relevant ministries or institutions.

## **ARTICLE 783 PERMIT APPLICATION PROCEDURES**

The ministry or institution responsible for environment shall develop a legal instrument on application and re-application procedures for permits for immobile sources, in accordance with the public participation and access to environmental information provisions in Book 1 Title 2 and Book 1 Title 3 of this Code.

## **ARTICLE 784 PERMIT REQUIREMENTS**

A permit for the emission of air pollutants by an immobile source issued by the ministry or institution responsible for environment shall contain the following:

- a) Standards for the emission of any air pollutant to achieve the relevant ambient air quality standard and based on the best available technology that is economically feasible;
- b) Requirements for the installation and operation of systems or mechanisms to monitor the emissions of air pollutants;
- c) Requirements for the reporting of any monitoring results to the ministry or institution responsible for environment in accordance with the provisions in Book 2 Title 3 of this Code at least once every six (6) months. Any and all instances of exceedances of any air pollutant emissions limits contained in the relevant permit shall be clearly identified in the monitoring report. All monitoring reports shall be signed and certified by a responsible official of the owner or operator; and
- d) Requirements for the retention of records of any air pollutant emissions monitoring results and any monitoring reports submitted to the ministry or institution responsible for environment, including information used for such reports, for a minimum of five (5) years from the date on which the monitoring results were obtained and the monitoring reports were submitted.. All such records shall be kept and maintained on the premises of the permitted immobile source.

## **ARTICLE 785 NEW AND EXISTING AIR POLLUTION SOURCES**

The requirement to obtain a permit to emit air pollutants shall apply to both new and existing immobile air pollution sources.

## **ARTICLE 786 PERMIT APPLICATION PERIOD**

The owner or operator of a new or existing immobile air pollution source shall apply for a permit to release air pollution from the ministry or institution responsible for environment:

- a) Ninety (90) days before commencement of development of the project that will emit air pollutants for projects in Phnom Penh; or
- b) One hundred twenty (120) days before commencement of development of the project that will emit air pollutants for projects in another province or municipality.

If a permit application has been submitted in a timely manner and the ministry or institution responsible for environment has not issued an approval or denial of such permit application before the scheduled commencement of the development of a project, the owner or operator may proceed with the development of the project at their own risk.

If the owner or operator proceeds with the development of the project and the ministry or institution responsible for environment later issues a permit, the owner or operator shall install or implement any necessary technology or measures to meet the air pollutant emissions standards contained in the permit prior to commencing the operation of the project.

If the ministry or institution responsible for environment later denies the permit, the owner or operator shall not complete or operate the project.

## **ARTICLE 787 PERMIT VALIDITY PERIOD**

Any permit issued by the ministry or institution responsible for environment to an owner or operator of an immobile source shall expire five (5) years from the date on which the permit is issued. An owner or operator shall apply for a renewal of an air pollutant emission permit no later than six (6) months prior to the expiration of the current permit.

## **ARTICLE 788 AUTHORITY TO REVISE OR REVOKE PERMIT**

The ministry or institution responsible for environment may revise or revoke a permit for any immobile source at any time. The ministry or institution responsible for environment shall provide the reasons to the owner or operator in writing.

## **ARTICLE 789 PERMIT FEES**

The ministry or institution responsible for environment, in cooperation with the relevant

ministries or institutions, may require the owner or operator to pay a fee for each permit and/or permit renewal.

## **CHAPTER 5 CONTROL AND MONITORING OF ATMOSPHERIC QUALITY**

### **ARTICLE 790 AMBIENT AIR QUALITY MONITORING FOR IMMOBILE SOURCES**

The ministry or institution responsible for environment shall be responsible for monitoring the ambient air quality, in cooperation with the owners and operators of any immobile sources.

The ministry or institution responsible for environment shall develop and legal instrument on procedures for the monitoring of ambient air quality.

The owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment shall be responsible for compliance with and monitoring of the permit requirements.

### **ARTICLE 791 IMMOBILE SOURCE MONITORING REPORTS**

The owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment shall certify in the required monitoring reports that sampling and monitoring have been performed in accordance with the requirements of the permit and any terms established by the ministry or institution responsible for environment.

### **ARTICLE 792 IMMOBILE SOURCE REPORTING OBLIGATIONS FOR PERMIT REQUIREMENT BREACHES**

The owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment shall clearly identify in the monitoring reports any and all instances of exceedances of any air pollutant emissions standards contained in the relevant permit.

The owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment shall immediately inform the ministry or institution responsible for environment if there is a problem with the sampling or if there is a failure in any pollution control equipment within twenty-four (24) hours from the time the owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment becomes aware of the problem or failure.

### **ARTICLE 793 IMMOBILE SOURCE REPORTING OBLIGATIONS FOR THREATS TO THE ENVIRONMENT**

The owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment shall orally report to the ministry or institution responsible for environment breaches of a permit that may endanger the environment no later than twenty-four (24) hours from the time the owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment becomes aware of the breach.

The oral report shall include but may not be limited to the nature and severity of the breach, the potential threat that the breach poses to the environment, and any measures taken to minimize its impacts.

The owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment shall submit a written report containing this information to the ministry or institution responsible for environment no later than three (3) days from the time it becomes aware of the breach.

#### **ARTICLE 794 MOBILE SOURCE AIR POLLUTANT EMISSIONS MONITORING FROM**

The ministry or institution responsible for environment, in cooperation with the relevant ministries or institutions, shall be responsible for the monitoring of air pollutant emissions from mobile sources.

The ministry or institution responsible for environment, in cooperation with the relevant ministries or institutions, shall develop a legal instrument on mobile source air pollutant emissions monitoring procedures.

#### **ARTICLE 795 METHODS FOR MONITORING MOBILE AND IMMOBILE AIR POLLUTION SOURCES**

The ministry or institution responsible for environment shall develop a legal instrument on methods for monitoring mobile and immobile air pollution sources.

#### **ARTICLE 796 IMMOBILE SOURCE EMISSIONS SAMPLING**

The owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment shall be required to conduct sampling of emissions from all emissions points within one (1) month of the commencement of operation of an immobile source of air pollution in order to verify the proper operation of the air pollution control mechanisms or technology. The owner or operator of an immobile source that has been issued a permit by the ministry or institution responsible for environment shall immediately submit the results of such sampling to the ministry or institution responsible for environment.

#### **ARTICLE 797 IMMOBILE SOURCE MONITORING SAMPLES**

Any monitoring samples provided to the ministry or institution responsible for environment shall not be considered valid or reliable unless and until they have been analysed and certified by a ministry or institution responsible for environment laboratory or another laboratory that has been approved by the ministry or institution responsible for environment.

#### **ARTICLE 798 COSTS FOR SAMPLE ANALYSIS**

The owner or operator shall bear the cost of sample analysis, the fee for which shall be determined by the ministry or institution responsible for environment and the ministry or institution responsible for economy and finance.

#### **ARTICLE 799 FAILURE TO MEET STANDARDS**

If the ministry or institution finds that the discharge of any air pollution source fails to meet the standard as stipulated in the legal instrument on air quality standards, the ministry or institution responsible for environment shall:

- a) Issue a written order requiring the owner or operator of such air pollution source to correct the violation activities within a specified period of time not exceeding thirty (30) days; and/or
- b) Issue a written order requiring the owner or operator of such pollution source to stop activities temporarily until the violation is corrected if the violation activities may cause any harm to the environment.

#### **ARTICLE 800 AIR QUALITY DATA MANAGEMENT AND AVAILABILITY**

The ministry or institution responsible for environment shall maintain data relating to the result of air quality testing and for use in assessing the status of air quality.

The ministry or institution responsible for environment shall make the status of air quality and the situation concerning air pollution within the Kingdom of Cambodia publicly available, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 801 PUBLIC NOTIFICATION OF THREATS TO THE ENVIRONMENT**

If the ministry or institution responsible for environment finds that any area is affected by air pollution that may threaten the environment, the ministry or institution responsible for environment shall immediately notify the public about such danger, investigate the sources of such air pollution, and take measures to prevent air pollution and restore air quality.

### **CHAPTER 6 OPERATOR CERTIFICATION**



## **ARTICLE 802 CRITERIA AND CERTIFICATION**

The ministry or institution responsible for environment may establish criteria and levels of certification for owners or operators of air pollution sources.

Criteria and levels of certification may include but are not limited to requirements for education, training, experience, and/or proficiency.

## **CHAPTER 7 TRANSBOUNDARY AIR POLLUTION**

### **ARTICLE 803 AIR POLLUTION ORIGINATING IN A FOREIGN COUNTRY**

When the ministry or institution responsible for environment , upon receipt of reports, surveys, or studies from any duly constituted international entity, has reason to believe that air pollution emitted in a foreign country is endangering the environment in the Kingdom of Cambodia, the ministry responsible for environment shall cooperate with the relevant ministries and institutions to undertake diplomatic processes to inform and consult with the foreign country with the goal of reducing the impact of such pollutants.

### **ARTICLE 804 AIR POLLUTION ORIGINATING IN THE KINGDOM OF CAMBODIA**

The ministry or institution responsible for environment shall work with foreign countries who, based on reports, surveys, or studies from any duly constituted international entity, have reason to believe air pollution originating in the Kingdom of Cambodia is endangering the environment in another country.

### **ARTICLE 805 RECIPROCAL RIGHTS**

The ministry or institution responsible for environment shall grant only the same rights regarding air pollution originating in the Kingdom of Cambodia and impacting another country as the rights given by those countries to the Kingdom of Cambodia to foreign countries under this Chapter.

## **CHAPTER 8 OZONE DEPLETING SUBSTANCES**

### **ARTICLE 806 REGULATIONS**

The ministry or institution responsible for environment shall develop a legal instrument to regulate ozone depleting substances

### **ARTICLE 807 REVIEW AND UPDATE OF REGULATIONS**

The legal instrument regulating ozone depleting substances shall be updated every five (5) years.

## **TITLE 7 NOISE AND VIBRATION CONTROL**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 808 SCOPE OF APPLICATION**

This Title applies to all noise and vibration emissions in the Kingdom of Cambodia.

The ministry or institution responsible for environment shall be responsible for the management of noise and vibration emission.

#### **ARTICLE 809 LIABILITY FOR HARM**

Any natural person or legal entity that produces noise or vibration emissions shall be liable for any harm to human health, property, or the environment caused by the noise or vibration emissions for which they have been deemed responsible.

### **CHAPTER 2 NOISE AND VIBRATION REGULATION**

#### **ARTICLE 810 THRESHOLD STANDARDS**

The ministry or institution responsible for environment shall develop a legal instrument on threshold standards for noise and vibration emissions in accordance with the environmental quality standards provisions in Title 2 of this Book.

The standards shall categorize emissions according to type of mobile or immobile source, which include but are not limited to factories, machinery, construction equipment, mining equipment, motor or other vehicles, or vessels.

The standards may include more stringent standards for workplaces and areas where occupants are more sensitive to the adverse effects from noise and vibration, which include but are not limited to houses, universities, kindergartens, libraries, hospitals, hotels, temples or other religious places.

#### **ARTICLE 811 COMPLIANCE WITH STANDARDS**

Any natural person or legal entity that produces noise or vibration emissions shall be required to comply with the standards for noise and vibration emissions.

#### **ARTICLE 812 MONITORING REQUIREMENTS**

The ministry or institution responsible for environment shall develop a legal instrument on monitoring requirements to ensure compliance with the noise and vibration emissions standards.

The monitoring requirements shall apply to and be included in any permit or approval, including but not limited to any construction permit or approval issued by relevant ministries or institutions for any activity or project that causes noise or vibration impacts.

## **TITLE 8 RESTORATION OF CONTAMINATED SITES**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 813 SCOPE OF APPLICATION**

This Title applies to the restoration of significant impacts to human health or the environment at a contaminated site and applies to all contaminated sites in the Kingdom of Cambodia.

The ministry or institution responsible for environment shall develop a legal instrument on categories of contaminated sites.

#### **ARTICLE 814 CONTAMINATED SITES RESTORATION PROCEDURES**

The ministry or institution responsible for environment, in cooperation with other relevant ministries or institutions, shall develop a legal instrument on procedures for the restoration of contaminated sites, which shall include:

- a) Identification of contaminated sites;
- b) Risk Assessment process to assess environmental impact, including the acceptable risk range for any restoration;
- c) Notification and reporting of environmental impacts from contaminated sites;
- d) Public consultation;
- e) Accreditation of experts;
- f) Technical guidelines on restorations including investigations and standards;
- g) Preparation of site assessments;
- h) Monitoring and reporting requirements;
- i) Preparation of Restoration Agreements; and

j) Funding, implementation, and completion of restoration work.

## **CHAPTER 2 REPORTING OF ENVIRONMENTAL IMPACTS**

### **ARTICLE 815 OBLIGATION TO REPORT**

The discovery of a contaminated site or an environmental impact shall be reported by any responsible natural person or legal entity to the ministry or institution responsible for environment or relevant ministries or institutions.

### **ARTICLE 816 NOTICE AND REPORT SUMMARY**

The ministry or institution responsible for environment shall provide notice and summary of such report to the relevant ministries or institutions within seven (7) days of receiving a report.

## **CHAPTER 3 INVESTIGATION AND RESTORATION**

### **ARTICLE 817 INVESTIGATION**

The ministry or institution responsible for environment, in cooperation with the relevant ministries or institutions, shall investigate a discovered contaminated site in order to secure the site, reduce immediate risks, determine the extent of contamination, and select preferred restoration options.

The ministry or institution responsible for environment shall develop a legal instrument on procedures for contaminated site response and investigation.

The ministry or institution responsible for environment shall make publicly available a written report on the response and investigation of a contaminated site, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

### **ARTICLE 818 RESTORATION AGREEMENT**

The ministry or institution responsible for environment may require a natural person or legal entity to enter into a Restoration Agreement with specific requirements and timeframes for restoration of a contaminated site.

## **CHAPTER 4 RESTORATION MONITORING**

### **ARTICLE 819 RESTORATION MONITORING**

The ministry or institution responsible for environment, in cooperation with the relevant

ministries or institutions, shall monitor restoration of a contaminated site.

The ministry or institution responsible for environment shall develop a legal instrument on procedures for monitoring of restoration of a contaminated site.

#### **ARTICLE 820 MONITORING REPORT**

The ministry or institution responsible for environment shall make publicly available a written report on the monitoring of restoration of a contaminated site, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

### **CHAPTER 5 CERTIFICATION OF COMPLETION OF RESTORATION**

#### **ARTICLE 821 CERTIFICATION OF RESTORATION**

The ministry or institution responsible for environment shall certify the completion of restoration of a contaminated site. The certification shall ensure that restoration of environmental impacts at a contaminated site has met the following obligations:

- a) The general obligations for pollution control as stipulated in Title 1 of this Book;
- b) Relevant environmental quality standards and effluent standards; and
- c) The established risk range determined in Risk Assessment performed following restoration.

The ministry or institution responsible for environment shall develop a legal instrument on procedures for certification of completion of restoration of a contaminated site.

#### **ARTICLE 822 DETERMINATION NOTICE**

The ministry or institution responsible for environment shall make publicly available the certification of completion of restoration of a contaminated site, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

The ministry or institution responsible for environment shall establish a register of all final contaminated site restoration determinations, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 823 REFERENCE LIST**

The ministry or institution responsible for environment shall establish a list of technical and scientific information references that may be relevant and utilized by relevant ministries or institutions or natural persons or legal entities to conduct the restoration of environmental

impacts at a contaminated site.

#### **ARTICLE 824 ACCESS TO REFERENCE LIST**

The ministry or institution responsible for environment shall make the reference list publicly available, in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

### **TITLE 9 NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER**

#### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 825 SCOPE OF APPLICATION**

This Title applies to all chemicals and pollutants released to air, water, and soil or transferred off-site in the Kingdom of Cambodia.

#### **ARTICLE 826 ESTABLISHMENT OF NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER**

The ministry or institution responsible for environment shall establish a National Pollutant Release and Transfer Register for the Kingdom of Cambodia.

#### **ARTICLE 827 LIST OF INDUSTRIES**

The ministry or institution responsible for environment shall develop a legal instrument on the National Pollutant Release and Transfer Register List of Industries based on the International Standard Industrial Classification of All Economic Activities and the Organisation for Economic Co-operation and Development Global Pollutant Release and Transfer Registers Proposal for a Harmonised List of Reporting Sectors.

The ministry or institution responsible for environment shall update the National Pollutant Release and Transfer Register List of Industries as necessary.

#### **ARTICLE 828 LIST OF ENVIRONMENTAL POLLUTANTS**

The ministry or institution responsible for environment shall develop a legal instrument on the National Pollutant Release and Transfer Register List of Environmental Pollutants based on the Organisation for Economic Co-operation and Development Global Pollutant Release and Transfer Register Proposal for a Harmonised List of Pollutants.

The ministry or institution responsible for environment shall update the National Pollutant Release and Transfer Register List of Environmental Pollutants as necessary.

**CHAPTER 2**  
**MANAGEMENT OF THE NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER**

**ARTICLE 829 ENVIRONMENTAL POLLUTANT RELEASE FORM**

Owners and operators of facilities that are covered by the National Pollutant Release and Transfer Register List of Industries and that have manufactured, processed, used, stored, or transported off-site for storage, treatment, or disposal an environmental pollutant in excess of the threshold quantity established in the legal instrument on the National Pollutant Release and Transfer Register List of Environmental Pollutants shall be required to complete an Environmental Pollutant Release Form for each of the environmental pollutants included in the National Pollutant Release and Transfer Register List of Environmental Pollutants.

The ministry or institution responsible for environment shall develop a legal instrument on the procedures of the Environmental Pollutant Release Form.

**ARTICLE 830 NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER**

The ministry or institution responsible for environment shall maintain the National Pollutant Release and Transfer Register based on information submitted to the ministry or institution responsible for environment in accordance Article 829 of this Title.

**ARTICLE 831 ACCESS TO ENVIRONMENTAL INFORMATION**

The ministry or institution responsible for environment shall make the National Pollutant Release and Transfer Register publicly available, in accordance with the access to environmental information provisions of Book1 Title 3 of this Code.

**BOOK 7 ENVIRONMENTAL EDUCATION AND AWARENESS**

**UNITARY TITLE ENVIRONMENTAL EDUCATION AND AWARENESS**

**CHAPTER 1**  
**ENVIRONMENTAL PROTECTION, NATURAL RESOURCE CONSERVATION, AND SUSTAINABLE DEVELOPMENT TRAINING**

**ARTICLE 832 PROFESSIONAL QUALIFICATIONS**

All relevant ministries or institutions shall develop policies and plans for the inclusion of knowledge and skills relevant for sustainable development into their employment requirements for professional qualifications and certificates.

### **ARTICLE 833 GENERAL TRAINING**

All relevant ministries or institutions shall develop policies and plans to ensure that content, methods, and materials relating to knowledge and skills for sustainable development are incorporated into their trainings and other learning processes.

### **ARTICLE 834 STAFF TRAINING**

All relevant ministries or institutions shall develop policies and plans for the provision of specific training programs on environmental protection, natural resource conservation, and sustainable development for their staff.

### **ARTICLE 835 DEVELOPMENT OF TRAINING MATERIALS**

The ministry or institution responsible for environment shall cooperate with other relevant ministries or institutions to develop appropriate training materials and curricula on environmental protection, natural resource conservation, and sustainable development.

### **ARTICLE 836 IDENTIFYING AREAS OF NEED**

The ministry or institution responsible for environment shall cooperate with other relevant ministries or institutions to identify areas of need and develop a national plan to provide training and learning opportunities on environmental protection, natural resource conservation, and sustainable development to local communities, civil society, and the private sector.

## **CHAPTER 2**

### **NATIONAL ENVIRONMENTAL AND NATURAL RESOURCES TRAINING ACADEMY**

### **ARTICLE 837 NATIONAL ENVIRONMENTAL AND NATURAL RESOURCES TRAINING ACADEMY**

A National Environmental and Natural Resources Training Academy shall be established within eighteen (18) months of the enactment of this Code.

### **ARTICLE 838 TRAINING FOR FIELD STAFF**

The National Environmental and Natural Resources Training Academy shall provide professional training and certification for all field based directors, other staff, and rangers in Biodiversity Conservation Corridors and Protected Areas that are designated or established at the national or sub-national level.

### **ARTICLE 839 CAPACITY BUILDING FOR STAFF OF MINISTRIES- INSTITUTIONS**



The National Environmental and Natural Resources Training Academy shall provide professional capacity building for staff from the ministry or institution responsible for environment, relevant ministries or institutions, and sub-national authorities on subject areas relevant to environmental protection, biodiversity conservation, and sustainable development.

#### **ARTICLE 840 CERTIFICATION PROGRAMS**

The National Environmental and Natural Resources Training Academy shall provide training programs and professional certificates in the sector of subject areas relevant to environmental protection, biodiversity conservation, and sustainable development for government officials, Biodiversity Conservation Corridor and Protected Areas staff, Collaborative Management committee and community members, and the public.

#### **ARTICLE 841 TRAINING FOR RESOLUTION OF ENVIRONMENTAL COMPLAINTS**

The National Environmental and Natural Resources Training Academy shall provide training programs for commune council members who have been selected for the resolution of environmental complaints within each commune.

#### **ARTICLE 842 OTHER PROGRAMS**

The National Environmental and Natural Resources Training Academy shall develop other programs in research, policy, education, and awareness as necessary.

### **CHAPTER 3 AWARENESS**

#### **ARTICLE 843 STAKEHOLDER AWARENESS**

The ministry or institution responsible for environment shall develop a legal instrument for engaging and informing stakeholders involved in policy and project development and other relevant decision-making processes on the potential implications of these processes for environmental protection, natural resource conservation, and sustainable development in accordance with Book 1 Title 3 of this Code.

#### **ARTICLE 844 NATIONAL STRATEGIC PLAN**

The ministry or institution responsible for environment shall cooperate with other relevant ministries or institutions to develop a national strategic plan for public awareness campaigns to promote environmental protection, natural resource conservation, and sustainable development.

### **CHAPTER 4 FORMAL EDUCATION**

#### **ARTICLE 845 ENVIRONMENTAL AND SUSTAINABILITY REQUIREMENTS**

The relevant ministries or institutions shall, in cooperation with the ministry or institution responsible for environment, develop a legal instrument to ensure inclusion of requirements for environmental and sustainability knowledge into sufficient qualification criteria, including certification and re-certification, for professionals, where necessary.

#### **ARTICLE 846 ENVIRONMENTAL PROTECTION, NATURAL RESOURCE CONSERVATION, AND SUSTAINABLE DEVELOPMENT**

The relevant ministries or institutions shall, in cooperation with the ministry or institution responsible for environment, develop a legal instrument on the integration of environmental protection, natural resource conservation, and sustainable development into training programs for educators at all levels and into all levels of education, including but not limited to general and tertiary education and professional and vocational training across relevant subjects, into specific programs and courses.

#### **ARTICLE 847 DEVELOPMENT PRIORITIES AND SCIENTIFIC AND TECHNOLOGICAL RESEARCH ADVANCES**

The relevant ministries or institutions shall, in cooperation with the ministry or institution responsible for environment, develop a legal instrument to ensure that environmental protection, natural resource conservation, and sustainable development training programs and education curricula reflect development priorities and scientific and technological research advances.

#### **ARTICLE 848 EDUCATIONAL MATERIALS**

The relevant ministries or institutions shall, in cooperation with the ministry or institution responsible for environment, develop and keep up-to-date educational materials that have been produced, including pedagogic, didactic, and methodological publications and textbooks and other relevant resources, to support teaching and learning processes related to environmental protection, natural resource conservation, and sustainable development.

#### **ARTICLE 849 ENVIRONMENTAL MANAGEMENT SYSTEMS**

The relevant ministries or institutions shall, in cooperation with ministry or institution responsible for environment, develop a legal instrument to ensure support for the development of environmental management systems at schools, institutions of higher education, and other learning organizations.

#### **ARTICLE 850 SUFFICIENT QUALIFICATION CRITERIA**

The relevant ministries or institutions shall develop sufficient and well-defined qualification criteria relating to environmental protection, natural resource conservation, and sustainable

development knowledge and training for educators at all levels of education.

#### **ARTICLE 851 COMPETENCIES, METHODOLOGIES, AND RULES**

The ministry or institution responsible for education, the ministry or institution responsible for environment, and other relevant ministries or institutions shall cooperate to develop and support a national network on environmental protection, natural resource conservation, and sustainable development competencies, methodologies, and rules.

### **CHAPTER 5 RESEARCH AND INNOVATION**

#### **ARTICLE 852 IN-SERVICE TEACHER TRAINING PROGRAMS**

The relevant ministries or institutions shall develop in-service teacher training programs based on scientific and technological improvement in knowledge related to environmental protection, natural resource conservation, and sustainable development.

#### **ARTICLE 853 EDUCATION AND RESEARCH PROGRAMS**

The relevant ministries or institutions shall support development and implementation of integrated educational and research programs to develop solutions for environmental protection, natural resource conservation, and sustainable development challenges.

#### **ARTICLE 854 UPDATES TO EDUCATIONAL AND TRAINING MATERIALS**

The relevant ministries or institutions shall regularly update teaching materials for education and training based on the latest scientific knowledge.

#### **ARTICLE 855 RESOURCES AND SUPPORT FOR RESEARCH, STUDIES, AND EXCHANGE**

The relevant ministries or institutions shall support relevant research and education by providing resources for research and opportunities for studies and exchange.

#### **ARTICLE 856 DEVELOPING KNOWLEDGE ON SUSTAINABLE DEVELOPMENT GOALS**

The relevant ministries-institutions shall develop policies and plans to align knowledge on environmental protection and sustainable resource use with development of knowledge and expertise in other areas of sustainable development in line with the Sustainable Development Goals for the Kingdom of Cambodia by:

- a) Ensuring cooperation with traditional knowledge-holders;

- b) Supporting cross-sectoral cooperation; stimulating interaction between science, technology development, and business; and supporting the development of appropriate technologies with a less negative impact on the environment;
- c) Supporting transdisciplinary research and innovation; and
- d) Developing research programs that aim at identifying innovative solutions for environmental protection, natural resource conservation, and sustainable development challenges.

## **CHAPTER 6 REGULATION AND OPERATIONAL FRAMEWORK**

### **ARTICLE 857 REGULATORY, FINANCIAL AND ORGANIZATIONAL SUPPORT**

The Royal Government of Cambodia shall develop the necessary legal instruments to establish regulatory, financial, and organisational support for environmental education and research. These legal instruments shall address:

- a) Identifying sector-specific priorities, in cooperation with relevant stakeholders;
- b) Creating mechanisms for coordination of education and training on environmental protection, natural resource conservation, and sustainable development between relevant ministries or institutions and sub-national authorities and higher education institutions;
- c) Using economic and organisational instruments to promote international scientific and educational exchanges and international programs for research and technology development; and
- d) Creating informational resources to support environmental education.

### **ARTICLE 858 ENVIRONMENTAL EDUCATION ACTION PLAN**

The ministry or institution responsible for education, the ministry or institution responsible for environment, and other relevant ministries or institutions shall develop an Environmental Education Action Plan for implementation of this Title within eighteen (18) months of the enactment of this Code.

The Environmental Education Action Plan shall be updated at least once every five (5) years.

## **BOOK 8 ECONOMIC MEASURES, ACCOUNTS, FEES, AND FUNDS FOR THE ENVIRONMENT**

## **TITLE 1 ECONOMIC MEASURES AND ACCOUNTS**

### **CHAPTER 1 ECONOMIC MEASURES**

#### **ARTICLE 859 PERIODIC ASSESSMENT OF OPPORTUNITIES AND MECHANISMS TO INCENTIVISE ENVIRONMENTAL AND NATURAL RESOURCES INVESTMENT**

The ministry or institution responsible for environment with the cooperation of the ministry or institution responsible for economy and finance and other competent ministries or institutions shall periodically assess opportunities and mechanisms for incentivising investment in the protection, restoration, and enhancement of the environment and natural resources.

The assessment stipulated in the paragraph above shall take into consideration the priorities for mobilization, determination of an effective management framework, and a three (3) to five (5) year business plan to promote diversification and sustainability of financing.

#### **ARTICLE 860 ENVIRONMENTAL MEASURES TO SUPPORT GOVERNMENT POLICIES**

The ministry or institution responsible for environment and other competent ministries or institutions shall collaborate with the ministry or institution responsible for economy and finance to develop a legal instrument to determine economic measures in support of strategic development; biodiversity; conservation; climate change; sustainable development; and environmental and natural resource protection, enhancement and environmental restoration.

Such economic measures shall be in accordance with internationally recognized standards, and shall at a minimum establish economic measures, including taxation, subsidies, and other fiscal measures, relating to:

- a) Incorporation of standards, concerning environmental and social performance and risk management, into decision-making by entities from the business and finance sectors;
- b) Private sector investment;
- c) Reduction of deforestation and promotion of biodiversity and natural resource conservation;
- d) Sustainable forestry and sustainable fisheries;
- e) Community-based natural resource management;
- f) Development of and investment in renewable energy infrastructure;

- g) Efficient use of natural resources by industry, including the use of clean energy, resource efficient and low-carbon modes of production, and the reduction of pollution from industrial and agricultural sources;
- h) Use of best available and verified environmental technology;
- i) Development of infrastructure and services with the purpose of environmental protection;
- j) Equitable allocation of revenue from carbon-offset mechanisms in a list to be determined by the National Council for Sustainable Development and approved by the ministry or institution responsible for economy and finance. This list shall be updated and reapproved every three (3) years, based on the strength of the respective measuring, reporting and verification for the emission reductions and sustainable development deliverables;
- k) Payments for the generation or maintenance of natural resource goods and services to individuals and communities in collaboration with sub-national authorities, in accordance with the Law on Public Finance;
- l) Promoting import and purchase of environmentally friendly vehicles and preventing import of vehicles with high environmental impact;
- m) Conservation and protection of heritage items and sites; and
- n) Energy conservation through improvement in combustion and electricity-use efficiency, preventing energy loss, recycling energy wastes, substituting with renewable energy, and other means of energy conservation as determined by the relevant ministries or institutions.

#### **ARTICLE 861 TAXATION RULES**

The Royal Government of Cambodia shall establish the following taxation rules in order to promote:

- a) Businesses that use sustainable energy sources, which shall receive a reduction of their income tax rate of ten (10) percentage points for five (5) years after they start to report profits or a twenty percent (20%) reduction of the income tax rate, whichever is applicable, when they execute the following activities:
  - i) Generate greater than twenty percent (20%) of their energy for their industrial activities using sustainable energy sources; or
  - ii) The generation based on sustainable energy sources is partial and less than twenty percent (20%), the company may use the exemption proportionately.

- b) Businesses that commercialize, install, or provide technical support or maintenance to sustainable energy devices, which shall be exempt from the payment of national income tax for five (5) years, after they start to report profits or a twenty percent (20%) reduction of the income tax rate, whichever is applicable.
- c) Businesses that import, produce, distribute, or sell devices that produce sustainable energy or increase energy efficiency, including but not limited to solar panels, biogasifiers, wind turbines, light-emitting diode lights, energy efficient appliances, as well as services to install, maintain, and repair such devices, which shall be exempt from paying value-added tax. In order to qualify for the exemption, businesses shall only sell devices duly qualified as compliant with health, safety and environment regulations, and in accordance with this Code. The ministry or institution responsible for economy and finance in cooperation with relevant ministries or institutions shall establish a legal instrument granting the exemption within a period of one (1) year after this Code comes into force.
- d) The import of devices for the generation of sustainable energy or increasing energy efficiency, which shall have no tariffs applied to them upon entry into the Kingdom of Cambodia except if stipulated in a legal instrument issued by the ministry or institution responsible for economy and finance within a period of one (1) year after this Code comes into force.

#### **ARTICLE 862 PROPOSALS FOR PUBLIC PRIVATE PARTNERSHIPS**

The ministry or institution responsible for environment may, on its own or in cooperation with relevant ministries or institutions, issue requests for proposals for potential public private partnerships for developing infrastructure in support of a sustainability or environmental purpose in accordance with separate specific laws and other relevant legal instruments.

The ministry or institution responsible for environment shall follow the procurement process as defined in the relevant policy guidelines. The ministry or institution responsible for environment may require the proposal to include proof of financial resources and health, market study, use of sustainable sourcing plans, demonstration of the project's contribution to low-carbon resilient sustainable development, and capacity for providing ongoing technical support.

The procurement committee shall include a representative of local communities residing in the areas most affected by the infrastructure and related services to be developed through the public private partnership. The process for participation shall be determined by legal instrument of the ministry or institution responsible for economy and finance and in accordance with the provisions on public participation and access to environmental information in Book 1 Title 2 of this Code and Book 1 Title 3 of this Code.

All proposal documents shall be prepared in accordance with separate specific laws and the relevant policy guidelines.

## **CHAPTER 2 ACCOUNTS**

### **ARTICLE 863 PAYMENTS FOR NATURAL RESOURCE SERVICES**

The ministry or institution responsible for environment shall develop mechanisms for providing payments to natural persons, communities, or legal entities for the natural resource services they contribute to providing, including natural resource services originating from parts of ecosystems under their control, stewardship, or management. Such mechanisms shall take into account best available data and statistics concerning both the status and assessed values of natural resource services. Payments for natural resource services shall be allocated and distributed on an equitable basis taking into account the rights of local communities.

### **ARTICLE 864 COOPERATION OF RELEVANT GOVERNMENT ENTITIES**

All relevant ministries or institutions shall support and cooperate with the ministry or institution responsible for environment to establish, implement, and administer the mechanisms as stipulated in Article 863 of this Code.

### **ARTICLE 865 PUBLIC ACCESS TO REPORTS**

The relevant ministries or institutions shall regularly publish and make accessible reports that present organised data and statistics concerning the status and values of the Kingdom of Cambodia's environment and natural resources.

## **TITLE 2 ENVIRONMENTAL FEES, FUNDS, AND FUND MANAGEMENT**

### **CHAPTER 1 ENVIRONMENTAL FEES**

### **ARTICLE 866 EXPENSES FOR PREPARATION AND IMPLEMENTATION OF ENVIRONMENTAL MANAGEMENT AND MONITORING PLAN**

The project proponent shall pay the expenses of the preparation and implementation of the Environmental Management Plan and costs to cover implementation and monitoring of measures on reduction of the impacts on environment and society as delineated in the Environmental Management Plan and Sustainable Development Plan.

The project proponent shall have a deposit budget or insurance budget for the management of environmental and social risks which shall be determined by the ministry or institution



responsible for environment.

#### **ARTICLE 867 COSTS FOR ENVIRONMENTAL IMPACT MITIGATION MEASURES**

A detailed budget of estimated costs for environmental impact mitigation measures that shall be included in the Environmental Management Plan shall be borne by the project proponent.

The cost of making documents publicly available as stipulated in Article 129 of this Code shall be borne by the project proponent.

All costs to adjust or improve the mitigation measures and project monitoring program as stipulated in Article 132 of this Code shall be borne by the project proponent.

All expenses for dispute resolution in both inside and outside of the court system in accordance with Book 9 Title 1 of this Code are the responsibility of the project proponent.

Service fees and other charges shall be determined by legal instrument between the ministry or institution responsible for environment and the ministry or institution responsible for economy and finance.

#### **ARTICLE 868 FEES FOR REVIEW AND COMMENT ON INITIAL ENVIRONMENTAL EVALUATION OR ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

When a project proponent submits an application for review and comment on an Initial Environmental Evaluation or Environmental Impact Assessment report, the ministry or institution responsible for environment shall collect fees and service charges in accordance with the relevant legal instrument between ministry or institution responsible for environment and ministry or institution responsible for economy and finance on service charges for reviewing an Initial Environmental Evaluation or Environmental Impact Assessment report.

#### **ARTICLE 869 PAYMENT OF FEES AND SERVICE CHARGES FOR REVIEWING ENVIRONMENTAL MONITORING REPORT**

The project proponent shall make payment of fees and service charges for reviewing an Environmental Monitoring Report to the ministry or institution responsible for environment to enable the ministry or institution responsible for environment to review monitoring reports, respond to requests for investigation of environmental complaints, and carry out routine compliance monitoring during both construction and operation phases of the related project.

#### **ARTICLE 870 PAYMENT TO THE ENVIRONMENTAL ENDOWMENT FUND**

The project proponent shall make payment to the Environmental Endowment Fund based on

an agreement between the ministry or institution responsible for environment and the project proponent, on an annual basis until the end of business, based on the type and scale of the development project.

#### **ARTICLE 871 ENVIRONMENTAL PROTECTION FEE**

The project proponent of a project requiring an Environmental Impact Assessment shall pay an Environmental Protection Fee calculated to be one percent (1%) of the total project costs except if it is determined in separate specific laws, other legal instruments, or an agreement. The Environmental Protection Fee shall be paid to the Environmental and Social Fund.

The ministry or institution responsible for environment shall establish a legal instrument to determine the method of calculation of total project costs as stipulated in the above paragraph. Payment of this fee shall be mandatory for all Environmental Impact Assessments commenced after the date of enactment of this Code.

#### **ARTICLE 872 EXEMPTION OF PAYMENT OF THE ENVIRONMENTAL PROTECTION FEE**

All legal entities developing renewable alternative energy sources in the form of wind, solar, and sustainable biomass may apply for exemption of payment of the Environmental Protection Fee.

Project proponents who are able to prove that they have invested in climate change adaptation measures and/or resource efficiency measures may apply for exemption of payment of the Environmental Protection Fee.

#### **ARTICLE 873 SCHEMES FOR SUSTAINABLE CONSUMPTION**

The ministry or institution responsible for environment shall develop and support schemes for sustainable consumption, including conducting research and development, publishing research results, developing measures and subsidies, requiring standards and labelling, and other relevant activities.

The ministry or institution responsible for environment may engage in education and awareness campaigns to promote public awareness and participation in such schemes for sustainable use in the Kingdom of Cambodia.

#### **ARTICLE 874 RESPONSIBILITY FOR OTHER FEES**

The project proponent shall continue to be responsible for fees in accordance with separate specific laws and legal instruments other than this Code.

## **CHAPTER 2 ENVIRONMENTAL FUNDS AND FUND MANAGEMENT**

**SECTION 1**  
**ENVIRONMENTAL AND SOCIAL FUND**

**ARTICLE 875 ESTABLISHMENT OF THE ENVIRONMENTAL AND SOCIAL FUND**

The Environmental and Social Fund shall be established by legal instrument of the ministry or institution responsible for environment.

**ARTICLE 876 SOURCES OF INCOME FOR THE ENVIRONMENTAL AND SOCIAL FUND**

Sources of income for the Environmental and Social Fund shall be in accordance with the legal instrument of the ministry or institution responsible for environment. Other sources of income shall include:

- a) Monies received from solving any civil complaint arising out of a citizen's public interest complaint;
- b) Any monies recovered for the implementation of environmental restoration; and
- c) Any monies recovered as compensation for harm.

**ARTICLE 877 ENVIRONMENTAL AND SOCIAL FUND COMMITTEE**

The Environmental and Social Fund shall be managed by an Environmental and Social Fund Committee established by the ministry or institution responsible for environment.

The roles and duties of the Environmental and Social Fund Committee shall be determined by legal instrument of the ministry or institution responsible for environment.

**ARTICLE 878 DISBURSEMENT OF FUNDS OF THE ENVIRONMENTAL AND SOCIAL FUND**

Expenses of the Environmental and Social Fund Committee in fulfilling its roles and duties shall be determined by legal instrument of the ministry or institution responsible for environment and the ministry or institution responsible for economy and finance.

The Environmental and Social Fund Committee shall develop a strategy to ensure the long-term health of the fund. Such strategy shall include a consideration of procurement methods, management of the fund including capitalization and investment, administrative and legal measures to collect amounts determined by the environmental management plan from Environmental Impact Assessment, and any other relevant policies.

**SECTION 2**

## **TRUST FUNDS**

### **ARTICLE 879 ESTABLISHMENT, REVOCATION, AND PURPOSE OF ENVIRONMENTAL TRUST FUND**

Any settlor may on their own or in collaboration with any Domestic Association or Foreign Association establish or operate a revocable trust fund in accordance with a set term. Such Environmental Trust Fund shall be used for prioritized actions identified in national and sub-national level environmental protection, collaborative management, sustainability and conservation plans, and for the purpose of:

- a) Conservation, protection, restoration, and enhancement of the environment and natural resources;
- b) Protection of cultural heritage or biodiversity;
- c) Promoting sustainable management of natural resources and natural resource goods and services;
- d) Promoting research or environmental education;
- e) Capacity development or institutional strengthening;
- f) Supporting communities directly affected by development; or
- g) Any other purpose in the public interest and for the benefit of the environment that the minister responsible for environment determines.

An Environmental Trust Fund shall be established in accordance with a procedure and form determined by the ministry or institution responsible for economy and finance and registered with the ministry or institution responsible for economy and finance. Any settlor intending to establish or operate an Environmental Trust Fund shall prepare a trust instrument and register it at the ministry or institution responsible for economy and finance in accordance with the relevant legal instruments.

### **ARTICLE 880 ENVIRONMENTAL TRUST FUND MANAGEMENT**

An Environmental Trust Fund is transferred by a settlor to and managed by a trustee for the benefit of a beneficiary in accordance with the determination of the settlor. Environmental Trust Funds may include conservation trust funds, wildlife trusts, climate and forest funds, rehabilitation and restoration funds, collaborative management funds, or other forms of delivery of environmental, social, and economic benefits.

### **ARTICLE 881 LEGAL INSTRUMENT ON MANAGEMENT AND CONTROL OF ENVIRONMENTAL TRUST FUNDS**

The ministry or institution responsible for economy and finance, in coordination with the ministry or institution responsible for environment, shall establish by relevant legal instrument rules and procedures for the management and control of Environmental Trust Funds.

#### **ARTICLE 882 REGISTRATION OF ENVIRONMENTAL TRUST FUNDS**

An Environmental Trust Fund shall only be valid if it is registered at the ministry or institution responsible for economy and finance. The ministry or institution responsible for economy and finance shall make decision on the registration application within ninety (90) days after receiving a proposal that meets requirements for the registration of a financial trust.

In cases where the ministry or institution responsible for economy and finance refuses a registration proposal as stipulated in the above paragraph, the ministry or institution responsible for economy and finance shall provide written explanation to the proposal owner within thirty (30) days of receiving the proposal.

#### **ARTICLE 883 ASSETS OF ENVIRONMENTAL TRUST FUNDS**

The assets of an Environmental Trust Fund may be constituted from:

- a) The National Budget;
- b) Official development aid provided by national and international organizations;
- c) Payments for natural resource goods and services;
- d) Natural resources stewardship services; and
- e) Direct donations from private sector actors.

All interest arising from the Environmental Trust Fund shall be paid into and form part of the Environmental Trust Fund.

The establishment and functioning of an Environmental Trust Fund and its accounts shall be determined by legal instrument of the ministry or institution responsible for economy and finance and the ministry or institution responsible for environment.

#### **ARTICLE 884 RIGHTS AND OBLIGATIONS OF SETTLORS**

Settlers have rights as follows:

- a) Receive documents relevant to trust management including the financial report, audit report, and other relevant documents; and
- b) Appoint and terminate the trust in accordance with conditions set out in the trust

instrument.

Settlers have obligations as follows:

- a) Transfer funds to the trustee;
- b) Provide written notice to the ministry or institution responsible for economy and finance for the modification of the trust, trustee, trust contributor, or the conditions of the trust instrument; and
- c) Follow conditions set out by the trust instrument.

Where the settlor is not capable or able to fully exercise his or her obligations, the ministry or institution responsible for economy and finance may act as the substitute settlor.

#### **ARTICLE 885 RIGHTS OF BENEFICIARIES**

Beneficiaries have rights as follows:

- a) Receive benefits as stipulated in the trust instrument;
- b) Require the trustee to fulfil obligations as determined in the trust instrument;
- c) Access to information relating to management and allocation of the trust; and
- d) Other rights as stipulated the trust instrument.

Unless otherwise stated in the trust instrument, all beneficiaries shall receive equal benefits.

#### **ARTICLE 886 RIGHTS AND OBLIGATIONS OF TRUSTEES**

Trustees have rights as follows:

- a) Receive remuneration commensurate with experience and qualifications for the management of the Environmental Trust Fund;
- b) Seek additional funds and investment opportunities for the benefit of the trust;
- c) Represent the settlor or beneficiary before the law or competent authority;
- d) Follow the conditions determined by the trust instrument or relevant in-force provisions;
- e) Manage and allocate the trust funds in accordance with the purpose and conditions of the trust instrument and for the benefit of the beneficiary; and

- f) Spend on social activities that are consistent with the purpose and conditions of the trust instrument.

Trustees have obligations as follows:

- a) Submit the request for registration of trust in accordance with the requirements of the ministry or institution responsible for economy and finance;
- b) Report and provide information regarding the trust to settlor, beneficiary, and all relevant regulators;
- c) Keep minutes of meetings for annual account management;
- d) Respond to all relevant regulators;
- e) Pay taxes relating to trust property;
- f) Provide benefits as determined by the trust instrument to the beneficiary;
- g) Take all appropriate actions in case of breach of trust; and
- h) Enter into a contract of insurance for trustee responsibilities.

Trustees shall not transfer their function to another person except in circumstance of death, incapacity, or if it has been determined that the trustee has failed in fulfilling their function as a trustee in accordance with the trust instrument.

#### **ARTICLE 887 PERSONAL RESPONSIBILITY OF TRUSTEES**

Trustees shall be personally responsible for:

- a) Loss and decrease of trust without reasonable reasons;
- b) Failure to accumulate profit in the trust;
- c) Use of trust inconsistent with the purposes of a financial trust;
- d) Any intentional or negligent mistake made in carrying out their functions;
- e) Any expenses violating the purposes of a financial trust;
- f) Ensuring clear separation between trust assets and his or her private assets;
- g) Taking appropriate action for protection of trust property and beneficiary with reasoning based on knowledge, skill, and professional knowledge;

- h) Fulfilling their duties with attention and caution, good faith and honesty, and with all due care and caution as in their own work;
- i) Avoiding directly and indirectly any conflicts of interest which may cause impact or damage to the benefit of trust; and
- j) Declining any benefit from any third party that is a conflict of interest to the trust.

#### **ARTICLE 888 CONFLICT OF INTEREST TO THE ENVIRONMENTAL TRUST FUND**

During the course of its duties, a trustee shall report a conflict of interest to the ministry or institution responsible for economy and finance.

If, on the evidence, the ministry or institution responsible for economy and finance has reason to believe that the trustee is acting in conflict of interest to the Environmental Trust Fund, or is acting contrary to the benefit of the environment or the public, the ministry or institution responsible for economy and finance may coordinate with the ministry or institution responsible for environment to initiate an investigation on the issue.

The ministry or institution responsible for economy and finance may suspend the responsibilities of the trustee in cases where the investigation discovers that the trustee has a conflict of interest with the trust. However, if the ministry or institution responsible for environment suspends the responsibilities of the Environmental Trust Fund trustee, the ministry or institution responsible for economy and finance shall appoint an interim trustee that meets the requirements of the Code and is in accordance with the trust instrument.

#### **ARTICLE 889 PUBLICLY ACCESSIBLE REGISTRY OF ANNUAL REPORTS**

The ministry or institution responsible for environment shall maintain a publicly accessible registry of the annual reports of the Environmental Trust Funds.

#### **ARTICLE 890 USE OF ASSETS OF ENVIRONMENTAL TRUST FUNDS**

The trustee may use the assets of the Environmental Trust Fund to:

- a) Fund activities or projects that meet the purpose of Environmental Trust Funds in accordance with this Code;
- b) Pay for operational costs of the Environmental Trust Fund, including remuneration of the trustee and the costs of administering the Environmental Trust Fund;
- c) Spend on social activities which are consistent with the purpose and conditions of the trust instrument; and



- d) Invest in environmentally and socially responsible investments or securities.

#### **ARTICLE 891 TERMINATION OF ENVIRONMENTAL TRUST FUNDS**

Termination of the Environmental Trust Fund prior to term requires consent from the ministry or institution responsible for economy and finance and shall only be permitted in the following cases:

- a) Decision with discretion or the majority vote of settlors;
- b) Reach of deadline determined in financial trust instrument; or
- c) Severe violation of trustee on the financial trust.

The ministry or institution responsible for economy and finance shall be informed of all steps of the termination process.

#### **ARTICLE 892 ADMINISTRATION OF TERMINATED ENVIRONMENTAL TRUST FUNDS**

If an Environmental Trust Fund is terminated, the settlor shall appoint a professional trust administrator to manage and evaluate the trust. The trust administrator shall have the following responsibilities:

- a) Complete and finish the remaining work of the trustee;
- b) Collect and pay the remaining debt; and
- c) Evaluate the remaining trust.

On completion of these requirements, the trust administrator shall render a final accounting and provide a report to the ministry or institution responsible for economy and finance and ministry or institution responsible for environment. Any remaining Environmental Trust Fund assets shall be distributed in accordance with the Environmental Trust Fund documents.

Fees for the trust administrator shall be calculated on the basis of standard professional rates and shall be paid from the assets of the Environmental Trust Fund.

#### **ARTICLE 893 REQUIREMENTS WHEN TERMINATING ENVIRONMENTAL TRUST FUNDS**

The Environmental Trust Fund shall be terminated after:

- a) The debts of the Environmental Trust Fund, if any, have been discharged;

- b) The funds remaining in the Environmental Trust Fund Accounts and all Environmental Trust Fund Assets have been transferred in accordance with this Code and other relevant legal instruments; and
- c) All disputes related to the final accounting are settled. The trustee remains liable after the termination of the Environmental Trust Fund for any losses or damages caused, or resulting from, the wilful default, gross negligence, fraud, or dishonesty of the trustee.

#### **ARTICLE 894 DISPUTES RELATING TO OPERATION OF ENVIRONMENTAL TRUST FUNDS**

Any dispute relating to the operation of an Environmental Trust Fund shall be resolved by reconciliation or mediation by the legislation department of the ministry or institution responsible for economy and finance.

For any dispute relating to the operation of an unregistered trust fund, the legislation department of the ministry or institution responsible for economy and finance is authorized to cancel such trust.

Any party not satisfied with the decision made by legislation department of the ministry or institution responsible for economy and finance may bring a complaint in accordance with the provisions on investigation, enforcement and remedies in Book 9 of this Code within one (1) month of the receipt of the decision.

The outcome of all dispute resolution processes shall be made publicly available.

#### **ARTICLE 895 INAPPROPRIATE MANAGEMENT OR USE OF ENVIRONMENTAL TRUST FUNDS**

Any trustee who manages or uses an Environmental Trust Fund inappropriately or against the purposes of the Environmental Trust Fund such that environmental harm is caused shall be responsible for his or her actions in accordance with this Code and other relevant legal instruments.

### **SECTION 3 OTHER FUNDS**

#### **ARTICLE 896 FUNDS FOR RESOLVING ENVIRONMENT AND NATURAL RESOURCE DISPUTES**

The ministry or institution responsible for environment shall establish a fund to resolve environment and natural resource disputes at the Commune/Sangkat level that is subject to the budget of the ministry or institution responsible for interior.

The ministry or institution responsible for environment shall establish a fund to resolve environment and natural resource disputes of the National Committee for Environment Dispute Resolution that is subject to the budget of the ministry or institution responsible for environment.

#### **ARTICLE 897 SOURCES OF FUNDS**

The sources of funds to resolve environment and natural resource disputes as stipulated in Article 896 above are derived from:

- a) National budget provided;
- b) Donation from national and international legal entities;
- c) Charity; and
- d) Other sources.

#### **ARTICLE 898 USE OF FUNDS**

The procedure to use the fund to resolve environment and natural resource disputes shall be determined by legal instrument of the ministry or institution responsible for environment and the ministry or institution responsible for interior.

### **CHAPTER 3 FINANCING FOR CLOSURE, REHABILITATION, REMEDIATION, AND RESTORATION OF ACTIVITIES AFFECTING THE ENVIRONMENT**

#### **ARTICLE 899 PROCEDURES FOR FINANCIAL SURETY**

Any natural person or legal entity required to provide a financial surety for closure, rehabilitation, remediation, and restoration shall do so in the format and using the method prescribed by separate specific laws, other relevant legal instruments, or agreement.

If no requirements for financial surety are specified, the procedures in accordance with this Code shall apply.

#### **ARTICLE 900 COST OF CLOSURE**

Any project proponent required to conduct an Environmental Impact Assessment and file an Environmental Management Plan shall include in the Environmental Management Plan an estimate of the cost of closure, to be approved by the ministry or institution responsible for environment. The estimated cost of closure shall form the basis of the amount required to be provided as financial surety.

The financial surety shall produce enough income to meet the following closure requirements:

- a) Decommissioning costs;
- b) Clean-up costs;
- c) Rehabilitation costs;
- d) Maintenance, monitoring and perpetual care costs;
- e) Administrative costs; and
- f) Fifteen percent (15%) contingency on total costs.

The amounts shall be calculated based on third party costs of restoring affected areas to the most appropriate economic and social value, and taking into account inflation.

The full amount of the required financial surety in the agreed form or forms as defined in Article 901 shall be lodged prior to the commencement of work on a project for projects with lifespans of five (5) years or less or in exploration phase.

Incremental payment may be arranged for projects with a lifespan of over five (5) years or in exploitation phase such that the full amount of the required financial surety is lodged by the end of the fifth (5<sup>th</sup>) year of operation.

#### **ARTICLE 901 FORMS OF FINANCIAL SURETY**

The financial surety may take the form of a letter of credit, an insurance bond, a trust fund, or a cash fund.

The project proponent may request to provide a corporate guarantee in lieu of a financial guarantee. The project proponent shall be able to show that it has sufficient funds to cover at minimum the costs of complying with the applicable closure requirements.

In determining whether a corporate guarantee is appropriate the ministry or institution responsible for environment may take into account the financial history of the project proponent, evidence of current financial status of the project proponent, and any other factors the ministry or institution responsible for environment deems applicable.

#### **ARTICLE 902 MANAGEMENT OF FINANCIAL SURETY**

If the financial surety is provided in the form of a trust fund or cash fund, the money shall be deposited into an interest-bearing account to be held by an entity independent of the project proponent. Following successful closure, the funds shall be returned to the project proponent.

The project proponent shall designate a qualified investment professional as fund manager to be responsible for maintaining the funds and ensuring that all transactions are properly recorded and made publicly available.

#### **ARTICLE 903 AUDITING AND REPORTING**

Any project proponent required to provide financial surety to cover costs of closure, rehabilitation, remediation, and restoration shall comply with auditing and reporting requirements in accordance with the relevant legal instruments on accounting and auditing.

In addition, the project proponent shall annually conduct and file a review of closure cost estimates with the ministry or institution responsible for environment. The estimates shall be completed by a certified engineer.

If the annual audit report indicates that the requirements for financial surety are no longer met, the project proponent shall file a notification to the ministry or institution responsible for environment and any other relevant ministry or institution.

The project proponent shall meet their updated requirements for financial guarantee within thirty (30) days of the filing of the above notification. The ministry or institution responsible for environment may require additional reports or documentation.

If the annual audit report indicates that there is a surplus in a financial surety required by the ministry or institution responsible for environment, the ministry or institution responsible for environment may request to the ministry or institution responsible for economy and finance to authorize the reimbursement of excess funds upon request by the project proponent.

#### **ARTICLE 904 GUIDELINES ON PROCEDURES FOR PROJECT CLOSURE COSTS**

The ministry or institution responsible for environment shall develop guidelines on the calculation of project closure costs, form of application and approval, requirements for review, procedures for return, and any reductions or exemptions.

#### **ARTICLE 905 RESTORATION OF INJURIES AND RECOVERY OF COSTS AND EXPENSES**

The minister responsible for environment may undertake the necessary restoration of injuries to resources of the Kingdom of Cambodia and may recover those costs and expenses in accordance with the provisions of this Code and any other relevant legal instrument.

### **CHAPTER 4 OTHER PROVISIONS**

## **ARTICLE 906 ENTERPRISES CONCERNED WITH NATIONAL SECURITY OF THE KINGDOM OF CAMBODIA**

Enterprises concerned with matters of the Kingdom of Cambodia's national security shall be controlled by a public legal entity. The procedure for establishing such enterprise shall be in accordance with the General Statute of Public Enterprises and other relevant legal instruments.

## **ARTICLE 907 CREATION OF STATE-OWNED ENTERPRISES**

The ministry or institution responsible for environment and the ministry or institution responsible for economy and finance may, in accordance with the General Statute of Public Enterprises and other relevant legal instruments, propose the creation of State-owned enterprises, including those with power delegated to a competent sub-national authority, for the purposes of supporting the Kingdom of Cambodia's goals of sustainability, environmental protection, biodiversity protection, and waste management.

## **ARTICLE 908 CONSERVATION OR MITIGATION BANK**

The Kingdom of Cambodia, through the ministry or institution responsible for environment, in cooperation with the National Bank of Cambodia and the ministry or institution responsible for economy and finance, may create a conservation or mitigation bank.

The Kingdom of Cambodia, through the ministry or institution responsible for environment, may enter into a joint venture, in accordance with the General Statute of Public Enterprises and other relevant legal instruments, with the Kingdom of Cambodia retaining majority control.

The Kingdom of Cambodia shall have majority control over all conservation or mitigation banks.

# **BOOK 9 ENVIRONMENT AND NATURAL RESOURCES COMPLAINT RESOLUTION**

## **TITLE 1 PROCEDURE FOR SOLVING ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS**

### **CHAPTER 1**

#### **PROCEDURE FOR RESOLVING ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS OF A CIVIL OR ADMINISTRATIVE NATURE**

### **SECTION 1**

#### **ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS**

## **ARTICLE 909 CIVIL COMPLAINTS**

A civil complaint is a lawsuit with the objective of ensuring that the right to compensation for physical, material, and/or psychological harm is reserved.

In a civil complaint, the civil party may use all rights in accordance with this Code, the in-force Code of Civil Procedure of the Kingdom of Cambodia, and the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

#### **ARTICLE 910 CRIMINAL COMPLAINTS**

A criminal complaint is a lawsuit to provide public order and common social benefits. Thus, in the case that there is any offence concerning the environment and natural resources, or any offence against a provision in accordance with this Code, the victim or the public reserves the right to bring a complaint to the competent court authority.

All legal forms and procedures in bringing a criminal complaint to the court shall be in accordance with this Code and the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

#### **ARTICLE 911 COMPLAINTS AGAINST ENVIRONMENT AND NATURAL RESOURCES DECISIONS OF AN ADMINISTRATIVE NATURE**

Complaints against environment and natural resources decisions of an administrative nature are made to oppose decisions related to measures for protecting the environment and managing natural resources under the competent ministries or institutions.

A natural person, legal entity, or the public who suffers from or is affected by an environment and natural resources decision of an administrative nature reserves the right to file a complaint as stipulated in the above paragraph in accordance with this Code.

#### **ARTICLE 912 COMPLAINTS AGAINST ENVIRONMENT AND NATURAL RESOURCES ACTIVITIES OF AN ADMINISTRATIVE NATURE**

Complaints against environment and natural resources administrative activities of an administrative nature are conducted for the purpose of claiming compensation for environment and natural resources damage caused by the fulfilment of the work of public officials or competent ministries or institutions whose duties relate to the protection of the environment or natural resources; or activities, action-taking, or measures regarding the activities or management of the environment and natural resources which cause environmental damage or pollution or violate any right or benefit of affected parties.

A natural person or legal entity reserves the right to file a complaint as stipulated in the above paragraph in accordance with this Code.

#### **ARTICLE 913 PUBLIC INTEREST COMPLAINTS**

Public interest complaints are conducted with the purpose of protecting the public interest against environment and natural resources offences or non-compliance with provisions stipulated in this Code, and other relevant legal instruments.

A natural person or legal entity reserves the right to file a complaint as stipulated in the above paragraph in accordance with this Code.

## **ARTICLE 914 STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION COMPLAINTS**

Strategic litigation against public participation complaints are initiated by natural person or legal entities for the purpose of preventing or obstructing the public participation complaints with intent to negatively affect the reputations or to damage the financial interests of those natural persons or legal entities initiating a public participation complaint.

### **SECTION 2**

#### **PARTIES TO NATURAL RESOURCES AND ENVIRONMENTAL COMPLAINTS**

##### **ARTICLE 915 AFFECTED PERSONS**

Persons directly or indirectly affected by environment and natural resources offences reserve the right to file a complaint with the competent court for mitigation or compensation of the relevant damage and impacts in compliance with this Code and the in-force Code of Civil Procedure of the Kingdom of Cambodia.

The complaint may be filed by a relevant community to oppose any environment or natural resources offence, or any offence against the provisions in accordance with this Code and the in-force Code of Civil Procedure of the Kingdom of Cambodia, and filed by a community representative. The community representative shall provide relevant evidence to prove the representation right granted by the affected community.

##### **ARTICLE 916 ASSOCIATIONS OR ORGANIZATIONS WITH ACCREDITATION**

All organizations or associations registered and acknowledged by the legal authority of the Kingdom of Cambodia shall reserve the right to file an environment and natural resources complaint with the competent ministries or institutions and court.

The accredited association or organization shall file a complaint with only the objective of claiming for environmental restoration, relevant compensation, or damages for the victims and communities.

In cases where the complaint is filed for the purpose of claiming compensation or damages, there shall be evidence showing the grant of rights by the community representative or the community.



#### **ARTICLE 917 ADMISSIBILITY OF COMPLAINTS MADE BY THE RELEVANT ASSOCIATION OR ORGANIZATION**

A complaint made by a relevant association or organization as stipulated in Article 916 of this Code shall be admitted upon proven evidence that the complaint is with the acceptance of victim or legal representative of this individual, community, or representative of the community in claiming for civil compensation.

However, the complaint made by the association or organization as stipulated in the above paragraph shall be admitted without proven evidence that it is with either the acceptance of the victim or community when the complaint made is with the purpose of demanding environmental protection or environmental restoration to serve the public interest.

#### **ARTICLE 918 ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS MADE BY COMPETENT AUTHORITY**

The ministry or institution responsible for environment or relevant competent ministry or institution reserves the right to bring a complaint related to environment and natural resources damage, environmental restoration, closure-related activities that harm or pollute the environment and natural resources, or failure to comply with the provisions in accordance with this Code at the competent institution or court.

### **SECTION 3 OUT-OF-COURT DISPUTE RESOLUTION**

#### **ARTICLE 919 OBJECTIVE OF OUT-OF-COURT ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION**

An out-of-court environment and natural resources dispute resolution is a voluntary out-of-court mechanism and has the objective of determining a method to resolve environment and natural resources disputes of a civil nature.

#### **ARTICLE 920 SCOPE OF OUT-OF-COURT ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION**

The scope of out-of-court environment and natural resources dispute resolution shall include environment and natural resources disputes of a civil nature as follows:

- a) Compensation for damage;
- b) Restoration of the environment;
- c) Determination of measures to prevent environmental pollution or environmental damage by the polluter; and

- d) Determination of measures to prevent or minimise negative impacts to the environment and natural resources.

The scope of out-of-court environment and natural resources dispute resolution shall not include environment and natural resources disputes of a criminal nature as stipulated by this Code and other relevant legal instruments.

The out-of-court environment and natural resources dispute resolution as stipulated above shall be under the authority of the Commune/Sangkat Environmental Mediation Committee and the National Committee for Environment and Natural Resources Dispute Resolution.

#### **ARTICLE 921 DISPUTE RESOLUTION FOR ENVIRONMENT AND NATURAL RESOURCES DECISIONS OR ACTIVITIES OF AN ADMINISTRATIVE NATURE**

Disputes against environment or natural resources decisions or activities of an administrative nature shall be in accordance with this Code and other legal instruments relevant to the protection and management of the environment and natural resources, and shall be subject to the dispute resolution authority of the National Committee for Environment and Natural Resources Dispute Resolution.

#### **ARTICLE 922 COMMUNE/SANGKAT ENVIRONMENT AND NATURAL RESOURCES MEDIATION COMMITTEE**

Each commune/sangkat council shall establish and organize the functioning of a Commune/Sangkat Environment and Natural Resources Mediation Committee to resolve environment and natural resources disputes of a civil nature at their own commune/sangkat office.

The authority of this Commune/Sangkat Environment and Natural Resources Mediation Committee shall be determined by this Code. The preparation of budgets for the process of environment and natural resources dispute resolution by this Environmental Mediation Committee shall be determined by legal instrument between the ministry or institution responsible for environment and the Ministry of Interior.

#### **ARTICLE 923 JURISDICTION OF COMMUNE/SANGKAT ENVIRONMENT AND NATURAL RESOURCES MEDIATION COMMITTEE**

Commune/Sangkat Environment and Natural Resources Mediation Committees shall have the authority to do the following:

- a) Receive environment and natural resources dispute applications;
- b) Send environment and natural resources disputes that are not under their authority, or environment and natural resources disputes in their authority that cannot be resolved in

the mediation stage, to other units, competent ministries or institutions, or the National Committee for Environment and Natural Resources Dispute Resolution;

- c) Provide environment and natural resources dispute consultation services and maintain confidentiality;
- d) Visit sites of disputes;
- e) Provide resolution of environment and natural resources disputes of a civil nature;
- f) Prepare agreements with the approval of the parties in dispute, and monitor the implementation of compromise settlement agreements;
- g) Keep records or files of the processes of Commune/Sangkat Environmental Mediation Committee, including but not limited to application forms of other compromise settlement agreements or other relevant documents; and
- h) Submit cases and compromise settlement agreements to the National Committee for Environment and Natural Resources Dispute Resolution if the parties in dispute do not implement the agreement by the Commune/Sangkat Environmental Mediation Committee.

Commune/Sangkat Environment and Natural Resources Mediation Committees shall not resolve any environment and natural resources disputes that have been resolved or are being resolved by the procedures under the relevant legal instruments even if the dispute falls under the authority of the Commune/Sangkat Environmental Mediation Committee.

Procedures and guidelines for the functioning of the environment and natural resources dispute resolution procedure of Commune/Sangkat Environment and Natural Resources Mediation Committee shall be determined by legal instrument between the ministry or institution responsible for environment and Ministry of Interior.

#### **ARTICLE 924 COMPOSITION OF THE COMMUNE/SANGKAT ENVIRONMENT AND NATURAL RESOURCES MEDIATION COMMITTEE**

There are three (3) persons who are the members of the Commune/Sangkat Environment and Natural Resources Mediation Committee, of which one (1) person is the director whose duty is to lead the procedure of environment and natural resources dispute resolution, and two (2) persons are members. The parties in dispute shall select a mediator as the director, and shall also select the two members of the Commune/Sangkat Environment and Natural Resources Mediation Committee.

The selection procedure for and the environment and natural resources mediator name list shall be determined by legal instrument of the Ministry of Interior.

**ARTICLE 925 QUALIFICATIONS OF THE COMPOSITION OF  
COMMUNE/SANGKAT ENVIRONMENT AND NATURAL RESOURCES  
MEDIATION COMMITTEE**

The qualifications of members of the Commune/Sangkat Environment and Natural Resources Mediation Committee shall be as follows:

- a) Age of thirty (30) years or above;
- b) At least Bac 1 Level;
- c) At least two years of ability and environment related work experience;
- d) Frank, unbiased, and acting in good faith; and
- e) Respecting confidentiality.

Each Commune/Sangkat Environment and Natural Resources Mediation Committee may select one or more technical experts in environmental science as technical experts if necessary in accordance with the complexity of the case. Technical experts shall fulfil their work only to the level requested by the Commune/Sangkat Environment and Natural Resources Mediation Committee and provide technical conclusions to only the Commune/Sangkat Environment and Natural Resources Mediation Committee and the parties to the dispute.

The selection procedure for and name lists of technical experts in environmental science shall be determined by legal instrument of the Ministry of Interior.

**ARTICLE 926 PERIOD OF THE PROCESS OF RECONCILIATION OF  
COMMUNE/SANGKAT ENVIRONMENT AND NATURAL RESOURCES  
MEDIATION COMMITTEE**

There is a period of forty-five (45) days for the environment and natural resources dispute resolution process of the Commune/Sangkat Environmental Mediation Committee. This timeframe may be extended if the Commune/Sangkat Environment and Natural Resources Mediation Committee proposes an extension to the parties in dispute, and the parties in dispute agree with such proposal.

In cases where an environment and natural resources dispute at the Commune/Sangkat Environment and Natural Resources Mediation Committee cannot be resolved within the timeframe stipulated in the above paragraph, the Commune/Sangkat Environmental Mediation Committee shall submit the dispute to the National Committee for Environment and Natural Resources Dispute Resolution in no more than a period of twenty-one (21) days counting from the day that the Commune/Sangkat Environment and Natural Resources Mediation Committee cannot resolve the dispute.

## **ARTICLE 927 TERMINATION OF ENVIRONMENT AND NATURAL RESOURCES MEDIATION PROCESS**

The environment and natural resources dispute resolution process shall be terminated in the following circumstances:

- a) The parties agree to terminate the environment and natural resources dispute resolution process;
- b) One party does not approve or cooperate in the environment and natural resources dispute resolution process;
- c) The parties do not reach agreement on the dispute in forty-five (45) days or other time period as agreed to by the parties; or
- d) The parties reach an agreement in written form through the dispute resolution procedure of the Commune/Sangkat Environment and Natural Resources Mediation Committee.

Compromise settlement agreements of Commune/Sangkat Environment and Natural Resources Mediation Committee shall not be legally binding.

## **ARTICLE 928 RESOLUTION**

Each agreement that is resolved by the Commune/Sangkat Environment and Natural Resources Mediation Committee shall have the approval of the parties to the process, and shall include the following points:

- a) Compensation for harm to the environment and natural resources;
- b) Method of restoration for damage occurring to environment and natural resources;
- c) Procedure to prevent additional harm to the environment and natural resources; and/or
- d) Mechanism to prevent environment and natural resources damage.

Procedures for assessment of harm to the environment and natural resources for the Commune/Sangkat Environment and Natural Resources Mediation Committee shall be determined by legal instrument of the ministry or institution responsible for environment.

## **ARTICLE 929 NATIONAL COMMITTEE FOR ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION**

The National Committee for Environment and Natural Resources Dispute Resolution shall be established by legal instrument of the ministry or institution responsible for environment. The National Committee for Environment and Natural Resources Dispute Resolution shall consist

of a permanent secretariat consisting of staff from the ministry or institution responsible for environment. This secretariat shall be led by one General Secretary and one or more Deputy General Secretaries as assistants if necessary.

The organization and functioning of the permanent secretariat as stipulated in the above paragraph shall be determined by legal instrument of the ministry or institution responsible for environment.

The National Committee for Environment and Natural Resources Dispute Resolution consists of two separate councils. The first national council is the National Mediation Council for Environment and Natural Resources responsible for resolution of environment and natural resources disputes received from Commune/Sangkat Environmental Mediation Committees. The second national council is the National Council for Environment and Natural Resources Administrative Dispute Resolution responsible for disputes against environment and natural resources administrative decisions and environment and natural resources administrative activities.

#### **ARTICLE 930 NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES**

The organization and functioning of the National Mediation Council for Environment and Natural Resources shall be determined by legal instrument of the ministry or institution responsible for environment.

The composition of the National Mediation Council for Environment and Natural Resources shall be as follows:

- a) Director(s) – Skilled officers of the ministry or institution responsible for environment;
- b) Member(s) – Skilled officers of relevant ministries or institutions relevant to the environment and natural resources dispute;
- c) Technical Member(s) – Technical experts in science as necessary; and
- d) Civil Society Member(s) – National Civil Society Organization working in sectors relevant to environment and natural resources as necessary.

Directors and Members of the National Mediation Council for Environment and Natural Resources shall be appointed for five (5) years except in cases of resignation, death, or revocation by fault in accordance with this Code and other relevant legal instruments on the internal rules and code of conduct of the National Mediation Council for Environment and Natural Resources.

#### **ARTICLE 931 AUTHORITY OF THE NATIONAL MEDIATION COUNCIL FOR**

## **ENVIRONMENT AND NATURAL RESOURCES**

The National Mediation Council for Environment and Natural Resources has authority to do the following:

- a) Resolve environment and natural resources disputes received from the Commune/Sangkat Environmental Mediation Committee;
- b) Examine and resolve proposals from disputing parties for resolution of environment and natural resources disputes;
- c) Investigate and make requests for information relevant to an environment and natural resources dispute;
- d) Order parties to provide and show documents and information relevant to an environment and natural resources dispute;
- e) Prepare compromise settlement agreements with approval from both parties on environment and natural resources disputes;
- f) Request assistance from technical experts from other ministries or institutions;
- g) Request cooperation from other relevant ministries and institutions; and
- h) Prepare and create internal rules and a code of conduct.

### **ARTICLE 932 QUALIFICATION OF MEMBERS OF THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES**

Members of the National Mediation Council for Environment and Natural Resources shall have the following qualifications:

- a) Age of thirty-five (35) or above;
- b) At least Bachelor Degree;
- c) At least five (5) years of experience and capacity relevant to the environment ;
- d) Loyal, acting in good faith, and just; and
- e) Respecting confidentiality.

### **ARTICLE 933 PERIOD OF ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION PROCESS OF THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES**

The National Mediation Council for Environment and Natural Resources has a period of no more than six (6) months starting from the date of receiving a dispute to complete the environment and natural resources dispute resolution process.

The period as stipulated in the above paragraph may be extended by proposal of the National Mediation Council for Environment and Natural Resources, with agreement from the parties in dispute.

In cases where the environment and natural resources dispute resolution process of the National Mediation Council for Environment and Natural Resources cannot be achieved in the period as stipulated in the above paragraph, the National Mediation Council for Environment and Natural Resources or the parties in dispute may file a complaint to the Municipal or Provincial Court of First Instance in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia.

#### **ARTICLE 934 TERMINATION OF ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION PROCESS OF THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES**

The environment and natural resources dispute resolution process of the National Mediation Council for Environment and Natural Resources shall be terminated in the following circumstances:

- a) Both parties agree to terminate the environment and natural resources dispute resolution process;
- b) Any party disagrees or does not cooperate in resolving the dispute through the environment and natural resources dispute resolution process;
- c) Parties do not reach agreement on the environment and natural resources dispute in six (6) months or other time period as agreed to by the parties to the dispute; or
- d) Parties resolve the dispute during the environment and natural resources dispute resolution process with the National Mediation Council for Environment and Natural Resources and come to a written compromise settlement agreement.

A compromise settlement agreement of the National Mediation Council for Environment and Natural Resources shall be legally binding.

#### **ARTICLE 935 COSTS FOR RESOLVING ENVIRONMENT AND NATURAL RESOURCES DISPUTES BY THE PARTIES**

In cases where the environment and natural resources dispute is related to the interests of a natural person, the parties to the dispute shall be responsible for the costs of resolving the



environment and natural resources dispute.

In cases where the environment and natural resources dispute has been lodged by a competent ministry or institution or the public for the purpose of protecting the interests of the public or community, the fund established to resolve environment and natural resources in Book 8 Title 2 of this Code shall be used.

The procedure to determine costs relevant to resolving environment and natural resources complaints shall be determined by legal instrument of the ministry or institution responsible for environment and the Ministry of Interior.

#### **ARTICLE 936 INDEPENDENCE AND NEUTRALITY OF ENVIRONMENT AND NATURAL RESOURCES MEDIATOR**

The appointed environment and natural resources mediator shall fulfil his or her duties in an independent and neutral manner in his or her scope of authority in accordance with the relevant legal instruments.

#### **ARTICLE 937 FORM OF COMPROMISE SETTLEMENT AGREEMENT OF NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES**

A compromise settlement agreement of the National Mediation Council for Environment and Natural Resources shall be in written form and shall be made publicly available.

#### **ARTICLE 938 CHOMTOAH/OBJECTION COMPLAINT AGAINST COMPROMISE SETTLEMENT AGREEMENT OF NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES**

The parties to the dispute reserve the right to file a chomtoah/objection complaint to a competent court within a period of fifteen (15) days after the completion of the environment and natural resources dispute resolution process to review the laws and procedure relevant to the compromise settlement agreement of the National Council for Environmental Mediation.

In cases where a chomtoah/objection complaint has not been made within the period stipulated in the above paragraph, the compromise settlement agreement shall be considered final without recourse, and shall be considered a title of execution in accordance with the provisions of the in-force Code of Civil Procedure of the Kingdom of Cambodia.

#### **ARTICLE 939 RESOLUTION**

The National Mediation Council for Environment and Natural Resources and the National Council for Environment and Natural Resources Administrative Dispute Resolution shall select resolutions and measures in accordance with this Code. The National Mediation Council for

Environment and Natural Resources and the National Committee for Environment and Natural Resources Dispute Resolution shall prioritize the issues of environmental restoration and rehabilitation when determining appropriate resolutions and measures.

#### **ARTICLE 940 EFFECT OF COMPROMISE SETTLEMENT AGREEMENT**

A compromise settlement agreement of the National Mediation Council for Environment and Natural Resources shall be final without recourse and shall be considered a title of execution in accordance with the provisions of the in-force Code of Civil Procedure of the Kingdom of Cambodia.

#### **ARTICLE 941 NATIONAL COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DISPUTE RESOLUTION**

The organization and functioning of the National Council for Environment and Natural Resources Administrative Dispute Resolution shall be determined by legal instrument of the ministry or institution responsible for environment.

The composition of the National Council for Environment and Natural Resources Administrative Dispute Resolution shall be as follows:

- a) President - Minister of the Office of the Council of Ministers or representative;
- b) Vice-President - Minister responsible for environment or representative;
- c) Members - Ministers of relevant government ministries or institutions;
- d) Technical Members - Scientific technical expert team to provide technical consultation as necessary or based on the proposal of relevant ministries or institutions; and
- e) Other members as necessary based on the issue under dispute.

Members of the National Council for Environment and Natural Resources Administrative Dispute Resolution shall be appointed for five (5) years except in cases of resignation, death, or revocation by fault in accordance with this Code and other relevant legal instruments on the internal rules and code of conduct of the National Council for Environment and Natural Resources Administrative Dispute Resolution.

#### **ARTICLE 942 JURISDICTION OF NATIONAL COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DISPUTE RESOLUTION**

The National Council for Environment and Natural Resources Administrative Dispute Resolution has the authority to review and issue decisions on the chomtoah/objection complaint against environmental administrative decisions or environment and natural resources administrative activities.

The decision of the National Council for Environment and Natural Resources Administrative Dispute Resolution on the chomtoah/objection complaint may be a decision to reject, cancel, accept, or revise the administrative decision or environment and natural resources administrative activity. This decision shall be made in written form and shall provide clear legal reasoning.

The National Council for Environment and Natural Resources Administrative Dispute Resolution shall issue its decision no later than a period of forty-five (45) days counting from the day the chomtoah/objection complaint is received. The period as stipulated above may be extended by not more than three (3) months if necessary to accommodate the complexity of scientific techniques required to resolve the chomtoah/objection complaint.

#### **ARTICLE 943 PROCEDURE FOR DECISION-MAKING OF NATIONAL COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DISPUTE RESOLUTION**

The National Council for Environment and Natural Resources Administrative Dispute Resolution shall conduct a public hearing to resolve an environmental administrative dispute. The decision-making shall be made by a majority of all members who are present. Members of the National Council for Environment and Natural Resources Administrative Dispute Resolution shall consist of at least three (3) persons, and shall consist of an odd number. The number of members of the National Council for Environment and Natural Resources Administrative Dispute Resolution participating in the public hearing shall be determined on a case by case basis, depending on the administrative decision or activity that is the subject of the dispute. The president of the National Council for Environment and Natural Resources Administrative Dispute Resolution shall lead the public hearing.

The deliberation of the National Council for Environment and Natural Resources Administrative Dispute Resolution to make a decision shall be confidential; however, its announcement of the decision shall be conducted in a public hearing and with clear legal reasoning.

#### **ARTICLE 944 CHOMTOAH/OBJECTION COMPLAINT AGAINST THE ENVIRONMENT OR NATURAL RESOURCES ADMINISTRATIVE DECISION OR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE ACTIVITIES**

If the parties in dispute do not agree with the decision of the National Council for Environment and Natural Resources Administrative Dispute Resolution, the parties in dispute have the right to file a chomtoah/objection complaint to the Capital or Provincial Court of First Instance to review and make the decision again in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia or if an in-force Code of Administrative Procedure exists, in accordance with the in-force Code of Administrative Procedure, no later than a period of forty-

five (45) days counting from the day that the announcement of the decision is received.

In cases where there is an absence of any chomtoah/objection complaint in the period as stipulated above, the decision shall become final without recourse and shall be implemented immediately.

#### **ARTICLE 945 COOPERATION WITH NATIONAL COMMITTEE FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DISPUTE RESOLUTION**

All levels of authorities, armed forces, and relevant ministries or institutions shall cooperate, coordinate, and support the National Committee for Environment and Natural Resources Administrative Dispute Resolution in the implementation of their role of in cases where there is a request from the National Committee for Environment and Natural Resources Administrative Dispute Resolution.

#### **ARTICLE 946 INDEPENDENCE AND NEUTRALITY OF NATIONAL COUNCIL FOR ENVIRONMENTAL ADMINISTRATIVE DISPUTE RESOLUTION**

The appointed members of the National Council for Environmental Administrative Dispute Resolution shall fulfil their duties in their scope of authority in an independent and neutral manner in accordance with the relevant legal instruments.

In cases where a member of the National Council for Environment and Natural Resources Administrative Dispute Resolution violates their functions as stipulated in the above paragraph and commits any action that is against the relevant legal instruments, that member shall be subject to administrative punishment and/or criminal punishment according to the action that is at issue.

### **SECTION 4 IN-COURT DISPUTE RESOLUTION**

#### **ARTICLE 947 SPECIALIZED ENVIRONMENTAL COURTS**

The Capital/Provincial Specialized Environmental Court of First Instance, and the Specialized Environmental Chamber at the Court of Appeal and the Supreme Court, to be responsible for resolving environment and natural resources complaints and disputes against environmental administrative decisions or environment and natural resources administrative activities, shall be established.

#### **ARTICLE 948 JURISDICTION OF SPECIALIZED ENVIRONMENTAL COURTS**

The Specialized Environmental Courts shall issue a decision on chomtoah/objection complaints submitted by the National Mediation Council for Environment and Natural

Resources or National Council for Environment and Natural Resources Administrative Dispute Resolution in accordance with this Code and the Criminal Code.

However, in cases where the environment and natural resources complaint is a criminal complaint in accordance with this Code and other relevant legal provisions, the process of this criminal complaint shall be in accordance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

Implementation of the procedure to resolve environment and natural resources complaints shall be in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia and the Criminal Code, unless otherwise specified by this Code.

**ARTICLE 949 CHOMTOAH/OBJECTION COMPLAINT AGAINST THE COMPROMISE SETTLEMENT AGREEMENT OF THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES**

Parties to a dispute, members of the public with the purpose of protecting the public interest, and the competent ministry or institution have the right to file complaints to the Specialized Environmental Court of First Instance against the compromise settlement agreement of the National Mediation Council for Environment and Natural Resources to review the laws and procedure relevant to the compromise settlement agreement.

Any persons who are not satisfied with the judgement of the Specialized Environmental Court of First Instance reserve the right to appeal against the judgement to a higher court. The form and procedure for filing complaints shall be in accordance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

**ARTICLE 950 AUTHORITY FOR THE SPECIALIZED ENVIRONMENTAL COURTS TO REVIEW LEGAL ISSUES**

The Specialized Environmental Courts have the authority to review legal issues as follows:

- a) That considerations, measures, and solutions in accordance with this Code have been included in the compromise settlement agreement;
- b) That considerations, measures, and solutions in the compromise settlement agreement are in accordance with the general principles in Book 1 Title 1 of this Code;
- c) That the restoration and reparation of environment and natural resources has been considered as the first priority;
- d) Whether the subject matter under dispute should have been solved through the out-of-court environmental dispute resolution mechanism;

- e) Whether the content of the compromise settlement agreement on environment and natural resources is contrary to public order, good custom, or provisions in relevant legal instruments;
- f) Properness of procedures of environmental mediation; and
- g) Consistency with public policy of the Kingdom of Cambodia.

#### **ARTICLE 951 DECISION OF SPECIALIZED ENVIRONMENTAL COURT OF FIRST INSTANCE**

The Specialized Environmental Court of First Instance shall issue a decision on a chomtoah/objection complaint against the compromise settlement agreement of the National Mediation Council for Environment and Natural Resources or against the decision of the National Council for Environment and Natural Resources Administrative Dispute Resolution by means of a judgement no later than a period of three (3) months from the date the complaint is submitted.

The period as stipulated in the above paragraph shall not be extended.

#### **ARTICLE 952 CHOMTOAH/OBJECTION COMPLAINT AGAINST THE ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DECISION OF THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES**

The parties to the dispute, members of the public with the purpose of protecting the public interest, or the competent ministry or institution have the right to file complaints to the Specialized Environmental Court of First Instance against an environment and natural resources administrative decision of the National Mediation Council for Environment and Natural Resources in order to review the legality of the decision.

Any person who is not satisfied with the judgement of the Specialized Environmental Court of First Instance shall reserve the right to appeal against the judgement to a higher court. The form and procedure for filing complaints shall be in accordance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

#### **ARTICLE 953 AUTHORITY TO REVIEW THE LEGALITY OF THE ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DECISION OR ACTIVITY**

The Specialized Environmental Courts shall review only the following legality issues:

- a) Validity of the administrative decision including the authority to issue the decision or activity, defects of form used or procedure to issue the decision, or abuse of power; and

- b) The essential content of the decision that violates the general principles of law, including but not limited to the violation of relevant legal instruments, reliance on mistake of law or fact, or reliance on an error in legal reasoning.

The review of the legality of an environment and natural resources administrative decision or activity as stipulated in the above paragraph shall be consistent with provisions of this Code and other relevant legal instruments.

#### **ARTICLE 954 PERIOD FOR APPEALING TO HIGHER COURTS**

Uttor Appeals and Sartouk Appeals shall be made no later than a period of one (1) month counting from the date of the receipt of the judgement or verdict. The procedure for resolving the Uttor or Sartouk Appeal shall be in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia unless otherwise specified in this Code.

#### **ARTICLE 955 UTTOR APPEAL TO THE HIGHER COURTS**

The Court of Appeal shall issue a decision on the Uttor Appeal on the judgement of the Specialized Environmental Court of First Instance by means of a verdict no later than a period of six (6) months, calculating from the date of receipt of the Uttor Appeal.

The time period stipulated in the above paragraph shall not be extended.

#### **ARTICLE 956 SARTOUK APPEAL AGAINST THE DECISION OF THE COURT OF APPEAL**

The Supreme Court shall issue a judgement on the Sartouk appeals and the Appeal Court's judgements no later than nine (9) months counting from the date of receipt of the Sartouk Appeal. The period as stipulated in the above paragraph shall not be extended.

For complaints with the objective of civil compensation for damage or impacts, the Supreme Court shall issue a closing and final judgement without reversing the judgement and let the Court of Appeal re-consider the complaint in accordance with procedures stipulated in the in-force Code of Civil Procedure of Cambodia, unless the environment and natural resources complaint is of a criminal nature.

#### **ARTICLE 957 PROCEDURE WHEN FACING STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION**

In cases where a natural person or legal entity has filed a complaint against a natural person or legal entity accusing them of strategic litigation against public participation, and a competent court has determined that it is a false accusation, then the natural person or legal entity that has been accused may file a lawsuit at the competent court demanding civil compensations.

## **ARTICLE 958 REQUIREMENTS FOR RECEIVING STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION**

The specialized environmental courts shall consider the following requirements when receiving a claim of strategic litigation against public participation:

- a) The litigation action has the intention to interfere with, stop, or suppress public participation by taking litigation actions; or
- b) Valid or specific evidence showing that the litigation action is with the malicious intention to defame, stop, or interfere with the actions of the natural person, legal entity, or competent officials.

In cases where the claim does not meet one of the above requirements, the court shall object to the claim by a judgement.

Any party dissatisfied by the above judgement reserves the right to file an appeal at the Court of Appeal no later than fifteen (15) days counting from the date of notification of the judgement. The judgement of the Court of the Appeal shall then be final with no further objection.

The procedure of strategic litigation against public participation shall be in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia, unless otherwise specified in this Code.

## **ARTICLE 959 PROCEDURE FOR COMPULSORY EXECUTION**

The compulsory execution for the right to demand monetary compensation shall be in accordance with the procedures of compulsory execution in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia.

The implementation of decisions related to the preservative relief ruling procedure shall be in accordance with the compulsory execution for preservation relief ruling in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia.

Compulsory execution for the right to demand monetary compensation, compulsory execution for an order to return tangible assets, or an order to take or not take an action shall be in accordance with the compulsory execution procedure in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia. In addition, those who do not abide by the judge's decision shall be prosecuted and punished following the Criminal Code.

## **CHAPTER 2 PROCEDURES FOR CRIMINAL OFFENCES RELATED TO THE ENVIRONMENT**



## **AND NATURAL RESOURCES**

### **SECTION 1**

#### **PROCEDURES FOR INVESTIGATION, INTERROGATION, ALLEGATION, AND PROSECUTION**

##### **ARTICLE 960 GENERAL PROVISIONS**

The general provisions stipulated by the Code of Criminal Procedure of the Kingdom of Cambodia shall be implemented for investigation and accusation of environment and natural resources offences unless otherwise stipulated in this Section.

##### **ARTICLE 961 PROCEDURES FOR INVESTIGATION, INTERROGATION, ALLEGATION, AND PROSECUTION**

The procedures for investigation, interrogation, allegation, and prosecution shall be in accordance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia unless otherwise specified in this Code.

##### **ARTICLE 962 ATTEMPTS TO COMMIT ENVIRONMENT AND NATURAL RESOURCES OFFENCES**

It is not an offence if without the attempt to commit; however, an allegation of an environment and natural resources offence may be raised in accordance with the following conditions:

- a) The intent or attempt to commit the offence;
- b) Knowledge of the offence without taking preventive measures;
- c) Negligence or reluctance in fulfilling the legal obligation determined; or
- d) Incompliance with the written legal provisions or legal requirements.

### **SECTION 2**

#### **EVIDENCE IN ENVIRONMENT AND NATURAL RESOURCES CASES**

##### **ARTICLE 963 CRIMINAL AND CIVIL EVIDENCE IN ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS**

Criminal and civil evidence in environment and natural resources complaints shall include:

- a) Documentary evidence;
- b) Testimonial evidence;
- c) Material evidence;

- d) Demonstrative evidence; and
- e) Direct reviews of the court.

#### **ARTICLE 964 DOCUMENTARY EVIDENCE**

Documentary evidence includes:

- a) Permits, licenses, agreements, and certificates;
- b) Monitoring reports;
- c) Invoices and receipts;
- d) Experimental reports;
- e) Maps;
- f) Photographs, videos, and voice records; and
- g) Other relevant evidence.

#### **ARTICLE 965 TESTIMONIAL EVIDENCE**

Testimonial evidence shall include:

- a) People in general;
- b) Specialized person(s);
- c) Other relevant evidence.

#### **ARTICLE 966 MATERIAL EVIDENCE RELATED TO THE SUBJECTS OF THE DISPUTE**

Material evidence related to the subject of the dispute shall include:

- a) Marks; and
- b) Other relevant evidence.

#### **ARTICLE 967 DEMONSTRATIVE EVIDENCE**

Demonstrative evidence shall include:

- a) Diagrams;

- b) Charts; and
- c) Other relevant evidence.

#### **ARTICLE 968 MULTIPLE EVIDENCE REVIEWS**

Multiple evidence reviews shall include:

- a) Statements of the parties in dispute;
- b) Statements of the technical experts;
- c) Statements of the witnesses;
- d) Statements of the lawyers; and
- e) Other relevant evidence.

#### **ARTICLE 969 EVIDENCE FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE ISSUES**

Evidence for environment and natural resources administrative issues shall include:

- a) Environment and natural resources administrative decisions or activities;
- b) Testimonies of witnesses;
- c) Conclusions of technical experts;
- d) Testimonies of the parties in dispute; and
- e) Other relevant evidence.

#### **ARTICLE 970 EVIDENCE REVIEWS FOR ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS OF A CIVIL, CRIMINAL, OR ADMINISTRATIVE NATURE**

Evidence reviews for environment and natural resources complaints of a civil or administrative nature shall be in accordance with the evidentiary rules as stipulated in the in-force Code of Civil Procedure of the Kingdom of Cambodia.

Evidence reviews for environment and natural resources complaints of a criminal nature shall be in accordance with the evidentiary rules as stipulated in the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

#### **ARTICLE 971 EVIDENTIARY REQUIREMENTS FOR ENVIRONMENT AND**

## **NATURAL RESOURCES COMPLAINTS**

Decisions on environment and natural resources complaints shall be based on scientific, technical, and expert evidence.

### **ARTICLE 972 CONFISCATED EVIDENCE**

Confiscated evidence shall be managed in accordance with the procedures of the ministry or institution responsible for environment in accordance with this Code and other relevant legal instruments. Evidence shall be stored securely and appropriately at an institution deemed suitable by the ministry or institution responsible for environment.

## **SECTION 3**

### **PRESERVATIVE RELIEF IN ENVIRONMENT AND NATURAL RESOURCES CASES**

#### **ARTICLE 973 GENERAL PROVISIONS**

The preservative relief ruling procedure and implementation procedure shall be in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia, unless otherwise specified in this Code.

#### **ARTICLE 974 BASIS FOR DECISION-MAKING ON PRESERVATIVE RELIEF RULING APPLICATIONS**

Decisions on preservative relief shall be based on the general principles of this Code and shall take into consideration the following:

- a) Sufficient basis for showing the legal rights and relationships for preservative relief;
- b) Level of un-restorable damage from the offence; and
- c) Whether the public interest, common interest, or collective interest outweighs the private interest.

#### **ARTICLE 975 PERIOD OF THE COURT'S DECISION-MAKING**

The Specialized Environmental Courts shall make a decision on preservative relief no later than seven (7) days upon receiving the request. In cases where there is an objection to the judge's ruling for preservative relief, the Specialized Environmental Courts shall make a decision on the objection no later than two (2) weeks from the date the proceeding letter of the court takes effect.

The court responsible for a chomtoah/objection appeal shall make a decision on the chomtoah/objection appeal against the judge's order on an objection on a ruling for

preservative relief, or an objection to the request for a ruling for preservative relief, no later than two (2) weeks after receiving the proceeding letter of the court by the relevant party.

#### **ARTICLE 976 SERVICE**

The procedure of service shall be in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia, unless otherwise specified in this Code.

Procedure for service, place of service, and the person responsible for effecting service shall be at the discretion of the court and shall have legal effect.

Addresses for service shall include a dwelling place, residential place, office, or enterprise facility that the party has specified in the official documents for the particular request or lawsuit.

#### **ARTICLE 977 COLLATERAL SECURITY**

The court may deny a request for collateral security by considering the following reasons:

- a) Lack of evidence or adequate or specific reasons to show the scope of environment and natural resources damage and benefits to the affected people;
- b) The financial capacity of the lender;
- c) Environmental protection; and
- d) Other relevant reasons.

#### **ARTICLE 978 ENFORCING PROVISIONS FOR EXTRADITION**

The provisions on extradition as stipulated in Book 9 Title 1 Chapter 2 of the in-force Code of Civil Procedure of the Kingdom of Cambodia shall be enforced for extradition for environment and natural resources offences of a criminal nature.

#### **ARTICLE 979 MUTUAL LEGAL ASSISTANCE**

In cases of environmental offences of a criminal nature, the relevant ministry or institution of the Kingdom of Cambodia may grant judicial power to a foreign competent court, and may receive judicial power from a foreign competent court through the Ministry of Justice to:

- a) Collect evidence and answers collected through court proceedings;
- b) Inform parties regarding judicial documents;
- c) Search, retain, and confiscate evidence;

- d) Research sites and materials;
- e) Provide information and exhibits;
- f) Provide original records or certified copies of the original and case documents;
- g) Exhibit or provide witnesses, experts, or other persons, including detained persons, who agree to facilitate the investigation or engage in the court proceedings;
- h) Identify and search for resources, property, materials, or equipment obtained through an offence or the methods of committing the offences;
- i) Hold products and property obtained through temporary retention orders in environmental offences in which materials or equipment were used or kept for committing environment and natural resources offences of criminal nature;
- j) Execute decisions for retaining or seizure orders or returning orders for products, properties, materials, or equipment obtained through committing an environmental offence of a criminal nature;
- k) Release seizure orders as stipulated in the above point;
- l) Inform regarding the accusation proceeding;
- m) Interrogate the accused according to the in-force Code of Criminal Procedure of the Kingdom of Cambodia; and
- n) Search for and identify suspects and witnesses.

## **ARTICLE 980 PROCEDURE FOR MUTUAL LEGAL ASSISTANCE FOR CIVIL ACTIONS**

The procedure for mutual legal assistance for civil actions shall be in accordance with the relevant legal instruments and the principles determined in bilateral or multilateral conventions or agreements to which the Kingdom of Cambodia is a party.

## **TITLE 2 ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS, HERITAGE PROTECTION OFFICERS, AND ENVIRONMENTAL INSPECTION OFFICERS**

### **CHAPTER 1**

#### **ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

## **ARTICLE 981 COMPOSITION OF ENVIRONMENT AND NATURAL RESOURCES**

## **JUDICIAL POLICE OFFICERS**

Governmental officers and officers under the relevant ministries or institutions responsible for environmental protection and the management of natural resources, including but not limited to officers responsible for Environmental Impact Assessment, climate change judicial police officers, officers responsible for Biodiversity Conservation Corridors designated or established at the national or sub-national level, officers responsible for wildlife offence suppression, officers for heritage protection and officers for environmental pollution inspection that are determined by this Code and other separate specific laws shall qualify as Environment and Natural Resources Judicial Police Officers.

### **ARTICLE 982 PROCEDURES FOR ACCREDITATION AS ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICER**

To be accredited as an Environment and Natural Resources Judicial Police Officer, the Environment and Natural Resources Judicial Police Officer shall take an oath before the Court of Appeal. The oath shall not be taken again if an existing Judicial Police Officer is repositioned as an Environment and Natural Resources Judicial Police Officer.

Forms and procedures for appointment of Environment and Natural Resources Judicial Police Officers shall be determined by legal instrument of the relevant legal entities responsible for environment and natural resources and the Ministry of Justice. The oath protocol shall be determined by the Ministry of Justice.

### **ARTICLE 983 MISSIONS OF THE ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

The governmental officers and officers under the relevant ministries or institutions with Environment and Natural Resources Judicial Police Officer accreditation shall implement the following missions:

- a) Accepting complaints related to the environment and natural resources;
- b) Monitoring offences related to the environment and natural resources;
- c) Requesting information from stakeholders for investigating environment and natural resources offences;
- d) Inspecting sites with allegations of environment and natural resources offences;
- e) Confiscating all evidence relevant to environment and natural resources offences;
- f) Requesting support from stakeholders for investigating environment and natural resources offences;

- g) Investigating and enforcing environment and natural resources offences;
- h) Pursuing suspects;
- i) Arresting offenders;
- j) Compiling case files regarding environment and natural resources offences;
- k) Filing cases with the court; and
- l) Assigning transactional fines.

The operation of the governmental officers and officers under the relevant ministries or institutions to the environmental protection and the management of natural resources with the Environment and Natural Resources Judicial Police Officer accreditation shall be in accordance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

#### **ARTICLE 984 AUTHORITY FOR WEAPONS**

Only the governmental officers and officers under the relevant ministries or institutions with Environment and Natural Resources Judicial Police Officer accreditation shall have the authority to use weapons while performing their mission.

The weapons shall be managed by the Ministry of Interior.

#### **ARTICLE 985 INVESTIGATIVE PROCEDURE OF ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

The procedure of compiling case files for governmental officers and officers under the relevant ministries or institutions with Environment and Natural Resources Judicial Police Officer accreditation shall be in accordance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

Forms and procedure for records to be made by the Environment and Natural Resources Judicial Police Officers shall be determined by legal instrument of the relevant ministries or institutions and the Ministry of Justice.

#### **ARTICLE 986 INVESTIGATING OBLIGATIONS OF STAKEHOLDERS FOR ENVIRONMENT AND NATURAL RESOURCES OFFENCES**

All levels of sub-national authorities, armed forces, and relevant stakeholders shall provide smooth coordination, cooperation, and support for searching, monitoring, and enforcing environment and natural resources offences when requested by Environment and Natural Resources Judicial Police Officers.



## **ARTICLE 987 UNIFORMS FOR INVESTIGATING OPERATIONS FOR ENVIRONMENT AND NATURAL RESOURCES OFFENCES**

Governmental officers and officers under the relevant ministries or institutions with Environment and Natural Resources Judicial Police Officer accreditation shall have a specific uniform when operating as Environment and Natural Resources Judicial Police Officers.

## **ARTICLE 988 RIGHTS OF NATURAL PERSONS AND LOCAL COMMUNITIES**

Natural persons and local communities shall have the following rights in protecting natural resources:

- a) Conducting patrols in cooperation with sub-national authorities, judicial police officers, rangers, or relevant competent officers;
- b) Detaining offenders in flagrant delicto offences, seizing evidence of the offense, and referring it to competent sub-national authorities or judicial police officers, rangers, or relevant competent ministries or institutions nearest the location where the offense is committed;
- c) Providing evidence, reports, and other information about environment and natural resources offences to the ministry responsible for environment and other relevant competent ministries or institutions; and
- d) Providing information and evidence related to environment and natural resources to prosecutors.

### **SECTION 1**

#### **ENVIRONMENTAL IMPACT ASSESSMENT JUDICIAL POLICE OFFICERS**

## **ARTICLE 989 COMPOSITION OF ENVIRONMENTAL IMPACT ASSESSMENT JUDICIAL POLICE OFFICERS**

The composition of Environmental Impact Assessment judicial police officers shall include:

- a) Officials of the Environmental Impact Assessment Unit; and
- b) Officials of the capital or provincial departments responsible for environment.

## **ARTICLE 990 MISSION OF ENVIRONMENTAL IMPACT ASSESSMENT JUDICIAL POLICE OFFICERS**

Environmental Impact Assessment officials who have been accredited as Environmental Impact Assessment judicial police officers shall have the following missions:

- a) Receiving complaints;
- b) Examining offences;
- c) Investigating and suppressing offences; and
- d) Compiling case files related to Environmental Impact Assessment to submit to a competent court.

Operations and procedures for the Environmental Impact Assessment officials who have been accredited as judicial police officers to compile case files shall be in accordance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

#### **ARTICLE 991 TERRITORIAL JURISDICTION OF ENVIRONMENTAL IMPACT ASSESSMENT JUDICIAL POLICE OFFICERS**

Environmental Impact Assessment officials who have been accredited as judicial police officers of the Environmental Impact Assessment Unit have territorial authority throughout the Kingdom of Cambodia.

Environmental Impact Assessment officials who have been accredited as judicial police officers of the capital or provincial departments responsible for environment have authority within their scope of territorial authority.

In cases of conflict of competence or overlap of territorial authority, the minister responsible for environment shall make a decision on the conflict or overlap.

This decision shall be final without recourse.

### **SECTION 2 CLIMATE CHANGE JUDICIAL POLICE OFFICERS**

#### **ARTICLE 992 ACCREDITATION OF CLIMATE CHANGE JUDICIAL POLICE OFFICERS**

Climate change judicial police officers shall be accredited by legal instrument of the Ministry of Justice and the National Council for Sustainable Development.

#### **ARTICLE 993 AUTHORITY OF CLIMATE CHANGE JUDICIAL POLICE OFFICERS**

Climate Change Judicial Police Officers shall fulfil duties and roles relevant to climate change as stipulated in Chapter 1 of this Title.

## **ARTICLE 994 MISSION OF CLIMATE CHANGE JUDICIAL POLICE OFFICERS**

Climate Change Judicial Police Officers shall fulfil their mission and compile case files regarding climate change following procedures in accordance with the in-force Code of Criminal Procedure.

### **SECTION 3**

## **JUDICIAL POLICE OFFICERS OF BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS DESIGNATED OR ESTABLISHED AT NATIONAL AND SUB-NATIONAL LEVEL**

## **ARTICLE 995 COMPOSITION OF ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

The composition of Environment and Natural Resources Judicial Police Officers of Biodiversity Conservation Corridors or protected areas designated or established at the national and sub-national level shall be determined by legal instrument of the ministry or institution responsible for environment, Ministry of Interior, and the Ministry of Justice.

Environment and Natural Resources Judicial Police Officers for Biodiversity Conservation Corridors shall fulfil their mission and compile case files following procedures in accordance with this Code, the in-force Code of Criminal Procedure, and other relevant legal instruments.

## **ARTICLE 996 PROMPT INVESTIGATION**

Judicial Police Officers of Biodiversity Conservation Corridors or protected areas designated or established at the national or sub-national level shall take prompt action to investigate any case of environment or natural resources offences in Biodiversity Conservation Corridors or protected areas designated or established at the national or sub-national level.

## **ARTICLE 997 REQUIREMENT FOR REPORTS**

When conducting an inquiry into offences which took place in a Biodiversity Conservation Corridor or protected area designated or established at the national or sub-national level, officials of the ministry or institution responsible for environment and the provincial departments responsible for environment and other officials that are not qualified as Environment and Natural Resources Judicial Police Officers shall report on their inquiry into an environment and natural resources offence, in accordance with the Criminal Code.

## **ARTICLE 998 EVIDENCE**

Evidence of environment and natural resources offences, whether occurring within or outside of a Biodiversity Conservation Corridor or protected area designated or established at the national or sub-national level, shall include the following:

- a) Natural resources products and by-products, or the clearance, destruction, disturbance, or damage of natural resources products and by-products, that are the actual evidence of illegal activities;
- b) Equipment and any means of transport that may be used for illegal activities;
- c) Equipment and records used in the business of illegal activities including but not limited to telephones, financial records, and bank records;
- d) Assets considered likely to have been purchased through the proceeds of illegal activities; and
- e) Documents or other testimony by witnesses to the illegal activities or the intent to commit such an offence.

Evidence as stated above shall be temporarily managed in accordance with the relevant legal instrument of the ministry or institution relevant for environment. Evidence as stipulated above shall be temporarily seized until the cases are resolved by the court or any orders have been issued.

#### **ARTICLE 999 CONFISCATION OF ILLEGAL TRANSPORTATION**

During the illegal transportation of natural resources products and by-products, the driver of that means of transport without its owner present shall be temporarily confiscated to assist in the investigation of offenders.

#### **ARTICLE 1000 CONFISCATED EVIDENCE**

Any confiscated evidence shall be managed in accordance with the procedures of the ministry or institution responsible for environment in accordance with this Code, other separate specific laws, and other relevant legal instruments.

Evidence shall be stored securely and at an institution deemed suitable by the ministry or institution responsible for environment or other ministry or institution authorized by the ministry or institution responsible for environment. With appropriate recording, the ministry or institution responsible for environment and other relevant ministries or institutions have the authority to release, destroy, or keep for public benefit any confiscated natural resources products and by-products.

#### **ARTICLE 1001 CONFISCATED LIVE WILDLIFE**

Any confiscated live wildlife shall be managed in accordance with the procedures of the Wildlife Rescue Team and released as quickly as possible to wildlife rescue centres or release stations.

Any confiscated wildlife carcasses or parts shall be managed in accordance with this Code, international conventions to which the Kingdom of Cambodia is a party, and other relevant legal instruments. It is prohibited to re-sell any seized wildlife carcasses or parts.

Confiscation and management of live wildlife, wildlife carcasses or parts, trophies, or other derivatives shall be duly recorded and conducted in accordance with the relevant legal instrument on wildlife protection, conservation, and management.

#### **ARTICLE 1002 AUTHORITY TO IMPOSE RESTRICTIONS**

Staff of Biodiversity Conservation Corridors or protected areas designated or established at the national or sub-national levels; officials of the ministry or institution responsible for environment, sub-national authorities, and the provincial departments responsible for environment; and any deputies have the authority to impose restrictions on the activities of a person, or temporarily stop a legal entity's activity that is in violation of the provisions of this Title or in breach of an agreement.

#### **ARTICLE 1003 RIGHT TO MAKE COMPLAINT**

Any natural person or legal entity who disagrees with a decision made by the ministry or institution responsible for environment or relevant competent ministries or institutions in exercising its powers under this Title, reserves the right to make a written complaint in accordance with Book 9 Title 1 of this Code.

Any complaint made under this Article shall not affect the authority of, or prevent the process of enforcement by ministry or institution responsible for environment officers in accordance with this Title.

### **SECTION 4**

#### **ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS FOR WILDLIFE OFFENCES**

#### **ARTICLE 1004 LAW ENFORCEMENT**

Government officers under the ministry or institution responsible for environment, the provincial department responsible for environment, and other relevant ministries or institutions with Environment and Natural Resources Judicial Police Officer accreditation shall implement their missions in accordance with Book 9 Title 2 of this Code in regard to wildlife offences anywhere within the Kingdom of Cambodia.

#### **ARTICLE 1005 MISSION OF ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS FOR WILDLIFE OFFENCES**

Environment and Natural Resources Judicial Police Officers for wildlife offences shall fulfil their mission and compile case files following procedures in accordance with this Code, the in-force Code of Criminal Procedure, and other relevant legal instruments.

#### **ARTICLE 1006 PROMPT ACTION**

Officials of the ministry or institution responsible for environment and the provincial departments responsible for environment, and Environment and Natural Resources Judicial Police Officers shall take prompt action to investigate and enforce all cases of wildlife offences and shall do so in accordance with the requirements and procedures of this Code and the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

#### **ARTICLE 1007 EVIDENCE**

Evidence of wildlife offences shall be as follows:

- a) Live wildlife, dead wildlife, wildlife parts, trophies and other wild animal derivatives;
- b) Equipment and means of transport used for intentionally committing illegal activities, including materials that may be used for prohibited means of hunting;
- c) Equipment and records used in the business of illegal activities including but not limited to telephones, financial records, and bank records;
- d) Assets considered likely to have been purchased through the proceeds of illegal activities; and
- e) Documents or other testimony by witnesses to the illegal activities or the intent to commit such an offence.

Evidence seized as stated above shall be temporarily managed in accordance with Chapter 11 of this Title and other relevant legal instrument of the ministry or institution relevant for environment. Evidence as stipulated above shall be temporarily seized until the cases are resolved by the court or any orders have been issued.

#### **ARTICLE 1008 PROCEDURES FOR EVIDENCE**

Wildlife evidence, including live animals, shall be provided to the relevant ministries or institutions responsible for counter-wildlife trafficking enforcement measures.

#### **ARTICLE 1009 CONFISCATED EVIDENCE**

Any confiscated evidence shall be managed in accordance with the procedures of the ministry or institution responsible for environment in accordance with Book 9 of this Code, other separate specific laws, and other relevant legal instruments.

Evidence shall be stored securely and at an institution deemed suitable by the ministry or institution responsible for environment or other ministry or institution authorized by the ministry or institution responsible for environment. With appropriate recording, the ministry or institution responsible for environment has the authority to release, destroy, or keep for public benefit any confiscated natural resources products and by-products.

#### **ARTICLE 1010 MANAGEMENT OF SEIZED WILDLIFE, WILDLIFE PRODUCTS, AND TROPHIES**

All confiscations and management of seized wildlife, wildlife carcasses or parts, trophies, or other derivatives, shall be managed in accordance with this Title and the international conventions to which the Kingdom of Cambodia is a party.

#### **ARTICLE 1011 RESTRICTIONS ON ACTIONS**

Officials of the ministry or institution responsible for environment, the sub-national authorities, the provincial departments responsible for environment, and any agents that implement their mission of investigation into offences in accordance with Book 9 Title 2 of this Code have the duty to impose restrictions on the activities of a natural person, or temporarily stop a legal entity's activity, until the investigation procedure is resolved.

#### **ARTICLE 1012 COMPLAINTS**

Any natural person or legal entity who disagrees with a decision made by the ministry or institution responsible for environment and relevant competent ministries or institutions in accordance with this Code, other separate specific laws and other relevant legal instruments, in exercising its powers under this Title has the right to make a written complaint to in accordance with Book 9 Title 1 of this Code.

Any complaint made under this Article shall not affect the authority of, or prevent the process of enforcement by Environment and Natural Resources Judicial Police Officers in accordance with this Title.

### **SECTION 5 HERITAGE PROTECTION JUDICIAL POLICE OFFICERS**

#### **ARTICLE 1013 HERITAGE PROTECTION JUDICIAL POLICE OFFICERS**

Officials of the ministry or institution responsible for culture or fine arts may be appointed as Environment and Natural Resources Judicial Police Officers in accordance with the Criminal Code. The composition of Heritage Protection Judicial Police Officers shall include:

- a) Officials appointed as Heritage Protection Officers; and

- b) Officials of the capital or provincial departments of the ministry or institution responsible for culture or fine arts.

#### **ARTICLE 1014 HERITAGE PROTECTION JUDICIAL POLICE OFFICERS**

Heritage Protection Judicial Police Officers shall fulfil their mission and compile case files following procedures in accordance with this Code, the in-force Code of Criminal Procedure, and other relevant legal instruments.

#### **ARTICLE 1015 COMPLAINTS**

Any natural person or legal entity who disagrees with a decision made by the ministry or institution responsible for environment and other relevant competent ministries or institutions in accordance with this Code, other separate specific laws, and other relevant legal instrument, in exercising its powers under this Title, has the right to make a written complaint in accordance with Book 9 Title 1 of this Code.

Any complaint made under this Article shall not affect the authority of, or prevent the process of enforcement by Environment and Natural Resources Judicial Police Officers in accordance with this Title.

### **CHAPTER 2**

#### **ENVIRONMENT AND NATURAL RESOURCES INSPECTION OFFICERS**

##### **SECTION 1**

##### **GENERAL PROVISIONS**

#### **ARTICLE 1016 APPOINTMENT OF ENVIRONMENT AND NATURAL RESOURCES INSPECTION OFFICERS**

The ministries or institutions that have authority related to environmental protection and natural resources management shall appoint their own separate officials to be responsible for inspection work related to environment and natural resources in accordance with this Code, separate specific laws and other relevant legal instruments.

#### **ARTICLE 1017 STATUS OF ENVIRONMENT AND NATURAL RESOURCES INSPECTION OFFICERS**

Environment and Natural Resources Inspection Officers shall have the status of Judicial Police Officers only if clearly stipulated in this Code, separate specific laws, and other relevant legal instruments. Environment and Natural Resources Inspection Officers shall have the duties and roles as the Environment and Natural Resources Inspection Officers as stipulated in Article 1018 below.

#### **ARTICLE 1018 DUTIES AND ROLES OF ENVIRONMENT AND NATURAL**



## **RESOURCES INSPECTION OFFICERS**

Environment and Natural Resources Inspection Officers have duties and roles as follows:

- a) Inspecting, following up, and checking compliance with legal instruments on environment and natural resources under their authority;
- b) Preparing a report on the result of the inspection and submitting it to the relevant ministries or institutions for reviewing and making decision;
- c) Taking necessary measures in cases of violation of this Code and other relevant legal instruments;
- d) Issuing necessary orders in cases of threat to the environment and natural resources; and
- e) Informing the public and other relevant competent ministries or institutions in cases of any serious threat to the environment and natural resources.

In addition to the duties and roles determined in this Code, Environment and Natural Resources Inspection Officers shall implement their duties and roles as stipulated in separate specific laws and relevant regulations;

### **ARTICLE 1019 COOPERATION ON INSPECTION WORK RELATED TO ENVIRONMENT AND NATURAL RESOURCES**

Project owners or operators and relevant ministries or institutions shall cooperate with Environment and Natural Resources Inspection Officers in conducting the inspections related to environment and natural resources.

### **ARTICLE 1020 USE OF UNIFORM IN CONDUCTING INVESTIGATIONS ON ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS**

Environment and Natural Resources Inspection Officers shall have a permit and shall wear clear identification and uniform while performing their duties and roles.

## **SECTION 2**

### **ENVIRONMENTAL IMPACT ASSESSMENT INSPECTION OFFICERS**

#### **ARTICLE 1021 APPOINTMENT OF ENVIRONMENTAL IMPACT ASSESSMENT INSPECTION OFFICERS**

The ministry or institution responsible for environment shall appoint Environmental Impact Assessment Inspection Officers to conduct inspections on projects, project operation, and the building or premises where the Environmental Impact Assessment is being conducted.

## **ARTICLE 1022 STATUS OF ENVIRONMENTAL IMPACT ASSESSMENT INSPECTION OFFICERS**

Environmental Impact Assessment Inspection Officers that are properly appointed by the ministry or institution responsible for environment shall have the status of Judicial Police Officers.

## **ARTICLE 1023 AUTHORITY OF ENVIRONMENTAL IMPACT ASSESSMENT INSPECTION OFFICERS**

Officials of the Environmental Impact Assessment Unit of the ministry or institution responsible for environment shall have the following authorities:

- a) Inspecting and monitoring compliance with relevant legal instruments, Environmental Protection Agreements, standards, Environmental Management Plans and other relevant environmental requirements. If necessary, Environmental Impact Assessment officials may order the project proponent to temporarily postpone activities or temporarily close the location of the project;
- b) Checking documents and electronic data on environmental management and other records on development projects and project operations;
- c) Listening to and making minutes of the answers of workers, employees, representatives of project proponents as well as other relevant persons;
- d) Ordering the workers, employees, managers, legal representatives, and agents of development projects to provide information, written documents, plans, and minutes relevant to the environmental management of a project proponent;
- e) Searching the project site and seizing evidence where a violation of a relevant legal instrument on Environmental Impact Assessment or an Environmental Management Plan is suspected to have been committed;
- f) Meeting with boards of directors, legal representatives, workers, and employees of development projects at least once per year in order to assess the implementation of this Code and other relevant legal instruments; and
- g) Making a record of searching and seizing of evidence in order to compile the case file for the commission of the offense against this Code or any other relevant legal instrument.

## **SECTION 3 HERITAGE PROTECTION OFFICERS**

### **ARTICLE 1024 HERITAGE PROTECTION OFFICERS**

The ministry or institution responsible for culture or fine arts shall appoint a Heritage Protection Officer for each province and city. The ministry or institution responsible for culture or fine arts shall appoint the Heritage Protection Officer in consultation with the relevant ministries or institutions of each province and city.

#### **ARTICLE 1025 DUTIES OF HERITAGE PROTECTION OFFICERS**

The duties of the Heritage Protection Officer shall be to liaise with provincial and city authorities and the ministry or institution responsible for culture or fine arts to protect heritage items and to assist in the implementation of this Code.

#### **ARTICLE 1026 ROLES, FUNCTIONS, AND QUALIFICATIONS OF HERITAGE PROTECTION OFFICERS**

The roles, functions, and qualifications of Heritage Protection Officers shall be determined by legal instrument issued by the ministry or institution responsible for culture or fine arts. The Heritage Protection Officers may work with other Heritage Protection Officers in other provinces and the ministry or institution responsible for environment to protect heritage in the Kingdom of Cambodia. The Heritage Protection Officers may also be appointed as Heritage Judicial Police Officers in accordance with this Book and the Criminal Code.

### **SECTION 4 ENVIRONMENTAL POLLUTION INSPECTION OFFICERS**

#### **ARTICLE 1027 APPOINTMENT OF ENVIRONMENTAL POLLUTION INSPECTION OFFICERS**

The ministry or institution responsible for environment shall appoint Environmental Pollution Inspection Officers for the purpose of performing inspections on sources of pollution and waste management.

#### **ARTICLE 1028 STATUS OF ENVIRONMENTAL POLLUTION INSPECTION OFFICERS**

Environmental Pollution Inspection Officers appointed by the ministry or institution responsible for environment shall have the status of Judicial Police Officers.

#### **ARTICLE 1029 QUALIFICATIONS AND APPOINTMENT OF ENVIRONMENTAL POLLUTION INSPECTION OFFICERS**

Prior to appointing any Environmental Pollution Inspection Officers, the ministry or institution responsible for environment shall issue a legal instrument to establish:

- a) The minimum level of training and qualifications that a person is required to have to be qualified as an Environmental Pollution Inspection Officer; and

- b) The procedures for nomination, review, and appointment of Environmental Pollution Inspection Officers.

The ministry or institution responsible for environment may authorize ministries or institutions responsible for environmental protection at the sub-national levels to appoint Environmental Pollution Inspection Officers in accordance with the requirements of this Code, the relevant legal instrument issued by the ministry or institution responsible for environment, and any other relevant legal instruments.

#### **ARTICLE 1030 RESPONSIBILITIES OF ENVIRONMENTAL POLLUTION INSPECTION OFFICERS**

Environmental Pollution Inspection Officers shall be authorized to:

- a) Enter the premises of any facility, project, or activity, or any other source of pollution or waste, and perform an inspection of the premises, including any pollution control technology, waste management control technology, or other measures at the premises;
- b) Collect and take samples of any pollution or effluent emissions or any other potential sources of pollution to be tested at a laboratory of the ministry or institution responsible for environment or other laboratory that has been acknowledged by the ministry or institution responsible for environment;
- c) Collect and take photographic or video documentation of any operations on the premises, including but not limited to the operation of any potential sources of pollution or waste and the technology or measures designed to control such pollution or waste;
- d) Inspect any records, approvals, permits, reports, or other documents pertaining to pollution, waste, pollution control technologies, waste management control technologies, or measures that are required to be kept in accordance with this Code or other relevant legal instruments;
- e) Interview the owner or person responsible of the operation of the premises, including any persons responsible for the operation of the premises' pollution control measures or waste management control measures or technology, and any other persons on the premises deemed necessary; and
- f) Issue an order to adopt a corrective measure if the Environmental Pollution Inspection Officer discovers that any activity or operation on the premises is in violation of this Code, or that any pollution control technology, waste management control technology, or other measure is not functioning or operating in accordance with the premises' applicable permits, authorizations, Environmental Management Plans, or Environmental Protection Agreements.

## **ARTICLE 1031 PROCEDURES FOR INSPECTION ON ENVIRONMENTAL POLLUTION**

The ministry or institution responsible for environment shall establish the procedures that Environmental Pollution Inspection Officers and owners and operators of any facility, activity, or project under inspection shall follow to initiate and conduct an inspection.

Environmental Pollution Inspection Officers shall be required to wear an easily identifiable uniform and badge and shall identify themselves to owners or operators of any facility, activity, or project under inspection prior to performing the inspection.

Environmental Pollution Inspection Officers shall also be required to keep and maintain records of each inspection that they perform. Records of inspections shall be made publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

## **ARTICLE 1032 PROHIBITION TO DENY ENTRY FOR INSPECTION**

Under no circumstances shall the owner or operator of any facility, activity, or project that is subject to inspection deny entry to their premises to the Environmental Pollution Inspection Officer conducting the inspection.

## **ARTICLE 1033 AUTHORIZED ACTIONS**

If, during an inspection, an Environmental Pollution Inspection Officer discovers any source of pollution or waste, failure of the proper operation of any pollution control technology, waste management control technology, or other measures, or breach of requirements for waste management that may pose an imminent threat to public health, property, or the environment, the Environmental Pollution Inspection Officer shall be authorized to:

- a) Immediately notify any persons or other entities that may be under threat;
- b) Order the owner or operator of the premises under inspection to immediately adopt corrective measures to ensure the proper operation of any pollution control technology, waste management control technology, or other measures; comply with requirements for waste management; or to otherwise stop the pollution; and
- c) Order the owner or operator of the premises to immediately cease any operations that are causing the pollution, or breach of requirements for waste management if any immediately implementable corrective measures are not sufficient to abate the potential harm the pollution or waste may pose to human health, property, or the environment.

The ministry or institution responsible for environment shall establish the procedures that Environmental Pollution Inspection Officers and owners or operators of premises under

inspection shall follow upon the discovery of any source of pollution, failure of the proper operation of any pollution control technology or other measures, or breach of requirements for waste management that may pose an imminent threat to human health, property, or the environment.

#### **ARTICLE 1034 ASSESSMENT REPORTS**

In a period of no more than fourteen (14) days of the discovery of any source of pollution or failure of the proper operation of any pollution control technology or other measures or breach of requirements for waste management that may pose an imminent threat to human health, property, or the environment and the issuing of an order to adopt corrective measures, the responsible Environmental Pollution Inspection Officer shall produce an Assessment Report on the discovery and subsequent measures adopted to address it.

The ministry or institution responsible for environment shall establish the procedures and requirements for the production of Assessment Reports. All Assessment Reports shall be made publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

#### **ARTICLE 1035 COSTS FOR CORRECTIVE MEASURES**

The costs associated with any action to adopt corrective measures to minimize, control, or stop any pollution source or waste discovered during the course of an inspection are the sole responsibility of the owner and/or operator of the premises.

Reasonable costs associated with the production of an Assessment Report under this Title shall be the responsibility of the owner and/or operator of the premises that is the subject of the Assessment Report.

#### **ARTICLE 1036 RIGHT TO FILE REQUEST**

Any natural person or legal entity that is not satisfied with any action taken by an Environmental Pollution Inspection Officer may file a request to the ministry or institution responsible for environment for a review of the action in a period of no more than thirty (30) days of the action being taken.

The ministry or institution responsible for environment shall make a decision on whether to rescind, modify, or affirm the action taken by the Environmental Inspection Officer and make a written record of the decision in a period of no more than forty (40) days after receiving the petition.

The written record of the decision shall include the reasoning, information, and data that formed the basis of the decision. It shall be provided to the natural person or other legal entity that

made the petition and shall also be made publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

If the natural person or legal entity that made the petition is not satisfied with the decision of the ministry or institution responsible for environment, that natural person or legal entity has the right to file a complaint in the competent court in accordance with Book 9 of this Code.

### **TITLE 3 RESTORATION AND COMPENSATION FOR HARM TO THE ENVIRONMENT**

#### **CHAPTER 1 ENVIRONMENTAL HARM ASSESSMENT MECHANISM**

##### **ARTICLE 1037 ESTABLISHING RESTORATION MECHANISMS AND DETERMINING THE EXTENT OF COMPENSATION**

Forms and procedures to establish restoration mechanisms and assess the extent of environmental harm, restoration, and environmental compensation, and compensation for financial loss resulting from environmental harm shall be determined by legal instrument of the ministry or institution responsible for environment.

##### **ARTICLE 1038 ENVIRONMENTAL HARM**

Environmental harm includes damage to, impairment, destruction, loss, or loss of use of the environment, including natural resources and natural resources goods and services.

##### **ARTICLE 1039 LIABILITY FOR ENVIRONMENTAL HARM**

Any legal entity or natural person found liable for any environmental harm or financial loss resulting from environmental harm shall be required to restore all such harm, and/or otherwise compensate for all losses resulting from the harm.

##### **ARTICLE 1040 OBLIGATION TO SHARE INFORMATION**

All relevant ministries or institutions, indigenous peoples, civil society, legal entities, and natural persons shall share relevant technical information, knowledge, interests, and concerns to facilitate full, prompt, and effective restoration of harm to the environment.

Each of these parties shall be involved in restoration and compensation decision-making and the implementation of environmental restoration.

#### **CHAPTER 2 LIABILITY**

##### **ARTICLE 1041 LIABILITY OF NATURAL PERSONS, LEGAL ENTITIES, AND**

## **GOVERNMENT OFFICIALS**

Liability for environmental compensation shall not require proof of intention or knowledge and shall apply to:

- a) Any natural person or legal entity whose actions or failures to act are more likely than not to result in harm to the environment; and
- b) Any government official at any level of government who acts beyond his or her authority or in contravention of this Code or any relevant legal instruments whose action is more likely than not to result in harm to the environment.

## **ARTICLE 1042 INSTRUMENTALITY**

Any instrumentality, including but not limited to a vessel, vehicle, aircraft, chainsaw, saw mill, truck, or other equipment that is more likely than not to have been used in an illegal activity or an activity that harms the environment, may be seized and sold, with the proceeds used towards restoration of the harm.

## **ARTICLE 1043 RESPONSIBILITIES OF LEGAL ENTITIES**

Directors and officers of corporations shall be liable for environmental compensation in the same manner and to the same extent as their legal entities are liable as stipulated in Article 1041 of this Code.

## **ARTICLE 1044 INDIVIDUAL LIABILITY**

In cases where there is or may be more than one person liable under this Chapter, each such person shall be individually liable for the full extent of all resulting environmental compensation, regardless of the actual extent of such person's contribution to the total environmental harm.

## **CHAPTER 3 DEFENCES AND EXCEPTIONS TO DEFENCES**

### **ARTICLE 1045 DEFENCES**

A natural person or legal entity shall not be liable if such natural person or legal entity can establish that:

- a) The harm to the environment was caused solely by an unanticipated grave natural disaster or an act of war;
- b) The harm to the environment was caused solely by an act or omission of a third party, other than an employee or agent of such natural person or legal entity;



- c) The harm to the environment was solely caused by an activity explicitly authorized by law; or
- d) The harm to the environment was solely caused by activity specifically authorized, and described with specificity as to both the types and quantum of harm, in an Environmental Management Plan, Environmental Impact Assessment, and/or Environmental Impact Assessment Approval Letter and Certificate.

#### **ARTICLE 1046 EXCEPTIONS TO DEFENCES**

The defences stipulated in Article 1045 of this Code shall be inapplicable if:

- a) The actions resulting in harm were, in whole or in part, undertaken in violation of any provision of this Code or any other relevant legal instruments;
- b) The actions resulting in harm were undertaken pursuant to a concession, license, or other authorization granted not in accordance with legal requirements, including authorizations by officials not empowered to provide said authorization or failure to meet legal requirements prior to authorization;
- c) The actions in question resulted in harm to the environment greater in quantity, magnitude, or different in type than were specifically identified, quantified, and authorized in an Environmental Management Plan, Environmental Management Plan, Environmental Impact Assessment, or Environmental Impact Assessment Approval Letter and Certificate; or
- d) The harm resulted from negligence, malfeasance, or illegal actions in the implementation, execution, or performance of an otherwise authorized activity; and
- e) Activities in violation of any of the terms and conditions of a permit, contract, authorization, or other such document, including but not limited to failures to undertake specific actions required under the permit.

### **CHAPTER 4 ENVIRONMENTAL COMPENSATION**

#### **ARTICLE 1047 ENVIRONMENTAL COMPENSATION**

The environmental compensation referred to in Chapter 2 of this Title consists of the following:

- a) The full cost to restore the environment to the condition existing prior to harm;
- b) The full cost to undertake additional restoration sufficient to offset fully harm not compensated by the restoration as stipulated in (a) above;

- c) Where restoration will be undertaken, but some portion or aspect of the harmed environment are not amenable to restoration, the value of the un-restorable aspect of the harmed environment;
- d) The ecological and human value of any losses resulting from harm to the environment not otherwise fully compensated as stipulated in (a), (b), and (c) above, including but not limited to total economic value, direct and indirect use values, and non-use values including but not limited to existence, option, altruistic, and bequest values;
- e) All costs incurred by claimants acting to claim for environmental compensation including but not limited to the actual costs and expenses of the Restoration Planning Working Group, costs of restoration compensation evaluation including but not limited to personnel costs, travel, contracted services, and all costs incurred by parties to the Restoration Planning Working Group and consultation process;
- f) The costs to monitor and insure the success of the restoration activities as stipulated in (e) above;
- g) The cost to compensate for business and economic losses resulting from harm to the environment;
- h) The cost to compensate through restoration or otherwise for loss of subsistence use of the environment;
- i) The net loss of royalties, rents, fees, or net profit shares due to the harm to the environment;
- j) The loss of profits or impairment of earning capacity due to the harm to the environment;
- k) Net costs of providing increased or additional public services in response to the harm to the environment;
- l) All court costs, fees, and expenses incurred towards and in litigation, including but not limited to salaries and expenses of plaintiffs, their staff, witness fees and expenses, technical studies, and costs of lawyers, experts, and consultants;
- m) The net loss of taxes or other revenues to a government ministry or institution; and
- n) The cost of providing patrol services equivalent to patrol services lost during the apprehension and prosecution of a violation.

#### **ARTICLE 1048 RAPID RESTORATION REQUIREMENTS**

The ministry or institution responsible for environment shall issue a legal instrument detailing

Rapid Restoration requirements and procedures, which shall set forth the restoration costs for specific types of harm and expedited evaluation procedures for establishing the type and quantity of restoration required to compensate for specific types of harm.

#### **ARTICLE 1049 PARTIES CLAIMING COMPENSATION**

Parties who may make claims for environmental compensation include the following:

- a) The ministry or institution responsible for environment and the affected ministries or institutions as stipulated in Article 1050 of this Title shall have the right to seek the costs and restoration compensation as stipulated in Article 1047 (a), (b), (c), (d), (e), (f), (h), (i) (k), (l), (m), and (n) of this Title;
- b) Subsistence users of natural resources who have been harmed shall have the right to seek the costs as stipulated in Article 1047 (d), (e), (g), (h), (i), (j) and (l) of this Title, other separate specific laws, and other relevant legal instruments;
- c) Any natural person or legal entity shall have the right to seek the costs and restoration compensation as stipulated in Article 1047 (a), (b), (c), (d), (e), (f), and (l), of this Title only if
  - i) The ministry or institution responsible for environment or authorized designee fails to establish a Restoration Planning Working Group in accordance with Chapter 5 of this Title in no more than six (6) months of the occurrence of an environmental harm occurrence;
  - ii) The Restoration Planning Working Group is formed but fails to perform restoration compensation evaluation in no more than one (1) year of formation; or
  - iii) The natural person or legal entity has notified the ministry or institution responsible for environment of its intention to seek costs and restoration compensation. If after a period of thirty (30) days, the ministry or institution responsible for environment has not taken any action, the natural person or legal entity requesting environmental compensation may undertake restoration compensation evaluation and request for restoration costs and compensation;
- d) The owner or leaseholder of real or personal property shall have the right to seek the costs as stipulated in Article 1047 (g), (i), (j), and (l) of this Title using the procedures in accordance with Book 9 Title 1 of this Code, in separate specific laws, and other relevant legal instruments;
- e) The owner or operator of a business shall have the right to seek the costs as stipulated in Article 1047 (g), (i), (j), and (l) of this Title using the dispute resolution procedures

in accordance with Book 9 Title 1 of this Code, in separate specific laws, and other legal instruments.

## **CHAPTER 5**

### **RESTORATION PLANNING WORKING GROUP AND COMPENSATION EVALUATION PROCESS**

#### **ARTICLE 1050 RESTORATION PLANNING WORKING GROUP**

In cases where there are possible claims for restoration compensation as stipulated in Article 1047 of this Title, the entities authorised to make claims under other separate specific laws or other relevant legal instruments may request that the ministry or institution responsible for environment establish a Restoration Planning Working Group regarding the harm.

#### **ARTICLE 1051 OTHER PARTICIPANTS**

The ministry or institution responsible for environment shall give sub-national authorities whose interests are potentially affected, natural persons, representatives of civil society, local communities, indigenous peoples, and other persons with an interest or who possess technical skills and knowledge significant to the restoration compensation evaluation process, the opportunity to participate in the Restoration Planning Working Group.

#### **ARTICLE 1052 PUBLIC PARTICIPATION AND ACCESS TO ENVIRONMENTAL INFORMATION**

The Restoration Planning Working Group shall conduct its work in accordance with the provisions on public participation and access to environmental information in Book 1 Title 2 of this Code and Book 1 Title 3 of this Code.

#### **ARTICLE 1053 DUTIES AND AUTHORITIES**

The duties and authorities of the Restoration Planning Working Group shall include the following:

- a) Evaluating the probable nature and scope of environmental harm using existing, readily available data. Based on its evaluation, the Restoration Planning Working Group shall determine the following options:
  - i) Proceed with a claim for environmental compensation against one or more entities potentially liable in accordance with Chapter 2 of this Title;
  - ii) Invoke the Rapid Restoration requirements and procedures as stipulated in Article 1048 of this Code;
  - iii) Undertake a restoration compensation evaluation; or

- iv) Apply the option most appropriate to each specific element of the harm;
- b) After a decision to proceed with a claim for environmental compensation, the Restoration Planning Working Group shall:
  - i) Develop a statement of intention to pursue a claim for environmental compensation providing summary information about the occurrence and anticipated or potential harm;
  - ii) Determine whether to make an order as stipulated in Article 1030(f) of Title 3 in regard to the event; and
  - iii) Notify potentially responsible parties;
- c) Collect data likely to be relevant to the potential restoration claim;
- d) In developing a claim for restoration compensation, the Restoration Planning Working Group shall undertake some or all of the following steps as it deems appropriate to the nature of the environmental harm:
  - i) Identify and quantify harm;
  - ii) Identify restoration and/or monetary compensation alternatives constituting potential restoration compensation;
  - iii) Establish the scaling and demonstrate the connection between potential restoration compensation and the harm; or
  - iv) Establish a preferred restoration and/or monetary compensation alternative constituting the claim for environmental compensation;
- e) The Restoration Planning Working Group shall utilize the skills and expertise of Restoration Planning Working Group members, and outside expertise and technical support as needed, throughout the process of claim development and resolution
- f) Determine the appropriateness of potentially responsible party implementation of approved restoration;
- g) Notify potentially responsible parties if a restoration compensation evaluation is initiated; and
- h) Invite the potentially responsible parties to enter into a restoration negotiation process to resolve their liability through restoration work or payment of compensation.

#### **ARTICLE 1054 ADDITIONAL PROCEDURES**

The ministry or institution responsible for environment shall issue a legal instrument establishing additional procedures to be followed when undertaking restoration compensation evaluations that shall set forth the process by which environmental compensation shall be calculated on a site-specific basis in response to significant harm to the environment.

## **CHAPTER 6**

### **RESTORATION NEGOTIATION AND SETTLEMENT REQUIREMENTS**

#### **ARTICLE 1055 RESTORATION NEGOTIATION PROCESS**

The Restoration Planning Working Group and potentially responsible parties shall enter into a restoration negotiation process to achieve the following:

- a) Meeting regularly to attempt to come to agreement regarding restoration or compensation;
- b) Utilizing the dispute resolution procedures in accordance with Book 9 Title 1 of this Code;
- c) Exchanging technical information and endeavouring in good faith to resolve differences in accordance with the general principles in Book 1 Title 1 of this Code;
- d) In cases where the parties reach agreement resolving some but not all restoration compensation, the parties to any such partial resolution may settle those liability claim elements to permit timely restoration and/or compensation to occur; and
- e) Where a potentially responsible party has declined an invitation as stipulated in Article 1053 of this Code, or fails to participate in good faith in the restoration consultation process or other mutually agreeable out-of-court process towards resolution of its liability, parties claiming compensation as stipulated in Article 1044 of this Code shall proceed utilizing expedited compensation determination or restoration compensation evaluation.

#### **ARTICLE 1056 SETTLEMENT AGREEMENT REQUIREMENTS**

All negotiated settlement agreements shall be in accordance with the following requirements:

- a) The proposed settlement agreement shall be made available to the public for review and comment for a period of sixty (60) days, and shall be in accordance with the public participation provisions in Book 1 Title 2 of this Code;
- b) All natural persons or legal entities that participated in any public meeting or provided any input to the Restoration Planning Working Group shall receive a copy of any proposed settlement;

- c) Notice of the proposed settlement agreement shall be provided to the public in any affected areas in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code;
- d) Settlement agreements shall include the following provision reserving to the parties claiming compensation the following rights: “regardless of this settlement, the claiming parties reserve the right to begin new proceedings against defendant at any time seeking additional restoration compensation if new conditions are discovered or new information is received relating to this matter that indicate that there is harm of a type that is different or greater than what was known at the time of this agreement”;
- e) Settlement agreements shall include appropriate and technically and ecologically sound monitoring and performance standards in any agreement in which settling responsible parties agree to undertake restoration. Such standards shall, absent specific findings establishing the appropriateness of lesser standards, require the use of appropriate native plants for revegetation, performance monitoring for a period of not less than five (5) years, and include an obligation on the part of the responsible party to continue to undertake restoration activities until performance standards have been met. Agreements shall include such further monitoring and performance requirements as determined through the restoration compensation evaluation process. All monitoring data generated shall be made publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code;
- f) Settlement agreements shall include in any agreement a requirement that potentially responsible parties undertake or fund environmental education and awareness throughout the area of harm in a manner and of a type in light of the harm; and
- g) Settlement agreements may also include additional provisions as may be deemed necessary to achieve full restoration.

## **CHAPTER 7 ADMINISTRATIVE ORDER AUTHORITY**

### **ARTICLE 1057 FINDING OF A LIKELIHOOD OF SIGNIFICANT HARM**

The ministry or institution responsible for environment shall have the authority to order potentially responsible parties to provide immediate financial support for the work of the Restoration Planning Working Group and the development of a restoration compensation evaluation in cases where there is significant environmental harm.

### **ARTICLE 1058 FINDING OF URGENT NEED TO ACT**

Upon having determined the requirement to prevent the relevant environmental damage, or to avoid the loss of the opportunity for restoration, the ministry or institution responsible for

environment shall have the authority to order potentially responsible parties to undertake emergency restoration actions under the direction of the ministry or institution responsible for environment.

**CHAPTER 8**  
**AUTHORITY OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR**  
**ENVIRONMENT TO RECOVER COSTS OF RESTORATION**

**ARTICLE 1059 NECESSARY RESTORATION AND RECOVERY OF COSTS AND EXPENSES**

The ministry or institution responsible for environment may undertake complaint proceedings for compensation and the cost of the restoration of harm to the environment from parties responsible for causing the harm.

**ARTICLE 1060 PAYMENT OR REIMBURSEMENT OF COSTS AND EXPENSES**

Monies recovered under the authority of this Title as payment towards or reimbursement of the costs and expenses of restoration compensation evaluation and Restoration Planning Working Group's activities shall be paid directly to the party incurring these costs and expenses.

**TITLE 4      ENVIRONMENT      AND      NATURAL      RESOURCES**  
**OFFENCES AND PENALTIES**

**CHAPTER 1**  
**GENERAL PROVISIONS**

**ARTICLE 1061 TYPES OF PENALTIES**

Penalties under this Code include written warning, revocation or suspension of approvals or permits, transitional fines, compensation for damage, and criminal penalties.

**ARTICLE 1062 ENFORCEMENT OF PENALTIES**

Written warnings, suspensions, or revocations of registration certificates and other relevant permits are under the authority of the relevant government ministry or institution.

Enforcement of transitional fines shall be under the authority of ministry or institution responsible for environment.

Compensation for damage to the environment or natural resources under the provisions of this Code shall be under the authority of the ministry or institution responsible for environment or other relevant Ministries in accordance with in Title 3 of this Book.

**ARTICLE 1063 TRANSITIONAL FINES**



The ministry or institution responsible for environment shall have the rights to implement transitional fines for an offence under this Code.

A transitional fine shall be implemented in cases where the perpetrator admits guilt and agrees to pay a transitional fine in accordance with provisions under this Code. Payment of a transitional fine shall lead to the extinguishment of a criminal complaint for the specific offence for which the transitional fine was paid.

If an offender refuses to pay the transitional fine, the ministry or institution responsible for environment shall file a case of the offence to lodge in court in accordance with the Code of Criminal Procedure of the Kingdom of Cambodia.

Procedures and documentation for transitional fines shall be defined by a legal instrument of the ministry or institution responsible for environment.

#### **ARTICLE 1064 PROCEEDS FROM TRANSITIONAL FINES**

Proceeds from a transitional fine, a fine by court, and other items which the court has decided to confiscate as State property, may be paid into the national budget. Such proceeds may also be used to provide rewards to officials and natural persons who take part in law enforcement activities, including to incentivize the law enforcement teams who have conducted a specific crack down, arrested an offender, or seized evidence, and to natural persons who have provided information that led to a seizure or arrest.

A legal instrument shall be developed to specify allocation procedures for these proceeds.

#### **ARTICLE 1065 BREACH ON OBLIGATION TO AVOID ENVIRONMENTAL HARM**

The natural person or legal entity who breaches the provisions of this Code and other separate specific laws and causes the damage to environment or commits an environment and natural resources offence, shall be punished by Class 3 or Class 4 offence based on the criminal action and the degree of damage caused to the environment and natural resources.

#### **ARTICLE 1066 APPLICATION OF ACTIVITIES OF A CIVIL COMPLAINT**

In cases where a criminal complaint in accordance with this Code and other separate specific laws are being processed in the competent court, a civil complaint for demanding compensation and/or restoration to the environmental damage against the party who causes the damage at the separate court shall progress in the usual manner of civil proceedings or of dispute resolution procedure for environment and natural resources as stipulated in this Code.

#### **ARTICLE 1067 ENVIRONMENTAL RESTORATION**

The ministry or institution responsible for environment is authorized to make a complaint to

the court to seek a payment for damages to apply to the restoration of the affected environment or public property in accordance with Title 3 of this Book.

#### **ARTICLE 1068 PUBLIC OFFICIAL FAILING TO COMPLY**

Any public official who violates or fails to comply with the duties under this Code shall face administrative punishment or be prosecuted.

Accomplices or collaborators shall receive the same punishment as the offender.

#### **ARTICLE 1069 PROPERTY USED IN THE INTENTIONAL COMMISSION OF AN OFFENCE**

Any public official or military officer who is responsible for state property management, including land, vehicles, and other properties, who has used those properties in the intentional commission of an offence, shall be deemed to be an intentional instigator of the offence unless that official or officer can prove that they had no control over the perpetrator of the intentional offence or over the property used in the offence. A public official or military officer who is negligent or has failed to fulfil his or her duty shall not avoid administrative sanction.

#### **ARTICLE 1070 INTENTION NOT REQUIRED**

A criminal offence in accordance with this Code may result from recklessness, carelessness, negligence, or a failure to fulfil an obligation, regardless of whether or not there was intent to commit the offence.

For crimes against the environment proof of intention is not required unless otherwise specified in this Code.

#### **ARTICLE 1071 RESPONSIBILITY OF LEGAL ENTITIES**

Legal entities shall be held criminally or civilly responsible for crimes against the environment committed on their behalf by their agents or representatives acting in the course of their duty for the benefit of the legal entity. Liability may also be imposed personally on the legally authorized representatives.

#### **ARTICLE 1072 ADDITIONAL PENALTIES FOR CRIMES AGAINST THE ENVIRONMENT BY NATURAL PERSONS**

The additional penalties in the Criminal Code shall also apply for environment and natural resources offence committed by natural persons in accordance with this Code and other separate specific laws.

#### **ARTICLE 1073 ADDITIONAL PENALTIES FOR CRIMES AGAINST THE ENVIRONMENT BY LEGAL ENTITIES**

The additional penalties as stipulated in Article 168 of the Criminal Code apply to legal entities for each and every offence against the environment under this Code.

The following additional penalties shall be incurred for each and every offence against the environment:

- a) Dissolution of the legal entity;
- b) Cancellation of permit or authority;
- c) Suspension of permit or authority;
- d) Cancellation of any Environmental Impact Assessment Approval Certificate;
- e) Suspension of any Economic Land Concession or other concession;
- f) Cancellation of any Economic Land Concession or other concession;
- g) Seizure of equipment involved in the offence;
- h) Confiscation of any and all profits attributable from the offence; and
- i) Publication of offence, and penalties.

In addition to the additional penalties above, the additional penalties prescribed in the Criminal Code shall also apply for an offence against environment and natural resources committed by legal entity.

#### **ARTICLE 1074 CLASSES OF OFFENCES**

Crimes against the environment shall be classed into five (5) offences:

**Class 1 Offence** shall receive a penalty of a fine of between four hundred million riels (800,000,000) and two hundred million riels (400,000,000) and by imprisonment between five (5) years and ten (10) years.

**Class 2 Offence** shall receive a penalty of a fine of between four hundred million riels (400,000,000) and two hundred million riels (200,000,000) and by imprisonment between ten (10) years and thirty (30) years.

**Class 3 Offence** shall receive a penalty of a fine of between two hundred million riels (200,000,000) and twenty million riels (20,000,000) and by imprisonment from one (1) years and five (5) years.

**Class 4 Offence** shall receive a penalty of a fine of between twenty million riels (20,000,000)

and two million riels (2,000,000) and by imprisonment from seven (7) days and one (1) year.

**Class 5 Offence** shall receive a penalty of a fine of between two million riels (2,000,000) and twenty thousand riels (20,000) and by imprisonment from one (1) day to six (6) days.

#### **ARTICLE 1075 MANAGEMENT OF COMPENSATION**

Any compensation resulting from the civil actions shall be used for the restoration and rehabilitation of the damage caused to the environment and restoration of the livelihoods of any communities adversely affected.

#### **ARTICLE 1076 LEGAL INSTRUMENT ON MANAGEMENT AND ALLOCATION OF DAMAGES**

The ministry or institution responsible for environment shall establish a legal instrument on the management and allocation of compensation for environment and natural resources damages.

#### **ARTICLE 1077 STATUTE OF LIMITATION OF CIVIL COMPLAINT**

The entitlement for environmental restoration and compensation for harms shall have the following statute of limitations:

- a) Five (5) years from the date of actual knowledge of the occurrence resulting in the harm or of obtaining all the information on the causes of the environmental harms; or
- b) Ten (10) years from the date of the occurrence of the activities or the event of the relevant environmental damage.

#### **ARTICLE 1078 STATUTE OF LIMITATIONS OF CRIMINAL COMPLAINT**

The statute of limitations related to crimes against the environment shall be in accordance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

Offences against the environment are continuing offences for which the statute of limitations is counted from the date the offence is discovered.

### **CHAPTER 2 PUBLIC PARTICIPATION RELATED OFFENCES**

#### **ARTICLE 1079 OBSTRUCTION TO THE RIGHT TO PUBLIC PARTICIPATION**

It is punishable by Class 5 Offence for an act of any natural person or legal entity who obstructs the right to public participation as stipulated in Article 21 of this Code.

Cases where such act of obstruction is committed by the public servant or the competent

government official in an abuse of power or by exercising his or her right in breach of the right to public participation, shall be punished by Class 4 offence.

#### **ARTICLE 1080 ACT OF OBSTRUCTION OR THREAT TO PUBLIC PARTICIPATION**

It is punishable by Class 4 Offence for an act of obstruction or retaliation by all means of any natural person or legal entity who obstructs or threatens to the activities of public participation as stipulated in Article 22 of this Code. In case, such act of obstruction or threat is seriously affected the physical integrity or property, shall be punished by class 3 offence.

It is punishable by Class 1 Offence if an act is committed as stipulated in the paragraph above which causes the loss of life.

#### **ARTICLE 1081 VIOLATION TO PUBLIC PARTICIPATION OF INDIGENOUS PEOPLES**

It is punishable by administrative penalties including but not limited to cancelation or suspension of business registration or cancellation of concession agreement, cancellation of permit or licenses for any natural person or legal entity who fails to carry out or fulfil his or her obligations as stipulated in Articles 26 and 27.

#### **ARTICLE 1082 COERCION ON FORCED SETTLEMENT**

It is punishable by administrative penalties including but not limited to cancelation or suspension of business registration, suspension or cancellation of concession agreement, cancellation of permit or licenses for any natural person or legal entity who fails to carry out or fulfil his or her obligations as stipulated in Article 30.

In cases where such act of coercion or eviction is done by violence, causing serious affect to physical integrity or property, it shall be punished by class 3 offence. But, in cases where an act of such coercion or eviction causes the loss of life or permanent disability, it shall be punished by class 2 offence.

#### **ARTICLE 1083 OBLIGATION TO PRODUCE ENVIRONMENT AND NATURAL RESOURCES INFORMATION**

It is punishable in monetary fines by class 4 offence for an act of any natural person or legal entity who fails to comply with his or her obligations as stipulated in Article 32 of this Code, and/or other relevant legal instruments on access to environmental information. In cases where a natural person or legal entity continues to commit such offence, they shall be fined on daily basis for 2,000,000 (two million) Riels per day.

#### **ARTICLE 1084 OBLIGATION OF THE PROJECT PROPONENT TO PROVIDE**

## **INFORMATION**

It is punishable in monetary fine by class 4 offence for a failure to provide information as stipulated in Article 40. In cases where a project proponent continues to commit such offence, they shall be fined on a daily basis by 2,000,000 (two million) Riels per day.

## **ARTICLE 1085 REGISTER OF GOVERNMENT ENVIRONMENTAL INFORMATION**

It is punishable in monetary fine by class 4 offence for a failure to make the register of government environmental information publicly accessible as stipulated in Article 42.

## **ARTICLE 1086 REGISTER OF PERMITS AND APPROVALS**

It is punishable in monetary fine by class 4 offence for a failure to make the register of permits and approvals publicly accessible as stipulated in Article 46.

## **ARTICLE 1087 REGISTER OF ENVIRONMENTAL AUDITS**

It is punishable in monetary fine by class 4 offence for a failure to make the register of environmental audits publicly accessible as stipulated in Article 49.

## **CHAPTER 3**

### **OFFENCES RELATED TO RISK ASSESSMENT, STRATEGIC ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**

#### **ARTICLE 1088 PREPARATION OF RISK ASSESSMENT REPORT**

It is punishable by Class 4 Offence for an act of a consultant in preparation of environmental risk report or any individual who intentionally colludes with or fabricates or prepares a false report as stipulated in Article 72.

#### **ARTICLE 1089 FAILURE TO MAKE A FINALIZED RISK ASSESSMENT REPORT PUBLICLY AVAILABLE**

It is punishable by Class 4 Offence for the failure to make a finalized risk assessment report publicly available as stipulated in Article 73.

#### **ARTICLE 1090 PARTICIPATION OF WOMEN AND VULNERABLE PEOPLE**

It is punishable by Class 4 Offence for natural persons or legal entities to fail to provide opportunities for women, children, the disable, vulnerable people, indigenous groups, and indigenous peoples to participate in Strategic Environmental Assessment Process as stipulated in Article 84.

### **ARTICLE 1091 OBSTRUCTION OR FAILURE TO PERMIT THE INSPECTORS TO CONDUCT ENVIRONMENTAL IMPACT ASSESSMENT**

It is punishable by transitional fine from 5,000,000 (five million) to 10,000,000 (ten million) Riels for the project owner who orders or forces his or her staff or subordinates to obstruct or does not allow the officials of Environmental Impact Assessment entity to conduct an inspection as stipulated in Article 99 of this Code. In cases of repeated offence, it shall be punished by class 4 offence.

In cases where such act is committed by violence, causing affect to physical integrity, it shall be punished by class 3 offence.

In cases where such act is committed by violence, causing the loss of human life or permanent disability to the victims, it shall be punished by class 1 offence.

### **ARTICLE 1092 ACT OF NON-COMPLIANCE TO THE REQUIREMENTS**

For any project owners who fail to comply with the requirements set out in the initial Environmental Impact Assessment report or the full Environmental Impact Assessment report as stipulated in Article 131 of this Code, they shall be given a written warning by the Environmental Impact Assessment officials. In cases of non-deterrence, it shall be punished by transitional fine from 10,000,000 (ten million) to 30,000,000 (thirty million) Riels and/or the project activities shall be suspended.

In cases of failure to comply with the requirements above which causes the loss of human life or permanent disability to the victims, it shall be punished by Class 3 offence. A written warning shall not be applied in such case.

In cases of failure to comply with the requirements above which affects animal life, properties, environment and society, the project owner shall compensate the damage proportionate to the scope of damage.

In cases where the impact as stipulated in paragraph 3 above is serious, the project owner shall face the additional penalties, including the temporary suspension or cancellation of permits or certificates, cancellation of contract or revocation of licenses; and shall be charged on other criminal offences prescribed in the Criminal Code.

The legal entity shall be declared criminally liable and be given additional penalties in accordance with the provisions of the Criminal Code; and shall be punished with monetary fine by class 2 offence.

### **ARTICLE 1093 CONSTRUCTION ACTIVITIES OR PROJECT OPERATION IN VIOLATION TO PROHIBITIONS**

It is punishable by transitional fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) Riels and/or punishable by class 3 offence; and the damage caused by the project owners who commit the offence in breach of Article 116 of this Code shall be repaired and/or rehabilitated. The charge for the above criminal offence by the prosecutor shall be made pursuant to the complaint made by the ministry responsible for environment.

In cases where the project does not have any permit or approval certificate and the Environmental Impact Assessment report indicates that the project has caused negative impacts to human, animal, property, environment and society, the project proponent shall be punished with monetary fine by class 2 offence and the compensation for the damage shall be made, regardless of other related criminal penalties.

In addition to the penalties above, the project proponents may suffer additional punishments including project temporary suspension, cancellation of permits or certificates, cancellation of contract or revocation of licenses and additional penalties as stipulated in the Criminal Code.

#### **ARTICLE 1094 CONSTRUCTION ACTIVITIES OR PROJECT OPERATION IN VIOLATION TO PROHIBITIONS FOR TRANS-BOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT**

It is punishable by transitional fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) Riels and/or punishable by class 3 offence; and the damage caused by the project proponents who commit the offence in breach of Article 137 of this Code shall be repaired and/or rehabilitated. The charge for the above criminal offence by the prosecutor shall be made pursuant to the complaint made by the ministry responsible for environment.

In cases where the project does not have any permit or approval certificate or the Environmental Impact Assessment report indicates that the project has caused negative impacts to human, animal, property, environment and society, the project proponent shall be punished with monetary fine by class 2 offence and the compensation shall be made according to the scope of damage determined by the ministry or institution responsible for environment, regardless of other related criminal penalties.

In addition to the penalties above, the project proponents may suffer additional punishments including project temporary suspension, cancellation of permits or certificates, cancellation of contract or revocation of licenses and additional penalties as stipulated in the Criminal Code.

The provisions of this Article shall be applied when there is a bilateral agreement or an international convention to which the Kingdom of Cambodia is a signatory.

#### **ARTICLE 1095 CONSTRUCTION ACTIVITIES OR PROJECT OPERATION FOR THE EXISTING OR ON-GOING PROJECT**



It is punishable by transitional fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) Riels and/or punishable by class 3 offence; and shall be repaired, rehabilitated the damage caused by the proponents of the existing projects or on-going projects who commits an offence in breach of Article 118 of this Code from the time this law comes into effect. The charge for the above criminal offence by the prosecutor shall be made pursuant to the complaint made by the ministry or institution responsible for environment.

In cases where the project does not have any permit or approval certificate or the Environmental Impact Assessment report indicates that the project has caused negative impacts to human, animal, property, environment and society, the project proponent shall be punished with monetary fine by class 2 offence and the compensation shall be made according to the scope of damage determined by the ministry or institution responsible for environment, regardless of other related criminal penalties.

In addition to the penalties above, the project proponents may suffer additional punishments including project temporary suspension, cancellation of permits or certificates, cancellation of contract or revocation of licenses and additional penalties as stipulated in the Criminal Code.

#### **ARTICLE 1096 VIOLATION OF NOTIFICATION OBLIGATION**

It is punishable by transitional fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) Riels for the project proponent who fails to comply with notification as stipulated in Article 102 of this Code.

#### **ARTICLE 1097 FORGERY OR STEALING OF DATA**

It is punishable by class 3 offence for the project proponents who commit an act of data forgery or stealing of other's data in making the initial and/or a full Environmental Impact Assessment report in order to receive the letter or approval certificate on the initial or a full Environmental Impact Assessment report as stipulated in Articles 103 and 104 of this Code.

#### **ARTICLE 1098 BREACH OF ENVIRONMENTAL PROTECTION CONTRACT**

The project proponent shall be subject to a written warning from the Ministry of Interior for failure to comply with or violation of the environmental protection contract as stipulated in paragraph 2 of Article 106 of this Code. In cases of non-deterrence, it shall be punished by transitional fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) Riels.

It is punishable by class 3 offence for the project proponents who fail to comply with the environmental protection contract, and the implementation of the project causes harm to human life or permanent disability to the victims.

In cases where the activities or the projects above cause harm to animal life, properties or

environment and society, the project proponents shall compensate for damage proportionate to the scope of the damage.

#### **ARTICLE 1099 VIOLATION OF THE DECISION FOR FEES PAYMENT**

The project proponent shall be subject to a written warning, ordering for fee payment for the expenses as stipulated in Articles 866, 867, 868 and 869 of this Code.

In cases where the project proponent fails to pay the fee upon receiving a written warning, the project owner shall be punished with additional penalties including temporary suspension of the project, cancellation of contract or revocation of licenses, and/or three (3) times fine multiplied with the amount of fine to be paid.

#### **ARTICLE 1100 FAILURE TO PAY INTO THE ENVIRONMENTAL AND SOCIAL FUND AND ENVIRONMENTAL ENDOWMENT FUND**

The project proponent shall be subject to a written warning for the failure to make payment of Environmental and Social Fund, and Environmental Endowment Fund as stipulated in Articles 870 and 875 of this Code.

In cases where the Project Proponent fails to make payment after receiving this warning, the project proponent shall be punished with additional penalties, including temporary suspension of the project, cancellation of contract or revocation of licenses, and/or three (3) times fine multiple with the amount to be paid. This penalty shall be under the authority of the ministry or institution responsible for environment.

#### **ARTICLE 1101 VIOLATION OF REPORTING AND SUBMISSION OF ENVIRONMENTAL MONITORING REPORT**

The project proponent shall be subject to a written warning, directing it to prepare the project monitoring report and submission of the report to the ministry or institution responsible for environment as stipulated in Articles 135 and 136 of this Code. In cases where the project proponent fails to prepare and submit the report to the ministry or institution responsible for environment after receiving the warning, the project proponent shall be punished with transitional fine from 20,000,000 (twenty million) to 50,000,000 (forty million) Riels or temporary suspension of the project, cancellation of contract or revocation of licenses.

#### **ARTICLE 1102 VIOLATION OF PAYMENT FOR ENVIRONMENTAL IMPACT ASSESSMENT DISPUTE RESOLUTION**

In cases where the project proponent does not pay for all expenses in resolving the dispute either under the court system and in an Alternative Dispute Resolution as stipulated in Article 867 Paragraph 4 of this Code, the ministry or institution responsible for environment has the right to decide to temporarily suspend the project activities.

**ARTICLE 1103 FORGERY OR STEALING OF DATA OF THE ENVIRONMENTAL IMPACT ASSESSMENT CONSULTING FIRM**

It is punishable by class 3 offence for the Environmental Impact Assessment consulting firm or an Environmental Impact Assessment expert, legally registered and recognized by the ministry or institution responsible for environment, who commits an act of data forgery or stealing of other's data in making the initial and/or a full Environmental Impact Assessment report.

Additional penalties shall be announced, including temporary suspension from practicing the profession for the period of 6 (six) months to 3 (three) years or suspension from practicing the profession for the period of 5 (five) years; cancellation of name from the experts list of Environmental Impact Assessment report making; and publishing of penalties decision on the public media at national level and/or at sub-national level.

**ARTICLE 1104 PRACTICE OF PROFESSION OF THE ENVIRONMENTAL IMPACT ASSESSMENT CONSULTING FIRM OR THE ENVIRONMENTAL IMPACT ASSESSMENT EXPERTS WHO ARE NOT REGISTERED**

It is punishable by transitional fine from 30,000,000 (thirty million) to 60,000,000 (sixty million) Riels for the Environmental Impact Assessment consulting firm or experts who have not registered or recognized by the ministry or institution responsible for environment; and have prepared an Environmental Impact Assessment report to submit to the ministry or institution responsible for environment for approval as stipulated in Article 108.

In cases of non-deterrence, it shall be imprisoned by class 3 offence.

**ARTICLE 1105 VIOLATION OF DECISION OF SUSPENSION OF THE ENVIRONMENTAL IMPACT ASSESSMENT CONSULTING FIRM OR EXPERTS**

It is punishable by class 4 offence or by transitional fine from 30,000,000 (thirty million) to 60,000,000 (sixty million) Riels for the Environmental Impact Assessment consulting firm or experts in which their registration is suspended pursuant to the decision of the ministry or institution responsible for environment and still continue to practice their profession of Environmental Impact Assessment for profit. The charge for the above criminal offence by the prosecutor shall be made pursuant to complaint of the ministry or institution responsible for environment.

**ARTICLE 1106 ACT OF ABUSE OR FAILURE TO PERFORM THE ROLE BY THE ENVIRONMENTAL IMPACT ASSESSMENT UNIT OFFICIALS**

It is punishable by administrative sanction for any officials of the Environmental Impact Assessment unit or the Environmental Impact Assessment judicial police who commit an offence in abuse of power, or fail to perform their roles as stipulated in Articles 99 and 992 of

this Code, regardless of other related criminal penalties.

**ARTICLE 1107 ACT OF COLLUSION IN PREPARATION OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

It is punishable by class 3 offence for any officials of the Environmental Impact Assessment unit or officials of the provincial or municipal department responsible for environment, and the relevant competent officials who collude and engage in preparation of false Environmental Impact Assessment report to intentionally obtain the letter or approval certificate on Environmental Impact Assessment report from the ministry or institution responsible for environment.

**ARTICLE 1108 PROHIBITION TO THE ENVIRONMENTAL IMPACT ASSESSMENT INSPECTOR**

It is punishable by transitional fine from 2,000,000 (two million) to 5,000,000 (five million) Riels for any staff who is entitled to make a decision and has an intention not to collaborate, not permit or avoid in permitting the officials of the Environmental Impact Assessment unit to conduct an inspection as stipulated in Article 99 of this Code.

In cases where such act is committed by violence, causing harm to physical integrity, it shall be punished by class 3 offence.

In cases where such act is committed by violence, causing loss of human life or permanent disability to the victims, it shall be punished by imprisonment under class 1 offence.

**ARTICLE 1109 VIOLATION TO CIVIL SERVANT'S FUNCTION OR PEOPLE WHO RECEIVED THE MANDATE BY ELECTION**

It is punishable by imprisonment under class 3 offence for any civil servants, armed forces, or elected officials, who abuse their rights and power in committing the offences, including facilitation, intervention, concealment, obstruction or collusion with the perpetrator for supporting the project which has no letter and approval certificate on Environmental Impact Assessment to allow the project to function illegally.

**ARTICLE 1110 FAILURE TO CONDUCT ENVIRONMENTAL AUDIT**

It is punishable by class 4 offence for any project proponents or activities that fail to conduct the environmental audit as stipulated in Article 141.

**ARTICLE 1111 OBSTRUCTION TO CONDUCTING ENVIRONMENTAL AUDIT**

It is punishable by class 4 offence for any act of obstruction or not allowing the environmental audit officials to conduct the audit.

In cases where such act is committed by violence, causing harm to the physical integrity, it shall be punished by class 3 offence.

In cases where such act is committed by violence, causing loss to human life or permanent disability, it shall be punished by class 2 offence.

#### **ARTICLE 1112 FAILURE TO PROVIDE INFORMATION TO THE PUBLIC**

It is punishable by monetary fine under class 4 offence for the failure of submission of environmental audit report as stipulated in Article 144.

### **CHAPTER 4 ENVIRONMENTAL MANAGEMENT RELATED OFFENCES**

#### **ARTICLE 1113 VIOLATION OF RIGHT TO PUBLIC PARTICIPATION AND ACCESS TO INFORMATION**

It is punishable by monetary fine under Class 4 Offence for the failure to comply with Article 149.

#### **ARTICLE 1114 FAILURE TO PREPARE A MONITORING AND EVALUATION REPORT**

It is punishable by monetary fine under Class 4 Offence for the failure to comply with Article 167.

#### **ARTICLE 1115 FAILURE TO PROVIDE INFORMATION FOR GREENHOUSE GAS INVENTORY**

It is punishable by monetary fine under Class 4 Offence for the failure to comply with Article 179.

#### **ARTICLE 1116 FAILURE TO MAKE A VERIFIED TECHNOLOGY REGISTER**

It is punishable by monetary fine under Class 4 Offence for the failure to comply with Article 201.

#### **ARTICLE 1117 FAILURE TO MAKE THE REPORT ON SUSTAINABLE PROCUREMENT PUBLICLY AVAILABLE**

It is punishable by monetary fine under Class 4 Offence for the failure to comply with Article 208.

#### **ARTICLE 1118 FAILURE TO SUBMIT REPORT ON THE RESULT OF THE**

## **ASSESSMENT**

It is punishable by monetary fine under Class 4 Offence for the failure to comply with Article 218.

## **ARTICLE 1119 DEVELOPMENT PROJECT, PROGRAMS, AND ACTION PLANS**

It is punishable by monetary fine under Class 4 Offence for the failure to comply with Article 232.

If development projects, programs, and actions plans are proceeding without a permit or certificate of approval on the EIA Report, and causes social or environmental impact, it shall be punishable by Class 3 Offence.

## **ARTICLE 1120 FAILURE TO PROVIDE INFORMATION**

It is punishable by monetary fine under Class 4 Offence for the failure to comply with Access to Environmental Information provisions as stipulated in Article 234.

## **ARTICLE 1121 FAILURE TO PROVIDE INFORMATION**

It is punishable by monetary fine under Class 4 Offence for the failure to comply with Access to environmental information provisions as stipulated in Article 242.

## **ARTICLE 1122 FAILURE TO ASSESS RESOURCE EFFICIENCY**

It is punishable by monetary fine under Class 4 Offence for the failure to assess resource efficiency as stipulated in Article 246.

## **ARTICLE 1123 FAILURE TO PUBLICLY SHARE INFORMATION ON VOLTAGE AND ELECTRICITY**

It is punishable by monetary fine under Class 4 Offence for the failure to make publicly available the information on voltage and quality of electricity supplied and delivered by the grid as stipulated in Article 279.

## **ARTICLE 1124 FAILURE TO MAKE INFORMATION PUBLICLY AVAILABLE**

It is punishable by monetary fine under Class 4 Offence for the failure to make information publicly available as stipulated in Article 294.

## **CHAPTER 5 OFFENCES RELATED TO SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES**

## **ARTICLE 1125 CAUSING WILDFIRE IN BIODIVERSITY CORRIDORS AND**

## **PROTECTED AREAS DESIGNATED AT THE NATIONAL OR SUB-NATIONAL LEVEL**

It is punishable by Class 3 Offence for an act of causing wildfire as stipulated in Article 332.

## **ARTICLE 1126 FISHING ACTIVITIES IN THE PROHIBITED AREAS**

It is punishable by Class 3 Offence for any fishing activities occurring within the prohibited areas as stipulated in Article 333.

## **ARTICLE 1127 ACTIVITIES CAUSING DAMAGE OR HARM BY ILLEGAL LAND ENCROACHMENT**

It is punishable by Class 3 Offence for any activity of collection, clearance, exploitation, or pollution in the areas endowed with biodiversity or precious resources as stipulated in Article 334.

## **ARTICLE 1128 PROHIBITED PROCESSING AND OPERATIONS**

It is punishable by Class 3 Offence for any activity of processing of products or natural resources by-products and hunting, raising, stocking, breeding, maintaining, or raising of wildlife for commercial purpose or purposes other than conservation as stipulated in Article 335.

## **ARTICLE 1129 PROHIBITION ON RESIN COLLECTION**

It is punishable by Class 3 Offence for any activity of collection of resin in the Conservation Areas or Sustainable Use Areas of Biodiversity Conservation Corridors or protected areas designated at the national or sub-national level as stipulated in Article 336.

## **ARTICLE 1130 FAILURE TO MAKE THE MONITORING REPORT ON LAW ENFORCEMENT AND PATROLLING PUBLICLY AVAILABLE**

It is punishable by monetary fine under Class 4 Offence for the failure to make publicly available the monitoring report on law enforcement and patrolling as stipulated in Article 339.

## **ARTICLE 1131 FAILURE TO MAKE DOCUMENTS RELATING TO CO-MANAGEMENT PUBLICLY AVAILABLE**

It is punishable by monetary fine under Class 4 Offence for the failure to make publicly available the document relating co-management as stipulated in Article 347.

## **ARTICLE 1132 BREACH OF CO-MANAGEMENT AGREEMENT**

It is punishable by monetary fine under Class 4 Offence for any act of breach on co-management, causing damage to environment and natural resources as stipulated in Article

348.

The charge above shall not allow the person who violates the agreement to be free from liability for civil compensation or compensation for other damage.

**ARTICLE 1133 FAILURE TO MAKE THE SUSTAINABLE USE PLAN PUBLICLY AVAILABLE**

It is punishable by monetary fine under Class 4 Offence for the failure to make the sustainable use plan, management plan, and forest management report publicly available as stipulated in Article 383.

**ARTICLE 1134 FAILURE TO MAKE THE NATIONAL REGISTRY OF THREATENED WILDLIFE SPECIES PUBLICLY AVAILABLE**

It is punishable by monetary fine under Class 4 Offence for the failure to make the national registry of threatened wildlife species publicly available as stipulated in Article 404.

**ARTICLE 1135 PROHIBITION ON WILDLIFE HUNTING**

It is punishable by Class 3 Offence for wildlife hunting as stipulated in Article 408.

**ARTICLE 1136 PROHIBITION ON WILDLIFE HUNTING IN THE BIODIVERSITY CONSERVATION CORRIDORS**

It is punishable by Class 3 Offence for an act of wildlife hunting within the Biodiversity Conservation Corridors as stipulated in Article 409.

**ARTICLE 1137 PROHIBITION ON KILLING WILDLIFE IN VIOLATION OF LEGAL INSTRUMENT**

It is punishable by Class 3 Offence for an act of wildlife killing which is in violation of the guidelines as stipulated in Article 411.

**ARTICLE 1138 PROHIBITION ON KILLING WILDLIFE SPECIES IN SCHEDULES 1, 2, 3 AND 4**

It is punishable by Class 3 Offence for an act of killing wildlife listed in Schedules 1 and 2 without permission from the ministry or institution responsible for environment as stipulated in Articles 414 and 415.

**ARTICLE 1139 RESTORATION AND MANAGEMENT OF WILDLIFE THAT IS NON-NATIVE TO CAMBODIA**

It is punishable by Class 3 Offence for an act of restoration and management of wildlife without



permission from the ministry or institution responsible for environment as stipulated in Article 416.

#### **ARTICLE 1140 CATCHING WILDLIFE FOR CONSERVATION**

It is punishable by Class 3 Offence for an act of catching wildlife for conservation without permission from the ministry or institution responsible for environment as stipulated in Article 417.

#### **ARTICLE 1141 PROHIBITION ON HUNTING, CATCHING, OR COLLECTING WILDLIFE IN SCHEDULES 1, 2, 3 AND 4 IN ZOOLOGICAL INSTITUTIONS**

It is punishable by Class 3 Offence for an act of hunting, catching, and collection wildlife listed in Schedules 1, 2, 3 and 4 within the Zoological Institutions as stipulated in Article 422 and 423.

#### **ARTICLE 1142 HUNTING WITHOUT PERMIT FOR SPECIES IN SCHEDULES 3 AND 4**

It is punishable by Class 3 Offence for an act of wildlife hunting without permit for species listed in Schedule 3 and 4 as stipulated in Article 425.

#### **ARTICLE 1143 PROHIBITED ACTIVITIES**

It is punishable by Class 3 Offence for an act of trafficking, transport, shipment, import, export, re-export, possession, sale, purchase, transfer, storing, gifting, consumption, farming, or any form of commercial use of any parts of wildlife or other wildlife products which are the species listed in Schedules 1, 2, or 3 as stipulated in Article 431.

#### **ARTICLE 1144 PROHIBITED ACTIVITIES FOR NATURAL PERSONS AND LEGAL ENTITIES**

It is punishable by Class 3 Offence for an act of purchase, receipt, or procurement of live wild animals, or wild animals which are the species listed in Schedules 1, 2, or 3 or any parts of wild animals or animal meat as stipulated in Article 432.

#### **ARTICLE 1145 NON-COMPLIANCE WITH THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA**

It is punishable by Class 3 Offence for an act of non-compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora as stipulated in Article 434.

#### **ARTICLE 1146 REGISTRATION FOR ESTABLISHMENT OF WILDLIFE RESCUE**

## **CENTRE AND ZOOLOGICAL INSTITUTIONS**

It is punishable by monetary fine under Class 4 Offence for an act of not registering for establishment of wildlife rescue centre and zoological institutions as stipulated in Article 444 and 446.

### **ARTICLE 1147 PROHIBITION ON KEEPING WILDLIFE IN CAPTIVITY OUTSIDE THE WILDLIFE RESCUE CENTRE, CONSERVATION BREEDING FACILITIES, OR ZOOLOGICAL INSTITUTIONS**

It is punishable by monetary fine under Class 4 Offence for an act of keeping in captivity of farmed animals of the species listed in Schedule 1 or Schedule 2, to be left outside of the wildlife rescue centres and zoological institutions as stipulated in Article 445.

### **ARTICLE 1148 NOTIFICATION ON TRANSFER OR CHANGE OF THE LOCATION OF ANIMAL SPECIES LISTED IN SCHEDULE 1 OR 2 AND BREEDING FACILITIES**

It is punishable by monetary fine under Class 4 Offence for the failure to notify about the transfer or change of location of animal species listed in Schedule 1 or Schedule 2, and the breeding facilities as stipulated in Article 451.

### **ARTICLE 1149 DISPOSAL OF ANIMAL PARTS, MEAT, OR TROPHIES**

It is punishable by monetary fine under Class 4 Offence for the disposal of animal parts, meat, or trophies of wild animals as stipulated in Article 452.

### **ARTICLE 1150 PROHIBITION ON ESTABLISHMENT OF WILDLIFE FARMS OR WILDLIFE BREEDING FACILITIES**

It is punishable by fine under Class 4 Offence for the establishment of wildlife farms and or wildlife breeding facilities which are prohibited, as stipulated in the provisions of Article 463.

### **ARTICLE 1151 WILDLIFE FARMING WITHOUT A PERMIT**

It is punishable by fine under Class 4 Offence for an act of wildlife farming without a permit as stipulated in Article 464.

### **ARTICLE 1152 TRADE OR SALE OF FARMED WILDLIFE AND WILDLIFE PRODUCTS**

It is punishable by fine under Class 4 Offence for the sale of farmed wildlife or wildlife products as stipulated in Article 467.

### **ARTICLE 1153 OPERATORS OF PERMITTED FARM FOR PROVIDING CARE**

#### **FOR FARMED WILDLIFE**

It is punishable by fine under Class 4 Offence for the wildlife farm operator who fails to provide care to farmed wildlife as stipulated in Article 470.

#### **ARTICLE 1154 ALLOWING WILDLIFE TO ROAM FREE OR ESCAPE FROM CAPTIVITY OR BE RELEASED TO THE WILD**

It is punishable by fine under Class 4 Offence for the wildlife farm operators who allow their wildlife to roam free, escape from captivity, or be released to the wild as stipulated in Article 471.

#### **ARTICLE 1155 INHUMANE SLAUGHTER**

It is punishable by fine under Class 4 Offence for inhumane slaughter as stipulated in Article 472.

#### **ARTICLE 1156 PROCEDURES AND LEGAL INSTRUMENT ON TRANSPORTATION**

It is punishable by fine under Class 4 Offence for the transport of all captive wildlife which are not in accordance with the relevant procedures or legal instruments developed by the Department of Animal Health and Production as stipulated in Article 473.

#### **ARTICLE 1157 OBLIGATIONS OF WILDLIFE FARM OPERATOR**

It is punishable by fine under Class 4 Offence for the wildlife farm operator who fails to comply with his or her obligation in requesting a new permit and to fulfil the requirements as stipulated in Article 475.

#### **ARTICLE 1158 FAILURE TO MAKE THE LIST OF THREATENED PLANT SPECIES PUBLICLY AVAILABLE**

It is punishable by fine under Class 4 Offence for the failure to make publicly available the document, data, or information on the current list of threatened plant species as stipulated in Article 486.

#### **ARTICLE 1159 PROHIBITION ON DESTRUCTION OR CHANGE OF HABITAT OF THREATENED PLANT SPECIES**

It is punishable by fine under Class 4 Offence for the destruction and change of habitat of threatened plant species as stipulated in Article 487.

#### **ARTICLE 1160 PROHIBITION ON DESTRUCTION, COLLECTION, USE, SALE, TRADE, OR TRANSPORT OF THREATENED PLANTS**

It is punishable by fine under Class 4 Offence for the destruction, collection, use, sale, trade, or transport of threatened plants as stipulated in Article 488.

**ARTICLE 1161 PROHIBITION ON COLLECTION OR DESTRUCTION OF ANY THREATENED PLANTS IN THE BIODIVERSITY CONSERVATION CORRIDORS OR PROTECTED AREAS**

It is punishable by Class 4 Offence for collection or destruction of any threatened plants in the Biodiversity Conservation Corridors or protected areas as stipulated in Article 489.

**ARTICLE 1162 FAMILY AND MEDICAL USE OF PLANTS WITHOUT PERMISSION**

It is punishable by Class 4 Offence for destruction, collection, use, sale, trade or transport of threatened plants or derivatives for family and medical use without permission as stipulated in Article 490.

**ARTICLE 1163 USE OF THREATENED PLANTS WITHOUT PERMISSION**

It is punishable by Class 4 Offence for the use of threatened plants for scientific purpose without permission as stipulated in Article 491.

**ARTICLE 1164 INTRODUCING INVASIVE SPECIES INTO THE NATURAL ENVIRONMENT OR AGRICULTURAL LANDSCAPE**

It is punishable by Class 4 Offence for introducing invasive species into the natural environment or agricultural landscape as stipulated in Article 504.

**ARTICLE 1165 PROHIBITION ON ACTIVITIES AND DEVELOPMENT IN COASTAL ZONE**

It is punishable by Class 4 Offence for the act of natural persons or legal entities to allow any development activity to occur in the coastal zone as stipulated in Article 517.

**ARTICLE 1166 CONSTRUCTION ACTIVITIES IN COASTAL ZONES**

It is punishable by Class 3 Offence for any activities, construction, or projects relating to sand dredging exploitation, or infrastructure project that causes loss or destruction of the raw materials of the coastal zone as stipulated in Article 519.

**ARTICLE 1167 NON-COMPLIANCE WITH PUBLIC PARTICIPATION AND ACCESS TO ENVIRONMENTAL INFORMATION REQUIREMENTS**

It is punishable by Class 4 Offence for the act of a natural person or legal entity violating the requirements of public participation or access to environmental information as stipulated in

Article 520.

**ARTICLE 1168 ACTIVITIES REQUIRING PERMITS**

It is punishable by Class 3 Offence for any activities conducted without permit as stipulated in Article 563.

**ARTICLE 1169 CONDUCTING BUSINESS ACTIVITIES WITHOUT CERTIFICATE**

It is punishable by Class 4 Offence for conducting business activities without certificate as stipulated in Article 593.

**ARTICLE 1170 FAILURE TO MAKE A DETAILED REPORT RELATING TO WATER BORES**

It is punishable by monetary fine under Class 4 Offence for the failure to make a detailed working report relating to water bores as stipulated in Article 594.

**CHAPTER 6  
OFFENCES RELATED TO CULTURAL HERITAGE**

**ARTICLE 1171 OBLIGATION TO REPORT ON CHANCE DISCOVERY OR DISCOVERY OF CULTURAL HERITAGE**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who knows or discovers by chance of cultural heritage, and fails to immediately report to the sub-national authorities and/or the competent ministries or institutions as stipulated in Article 641.

**ARTICLE 1172 OBLIGATION TO TEMPORARILY POSTPONE CONSTRUCTION ACTIVITIES AND NOTIFY ON DISCOVERY OF HERITAGE OBJECTS**

It is punishable by class 3 offence for any natural person or legal entity who fails to postpone their construction activities or fails to immediately report to the competent ministries or institutions as stipulated in Article 642.

**ARTICLE 1173 PROHIBITION ON REMOVAL OR DESTRUCTION OF HERITAGE OBJECTS**

It is punishable by class 3 offence for any natural person or legal entity who removes or destroys any heritage objects found in the location of privately owned land as stipulated in Article 646.

**ARTICLE 1174 FAILURE TO RECORD OR PHOTOGRAPH HERITAGE OBJECTS**

It is punishable by monetary fine under class 4 offence for the failure to record or photograph

any heritage objects as stipulated in Article 647.

**ARTICLE 1175 FAILURE TO REPORT ON CHANCE DISCOVERY OR DESTRUCTION OF HERITAGE OBJECTS**

It is punishable by class 3 offence for an act of failure to report the chance discovery or destruction of any heritage objects as stipulated in Article 648.

**ARTICLE 1176 FAILURE TO REPORT ON CHANCE DISCOVERY OF UNDERWATER HERITAGE OBJECTS**

It is punishable by class 3 offence for an act of failure to report the chance discovery of any underwater heritage objects as stipulated in Article 651.

**ARTICLE 1177 DAMAGING, DESTROYING, OR SALVAGE OR DISTURBANCE OF UNDERWATER CULTURAL HERITAGE**

It is punishable by class 3 offence for an act of damaging or destroying or salvage or disturbance of any underwater cultural heritage as stipulated in Article 652.

**CHAPTER 7  
OFFENCES RELATED TO WASTE AND POLLUTION**

**ARTICLE 1178 ACTIVITIES CAUSING AIR, WATER, OR SOIL POLLUTION**

It is punishable by class 3 offence for any natural person or legal entity who carries out any activities that cause air or water or soil pollution as stipulated in Article 678.

**ARTICLE 1179 TRANSPORT, MANAGEMENT, STORAGE, TREATMENT OR DISPOSAL OF WASTE**

It is punishable by class 3 offence for any natural persons or legal entities who transport, manage, store, treat, or dispose of any waste whether it be solid, liquid, or gas or hazardous substance or waste without complying with the permit, as stipulated in Article 679.

**ARTICLE 1180 ACTIVITIES CAUSING POLLUTION BY NOISE OR VIBRATION EXCEEDING PERMITTED STANDARD**

It is punishable by class 3 offence for any natural persons or legal entities who carry out the activities that cause pollution by noise or vibration which exceeded the permitted standard, as stipulated in Article 680.

**ARTICLE 1181 FAILURE TO COMPLY WITH REQUIREMENTS OF PERMIT OR APPROVAL LETTER**

It is punishable by monetary fine under class 3 offence for any natural persons or legal entities

who fail to comply with the requirements of the permit or approval letter as stipulated in Article 681.

In cases where an act of failure to comply with various requirements of the above permit or approval letter causes serious damage to the physical integrity, properties, animals or environment, it shall be punished by class 3 offence.

It is punishable by class 2 offence for an act of a natural person or legal entity who fails to comply with the requirements of the above permit or approval letter, which causes the loss of human life or permanent disability.

#### **ARTICLE 1182 MISBRANDING OF HAZARDOUS SUBSTANCES**

It is punishable by class 3 offence for any natural persons or legal entities misbrand hazardous substances as stipulated in Article 701.

#### **ARTICLE 1183 PROHIBITION ON PERSISTENT ORGANIC POLLUTANTS**

It is punishable by class 3 offence for any natural persons or legal entities who produce, consume, or distribute persistent organic pollutants which are prohibited, as stipulated in Article 702.

#### **ARTICLE 1184 PROHIBITION ON LEAD IN PAINTS AND CHILDREN'S PRODUCTS**

It is punishable by class 3 offence for any natural persons or legal entities who use lead or lead substances in paints or in children products as stipulated in Article 703.

#### **ARTICLE 1185 PROHIBITION ON UN-REGISTERED SUBSTANCES**

It is punishable by monetary fine under class 3 offence for any natural persons or legal entities who produce, possess, handle, store, transport, import, export, distribute, or use a hazardous substance or hazardous product which is not registered as stipulated in Article 707.

#### **ARTICLE 1186 PROHIBITION ON NON-COMPLIANT PACKAGING**

It is punishable by monetary fine under class 3 offence for any natural persons or legal entities who store, import, export, or distribute a hazardous substance or hazardous product that is not packaged in accordance with the regulations and the conditions of registration as stipulated in Article 708.

#### **ARTICLE 1187 PROHIBITION ON FALSE OR MISLEADING PACKAGING AND ADVERTISING**

It is punishable by class 3 offence for any natural persons or legal entities who package or

advertise a hazardous substance or hazardous product in a way that is false or misleading, regarding its quantity, composition, safety, or registration as stipulated in Article 709.

#### **ARTICLE 1188 SUBSTANCES CAUSING CORROSION, BURN, OXIDATION OR OTHER INJURIES TO HUMAN HEALTH AND LIFE**

It is punishable by class 2 offence for any natural persons or legal entities who use toxic acid, gas, or chemicals causing corrosion, burn, oxidation, or other injuries to human health and life as stipulated in Article 710.

#### **ARTICLE 1189 REGISTRATION FOR POSSESSION OF HAZARDOUS PRODUCTS AND SUBSTANCES**

It is punishable by monetary fine under class 3 offence for any natural persons or legal entities who fail to register in accordance with the relevant legal instrument for possession of all hazardous products and substances to produce, distribute, and use as stipulated in Article 711.

#### **ARTICLE 1190 OBLIGATION TO PROVIDE INFORMATION OF PRODUCERS OR IMPORTERS OF HAZARDOUS SUBSTANCES**

It is punishable by monetary fine under Class 4 offence for natural persons or legal entities who produce or import hazardous substances and fail to provide information to the ministry or institution responsible for environment as stipulated in Article 914.

In cases where the act of producing or importing of hazardous substances as stipulated in the above paragraph causes serious damage to the physical integrity of property, animals, or the environment shall be punished by Class 3 offence.

#### **ARTICLE 1191 OBLIGATION TO PROVIDE INFORMATION ON SAFETY REPORT OF HAZARDOUS SUBSTANCES**

It is punishable by monetary fine under class 3 offence for any natural persons or legal entities who fail to distribute information on Safety Data Report, hazard prevention and mitigation, and health risks involving all hazardous substances prior to distribution and sale that substance as stipulated in Article 719.

#### **ARTICLE 1192 TRANSPORT OF HAZARDOUS SUBSTANCES**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to comply with the provisions on transportation of hazardous substances or products as stipulated in Article 720.

#### **ARTICLE 1193 BREACH OF CONDITIONS FOR THE USE OF HAZARDOUS SUBSTANCES**



It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to comply with the conditions for the use of hazardous substances or products as stipulated in Article 722.

In cases of failure to comply with the above conditions causing serious damage to physical integrity, properties, animals and environment, it shall be punished by class 3 offence.

It is punishable by class 2 offence for an act of any natural person or legal entity who fails to comply with the above conditions which causes the loss of human life or permanent disability.

#### **ARTICLE 1194 DISPOSAL OF HAZARDOUS SUBSTANCES**

It is punishable by class 3 offence for any natural person or legal entity who burns or disposes of any part or whole of hazardous substances or wastes into the environment without the approval as stipulated in Article 725.

In cases where the above burning or disposal of any part or whole of hazardous substances or wastes into the environment without the approval causes serious damage to physical integrity, properties, animals, or environment, it shall be punished by class 2 offence.

It is punishable by class 1 offence for an act of any natural person or legal entity who fails to comply with the above conditions causing the loss of human life or permanent disability.

#### **ARTICLE 1195 DUTY TO COMPLY WITH THE PURPOSE OF SCIENTIFIC RESEARCH**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to comply with the duty of conducting scientific research on hazardous substances as stipulated in Article 724.

#### **ARTICLE 1196 USE OF HAZARDOUS SUBSTANCES FOR FOOD PRODUCTS, COSMETICS AND CHILDREN'S TOYS**

It is punishable by class 3 offence for any natural person or legal entity who uses hazardous substances in food products, cosmetics, or children's toys as stipulated in Article 723.

In cases where the use of the above hazardous substances in food products, cosmetics, or children's toys causes serious damage to physical integrity, it shall be punished by class 2 offence.

It is punishable by class 1 offence for an act of any natural person or legal entity who uses the above hazardous substances in food products, cosmetics, or children's toys causes the loss of human life or permanent disability.

#### **ARTICLE 1197 REGISTRATION OF HAZARDOUS SUBSTANCES OR PRODUCTS**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to register hazardous substances or products as stipulated in Article 728.

#### **ARTICLE 1198 PREPARATION OF ANNUAL REPORT FOR SUBMISSION TO THE MINISTRY ON PRODUCTION PROCESS AND NUMBER OF HAZARDOUS SUBSTANCES**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to prepare the annual report on production process, number of hazardous elements, purpose of use, distribution location, treatment system or waste disposal safety rules and plan as stipulated in Article 729.

#### **ARTICLE 1199 OBLIGATION TO NOTIFY ON ACCIDENT CAUSED BY HAZARDOUS SUBSTANCES**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to immediately notify the competent ministries or institutions and the ministry or institution responsible for environment, or fails to take appropriate measures according to the prevention plan and emergency response in order to mitigate the impacts on human health, environment and properties as stipulated in Article 731.

#### **ARTICLE 1200 LIABILITY FOR HARM CAUSED BY HAZARDOUS WASTE AND SOLID WASTE**

It is punishable by Class 4 offence for a natural person or legal entity producing hazardous waste or solid waste causing harm to human health, property or environment as stipulated in Article 736.

In cases where the production of that hazardous or solid waste as stipulated in the above paragraph causes loss of human life or permanent disability shall be punishable by Class 3 Offence.

#### **ARTICLE 1201 LIABILITY FOR STORAGE, MANAGEMENT, AND DISPOSAL OF HAZARDOUS WASTE**

It is punishable by class 3 offence for any natural person or legal entity who creates waste as stipulated in Article 740.

In cases where creating the above waste causes serious damage to physical integrity, it shall be punished by class 2 offence.

It is punishable by class 1 offence for an act of any natural person or legal entity who creates

the above waste causes the loss of human life or permanent disability.

#### **ARTICLE 1202 DISCHARGE OF POLLUTANTS FROM A POINT SOURCE TO SURFACE WATER OR GROUNDWATER RESOURCES**

It is punishable by class 3 offence for any natural person or legal entity who discharges pollutants from a point source to surface water or groundwater resource as stipulated in Articles 747 and 748.

In cases where the above discharge of pollutants from a point source to the surface water and ground water causes serious damage to physical integrity, animals and environment, it shall be punished by class 2 offence.

It is punishable by class 1 offence for an act of any natural person or legal entity who discharges pollutants from a point source to the surface water and ground water causes the loss of human life or permanent disability.

#### **ARTICLE 1203 OBLIGATION TO TREAT AND DISPOSE OF POLLUTANTS**

It is punishable by class 3 offence for any natural person or legal entity who fails to comply with the obligations to treat or dispose of pollutants as stipulated in Article 749.

In cases where the above failure to comply with the obligations in treatment and disposal of pollutants causes serious damage to physical integrity, animals and environment, it shall be punished by class 2 offence.

It is punishable by class 1 offence for an act of any natural person or legal entity who fails to comply with the obligations in treatment and disposal of pollutants causing the loss of human life or permanent disability.

#### **ARTICLE 1204 DISCHARGE OF POLLUTANTS VIOLATING THE PERMIT**

It is punishable by class 3 offence for any natural person or legal entity who discharges of pollutants in violation of a permit as stipulated in Article 750.

In cases where the above discharge of pollutants in violation of a permit causes serious damage to physical integrity, animals and environment, it shall be punished by class 2 offence.

It is punishable by class 1 offence for an act of any natural person or legal entity who discharges pollutants in violation of a permit causing the loss of human life or permanent disability.

#### **ARTICLE 1205 FAILURE OF NOTIFICATION IN CASES WHERE THERE IS A VIOLATION OF THE PERMIT LETTER**

It is punishable by class 3 offence for any natural person or legal entity who possesses a permit and fails to notify a violation of the permit as stipulated in Article 756.

#### **ARTICLE 1206 LIABILITY FOR HARM CAUSING POLLUTION FROM MOBILE OR IMMOBILE SOURCES**

It is punishable by class 4 offence for any natural person or legal entity who causes any air pollution from any mobile or immobile source and causes damage to human health, property, or environment as stipulated in Article 768.

In cases where causing the air pollution from a mobile or immobile source as stipulated in the above paragraph causes loss of human life or permanent disability it is punishable by Class 3 offence.

#### **ARTICLE 1207 EMISSION OF AIR POLLUTANTS EXCEEDING THE LIMITED STANDARD**

It is punishable by class 3 offence for any natural person or legal entity who emits air pollutants which exceed the standard as stipulated in Article 773.

In cases where the above emission of air pollutants which exceed the standard causing serious damage to physical integrity, animals or environment, it shall be punished by class 2 offence.

It is punishable by class 1 offence for an act of any natural person or legal entity who emits the air pollutants which exceed the standard causing the loss of human life or permanent disability.

#### **ARTICLE 1208 IMPORT, USE, AND PRODUCTION OF IMMOBILE SOURCES EXCEEDING THE LIMITED STANDARD**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who imports, uses, or produces vehicles or machinery that emit air pollutants exceeding the standard as stipulated in Article 774.

#### **ARTICLE 1209 APPLICATION FOR PERMIT FOR EMISSION OF AIR POLLUTANTS**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to apply for a permit for emission of air pollutants as stipulated in Article 786.

In cases where the above natural person or legal entity continues his or her operation without permit after the ministry or institution responsible for environment rejects that application and causes serious damage to physical integrity and animals, it shall be punished by class 2 offence.

It is punishable by class 1 offence for the above natural person or legal entity who continues

his or her operation without permit after the ministry or institution responsible for environment rejects that application and causes loss of human life or permanent disability.

#### **ARTICLE 1210 EXCEEDANCE OF LIMITS OF EMISSIONS FROM IMMOBILE SOURCES OF AIR POLLUTANTS**

It is punishable by class 3 offence for any natural person or legal entity who fails to immediately notify the ministry or institution responsible for environment on the exceedance of the limit of air pollutants emissions as stipulated in Article 792.

In cases where the above natural person or legal entity fails to immediately notify the ministry or institution responsible for environment on the excess of the limit of air pollutants emission, and causes serious damage to physical integrity and animals, it shall be punished by class 2 offence.

It is punishable by class 1 offence for the above natural person or legal entity fails to immediately notify the ministry or institution responsible for environment on the excess of the limit of air pollutants emission causing loss of human life or permanent disability.

#### **ARTICLE 1211 OBLIGATION TO REPORT ON BREACH OF PERMIT**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to report on breach of permit that can cause harm to the environment as stipulated in Article 793.

#### **ARTICLE 1212 SAMPLING OF AIR POLLUTION EMISSIONS FROM IMMOBILE SOURCES**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to make sample of air pollution emissions as stipulated in Article 796.

#### **ARTICLE 1213 OBSTRUCTING THE ENVIRONMENTAL POLLUTION INSPECTION OFFICERS**

It is punishable by class 3 offence for any natural person or legal entity who obstructs the environmental pollution inspection officers from conducting an inspection within the source pollution premises or buildings as stipulated in Article 1031.

In cases where the above natural person or legal entity obstructs the environmental pollution inspection officer from conducting the inspection within the source pollution premises or buildings, and causes serious damage to physical integrity, it shall be punished by class 2 offence.

It is punishable by class 1 offence for the above natural person or legal entity who obstructs

the environmental pollution inspection officer from conducting the inspection within the source pollution premises or buildings causing the loss of human life or permanent disability.

**ARTICLE 1214 EMISSION OF NOISE AND VIBRATION VIOLATING THE STANDARDS**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to meet the noise and vibration emitting standards as stipulated in Article 811.

**ARTICLE 1215 EMISSION OF NOISE AND VIBRATION**

It is punishable by class 4 offence for any natural person or legal entity who emits noise or vibration and causes damage to public or private properties as stipulated in Article 809.

**ARTICLE 1216 EMISSION OF NOISE AND VIBRATION VIOLATING THE ORDER OF THE ENVIRONMENTAL POLLUTION INSPECTION OFFICER**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who emits the noise and vibration which violates the order of the environmental pollution inspector as stipulated in Article 1031.

**ARTICLE 1217 OBLIGATION TO REPORT ON POLLUTION AFFECTING THE ENVIRONMENT**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to report on pollution that affects the environmental as stipulated in Article 815.

**ARTICLE 1218 OBLIGATION TO REPORT ON POLLUTION AFFECTING THE ENVIRONMENT**

It is punishable by monetary fine under class 4 offence for any natural person or legal entity who fails to report on pollution emission to the industrial register on environmental pollutants emissions as stipulated in Article 829.

**CHAPTER 8**

**OFFENCES RELATED TO ECONOMIC MEASURES, ACCOUNTING, FEES, AND ENVIRONMENTAL FUNDS**

**ARTICLE 1219 FAILURE TO PAY ENVIRONMENTAL PROTECTION FEES**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to pay for the environmental protection fees as stipulated in Article 871.

In cases where the above natural person or legal entity is fails to pay for the fine as stipulated in the above paragraph, he or she shall be punished by monetary fine on daily basis of 2,000,000

(two million) Riels in addition to the fine above until the amount of the fine is completely paid.

**ARTICLE 1220 FAILURE TO PAY THE FINANCIAL GUARANTEE FOR THE CLOSURE, REHABILITATION, REMEDIES, AND ENVIRONMENTAL RESTORATION**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to pay for the financial guarantee for the closure, rehabilitation, remedies and restoration as stipulated in Article 899.

In cases where the above natural person or legal entity fails to pay for the financial guarantee for the closure, rehabilitation, remedies and restoration as set out in the above paragraph, it shall be punished by monetary fine on daily basis of 2,000,000 (two million) Riels in addition to the fine above until the amount of the fine is completely paid.

**ARTICLE 1221 FAILURE TO PREPARE AND SUBMIT THE REPORT AND AUDIT**

It is punishable by monetary fine under class 3 offence for any natural person or legal entity who fails to fulfil the obligation in preparation and submission of report and audit to the ministry or institution responsible for environment as stipulated in Article 903.

**BOOK 10 TRANSITIONAL PROVISIONS**

**UNITARY TITLE TRANSITIONAL PROVISION**

**ARTICLE 1222 APPLICATION OF PROVISIONS IN THIS CODE**

The provisions stipulated in the in-force specific laws and other legal instruments shall continue to have the same effect of application until the provisions stipulated in this Code come into force.

Upon the entry into force of this Code, and in cases where provisions in this Code contrast with other specific laws and legal instruments, the provisions stipulated in this Code shall prevail.

As long as the provisions of this Code have not yet entered into force, the provisions stipulated in in-force specific laws and other legal instruments shall continue to have the same effect.

**ARTICLE 1223 APPLICATION OF GENERAL PROVISIONS IN THIS CODE**

The provisions on general provisions in Chapter 2 of Book 1, Title 1 of this Code shall apply to the provisions of other specific laws relevant to environmental protection and natural resources management.

**ARTICLE 1224 EXISTING PROCEDURES, PROCESSES, AND OTHER**

## **MECHANISMS**

The existing procedures, processes, and other mechanisms relevant to environmental protection and natural resource management shall continue to have the same effect until the establishment of other new procedures, processes, and mechanisms established under this Code.

## **BOOK 11 FINAL PROVISIONS**

### **UNITARY TITLE FINAL PROVISION**

#### **ARTICLE 1225 ABROGATION OF PROVISIONS OF RELEVANT LAWS**

Any provisions in contradiction to this Code shall be abrogated.

#### **ARTICLE 1226 APPLICATION OF THIS CODE**

Except for the provisions on public participation and access to environmental information, which shall be binding throughout the Kingdom of Cambodia upon enactment of this Code, this Code shall be made publicly available for 6 (six) months prior to entry into force.

This Code was adopted by the National Assembly of the Kingdom of Cambodia  
on.....in the .....National Assembly Session during the .....  
legislature.  
Phnom Penh, .....2017

**PRESIDENT OF NATIONAL ASSEMBLY**