

# ENVIRONMENTAL CODE OF CAMBODIA

## Second Draft - DRAFT 2.0 -- 1 May 2016

### BOOK 1 – GENERAL PROVISIONS

#### CHAPTER 1 – OBJECTIVE

Article 1: Purpose

The purpose of this Environmental Code is to promote the sustainable development of Cambodia through the protection of the environment and sustainable use of natural resources.

Article 2: Objective

The Environmental Code has the following objectives:

- (a) Conserve Cambodia's biodiversity, ecosystems and ecosystem services;
- (b) Protect the environment from harm and damage, and sustainably manage natural resources, in accordance with Article 59 of the Constitution of the Kingdom of Cambodia;
- (c) Preserve and promote national culture, preserve ancient monuments and artifacts, and restore historic sites, in accordance with Article 69 of the Constitution of the Kingdom of Cambodia;
- (d) Guarantee the health of the people, in accordance with Article 72 of the Constitution of the Kingdom of Cambodia;
- (e) Safeguard the individual and collective rights of indigenous people as postulated in Sub-decree No 83 (No 83 ANK.BK) and So Chor No 653 (653 So Chor No SR).
- ~~(e)~~(f) Ensure that environmental protection and sustainable development objectives are fully integrated into national and regional economic planning and into natural resources planning and management;
- ~~(f)~~(g) Implement the National Environmental Strategy and Action Plan;

Commented [BR1]: Per karina watkins

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Commented [BR2]: Per comment from Sao Sotheary, CI

~~(g)~~(h) Promote a co-operative approach to the protection and management of the environment involving government, the community, land-holders, indigenous people and business;

~~(h)~~(i) Assist the implementation of Cambodia’s international environmental responsibilities;

~~(i)~~(j) Implement the key principles of environmental law and policy as described in Chapter 2;

**Article 3: Scope of the Code**

This Code regulates environmental protection activities; policies, measures and resources for protection of the environment; and the rights and obligations of organizations, community, family households and individuals with respect to protection of the environment.

**Applicable entities**

This Code applies to Cambodian State bodies, organizations, family households and individuals; ~~and~~ to Cambodians residing overseas and “foreign organizations” and individuals with operations in the territory of the Kingdom of Cambodia. Where an international treaty of which the Kingdom of Cambodia is a member contains provisions, which are different from the provisions in this Code, the provisions of such international treaty shall prevail.

**Article 4: Definition/Glossary**

In this Code, the following terms shall be construed as follows:

*(This Article shall contain definitions of key terms used in the Code, such as “sustainable development”, “environmental standards”, “best practices”, and so on.)*

*(Definitions will be based on existing definitions in Cambodian legislation where applicable, and relevant international usage of key terms.)*

The Definition of Terminology shall be determined in the glossary section of this code.

**CHAPTER 2 – PRINCIPLES**

This Environmental Code is premised on, and should be implemented and interpreted in accordance with, the following fundamental principles of environmental law and policy:

Article 5: The Principle of Public Participation

The principle of public participation, that those who may be affected by a decision shall be entitled to provide informed, timely and meaningful input prior to the decision being made. They shall also be able influence in a transparent, inclusive and accountable manner the decision-making process. Participatory decision-making enhances the ability of governments to respond to public concerns and demands, to build consensus and to improve acceptance of and compliance with environmental decisions because citizens feel ownership over these decisions.

Article 6: The Principle of Access to Information

The principle of access to information, that individuals, legal entities and civil society shall have appropriate access to information concerning the environment and development that is held by public authorities, including information on hazardous materials and activities in their communities. Information on natural resource management shall be made widely available and publically accessible in a manner that maximizes the opportunity for public participation in decisions affecting the environment and society.

Article 7: The Principle of Access to Effective Remedies

The principle of access to effective remedies, that people, legal organizations and entities shall have access to appropriate avenues, whether administrative or judicial, and to appropriate and effective remedies, to enable the resolution of environmental disputes. Effective and efficient procedures and remedies should exist to enforce procedural rights and to punish those responsible for environmental harm.

Article 8: The Polluter Pays Principle

The polluter pays principle, that all persons, including natural persons, private legal entities and public legal entities who have caused or will cause environmental pollution – such as pollution by noise, vibration, smell, smoke, draining of liquid waste or emission of all kinds of waste or causing damage to the environment, health,

economy or society or culture – shall bear the cost for repairing the damage and preventing, avoiding and mitigating the damage.

Article 9: The Precautionary Principle

The precautionary principle, that 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 cost-effective measures to prevent environmental degradation.

Commented [MB3]: Amended to correct the definition of the precautionary principle

Article 10: The Prevention Principle

The prevention principle, that negative impacts to the environment should be stopped before they occur. In applying this principle, action should be taken at an early stage to reduce or prevent environmental damage rather than wait for potentially irreversible effects to occur. The prevention principle is based on the idea that it is better to prevent harm than employ measures to restore the environment after harm has occurred.

Article 10: The Principle of Intergenerational Equity

The principle of intergenerational equity, that the right to development, including decisions affecting natural resources and ecosystem services, must be fulfilled so as to equitably meet the developmental, social and environmental needs of both present and future generations.

Article 11: The Principle of Environmental Liability

Liability to compensate for environmental harm applies to environmental damage and imminent threat of damage resulting from developmental activities, where it is possible to establish a causal link between the harm and the activity in question. Liability should cover the cost of ecosystem or resource restoration or of replacing the damaged resources, the cost of assessing the damage, and the interim losses pending restoration or replacement. Liability includes personal injury or environmental harm to public natural resources. Liability can be strict-liability without the need for proof of fault and can be joint or several.

Article 12: The Principle of Evidence-Based Decision-Making

Environmental policy and natural resource decision-making should be open and evidence-based, utilizing the best available information. Information can be scientific and technical and can also be gathered from community and indigenous knowledge.

Article 13: Principle of Gender Equality for Natural Resources Decisions

The involvement of women is to be promoted in environmental decision-making at all levels. Impact assessments for development projects and environmentally relevant policies will include mechanisms to effectively assess the impacts on women. Gender concerns and perspectives will be integrated into policies and programs for sustainable development and into the implementation of this Code.

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Commented [BR4]: Note comment from Raphael Deau to insert User Pays and FPIC as Principles.

### CHAPTER 3 – GENERAL DUTY TO AVOID ENVIRONMENTAL HARM

Article #:

A person must not carry out any activity that causes, or is likely to cause, environmental harm, ~~unless the person takes all reasonable and practicable measures to prevent or minimize the harm~~ (the general environmental duty).

### CHAPTER 4 – INTERNATIONAL ENVIRONMENTAL AGREEMENTS

- *This Chapter will explain how the Environmental Code implements and is based upon existing international and regional agreements.*
- *It will also address future agreements and treaties and how these shall be integrated into the environmental responsibilities of the relevant Ministries.*

### BOOK 2 – ORGANIZATION OF JURISDICTIONAL INSTITUTIONS/JURISDICTIONAL ISSUES

- *This Book will establish the objective of inter-ministerial cooperation and the requirement for consultation and discussion between relevant line Ministries in order to achieve the objectives of the Code. Jurisdictional*

organization will examine the roles, duties and means of collaboration for the following ~~institution~~Ministries:

- Ministry of Environment
- Ministry of Agriculture, Forests and Fisheries
- Ministry of Mines and Energy
- Ministry of Water Resources and Meteorology
- Ministry of Land Management, Urban Planning and Construction
- Ministry of Economics and Finance
- Ministry of Culture
- Cambodian Development Council for the Development of Cambodia

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**Chapter # - Relevant environmental interactions between the Ministry of Environment and the Ministry of Agriculture, Forestry and Fisheries**

**Chapter # - Relevant environmental interactions between the Ministry of Environment and the Ministry of Mines and Energy**

**Chapter # - Relevant environmental interactions between the Ministry of Environment and the Ministry of Water Resources and Meteorology**

**Chapter # - Relevant environmental interactions between the Ministry of Environment and the Ministry of Land Management, Urban Planning and Construction**

**Chapter # - Confirming National Council for Sustainable Development (NCSD) role's and responsibilities**

**Chapter # - Confirming National Program for Sub-National Democratic Development (NCDD) role's and responsibilities**

**Chapter # - Role of authorities such as Apsara Authority, Preah Vihear Authority, Tonle Sap Authority and Cambodian National Mekong Committee**

**Chapter # - Establish mechanism to promote interdepartmental Committee**

**Chapter # - Establish a National Ecosystem Mapping and Planning Committee**

## BOOK 3 – PUBLIC PARTICIPATION AND ACCESS TO ENVIRONMENTAL INFORMATION

- *This Book will clarify and detail the requirements for public participation and access to environmental information. The aim of this Book is to provide a consistent approach across all ministries and pertaining to the various decisions made under the Environmental Code.*

### Chapter # - Public consultation a fundamental requirement for environmental decisions

#### ARTICLE #

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

- are well informed about the project,
- have the opportunity to be involved in the discussion and decision-making process related to the project, and
- have the opportunity to participate in the project monitoring.

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

- identify areas of significance of environment, economy, society and culture
- collect opinions of stakeholders and integrate such opinions into the decision making process
- review the project proposal and explain impacts on environment, economy, society, and culture.
- consider a wider range of alternatives and mitigation measures.

The public participation process in the stage of studying, consulting and reviewing the EIA report and project monitoring shall be determined by Prakas of MoE.

#### ARTICLE #.

The EIA Report shall:

- record the public participation and the Project Proponent shall take this into account during the planning and conduct of EIA.

**Commented [BR5]** : Consider two separate books. One on pp; one on access to info per Group 7, 6 April workshop

**Commented [BR6]** : The following articles in this Book are from the draft EIA Law and will be modified to broaden their scope beyond EIA, project-specific situations to all situations where public participation and access to information are relevant, consistent with the overall framework of the Code.

- focus on the issues raised by women and those most vulnerable potentially impacted by the proposed project.
- include the details of the project impacts on the public and the acceptance or rejection of the requests of the public.
- provide clear reasons why those concerns are rejected.

**ARTICLE #.**

MoE shall ensure that IEE and EIA reports and related documents, including the EIA Approval Letter and Certificate and EMP, shall be made publically available, and that stakeholders and project-affected communities have access to clear and sufficient information.

At a minimum the Project Proponent shall make available on publically accessible website copies of the IEE or EIA, any EMP 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 Prakas of MoE.

**Chapter # - Duty to consult with potential affected persons**

**Chapter # - Duty to consider concerns raised by the community**

**Chapter # - Identification of project affected persons and other stakeholders**

**Chapter # - Minimum time allowed for public consultation in natural resources matters**

**Chapter # - Minimum time allowed for public consultation in EIA matters**

**Chapter # - Minimum time allowed for indigenous people to provide comments**

**Chapter # - Free, prior and informed consent for indigenous people in natural resources and environmental impact assessment matters**

Commented [BR7]: Communities??? Per Raphaele Deau comment

**ARTICLE #.**

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 (FPIC).

In the mitigation measures, the Project Proponent shall:

- identify measures to improve the livelihood and to assist project affected persons.
- ensure that project-affected persons are involved in any resettlement planning to minimise 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 Sub-decree.

The formalities and procedures of payment of compensation to the impacted community shall be determined by an Inter-Ministrial Prakas between MoE and the Ministry of Economy and Finance.

**Chapter # - Responding to public submissions**

**Chapter # - Taking into account public submissions**

**Chapter # - Publication of submissions on natural resources matters**

**Chapter # - Commissions of inquiry into EIA or natural resources decisions**

**Chapter # - Special provisions for project and activities with very significant impacts or controversial projects and activities**

**Chapter # - Access to information prior to decision being made**

**Chapter # - Reasonable time for access to information**

**Chapter # - Information to be made available**

**Chapter # - Protection of whistleblower for provision of information**

**Chapter # - Protection of journalists who publish information**

**Chapter # - Environmental monitoring**

**Chapter # - Environmental monitoring systems**

**Chapter # - Planning of environmental monitoring system**

**Chapter # - Environmental monitoring programs**

**Chapter # - Environmental indicators**

**Chapter # - Provincial level environmental status report**

**Chapter # - Environmental impact reports by industries and sectors**

**Chapter # - Public accessibility of all environmental reporting**

**Chapter # - National environment reports**

**Chapter # - Environmental statistics and achieving of environmental data and information**

**Chapter # - Publication and supply of information on environment**

**Chapter # - Publication of information and data on environment**

**Chapter # - Exercise of grassroots rights in protection of environment**

## **BOOK 4 – ENVIRONMENTAL IMPACT ASSESSMENT**

**Commented [MB8]** : Additions to this Book from the draft EIA Law and to be further analysed for consistency within the overall Code framework.

- *This Book will establish the EIA process in Cambodia. It will replace the Sub-Decree on EIA 72 ANRK.BK 1999. It will incorporate the details and provisions of the Draft EIA Law.*
- *This Book will cover new projects as well as existing projects and will provide three levels of assessment:*

- *Environmental Impact Assessment;*
- *Initial Environmental Evaluation; and*
- *Environmental Permit.*

- *The aim of this Book on EIA is to require all development projects and activities that will have an impact on the environment or society to*

*undertake some form of environmental assessment. The level of assessment will be determined according to the potential impact on the environment or society.*

- *An EIA Approval Certificate will be issued and any other permit will be issued in accordance with the EIA Approval Certificate.*
- *EIA will be required for all projects or activities likely to have a significant impact on the environment or society.*
- *IEE will be required for those projects or activities likely to have a minor impact on the environment or society.*
- *An Environmental Permit will be required for those projects or activities that do not require an EIA or IEE. These will be required to have permission to ensure that the project is not likely to cause harm or damage to the environment or society.*

#### **Chapter # - Purpose of EIA**

#### **Chapter # - Scope of EIA in Cambodia**

#### **Chapter # - Objectives of EIA in Cambodia**

#### **Chapter # - Application to public and private development projects**

#### **Chapter # - Responsibility of Ministry of Environment in EIA**

##### **ARTICLE #**

Officials of the EIA Unit of the Ministry of Environment have the following authorities:

1. - To inspect and monitor compliance with the laws and regulations in force, guidelines, Environmental Protection Agreement, standards, EMPs and other related environmental requirements. In necessary cases, EIA officials can order the project proponent to provisionally postpone activities or provisionally close the location of the project.
2. - To check documents and electronic data on environmental management and other records on development projects and project operations.
3. - To listen to and make minutes after listening to the answers of workers, employees, representatives of Project Proponents as well as other relevant persons.

**Commented [BR9]** : Special features of offshore projects needs to be carefully considered and integrated into the EIA book. Per Kris Energy comment

**Commented [BR10]** : Need to consider duration of EIA validity as compared to duration of project per Kris Energy

4. - 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.
5. - To search the project site and seize evidence where a violation of laws or regulations on EIA or EMP is suspected to have been committed.
6. - 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.
7. - 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 #**

Capital and Provincial Environmental Departments of the MoE shall take part in implementing this law in accordance with the laws and regulations in force as well as the assignment of the MoE.

**Chapter # - Registration of EIA experts**

**Commented [MB11] :** A number of submissions have been raised to request international experts to be allowed to conduct EIA/IEE in Cambodia.

**ARTICLE 21.**

EIA Consultants, which could either be natural persons or legal entities, shall be under the management of the MoE.

EIA Consulting Firms shall have Khmer nationality with the project team leader who is the consultant accredited by the MoE.

All EIA consultants must be registered with MoE before professionally preparing EIA with an EIA consulting firm.

Registration of certificates of accreditation as an EIA Consultant shall be valid for a maximum period of 5 years and may be renewed.

**Chapter # - Levels of assessment will include EIA, IEE or environmental protection agreement**

**ARTICLE #.**

All development projects must properly assess the impacts on the environment, economy, society, health and culture with prior approval of the MoE 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 EIA 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 #.**

This law does not apply to State's development projects or State activities that have been approved by the 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.

**ARTICLE #**

The MoE shall conduct screening to determine the type of development projects, to require the project proponent to prepare the following documents:

1. an IEE with an attachment of Environmental Protection Agreement;
2. an EIA with an attachment of Environmental Protection Agreement.
3. an Environmental Protection Agreement (EPA)

The projects that are required to prepare an EPA shall attach with it technical principles such as Environmental Protection Plan (EPP) in accordance with the requirements of the MoE,

**ARTICLE #**

The MoE can determine additional screening of the type of project based on the scale of environmental and social impacts that shall be determined by the MoE.

**ARTICLE #**

In cases where there is any transfer or changes to the Project Proponent by any reasons, then the IEE and/or EIA 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 MoE has received notification about the changes.

**ARTICLE 16.**

(2) IEE report shall be required for:

1. Projects listed in sub-decree.

(3)2. Projects that have prepared Environmental Protection Agreement and decided by MoE that they do IEE.

(4) When the proposed project is required to do an IEE, the Project Proponent shall cooperate with consulting firms in order to prepare the Terms of Reference (ToR) in accordance with the provisions and guidelines of MoE and submit to EIA Unit for final approval.

Project Proponent and consulting firms shall prepare IEE report based on the approved ToR.

**ARTICLE #.**

An Environmental Impact Assessment report shall be required for:

1- Projects listed in Annexure 1 or;

2- Projects that have received an IEE and the result of the study demonstrate serious impacts on environment and society and the MoE requires the project to conduct an EIA.

When the proposed project is required to undertake an EIA report, the Project Proponent shall collaborate with consulting firms to draft the Terms of Reference in accordance with any provisions and guidelines of MoE and submit to EIA Unit for final approval.

Project Proponent and consulting firms shall prepare EIA report based on the approved ToR.

**ARTICLE #.**

An Environmental Protection Agreement shall be entered into by all projects that are listed in sub-decree 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 such as Environmental Protection Plan and relevant documents and submit to EIA Unit for final approval.

The form of EPA and EPP shall be determined by MoE.

### **Chapter # - Establishment of EIA Review Committee**

#### **ARTICLE #.**

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

The composition of the Expert Review Committee includes officials from MoE and relevant ministries and institutions, and independent experts with qualifications and appropriate experience in reviewing EIA reports. Members of an Expert Review Committee shall be selected on a project-by-project basis by MoE based on the technical aspects of the EIA report.

The organization and functioning of the Expert Review Committee shall be determined by Prakas of MoE.

The members of the Expert Review Committee shall be reimbursed for their services based on an agreement between MoE, each member, and Project Proponent.

### **Chapter # - Role of EIA Review Committee**

#### **Chapter # - Timeframes for EIA and IEE procedure**

#### **ARTICLE #**

The MoE may only make a determination in accordance with this procedure after the IEE or EIA has been on public exhibition for at least the time period specified in the Code.

For the Environment Protection Agreement the minimum time period for public exhibition and comment is a 3 weeks.

For the IEE Report the minimum time period for public exhibition and comment is a 6 weeks.

For the EIA Report the minimum time period for public exhibition and comment is a 8 weeks.

**ARTICLE #.**

The MoE 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 #.**

MoE shall review and comment on the IEE 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 of 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 MoE receives an application asking for review as well as the final EIA report which the Project Proponent has corrected in accordance with the order or instruction that MoE 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 24.**

MoE shall review and comment on the EIA 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 of 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 MoE receives an application asking for review as well as the final EIA report which the Project Proponent has corrected in accordance with the order or instruction that MoE 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

## **Chapter # - Preparation of EIA report**

### **Chapter # - Preparation of environmental management plan**

#### **ARTICLE #.**

An Environmental Management Plan (EMP) shall be prepared by the Project Proponent. The EMP shall include the protection, mitigation, monitoring and management requirements that were identified in the IEE and EIA reports. The EMP 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 #.**

All development projects and project operators shall establish and maintain an Environmental Management System (EMS) that shall ensure the self-monitoring procedures and methods as stipulated in their EMP. In cases where the environmental impacts are greater than those estimated in the EIA report or EMP, then the MoE shall require immediate action to remedy the impact or an adjustment of the EMP. The adjusted EMP and monitoring program shall be approved by MoE. 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 EIA Unit for review and evaluation. The EIA Unit has the right to make site inspections and verify the monitoring data of the Project Proponent.

#### **ARTICLE #.**

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 EMP. 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 by Prakas of MoE.

## **Chapter # - Submission of EIA report**

## **Chapter # - Consideration and assessment of EIA report**

### **ARTICLE 25.**

During the period for review and comment the MoE shall review and comment on the IEE or EIA report after:

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

MoE 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.

## **Chapter # - Revision of EIA report**

### **ARTICLE #**

The provision of comments in the form of approval or rejection, or the ordering to make adjustments or corrections on IEE or EIA 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 MoE approves any IEE or EIA report, MoE shall issue an EIA Approval Letter and Certificate for the project by attaching with it the Environmental Protection Agreement.

In case where the MoE rejects an IEE or EIA report, the MoE shall provide the reasons for the decision.

In case where the MoE provide comments of ordering to make adjustments or corrections of the IEE or EIA report, the MoE shall provide reasons and clearly demonstrate the points that need to be adjusted or corrected.

**ARTICLE #.**

Before the decision to grant an EIA Approval Letter and Certificate to development projects which are located in the areas where the indigenous people live, MoE, 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.

**Chapter # - Approval or rejection of EIA report**

**ARTICLE #.**

MoE 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 EIA report.

MoE shall send the EIA Approval Letter and Certificate as well as the Environmental Protection Agreement to the Project Proponent and relevant competent ministries and institutions such as Approval Ministries or Institutions, Council for Development of Cambodia, Capital and Provincial Departments of Environment and relevant Commune and Sangkat Councils.

**Chapter # - Granting of EIA approval letter**

**Chapter # - Prohibition of activities without EIA approval letter**

**ARTICLE #.**

Project Proponents shall not commence any construction activities or Project operations until after the EIA Approval Letter and Certificate has been issued for the Project. The Ministry of the Environment shall have the power to postpone all construction activities or Project operations that do not have an EIA 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 EIA Approval Letter and Certificate with an attachment of Environmental Protection Agreement (EPA).

**ARTICLE #.**

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

### Chapter # - Existing projects

#### ARTICLE 31.

MoE in consultation with relevant Ministries or institutions shall prepare Guidelines based on project screening for the types of projects that have not conducted the EIA to require the Project Proponent to prepare an IEE or EIA report for existing projects or projects in operation.

The Guidelines shall be published within three (3) months after the MoE has made decision on these guidelines.

Project Proponents shall cooperate with consulting firms to complete their IEE or EIA reports and submit these documents to MoE for review and comments in a period determined by MoE.

MoE shall review, comment, and make a decision on these IEE or EIA reports in accordance with the provisions of the Code.

### Chapter # - Matters for consideration

#### ARTICLE #.

### Chapter # - Cumulative impact assessment

#### ARTICLE #.

**Commented [MB12]** : Projects that are planned or existing that have completed the EIA process and Government approval processes shall not require further assessment. All existing projects will be required to comply with the Code and be subject to the appropriate penalties if the project causes harm to the environment or society.

**Commented [BR13]** : Potential clarification for existing projects with existing EIAs and operational licenses per Kris Energy.

All EIAs must analyze 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 # - Health impact assessment**

#### **ARTICLE #.**

All IEEs and EIAs must include a Health Impact Assessment (HIA) that includes:

- baseline data on health in the project areas and of the affected populations;
- description of potential project impacts due to construction, population influx and changes to the environment;
- 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
- the issues related to monitoring health conditions and managing remaining impacts in the short and long-term for the project.

#### **ARTICLE #.**

In assessing the health impacts, Project Proponents must:

- propose a safety and health management plan as part of the HIA for the working environment, analyzing relevant risks and specific classes of hazards in the proposed project areas, including physical, chemical, biological, and radiological hazards.
- 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.

### **Chapter # - Environmental management and monitoring**

#### **ARTICLE #.**

The EIA 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 of Environment, relevant institutions, local authorities and stakeholders.

### **Chapter # - Provision of information**

### **Chapter # - Reporting requirements**

#### **ARTICLE #.**

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

- A Quarterly Report (every three months) covering all environmental management and monitoring results shall be submitted to the EIA Unit;
- 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;
- Provide copies of the Project's annual environmental report to the public on request without charge;
- Provide an electronic copy of the quarterly reports and annual environmental report that will be placed on the publicly accessible web-site of MoE and by the Proponent on a publicly accessible web-site.

#### **ARTICLE #.**

Each development project with an EIA Approval Letter and Certificate shall submit a quarterly and semi-annual report to the EIA 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 MoE in accordance with the request of MoE.

### **Chapter # - Fees and charges**

**ARTICLE #.**

The Project Proponent is liable for all expenses incurred in preparation of the Initial Environmental Examination (IEE) report or the Environmental Impact Assessment (EIA) report and for the expenses for project screening, for project scoping, for the public participation process, for the review and comment on the IEE or EIA report by MoE, for reviewing Environmental Monitoring Report, and for the work of the Expert Review Committee.

**ARTICLE #.**

The Project Proponent is liable for the expenses of the preparation and implementation of the Environmental Management and Monitoring Plan (EMP) and costs to cover implementation and monitoring of measures on reduction of the impacts on environment and society as delineated in the EMP and SDP.

The Project Proponent shall have a deposit [reserved] budget or insurance budget for the management of environmental and social risks which shall be determined by the MoE.

**ARTICLE #.**

A detailed budget of estimated costs for environmental impact mitigation measures that must be included in the EMP shall be borne by the Project Proponent.

The cost of making documents publically available, including web-site access, as stipulated in Article 40 of this law shall be borne by the Project Proponent.

All costs to adjust or improve the mitigation measures and project monitoring program as stipulated in Article 43 of this law shall be borne by the Project Proponents.

All expenses for dispute resolution in both inside and outside of the court system as stipulated in Article 65 of this law are the responsibility of the Project Proponent.

Service fees and other charges shall be determined by an Inter-ministerial Prakas between the MoE and the Ministry of Economy and Finance.

**ARTICLE #.**

When the Project Proponents submit application for review and comment on IEE or EIA report, MoE has the duty to collect fees and service charges as provided in an Inter-Ministerial Prakas between MoE and Ministry of Economy and Finance on Service Charges for reviewing EIA report.

**ARTICLE #.**

The Project Proponent shall make payment of fees and service charges for reviewing Environmental Monitoring Report to MoE to enable MoE to carry out its duties to review monitoring reports, respond to requests for investigation of environmental complaints, and to carry out routine compliance monitoring during both construction and operation phases of the project.

**ARTICLE #.**

An Environmental and Social Fund shall be created by the Ministry of Environment to provide finance for the restoration of environment, conservation of biodiversity and social development in and around the area where the project is located.

**ARTICLE #.**

The Project Proponent shall make payment of Environmental Endowment Fund based on the agreement between MoE and Project Proponent, on an annual basis until the end of business, based on the type and scale of development project.

**BOOK 5 – MAKING OF NATIONAL, SUB-NATREGIONAL  
AND LOCAL ENVIRONMENTAL AND NATURAL  
RESOURCES PLANS**

Commented [BR14]: Per Teng Rithiny

- *This Book will set out the procedures for the adoption of National, Sub-natRegional and Local Environmental and Natural Resources Plans. These Plans will be prepared for environmental and natural resources management, integrating food and water security issues and relevant materials exploitations certifications.*
- *This Book will establish a One Map process to require a single national consolidated environmental geographic information database, with open access and mandatory data sharing between ministries and the general public. This will be used to develop the National Environmental and Natural Resources Plans.*
- *It will detail the procedures for the creation of a national land and natural resources plan under which regional and local plans will be made and refer to Book 3 Public Participation and Access to Environmental Informaiton. The national plans will provide the clear policy and strategic*

Commented [BR15]: Per Andeol Cadin comment

*direction. sub-national plans will provide for the specific measures to implement these national objectives.*

- *One option is to try to adopt a single method for the making and approval of management plans for protection and management (including exploitation) of heritages areas, marine and terrestrial protected areas and management plans for threatened and endangered species.*

**Chapter # - Establishment of the national One Map process; components of the One Map; roles of government and civil society in One Map process**

**Chapter # - Creation of a National Environmental and Natural Resource Management Plan (NEP)**

**Chapter # - Appointment of a commission to prepare the NEP**

**Chapter # - Draft NEP to be prepared with public participation**

**Chapter # - Approval of NEP**

**Chapter # - Preparation and approval of subnatregional and local NEP**

**Chapter # - Establishment of a National Land and Resources Geographic Information Database**

**Chapter # - Database to be publically available**

**Chapter # - Database to be used to make national, sub-natregional and local plans**

**BOOK 6 – URBAN LAND USE PLANNING AND  
MANAGEMENT**

- *This Book will examine land planning for urban areas. It will establish the creation of zoning plans and land classification for urban areas. It will also provide for the approvals process for developments in urban areas, in accordance with appropriate zonings. This may require the review of the Law on Land Management, Urban Planning and Constructions 1994.*
- *Urban areas and the development of towns and cities create significant burdens on the environment and the community. It is suggested that this be*

Commented [BR16] : Potential combine with Book 11 per 6 April workshop group 1

*dealt with as a separate Book to focus on promoting sustainable urban development.*

- *The Book will establish the procedures for classifying land as urban land and the zone of urban land as housing construction zone, commercial zone and other relevant zones. It will provide the guidance for the sustainable development of cities in accordance with best practice planning principles. This will use the One Map process outlined in Book 5.*
- *This Book will also provide the minimum requirements for the management of urban land, including provisions for plans covering water, energy, storm water management, traffic, noise and construction.*
- *The roles of ~~different local~~ authorities in land use planning and management will be addressed, referencing Book 2.*
- *The Book will address the specific requirements for public participation, referencing Book 3.*
- *This Book will address social housing.*

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**Chapter # - Establishment of transparent zoning process at city and local level, including periodic timing, scope and stakeholders to be involved and how**

**Chapter # - Classification of urban land**

**Chapter # - Zoning of urban land**

**Chapter # - Minimum standards of urban zoning plans**  
**Include specifications for delineation and co-existence of industrial, commercial and residential zones**

**Chapter # Buffer zones and prevention of encroachment of non-compatible uses**

Commented [BR17]: Per comment of M. Ramasamy

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**Chapter # - Urban infrastructure requirements**

**Chapter # - Public transportation, bicycle access, recycling, waste management, maintenance of urban green spaces, etc.**  
**Including clarity on roles and responsibilities of different levels of authorities**

Commented [BR18]: Comment of R. Deau

**Chapter # - Special building requirements (example: open space set asides, parking space requirements, energy efficiency standards)**

**Addressing minimum parking place allocations, open space set aside requirements for urban developments, traffic flow management issues, public transportation, etc.**

Commented [BR19] : Per Raphael Deau comment

**Chapter # - Other private sector provisions**

**Chapter # - Motor vehicle exhaust standards**

**Chapter # - Potential new tenure systems for social housing projects**

**BOOK 7 – NATURAL RESOURCES PLANNING AND MANAGEMENT**

- *This Book will provide for a planning framework to set sustainable use limits and protections for Cambodia's commercial and non-commercial natural resources.*
- *The Book will also relate to Book 9 Strategic Impact Assessment that may be required prior to the adoption of plans and policies.*
- *This Book will review the role and functions of Economic Land Concessions and the implementation of projects using ELC.*
- *It will include provisions to require environmental protection considerations in the commercial and subsistence exploitation of natural resources and in any activities that may impact natural resources. This will include environmental controls on agricultural practices, including fertilizer, pesticide and herbicide use.*

**Chapter # - Preparation of management plans in accordance with national, regional or local environmental and natural resource management plan**

**POTENTIAL INSERT -full contents of Book 13 Establishment of National Conservation Corridors????**

**Chapter # – Establishment of forestry reserves**

**Chapter # - Establishment of marine reserves**

**Chapter # - Establishment of freshwater fisheries reserves**

**Chapter # - Establishment of freshwater production zones**

**Chapter # - Conservation and rational utilization of natural resources**

**Chapter # - Procedures for granting, monitoring and terminating ELCs**

**Chapter # - Management of ELCs, including management plans,  
transparency, and relation to sustainable timber production and  
biodiversity restoration**

## **BOOK 8 – BIODIVERSITY CONSERVATION AND MANAGEMENT**

- *This Book will examine the protection, conservation and management of biodiversity, and include different chapters on forests, wetlands, marine ecosystems, endangered species, invasive species and the management of protection areas.*
- *Specific Chapters could address key priority areas including Tonle Sap Lake and the Mekong River.*
- *A submission has been received from some combined NGOs on the policy of Wildlife (or Wild Animal Farming) in Cambodia. The discussion paper raises a number of significant issues and concerns about the possibility of introducing the farming of wild animals in Cambodia. Consideration is being given to the matters raised by the submission.*

**Chapter # - Protection of endangered species**

**Chapter # - Protection of wildlife ~~animals~~**

**Chapter # - Protection of plants and plant communities**

**Chapter # - Protection of native plant and wildlife habitat and important  
ecological communities (including “critical habitat” for  
endangered plant and animal species)**

**Chapter # - Bioregional planning for biodiversity conservation**

**Commented [BR20] :** Relationship between these two chapters to be clarified, or chapter combined

**Chapter # - Prohibition of export or import of specified flora and fauna and products derived from plants and wildlife**

**Chapter # - Prohibition of trafficking, possession or sale of endangered species**

**Chapter # - Enforcement of CITES and other international agreement obligations**

**Chapter # - Scientific and educational uses**

**Chapter # - Establishing/classifying protected areas for biodiversity conservation**

**Chapter # - Restoration of damaged ecosystems**

**Chapter # - Endangered species protection and management plans (includes identifying key threatening processes and developing threat abatement plans and recovery plans)**

**Chapter # - Prohibition on damaging or destroying native vegetation and forest protected areas**

**Chapter # - Prohibition of hunting in certain areas**

**Chapter # - Prohibited activities in protected areas**

**Chapter # - Management of invasive species**

**Chapter # - Definition of genetically modified organisms**

**Chapter # - Prohibition of use of genetically modified organisms, including seeds**

**Chapter # - Management and approvals for use of genetically modified organisms**

## **BOOK 9 – STRATEGIC ENVIRONMENTAL ASSESSMENT**

**book** Suggested that this Books potentially reposition to follow the Book on EIA

**Commented [MB21]** : SEA is more a function of assessment for policies, plans and programs as compared to EIA, which is the assessment of projects. Although related there are separate tools for planning and assessment. SEA should come before EIA as a planning instrument.

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**Commented [BR22]** : Per R. Deau comment

- *This Book will outline the use of Strategic Environmental Assessment (SEA) for the assessment and development of plans and policies in Cambodia. The use of SEA can be for all types of policies and plans, including decisions that may have impacts on natural resources management.*
- *This Book will also provide the link between National Environmental and Natural Resources Plans, SEA and also EIA for specific projects.*

### Chapter # - SEA required for policies and plans

ARTICLE #

The Ministry of the Environment is responsible for reviewing and assessing ~~sectoral~~ Strategic Environmental Assessment (SEA) of policies, programmes and strategic plans of the Royal Government as well as reviewing the comments received from relevant agencies and the public.

### Chapter # - Zoning system

### Chapter # - Formulation of Strategic Environmental Assessment (SEA) reports

### Chapter # - Content of SEA reports

### Chapter # - Appraisal of SEA reports

## BOOK 10 – ENVIRONMENTAL QUALITY STANDARDS AND ENVIRONMENTAL PROTECTION GUIDELINES

- *This Book will establish the procedures for the setting of National and Local Environmental Quality Standards (EQS) and Guidelines. It will provide details on the type and quantity of the emissions. It will also adopt existing standards and levels until it is possible to revise or amend the Environmental Standards and Guidelines.*
- *This Book will require that all relevant Ministries will be required to follow the Environmental Quality Standards and Guidelines.*
- *The Environmental Quality Standards and Guidelines in this Book will also extend to food safety principles and objectives.*

**Commented [MB23] :** There are already standards in Cambodia. This Book is to update the EQS and to provide for environmental protection guidelines. The establishment and setting of EQS and specific protection guidelines should be separate from the Books dealing with the application of the EQS. EQS will also be applied in the Book on EIA as well.

**Commented [MB24] :** From the Group 2 at the Workshop, the EQS should be referred to the international experts to help identify EQS that can be applied to Cambodia.

**Chapter # - Setting of environmental Quality Standards (EQS)**

**Chapter # - Setting of ambient standards**

**Chapter # - Setting of discharge standards**

**Chapter # - Revision of EQS**

**Chapter # - Application of EQS in Cambodia**

**Chapter # - Provisional adoption of international standards**

**Chapter # - Definition of best available techniques**

**Chapter # - Definition of good practices**

**BOOK 11 – SUSTAINABLE CITIES**

- *This Book will require that land use planning and management for urban areas be conducted to promote sustainable and resilient cities.*
- *It will ensure that planning takes into account long-term impacts on urban areas, including climate change, energy, water, population and economic development.*
- *It will also examine the management of trees along public roads and the development of people and nature friendly cities, including the promotion of renewable energy in urban areas.*
- *Establishment of special institution to promote capacity building and technical education on sustainable cities*

**Chapter # - Development of sustainable urban centers**

**Chapter # - Making a sustainable city plan**

**Chapter # - Establishment of recycling plans for urban areas**

**Chapter # - Promoting energy efficiency**

**Chapter # - Setting of energy efficiency standards**

Commented [BR25]: Potential combine with Book 6 per 6 April workshop group 1

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**Chapter # - Setting of standards for green buildings**

**Chapter # - Interim adoption of international standards**

**Chapter # - Creation of sustainable and better housing**

**BOOK 12 – COASTAL ZONE PLANNING AND  
MANAGEMENT**

- *This Book will provide a planning framework for the use and management of the coastal zone.*
- *It will provide details for the management of tourism and economic development in the coastal zone. It will adopt strong interim controls and safeguards to protect the coastal zone from poor development.*
- *This will include existing areas receiving special treatment and a system for designating new areas for development, including existing and proposed new institutional management.*

**Chapter # - Development of a draft Coastal Zone Management Plan (CZMP)**

**Chapter # - Overall objectives of coastal zone conservation and management**

**Chapter # - Special provisions for mangrove conservation**

**Chapter # - Contents of a draft CZMP**

**Chapter # - Adoption of a CZMP**

**Chapter # - Implementation of a CZMP**

**Chapter # - Coastal zone mapping, including mapping of coral reefs**

**Chapter # - Amendment of the CZMP**

**Chapter # - Roles and responsibilities of Ministries**

**Chapter # - Roles of citizen and communities**

**Chapter # - Requirements for public consultation**

**Commented [MB27] :** It has been suggested that this Book should include Coastal and Marine. This is under consideration although related the protection and management of the marine area has some different characteristics from the coastal zone.

**Commented [BR28] :** Group 3, April 6 workshop

**Commented [BR29] :** Per R. Deau comment

**Chapter # - Promotion of sustainable development in the coastal zone**

**Chapter # - Prohibition of activities in the coastal zone that are not in accordance with the CZMP**

## **BOOK 13 – ESTABLISHMENT OF NATIONAL CONSERVATION CORRIDORS**

- *This Book will establish a system of national conservation corridors. These will be areas with specific legal status and protections. This could include:*

- *National parks*
- *Urban parks and tree corridors*
- *Private land with conservation agreements, including eco-resorts, organic agriculture*

Commented [BR30]: Per Andeol Cadin

**Chapter # - Establishment of National Conservation Corridors, including naming, location and boundary/map reference**

**Chapter # - Classification of zones within the National Conservation Corridors**

**Chapter # - Activities prohibited in the National Conservation Corridors**

**Chapter # - Preparation and approval of management plans for the National Conservation Corridors**

**Chapter # - Restoration of damaged habitat or ecosystems in the National Conservation Corridors**

**Chapter # - Procedures for adjustments to the boundaries of the National Conservation Corridors**

## **BOOK 14 – SUSTAINABLE FORESTRY MANAGEMENT**

- *As part of the planning framework, this Book will allow for the designation of areas with specific legal status and protection to allow for sustainable timber management.*

Commented [MB31]: Changed from timber to forestry as recommended at the April Workshop.

**Chapter # - Establishment of a sustainable ~~forestry~~timber sector; objectives and limitations of sustainable timber management**

**Chapter # - Prohibition of the cutting, removal, export and use of timber without a permit granted in accordance with the Code**

**Chapter # - Assessment of applications to harvest timber or export of timber**

**Chapter # - Prohibition of removal of timber on Economic Land Concessions without a permit**

**Chapter # - Permit to cut or remove timber only to be granted following environmental assessment of the activity**

**Chapter # - Sustainable harvesting of timber, fuel wood and non-timber forest products in Forest Production Zones; including international certification mechanisms**

Chapter # - Sustainable harvesting of timber, fuel wood and non-timber forest products from Community Forests, Community Zones and Indigenous Communal Titled Lands.

**Chapter # - Government and citizen roles in monitoring and oversight of sustainable timber management operations**

**Chapter # - Restoration of damaged habitat or ecosystems**

## **BOOK 15 – SUSTAINABLE FISHERIES MANAGEMENT**

- As part of the planning framework, this Book will allow for the designation of areas with specific legal status and protection to allow for sustainable fisheries management.*
- Consider a relevant certification system*

**Chapter # - Establishment of a sustainable fisheries industry**

**Chapter # - Provision for capture fisheries and aquaculture and fisheries protection areas**

**Chapter # - Protection of fisheries and aquatic ecosystems**

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**Chapter # - Tenure of fisheries and aquaculture operations**

**Chapter # - Identification of aquatic organisms**

**Chapter # - Prohibition on commercial fishing that is not sustainable**

**Chapter # - Assessment of applications for commercial fishing**

**Chapter # - Community fisheries**

**Chapter # - Prohibition of export of fish or aquatic organisms without a permit**

**Chapter # - Permit to export fish or aquatic organisms only to be granted if sustainable**

**Chapter # - Sustainable management of fisheries and fish breeding areas**

**Chapter # - Government and citizen roles in monitoring and oversight of sustainable fisheries management operations**

**Chapter # - Restoration of damaged fisheries habitat or aquatic ecosystems**

**Chapter # - Management of activities that impact on fisheries and aquatic ecosystems**

## **BOOK 16 – COMMUNITY MANAGEMENT**

- *The Book would examine options for community use of natural resources, hunting, community fishing and use of land for sustainable community needs.*
- *To include a revision of current CF and CPA procedures*

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**Chapter # - Promotion of Community Forests and Community Protected Areas under a unified management framework**

**Chapter # - Establishment of co-management as a multi-stakeholder conservation tool**

**Chapter # - Mechanisms and elements of co-management**

**Chapter # - Procedures to establishment a co-management zone**

**BOOK 17 – WASTE MANAGEMENT AND POLLUTION CONTROL**

- *The Book will reexamine the provisions of the Sub-Decree on Solid Waste Management 36 ANRK.BK 1999. It will update the relevant provisions about solid waste and hazardous waste management. It will also update and incorporate the provisions dealing with the Sub-Decree on Water Pollution 27 ANRK.BK 1999 and the Control of Air Pollution and Noise Disturbance 42 ANRK 2000.*
- *Fees and charges will be provided in accordance with ~~Book 25~~Book 26.*
- *Reporting and monitoring requirements, including public disclosure, will be dealt with in a Book 29*
- *Procedures for investigation on breaches and offences will be dealt with in Book 30. The aim is that investigations and proceedings for all waste management and pollution offences will be the same as for other offences and breaches of the Environmental Code.*

**Commented [MB34] :** A recommendation has been made to divide Book 17 into 2 Books. The first dealing with Waste and Hazardous Substances Management and the second dealing with Environmental Pollution Control. Once the Code has been reordered this will be adopted.

**Chapter # - Promoting waste avoidance and reduction**

**Chapter # - Encouraging and facilitating recycling (including regulating recycling businesses)**

**Chapter # - Roles and responsibilities of government, private sector and citizens in recycling, waste reduction, and waste management**

**Commented [BR35] :** Per R. Deau comment

**Chapter # - Labeling of waste**

**Chapter # - Identification, management and clean up of contaminated land**

**Chapter # - Regulation of waste management facilities, including rubbish dumps**

**Chapter # - Standards for classification of waste**

**Chapter # - Management of waste incinerators**

**Chapter # - Solid Waste management and disposal**

**Chapter # - Hazardous waste management**

**Chapter # - Transportation of waste**

**Chapter # - Public drainage system, rain water drainage**

**Chapter # - Sewage treatment system**

**Chapter # - Import and export of waste**

**Chapter # - Application of international conventions on waste**

**Chapter # - Pollution control issues, including air, water, noise, smell, smoke, haze, vibration, light, ozone, radioactivity and contaminated land**

**Chapter # - Vehicular emissions/[Motor Vehicle](#)**

**Chapter # - Transboundary pollution**

**Chapter # - Haze pollution**

**Chapter # - Management of Chemical Substances**

**General Provision**

**Article 1.**

This Law has the following objectives:

1. To promote effective management and safe use of hazardous chemical substances and hazardous chemical products in the Kingdom of Cambodia;
2. To ensure proper registration, classification and labeling of chemical substances and chemical products in order to prevent misuse and to promote safe handling in the work place;
3. To enhance public awareness and access to information on safety and mitigation of risks throughout chemical life cycle, including production, storage, transportation, use and disposal;
4. To set up appropriate institutional coordination mechanism and information system for effective management and control of hazardous substances and hazardous chemical products in all stages of chemical life cycle;
5. To ensure an operational national system to incorporate cleaner production solutions in all manufacturing and service sectors, as well as in households.

**Commented [MB36] :** New Chapters inserted from Draft.

**Commented [BR37] :** The following text, Articles 1-36, is from a draft law on the management of chemical substances. This text will be carefully reviewed for any possible amendments and overall coherence within the overall framework of the Code.

**Commented [BR38] :** Need to address periodic review of emission standards M Ramasamy

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**Article 2.**

This law has the goal of protecting the social infrastructure, human life, animals and environment from risks and hazards caused by misuse and mishandling of hazard chemical substances and hazardous chemical products throughout chemical life cycle;

**Article 3.**

This law covers all hazardous chemical substances or hazardous chemical products and applies to all organizations or individuals that purchase, sell, use, store, release or discard these chemical substances and their chemical derivatives at different stages of their life cycles.

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This law does not apply to radioactive substances, pharmaceuticals, cosmetics, food additives, food products and household appliances or toys ~~which that~~ are governed by separate law and regulations.

**Article 4.**

The definitions of the main technical terms related to hazardous chemicals are provided in the annex 1.

**Chapter 2  
Institutional Responsibility**

**Article 5**

The Ministry of Environment is responsible for administration and implementation of this law in cooperation with relevant ministries and institutions, and in harmonization with existing laws and regulations related to the management of chemicals and chemical wastes in the Kingdom of Cambodia.

**Article 6**

The Royal Government of Cambodia shall set up appropriate mechanisms for effective management and control of hazardous chemicals through its life cycle, especially for information sharing, inspection, classification, and hazard communication and risk assessment of registered and new hazardous chemicals circulating in the Kingdom of Cambodia.

**Article 7**

The Ministry of Environment shall coordinate implementation of international treaties or conventions relevant to hazardous chemical substances.

**Article 8**

No person 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 or not the first sale).
- (c) The receipt of any misbranded hazardous substance or banned hazardous substance and the delivery or proffered delivery thereof for pay or otherwise.

**Article 9**

No person can manufacture, use and distribute persistent organic pollutants (POP) totally banned by Stockholm Convention as listed in the annex 2 of this Law. This list shall be updated according to the revised decision of COP under the Stockholm Convention to which the Royal Government of Cambodia is a party.

**Article 10**

Any misbranded hazardous substance or banned hazardous substance when introduced into the Kingdom of Cambodia shall be subject to confiscation and seizure, but is not applicable for any substance intended for export to other countries.

**Article 11**

No person shall manufacture, possess, handle, store, transport, import, distribute or use a hazardous substance that is not registered under Sub-decree dated October 2009 on “Management of Classification and Labeling of Chemicals”.

**Article 12**

No person shall store, import, export or distribute a hazardous chemical that is not packaged in accordance with the regulations and the conditions of registration.

**Article 13**

No person shall package or advertise a hazardous chemical in a way that is false, misleading or likely to create an erroneous impression regarding its character, value, quantity, composition, safety or registration.

**Article 14**

No person is allowed to use chemical substances such as acid, gasoline, or toxic chemicals that can cause corrosion, burn, oxidation, injury and destruction of human organs implicating health and human life.

**Chapter 4**

### **Registration and Information Disclosure**

#### **Article 15**

Organization and individual shall have the duty to apply for official registration of any hazardous chemical substances and hazardous chemical products intended for distribution, sale and use in the Kingdom of Cambodia.

#### **Article 16**

An application for registration shall be submitted to the respective agencies with at least a minimum information on the manufacturing company, name of chemicals, hazard classification, amount, purpose of import or use, safety data sheets, hazard statement, potential risks to human health and address of delivery.

#### **Article 17**

Information on hazardous chemicals shall be reviewed and endorsed by the Ministry of Environment before submission to the respective ministry for approval. The Ministry of Environment in cooperation with respective agencies may conduct additional tests and consultation to verify the correctness of information provided.

#### **Article 18**

The relevant ministries having the mandate to approve registration shall provide information on all hazardous chemical substances and products to the Ministry of Environment for inventory, monitoring, risk assessment and inspection purposes.

#### **Article 19**

Following official registration, organization or individual shall prepare appropriate action plan for prevention, emergency response, mitigation, monitoring and risk management for hazardous chemical substances. He or she shall act in good face to provide accurate information on hazardous chemical substances to the responsible agencies when requested.

## **Chapter 5 Classification and Labeling**

#### **Article 20**

Classification and labeling of hazardous chemical substances shall follow regulations specified by the Sub-decree No 180 dated 20 October 2009 on Management of Classification and Labeling of Chemicals.

**Article 21**

Hazard criteria for physical hazards, health hazards and environmental hazards shall be specified by an inter-ministerial task force with members designated from line agencies and universities following the Globally Harmonized System for Classification and Labeling (GHS). Role and functions of this inter-ministerial task force shall be specified by a sub-decree.

**Article 22**

Organization or individual involved in packaging, distribution, transportation, and sale of hazardous chemical substances or products shall put correct labeling on hazard substances and chemical products following regulations specified in the Sub-decree No 180 dated 20 October 2009 before distribution, transportation or sale.

**Article 23**

Organization or individual shall publish brochures or newsletters on safety data sheet, hazards prevention and mitigation, and health risks for all hazardous substances intended for distribution and sale in the Kingdom of Cambodia.

**Chapter 6  
Transportation**

**CHAPTER 1 ARTICLE 24**

An organization or individual that transports hazardous chemicals shall abide by the provisions on transportation of hazardous chemical substances or products as prescribed in this Law and other relevant laws.

Transport operators and transport owners shall prepare staff health and safety plans and response plans for substance specific hazardous materials incident response plans in order to: Identify and take necessary measures to minimize potential incidents and remedy consequences if they take place, and  
Identify and notify the nearest local authorities and concerned ministries about the incident if an incident occurs en route – either on road, inland waterway, railway, air or sea transport.

**Article 25**

The Ministry of Environment shall coordinate with the Ministry of Public Works and Transport, concerned ministries and competent agencies to formulate additional technical

regulations on transportation of hazardous chemical substances or hazardous chemical products.

## **Chapter 7** **Use and Disposal**

### **Article 26**

All Cambodian people have the rights to use hazardous chemicals according to regulations stipulated by this law and shall follow technical specifications, labeled description and safety instructions of any hazardous substance.

### **Article 27**

Organization or individual that uses hazardous substances for manufacturing or production of goods and products shall be responsible for compensation or rehabilitation of the social infrastructure, human health, animal health and the environment damage caused by chemical hazards and accidents for which they have been deemed responsible.

### **Article 28**

No person can burn and dispose of any part or whole of chemical substances or chemical wastes into the environment, including water, soil and air without the approval of the Ministry of Environment.

Disposal of any part of hazardous chemical and its package shall follow regulations and guidelines specified by the sub-decree No 36 ANRK.BK dated 27 April 1999 on Solid Waste Management and the Sub-decree No 27 ANRK.BK dated 06 April 1999.

Additional guidelines on disposal of hazardous chemical substances and chemical wastes shall be specified by a Prakas of the Ministry of Environment.

### **Article 29**

Organization or individual using hazardous chemicals for scientific research shall have the following duty:

- Use of hazardous chemical substances following regulations stipulated by this Law;
- Laboratory shall have sufficient equipments for safe storage and handling of hazardous chemical substances and personal protective equipment for workers;
- Hazardous substances shall have correct labeling according to the regulations specified by the Sub-decree dated October 2009;
- The Laboratory shall have an appropriate filing systems and records of hazardous chemical substances being used;
- Disposal of hazardous substance or chemical wastes shall follow regulations specified under Article 25 of this Law.

- Identifying and minimizing any potential hazards which may be caused by the use and dispose of hazardous substance or chemical wastes through setting up effective mechanisms to minimize risk and mitigate effects of any hazard which may occur.

**Article 30**

No person shall use hazardous chemical substances in food products, cosmetics, and toys that can cause direct health hazards to human beings.

**Chapter 8**  
**Chemical Industry**

**Article 31**

Organization or individual engaged in production of chemical substances shall have technical capacity for environmental and social safeguarding as shown below:

- Workshops, storehouse and technological equipment;
- Safety equipment and devices, equipment and devices for prevention and fighting of fire, explosions, lightning, chemical leakages or dispersal and other chemical incidents;
- Labor protection equipment and devices;
- Environmental protection equipment and devices,
- Waste disposal and treatment systems;
- Prevention and response Plan, including posting visible hazard pictogram and hazard communication;

**Article 32**

Organization and individual engaged in production of chemical substances shall have professional staff with qualifications relevant to the scope, type, and scale of the chemical-related activity along with thorough knowledge about technologies and chemical safety plans and measures.

**Article 33**

Organization or individual is encouraged to review manufacturing processes that can produce green chemical substances or products involving less green house gases emission, less energy consumption, and minimal hazard and toxicity to the environment and human.

**Article 34**

Organization or individual engaged in production of chemical substances or products shall have proper registration of the substances and manufacturing permits issued by relevant responsible ministry or authority.

**Article 35**

In case of production of hazardous chemicals or hazardous chemical products, organization or individual shall provide 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 to the respective ministries and the Ministry of Environment. The format of reports shall be developed by responsible Ministry in cooperation with the Ministry of Environment.

## **Chapter 9 Prevention and Response**

### **Article 36**

Organization or individual shall have the duty to:

- Strictly follow technical specification, labeling and safety instruction defined by each hazardous substance;
- Have prevention and emergency response measures (first aid, evacuation plan, fire elimination equipment) including personal protective equipment for workers at the work place;
- Organize training on safe use and safe handling of hazardous substances, including a safe-drill toward the occurrence of hazard to human health and/or the environment;
- Set up a chemical emergency response.

### **Article #**

In case of accidents caused by hazardous chemical substances, organization or individual shall cease immediately the activities in question and immediately inform the relevant authorities and the Ministry of Environment. Adequate action shall be taken according to the prevention and emergency response plan aiming for reducing hazards and damage to human health, environment and the property.

### **Article #**

A Hazard Chemical Insurance Mechanism shall be set up by a financing mechanism for prevention, response and compensation of hazards or accidents associated with hazard substances. The regulations and operation of this insurance shall be specified by a Sub-decree.

## **Chapter 10 Public Awareness**

### **Article #**

Organization or individual involved in distribution, sale and use of hazardous chemical substances shall provide all information related to safety data sheets, hazard communication, prevention and mitigation measures to the responsible ministries, the users and the public.

## **BOOK 18 – WATER MANAGEMENT**

- *This Book will provide details of water management and water planning. Plans for water management should be prepared under the provisions of Book 5 dealing with National, Regional and Local Management Plans.*
- *This will need to consider the benefit-sharing arrangements for the use of transboundary watercourses in accordance with international legal obligations.*
- *Waste water and water pollution will be dealt with in Book 17 Waste Management and Pollution Control.*

**Chapter # - Whole-of-catchment concerns (including relationships between upper and lower river reaches and between different users)**

**Chapter # - Identifying and quantifying (through monitoring and mapping) all surface and ground water sources**

**Chapter # - Irrigation system and water supply for agricultural purposes**

**Chapter # - Erosion control (riparian vegetation management)**

**Chapter # - Man-made waterway**

**Chapter # - Water reservoirs for public use (referencing urban planning in Book 6)**

**Chapter # - Allocation and trade of entitlements to use water**

**Chapter # - Introducing monitoring and reporting systems (in reference to Book 29)**

## **BOOK 19 – CULTURAL AND NATURAL HERITAGE PROTECTION AND MANAGEMENT**

- *This Book will examine the identification, protection and management of cultural and natural heritage. It will consider the need to protect both tangible and intangible items of cultural heritage.*

- *This Book will look at the operation of the APSARA Authority and related legislation to ensure a consistent approach to the protection and management of natural, cultural and built heritage, including both tangible and intangible heritage.*
- *Ministry of Culture and Fine Arts and other authorities related to heritage protection and management.*
- *This would examine both World Heritage and Ramsar listed areas, as well as local and national heritage areas.*
- *It will regulate key activities in heritage areas, including tourism, research, archeological digs and any other development activity. Also note new chapter on rescue archaeology and salvage archeological surveys*
- *Other protection mechanisms will include anti-trafficking provisions, protections against intentional or accidental damage or demolition of known or unknown cultural or natural heritage, restoration and repair of damaged heritage, and financial incentives for heritage protection.*

Commented [MB39]: Recommendations from STWG4

Commented [BR40]: Group 4, 6 April workshop

#### **Chapter # - National Inventory list of cultural and natural heritage**

- Article # The relevant Ministry shall established a National Inventory list of cultural and natural heritage sites
- Article # The National Inventory list shall be updated on a regular basis
- Article # Establishment of local and national heritage zones

Commented [BR41]: Group 4, 6 April workshop

#### **Chapter # - Identification and designation of cultural and natural heritage sites**

##### **Chapter # - Damage and Conservation status classifications**

Commented [MB42]: Recommendation from STWG4

#### **Chapter # - Special considerations in EIA for cultural and natural heritage sites**

##### **Chapter # - Management plans for sites**

- Article # The Minister may require for a Heritage Management Plan to be prepared for a cultural and natural heritage site listed on the National Inventory
- Article # The Heritage Management Plan shall be developed in consultation with the local community and interested stakeholders.

Article #      The Heritage Management Plan shall also establish protected zones and core zones for heritage management of the site.

**Chapter # - Requirements for heritage impact assessment**

**Chapter # - Rescue Archaeology or Salvage Archaeology of threatened or endangered sites**

**Chapter # - Order to halt construction or clearing if a site is threatened or endangered**

**Chapter # - Impact of protected site on communities**

Commented [MB43] : Recommendation from STWG4

## **BOOK 20 – EXTRACTIVE INDUSTRIES AND SUSTAINABLE ECONOMIC BENEFITS**

- *This Book will examine the Laws relating to Mining in the provision of sustainable economic benefits to the Kingdom of Cambodia.*
- *This will link to the Book on EIA, to promote efficient and effective extractive industry development in Cambodia.*

**Chapter # - Extractive Industries Transparency Initiative (EITI) requirements and standards**

**Chapter # - Adoption of best practice in extractive industry**

**Chapter # - Financial and economic arrangements to ensure proper site management**

**Chapter # - Provisions for closure and remediation and restoration of extractive industry sites**

**Chapter # - Licensing and permitting system following EIA approval**

**Chapter # - Sand mining**

**Chapter # - Rock and aggregate mining**

**Chapter # - Minerals**

**Chapter # - Metal mining**

**Chapter # - Oil and Gas**

Commented [BR44]: Per R. Deau

**Chapter # - Rehabilitation and closure plans**

**Chapter # - Financing remediation and restoration for extractive industry**

**BOOK 21 – SUSTAINABLE TOURISM AND ECO-TOURISM**

- *This Book will create a framework for encouraging appropriate eco-tourism activities in Cambodia.*
- *Eco-tourism activities include small scale, community based tourism opportunities.*
- *This Book will also create a framework to promote sustainable tourism in general, including larger scale tourism with reduced environmental impact.*

**Chapter # - Promotion of ecotourism and sustainable tourism as development priorities**

**Chapter # - Designation of special ecotourism areas**

**Chapter # - Financial incentives for ecotourism operations**

**Chapter # - Ecotourism operational standards (community guidelines, community management, community fund, etc.)**

**Chapter # - Marketing and promotion of ecotourism**

**Chapter # - Greening mass tourism: standards, guidelines, and application**

**Chapter # - Code of Conduct for eco-tourism development**

**BOOK 22 – SUSTAINABLE ENERGY**

Commented [MB45]: A number of submissions have suggested that this Book should be renamed Energy and then be divided into renewable and non-renewable energy sections.

- *This Book will set goals and standards for the development of sustainable energy for Cambodia.*
- *It will detail the mechanism to achieve the rapid development of energy sources in Cambodia such as hydropower, wind energy, solar energy, biogas, geothermal, tidal energy and nuclear energy.*
- *It will also examine the development of oil and gas in a manner that promotes sustainable development and transparency.*

**Chapter # - Sustainable Energy Plan**

**Chapter # - Standards and technology for sustainable energy**

**Chapter # - Provision of clean energy for rural communities**

**Chapter # - Definition of sustainable energy sources**

**Chapter # - Promotion of sustainable energy**

**Chapter # - Development of micro and mini-grid systems**

**BOOK 23 – CLIMATE CHANGE**

- *This Book will outline how to mainstream Climate Change assessment into the management of natural resources in Cambodia. Adopting existing strategies to adapt to and mitigate the impacts of climate change in Cambodia, this Book will provide the details on how those matters should be taken into consideration during the EIA process and the natural resource management process.*
- *The Book will incorporate international climate change mechanisms such as REDD+ CDM and other climate change mechanisms into Cambodia law.*
- *It will also address some key issues in relation to other relevant Books, including building resilience to climate change through planning and construction standards (referencing Book 6 – URBAN LAND USE PLANNING AND MANAGEMENT–URBAN LAND USE PLANNING AND MANAGEMENT and Book 11 – SUSTAINABLE CITIES–SUSTAINABLE CITIES)*

Commented [BR46] : Potential combine of Books 23 and 24 M Ramasamy

## **BOOK 24 - REDUCTION OF GREENHOUSE GAS EMISSIONS AND PROMOTION OF GREEN GROWTH**

- *This Book will outline how to reduce greenhouse gas emissions by Cambodia and the promotion of Green Growth.*
- *This Book will also link to Book 22 – SUSTAINABLE ENERGYCITIES and Book 26 – ENVIRONMENTAL INCENTIVES, FEES AND CHARGES– ENVIRONMENTAL ECONOMIC MEASURES, FEES AND CHARGES.*

**Chapter # - Obligation to address climate change**

**Chapter # - Incorporating climate change mitigation in all natural resources and environmental decisions**

**Chapter # - Incorporation of climate change adaptation in all natural resources and environmental decisions**

## **BOOK 25 – DISASTER RISK REDUCTION AND DISASTER MANAGEMENT**

- *The Book will provide the requirements for reducing disaster risk by proper planning and incorporating risk reduction strategies into natural resource management decisions.*

**Chapter # - Disaster management planning**

**Chapter # - Incorporation of risk-reduction planning**

**Chapter # - Developments to take into account disaster management planning**

**Chapter # - Planning for major pollution incidents**

**Chapter # - Responding to environmental damage**

**Chapter # - Disaster management for protected areas and heritage locations**

**Chapter # - Management of disasters at waste facilities**

**Chapter # - Management of disasters at energy production and storage facilities**

**Chapter # - Management of disasters at chemical facilities**

**Chapter # - Obligation to report potential disasters**

**BOOK 26 – ENVIRONMENTAL ~~INCENTIV ECONOMIC~~  
MEASURES, FEES AND CHARGES**

Commented [BR47]: Per Teng Rithiny

- *This Book will set out the mechanism by which the responsible Ministries will be able to charge for fees and services.*
- *This Book will include clear provisions to ensure that all fees and charges that are levied and received and all economic instruments that are established such as environmental funds will be managed in accordance with international standards on accountability and transparency.*
- *A submission has been received that highlights that Cambodia does not have a Trust Fund Law that would assist in developing funding arrangements to finance the protection of protected areas and protected forests. Consideration should be giving to enable Trusts to be created.*

**Chapter # - Fees payable for services provided by Ministry**

**Chapter # - Auditing of funds**

**Chapter # - Environmental taxation**

**Chapter # - Economic incentives for green investment**

**Chapter # - Special incentives for public/private partnerships**

**Chapter# - Financial incentives and taxation measures to promote green urban infrastructure**

**Chapter # - Financial incentives and taxation measures to promote eco-tourism and sustainable tourism**

**Chapter # - Financial incentives and taxation measures to promote conservation and biodiversity**

**Chapter # - Financial incentives and taxation measures to promote community resource management**

**Chapter # - Financial incentives and taxation measures to promote sustainable low carbon energy production**

**Chapter # - Establishment of the Environment, Conservation and Social Development Fund; goals of the Fund**

**Chapter # - Sources of revenue to the Environment, Conservation and Social Development Fund**

**Chapter # - Transparency and governance procedures for the Environment, Conservation and Social Development Fund**

**Chapter # - Criteria for grant-making and disbursement from the Environment, Conservation and Social Development Fund**

**Chapter # - Green financing**

**Chapter # - Financing for eco labeling**

**Chapter # - Environmental liability mechanisms for payments by polluters/environmental damage (e.g. bond, environment and social fund)**

**Chapter # - Community initiative funds**

## **BOOK 27 - ENVIRONMENTAL PUBLIC AWARENESS AND ENVIRONMENTAL EDUCATION**

- This Book will detail plans for the promotion of public awareness on environmental protection and environmental issues using mass communication means, including cinemas, the internet and advertising.*
- It will establish an Environmental Information Initiative to educate the public and the private sector on environmental obligations and environmental issues.*

**Chapter # - Promotion of environmental awareness in schools**

**Chapter # - Promotion of environmental awareness in universities**

**Chapter # - Establishment of Environmental Education Committee**

**Chapter # - Development of environmental education materials and training  
Specialized vocational training programs????**

**Chapter # - Promotion of environmental awareness to the public**

**Chapter # - Requirement to promote environmental awareness in cinemas  
and mass media**

**Chapter # - Support for environmental awareness campaigns**

**Chapter # - Promotion of World Environment Day**

**Chapter # - Promotion of special environmental programs**

## **BOOK 28 – ENVIRONMENTAL AND NATURAL RESOURCES STUDY AND RESEARCH**

- *This Book will provide details on the promotion of research on environmental and natural resource management issues.*
- *It will promote research and development for innovative practices to protect and manage the environment and natural resources.*

**Chapter # - Establishment of environmental research institutes**

**Chapter # - Provision of scholarships for environmental studies**

**Chapter # - Promoting of environmental research at universities**

**Chapter # - Establishment of Center of Excellence in Natural Resource  
Management and Sustainable Development**

**Chapter # - Funding of environmental research**

Commented [BR48]: R. Deau

## **BOOK 29 – ENVIRONMENTAL AUDITS AND ENVIRONMENTAL MANAGEMENT REPORTING**

- *This Book will outline the principles and requirements for environmental audits and for reporting requirements under the relevant provisions of the Environmental Code. An environmental audit will be a key mechanism to ensure that permit holders and those undertaking development projects are complying with the conditions of approval. This will include EIA, IEE and environmental protection agreements as well as any conditions attached to permits or licenses or ELC.*
- *The Book will also establish a PROPER system for self-report of pollution by companies and a color-coded registration for environmental compliance. Companies will be designated from Green and Blue (Beyond Compliance) to Black (Compliance) to Yellow and Red (Below Compliance)*
- *The aim of this Book is not to increase the regulatory burden on the holder of a license or approval but to ensure that environmental and social obligations are carried out in accordance with the approval conditions.*

**Chapter # - Establishment of self reporting for environmental compliance**

**Chapter # - Obligation to report breaches of Environmental Code**

**Chapter # - Establishment of system of environmental compliance**

**Chapter # - Register of approvals, permits, licenses and monitoring reports**

**Chapter # - Unified register to be publically available and easily accessible**

**Chapter # - Environmental audits**

**Chapter # - Appointment and qualifications of environmental auditors**

**Chapter # - Projects and activities requiring environmental audits**

**Chapter # - Projects and activities requiring environmental certification to international standards**

**Chapter # - Monitoring reports to be required for specific project and activities**

**Chapter # - Monitoring reports required under EIA approvals**

**Chapter # - Monitoring reports to be publically available**

**BOOK 30 – INVESTIGATION, ENFORCEMENT AND ACCESS TO REMEDIES**

- *This Book will deal with the powers of the relevant Ministries to investigate the environmental offences outlined in Book 31.*
- *It will make provision to allow for citizens and organizations to follow dispute resolutions procedures and bring proceedings to the relevant review body. These provisions will also identify mechanisms for citizens and organizations to bring general complaints and other proceedings.*
- *This Book will also examine the use of relevant dispute resolution procedures and grievance mechanisms, including Environmental Courts and Tribunals (ECTs), to deal with environmental and natural resources development decisions. This Book will examine options for the Ministry of Environment to establish an Environmental Tribunal to reexamine environment and natural resource management decisions made under the Environmental Code.*
- *This Book will also look at other options such as administrative tribunals and an Environmental Commissioner, to review problems and concerns relating to environmental and natural resources decisions. These would be established to be accessible to the community and open and transparent.*
- *For example, one matter would be the use of municipal planning tribunals to resolve conflict between planning and land use decisions in the urban context.*

**Chapter # - Environmental complaints**

Section 1 Parties of Environmental Complaint

Article #: Directed Affected Parties

Article #: Participation of Relevant NGOs in Environmental Complaint

Article #: The Governmental authorities in the Environmental Complaint

Section 2 Type of Environmental Complaint

Article #: Civil Complaints

Article #: Criminal Complaint

Article #: Complaint Against Administrative Decision of the Government or Governmental Authorities

Article #: Relation of Civil and Criminal Complaint

### **Chapter # - Procedures for resolution of environmental complaints**

Section 1 General Provision

Article#: Objective

Article #: Scope of Code Application

Article #: General Principle

Article #: Type of Environmental Dispute Resolution

Section 2 Out of Court Resolution of Environmental Dispute

Article #: Objective

Article #: Appointment of Mediator/Arbitrator

Article #: Obligation of Government to Create the Environmental Arbitration Institute

Article #: Appeal to the Decision of Arbitrator to the Court

Section 3 Resolution of Environmental Dispute through the Court

Article #: Rights of Affected Parties

Article #: Obligation of Government to Create the Environmental Court Attach to Lower Court and higher Court

Article #: Decision of Court

Article #: Appeal to Decision of Lower Court to Higher Court

Section 4 Complaint Against to Decision of Administration of Governmental Authorities

Article #: Right of Affected Natural Person/Legal Entities

Article #: Time Limitation of Issuance of Decision on the Complaint

Article #: Appeal to Decision of Higher Administration Institute

### **Chapter # - Judicial police officers**

- Article #: Component of Judicial Police Officers
- Article #: Role and Obligation of Judicial Police Officers
- Article #: Procedure of Qualification of Judicial Police Officers
- Article #: Territory of Judicial Police Officers
- Article #: Investigation of Environmental Crime of Judicial Police Officers
- Article #: Obligation of Relevant Authorities in Co-Operation to Environmental Crime Investigation
- Article #: Procedure of Environmental Complaint Compilation
- Article #: Uniform Consumption in Environmental Complaint Investigation

**Chapter # Establishment of Royal Academy of Ranger Professionals**

Commented [BR49]: Per comment from Meas Sophal

**Chapter # Establishment of Environmental and Natural Resources Court or Tribunal (ECT)**

**Chapter # - Establishment of Environment Commissioner**

**Chapter # - Role of the Environment Commissioner**

**Chapter # - Monitoring, compliance and enforcement rights of citizens**

**Chapter # - All Citizens may bring complaints before the ECT for breaches of the Environmental Code**

**Chapter # - Rights of review of environmental and natural resources decisions**

**Chapter # - NGOs may assist citizens and communities to bring matters to the ECT**

**Chapter # - Obligation of ECT to hear and determine matters quickly and fairly**

**BOOK 31 – ENVIRONMENTAL OFFENCES**

- *This Book will outline the Environmental Offences that will be subject to possible action under the Civil Code or Criminal Code.*
- *It will provide an outline for determining which breaches of the Code should be subject to criminal prosecution.*

- *The Book will identify specific offences and failures to comply with relevant provisions of the Code.*
- *This will provide relevant information about compensation and restoration orders, if a breach of the Code has led to environmental harm or harm to human health.*
- *It will provide options for penalties from fines to imprisonment and remediation orders. It will be based of the work done on the draft EIA Law.*

**Chapter # - Breach of any provision of the Environmental Code**

**Chapter # - Environmental Impact Assessment offenses**

**Chapter # - Penalty provisions**

**Chapter # - Orders for compensation**

**Chapter # - Restitution and restoration of environmental damage**

**Chapter # - Air pollution offenses**

**Chapter # - Water pollution offense**

**Chapter # - Waste offenses**

**Chapter # - Contamination offenses**

**Chapter # - Application of Criminal Code to environmental offenses**

**Chapter # - Application of civil penalties for environmental offenses**

**Chapter # - Table of penalties for offenses**

**BOOK 32 – LEGAL HARMONIZATIONS**

- *This Book will provide details of the laws and sub-decrees that will be repealed.*
- *This Book will clarify how the Environmental Code will amend the various existing natural resources laws and laws relating to environmental protection and natural resource management.*

## **BOOK 33 – TRANSITIONAL PROVISIONS**

- *This Book will provide details of the transitional provisions required to allow the Code to become effective in the shortest period of time.*
- *It will provide details of how existing protected areas and relevant reserves will be maintained, based on the principles of the Environmental Code, until they have been reviewed and assessed in accordance with the provisions of the Code.*
- *The development of the Environmental Code should not be used to allow continued environmental destruction during the period that new management plans are being developed.*
- *This Book will provide details of the laws and sub-decrees that will be repealed.*

## **BOOK 34 – FINAL PROVISIONS**