

KINGDOM OF CAMBODIA

Nation Religion King



MINISTRY of ENVIRONMENT

N. 376 BRK.BST

Phnom Penh, 02 September 2009

PRAKAS (DECLARATION)

ON

**GENERAL GUIDELINES FOR DEVELOPING INITIAL AND
FULL ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

Senior Minister, Minister of Environment

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS.RKT 0908/1058 dated 25 September 2008 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
- Having seen Royal Kram No 02 NS.94 dated 20 July 1994, promulgating the Law on the Establishment and Implementation of the Council of Ministers;
- Having seen Royal Kram No NS.RKM 0196.21 dated 24 January 1996, promulgating the Law on the Establishment of the Ministry of Environment;
- Having seen Royal Kram No NS.RKM 1296.36 dated 24 December 1996, promulgating the Law on the Environmental Protection and Natural Resources Management;
- Having seen Royal Kram No NS.RKM 0208.007 dated 15 February 2008, promulgating the Law on Protected Area;
- Having seen the Sub-decree N 57 ANKR.BK, dated on 25 September 1997 on Organizations and Functioning of the Ministry of Environment;
- Having seen the Sub-decree N 72 ANKR.BK, dated on 11 August 1999 on the Environmental Impact Assessment Process;
- Having seen the Joint Declaration between Ministry of Environment and Ministry of Economic and Finance N 245 SHV.BST.BRK, dated on 20 October 2000 on cost for reviewing Environmental Impact Assessment Report and Project Operation Monitoring;
- Having seen the Prakas N 230 BRK.BST, dated on 29 July 2005 on Delegation of Authority to the Provincial Departments of Environment on matters related to investment projects on behalf of the Ministry of Environment;
- Having seen Prakas N 346 BRK.SSR.BST, dated on 30 December 2005 on Organization and Functioning of Department of Environmental Impact Assessment Monitoring and Review; and
- Referring to the need by the Ministry of Environment;

Hereby Decides

Article 1

The *Prakas* aims to provide general guidelines on the development of initial Environmental Impact Assessments (IEIA) and full Environmental Impact Assessment (EIA) and check lists as per Annex 1 and 2 to this *Prakas*.

Article 2

Private individuals or private companies, joint-venture companies, public companies or government ministries/agencies who are project owners must prepare and submit an IEIA or Full EIA report for their proposed projects and existing and on-going activities, as mentioned in Appendix of the Sub-decree N. 72 ANKR.BK, dated 11 August 1999 on the Process of Environmental Impact Assessment for review and approval by the Ministry of Environment save to special and urgent circumstances where decision is made by the Royal Government of Cambodia.

Article 3

Project owner as stipulated in Article 2 must develop and submit an IEIA or full EIA report for their proposed projects and existing and on-going activities, as mentioned in the Appendix of the *Prakas* N 230 BRK.BST, dated on 29 July 2005 on Delegation of Authority to the Provincial Departments of Environment on matters related to investment projects on behalf of the Ministry of Environment for review and approval by respective Provincial Department of Environment save to special and urgent circumstances where decision is made by the Royal Government of Cambodia.

Article 4

Project owners as stipulate in Article 2 and 3 above may use consulting services that will be responsible for developing an IEIA or full EIA report following the general guidelines provided in the present *prakas*.

Article 5

Project owner(s) with qualified professional capacity recognized by the Ministry of Environment may develop an IEIA or Full EIA report on its own.

Article 6

The consulting company as in Article 4 with sufficient and qualified professional capacity to develop an IEIA or Full EIA report shall register with the Ministry of Commerce and be recognized by the Ministry of Environment.

Article 7

The Department of Environmental Impact Assessment Monitoring and Review or concerned Provincial Departments of Environment shall make visit to and comment on the project site as stated in Article 2 and 3 above whether an IEIA or full EIA report is needed.

Article 8

The project owners as stated in Article 2 and 3 above shall submit an application form requesting for review and comment on IEIA or full EIA report to the Ministry of

Environmental or Provincial Department of Environment with supporting documents as below:

A. For public projects

1. An IEIA or full EIA report in Khmer and English;
2. Evidence of payment for review service as per joint *parkas* between Ministry of Environment and Ministry of Economic and Finance;
3. Pre/feasibility study reports of the Project 03 copies
4. Maps, project layout, and approved project design 03 copies
5. Other supporting document if relevant.

B. Private project

1. An IEIA or Full EIA report in Khmer and English;
2. Evidence of payment for review service as per joint *parkas* between Ministry of Environment and Ministry of Economic and Finance;
3. Pre/feasibility study reports of the Project 03 copies
4. Company's statutory 03 copies
5. Certificate of Registration with the Ministry of Commerce 03 copies
6. Initial approval from the Council for Development of Cambodia or provincial Investment Sub-committee 03 copies
7. Permit from local authority (if applicable) 03 copies
8. Maps, project layout, and approved project design 03 copies
9. Evidence of ownership or rental of asset 03 copies
10. Copy of ID Card(s) or Passport of the company management or Director as physical individual 03 copies
11. Passport size photography of the members of the company management as stipulated in the company statutory or director as physical individual 03 copies
12. Other supporting documents if relevant.

The Project owner shall secure authenticity over the copied documents from B5 to B10 in this article with the municipal-provincial government office.

Article 9

The Department of Environmental Impact Assessment Monitoring and Review or concerned Provincial Departments of Environment shall review and comment on the IEIA or full EIA report following the general guidelines.

Article 10

Review and comments on IEIA or full EIA report shall be made within 30 (thirty) working days from the date of official receipt of the report by the Department of Environmental Impact Assessment Monitoring and Review or the concerned Provincial Department of Environment. The review procedure shall be applied in three steps with the ministerial level or three steps with provincial department.

Article 11

The review and clearance of IEIA or full EIA report at the ministerial level shall, from the date of official receipt, subject to the following:

- Visit and comments made by technical officials of Department of Environmental Impact Assessment Monitoring and Review at the project site (within 10 working days);
- Comments made by relevant departments of the Ministry of Environment (within 5 working days);
- Comments by the management of the Ministry of Environment (within 5 working days);
- Comments at multi-stakeholder meeting chaired by the Minister of Ministry of Environment with representation from relevant government ministries/agencies, local authorities, non-governmental organizations, and other stakeholders concerned with the investment project (within 5 working days).

Article 12

The review and clearance of IEIA or full EIA report at the provincial level shall, from the date of official receipt, subject to the following:

- Visit and comments made by technical officials of Department of Environmental Impact Assessment Monitoring and Review at the project site (within 15 working days);
- Comments by the management of the provincial Department of Environment (within 5 working days);
- Comments at multi-stakeholder meeting chaired by the Director of provincial Department of Environment with representation from relevant provincial departments/agencies, local authorities, non-governmental organizations, and other stakeholders concerned with the investment project (within 5 working days).

Article 13

The Ministry of Environment or provincial Department of Environment shall, within 5 working days, make a formal notification to the applicant of the approval or request for revision on the IEIA or full EIA report in accordance with article 11 and 12 above.

Where request for revision is made, the second review shall be made by the Ministry of Environment or provincial Department of Environment within 30 working days upon official receipt of the revised report.

Article 14

The Department of Environmental Impact Assessment Monitoring and Review or provincial Department of Environment shall be responsible for follow-up, monitoring and taking appropriate measures to ensure compliance by the project owner of the Environmental Management Plan (EMP) during project construction, operation and closure as stated in the IEIA or EIA report approved by the Ministry of Environment or provincial Department of Environment.

Article 15

Project owner shall make payment to the Environmental Endowment Fund for the environmental protection following the environmental protection agreement entered to by the company.

Article 16

The Ministry of Environment shall revise or amend to the general guidelines as needed with three months prior notification.

Sector specific guidelines for IEIA or Full EIA report shall be developed by the Department of Environmental Impact Assessment Monitoring and Review and shall form *Prakas* by the Ministry of Environment.

Article 17

Any provision that contradicts this declaration shall be considered null and void.

Article 18

General Department of Technical Affairs, General Department of Administrative for Nature Conservation and Protection, General Inspectorate, Department General of Administration and Finance, Cabinet of the Senior Minister-Minister of Environment, Department of Environmental Impact Assessment Monitoring and Review, Concerned Departments of the Ministry of Environment and provincial Departments of Environment shall enforce this *Prakas* from the date it is hereby signed.

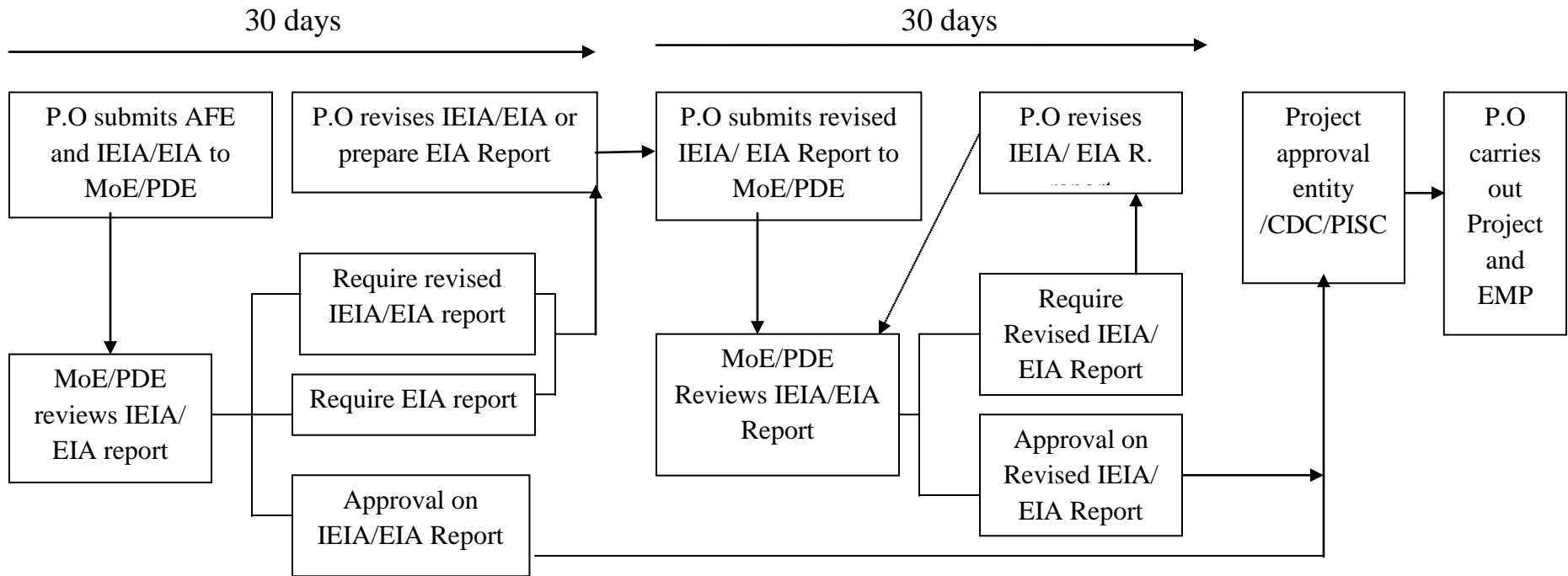
**Senior Minister, Minister of
Ministry of Environment**

Dr. MOK MARETH

cc:

- Council of Ministers;
- Council for Development of Cambodia;
- All concerned Ministries/ Agencies;
- All Provincial Halls "for cooperation"
- As mentioned in the article 18 "for enforcement"
- File/ Archive.

Process for EIA clearance for proposals with endorsement from project approval entity/ CDC or by provincial Investment Sub-committee



NOTE: **IEIA:** Initial Environmental Impact Assessment **MoE:** Ministry of Environment **P.O:** Project Owner
EIA: Full Environmental Impact Assessment **PISC:** Provincial Investment Sub-committee
CDC: Council for Development of Cambodia **PDE:** Provincial Department of Environment
EMP: Environmental Management Plan **AFE:** Application Form of Environment

Annex 1: Environmental Impact Assessment

1. The objective

The general guidelines for EIA report development provide guidance for relevant stakeholders, including reviewers, project owners, consultant companies; decision makers/ project approval entity and other relevant stakeholders to implement the guidelines.

2. Definition

- Initial Environmental Impact Assessment (IEIA) or Initial Environmental Examination/Evaluation (IEE) is the preliminary assessment of primarily secondary data of physical, biological and socio-economic environment and resources on the area within or in the surrounding the project site. It forms basis for identification, prediction and analysis of potential adverse environmental and social impacts by project activities, aiming to identify actions to minimize negative impacts and maximize positive impacts.
- Full Environmental Impact Assessment (FEIA) is the detailed assessment of physical, biological and socio-economic environment and resources, based mainly on primary data on the area within or in the surrounding the project site. It forms basis for identification, prediction and analysis of potential adverse environmental and social impacts by project activities, aiming to identify actions to minimize negative impacts and maximize positive impacts.
- Environmental Management Plan (EMP): is the plan for environmental management as stipulated in the IEIA or full EIA report developed by the project owner and approved by the Ministry of Environment.
- Public Participation: is the participation of all stakeholders concerned with the development project including ministries/institutions, local authorities, relevant departments, project owners, consulting companies, representatives of affected people and non-governmental Organizations concerned with the project area(s).

An IEIA shall meet the following criteria:

- All data presented are incomplete and mostly secondary in nature (secondary data);
- IEIA is not accurate but is acceptable;
- Endorsement over an IEIA report of an investment project aims to facilitate timely investments that comply with legislations in force.

3. Content of the General Guidelines

Executive Summary

In this chapter, a summary of the whole report including project objectives, project activities, the existing environment resources, output of public consultation, scope of environmental and social impacts and mitigation measures, the environmental management plans, conclusions and recommendations to mitigate environmental impacts shall be provided.

Chapter 1: Introduction

- Project overview: summary of project background, rationale for development of the project, and general situation on the project site;
- Objectives of the present EIA report;
- Methodologies and Scope of study: To describe the information and data need, and methodologies of data collection and data analysis. For full EIA report, the project owner shall provide for detailed methodologies as a separate chapter.

Chapter 2: Legal frameworks

In this chapter, project owners shall provide a description of laws, sub-decrees and various policies related to project type to be implemented. All provisions of law and the regulation as described above have to be relevant to environmental protection, natural resource management, and the development project.

Environmental regulation and standards referred to in the project shall have clear reference.

Chapter 3: Project Description

In this chapter shall provide detailed description as stipulated in the pre-feasibility study or feasibility study report or a master plan of the company including the following:

- Background and experiences of the project owners/company;
- Project site (attached with local administration map and project location);
- Project type/scope and schedule of project activities (project pre-operation, operation and closure)
- Work plan: (1) sources and quantity of input to be used; (2) machinery requirements; (3) local and foreign work force requirements; (4) quantity of final products; (5) income and expenditure; (6) production chain of the project; and (7) Overall waste management plan etc;
- Activities program of the project.

Chapter 4: Description of Existing Environment

The chapter provides description of the natural environment and socio-economic aspects (based on primary and secondary data) within and in the surrounding environment of the project location including:

4.1 Natural Environment**4.1.1 Physical Resources**

- Soil: geology, soil formation/topology, soil types, soil erosion and sedimentation. For EIA, a detailed seismology and geology study (mine resources, if applicable) shall be provided;
- Climate: temperature, rainfall, wind speed and pattern, air pressure, wind direction and humidity;

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- Air quality (ambient air quality in the project location), noise and vibration (noise and vibration level in the project location);
 - Hydrology: Quality and quantity of surface and under-ground water (including an analysis of the water quality in the project area), flow and discharge.

4.1.2 Biological Resources

- Forest: area of forest land, forest cover types, and forest classification;
- Wildlife species, rare species, endangered and endemic species and their migratory pattern;
- Habitats;
- Biodiversity and ecological systems;
- Wetland systems (attached with relevant maps).

4.2 Socio-economic aspects

- Demography and settlement;
- Economic status: employment and income (primary and secondary);
- Land use;
- Water use;
- Energy use;
- Infrastructure;
- Education;
- Public health and well-being;
- Cultural heritages, historical monuments, ancient temples, pagodas, customs/ traditions, ethnic minority or indigenous people, etc; and
- Tourism destinations.

Chapter 5: Public participation

The chapter describes in details public consultation with the following content:

5.1 Introduction

5.2 Public participation

- Dissemination by the project owner with local authorities and local communities of the development project;
- Feedback from relevant ministries/ agencies/ departments and relevant local authorities;
- Comments from relevant non-government organizations (NGOs);
- Consultation with affected local communities.

5.3 Conclusions on results of the public consultation

Chapter 6: Environmental Impacts and Mitigation Measures

The chapter describes both positive and negative environmental and socio-economic impacts arising from their project activities, including:

- 6.1. Description of the negative environmental and socio-economic impacts during the project pre-operation (the project design and construction), operation and closure with mitigation measures;
- 6.2. A summary of point 6.1 on the scope of negative environmental impacts and mitigation measures as in the check list provided in the Annex 2;
- 6.3 For EIA report, cumulative impacts should be provided; and
- 6.4. Description of the positive environmental and socio-economic impacts.

Chapter 7: Environmental Management Plan (EMP)

As part of a project, the project owner shall make available sufficient fund and a unit/team with sufficient skills and expertise, equipment, methodology, and schedule for monitoring environmental quality in close collaboration with relevant ministries/agencies in order to implement measure to minimize adverse socio-economic and environmental impacts.

The EMP shall consist of:

- A summary of main negative environmental impacts and mitigation measures;
- Trainings to be provided;
- Environmental monitoring program for the construction, operation and closure periods illustrating the following:
 - Agency responsible for project monitoring;
 - Identified parameters to be monitored;
 - Monitoring methodology;
 - Environmental standards or guidelines to base for monitoring;
 - Schedule and cycle which be control;
 - Assessment of monitoring results;
 - Quarterly report to be submitted to Ministry of Environment and relevant ministries/ agencies.

Chapter 8: Economic Analysis and Environmental Value

For EIA report, the project owners shall provide a description of the benefits of the project in relation to scope and value of environmental damage arising from the project activities.

Chapter 9: Conclusions and Recommendations

The conclusion from environmental impact assessment study shall indicate adverse impacted mitigated with regards physical, biological and socio-economic aspects. It is important that the investment project recommend adverse environmental impacts

mitigation that can sustain positive environmental impacts and promote local livelihood with the development projects in the area.

The chapter shall provide project owner's assurance and responsibility for their environmental impact assessment reports with relevant recommendations for the development project.

References

Annexes

**Annexes 2: Check List for scoping of adverse environmental impacts
and mitigation measures**

Environmental and Socio-Economic Aspects	Negative Impacts	Scope of Impacts			Mitigation Measure	Remark
		Small	Medium	Large		
1. Negative impacts of pre-operation stage						
1.1. Negative impacts of pre-construction stage						
A. Natural environment						
- Physical resources						
- Biological resources						
B. Socio-economic aspects						
1.2. Negative impacts of construction stage						
A. Natural environment						
- Physical resources						
- Biological resources						
B. Socio-economic resources						
2. Negative impacts of operation stage						
A. Natural environment						
- Physical resources						
- Biological resources						
B. Socio-economic aspects						
3. Negative impacts of closure stage						
A. Natural environment						
- Physical resources						
- Biological resources						
B. Socio-economic aspects						