

SUB-DECREE
on
ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

THE ROYAL GOVERNMENT OF CAMBODIA

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Decree No. NS /RKT/1198-72 dated 30 November, 1998 on the Formation of the Royal Government, Kingdom of Cambodia;
- Having seen the Preah Reach Kram No. 02/NS/94 dated 20 July, 1994 promulgating it on the Organization and Functioning of the Council of Ministres
- Having seen the Preah Reach Kram No. NS RKM 0194/21 dated 24 January, 1994 on the Establishment of the Ministry of Environment;
- Having seen the Preah Reach Kram No. NS/RKM/1296/36 dated 24 December 1996; promulgating it on the Law on Environmental Protection and Natural Resource Management
- Having received an approval from the meeting of the Council of Minister on 23 July 1999.

DECISION

CHAPTER I
GENERAL PROVISIONS

ARTICLE 1:

This Sub-decree has the objectives to:

- Define an EIA on all project and activity of private or public sector and being examined and evaluated by the Ministry of Environment before submitted to the Royal Government for decision.
- Define a nature and size of the proposed activities together with the existing and on-going activities of both private and public sector to be assessed the Environmental Impact.
- Encourage public participation in the EIA implementation in order to take ideas and suggestions into consideration for project approbation.

ARTICLE 2:

This Sub-decree has an expanded implementation on the proposed project and the existing activities, under operation of the Private compare, joint-venture or State owned company, Ministry-State Institution which are decree except some of particular and urgent the needed projects that are decided by the Royal Government.

CHAPTER 2
INSTITUTIONAL RESPONSIBILITIES

ARTICLE 3:

The Ministry of Environment has the duties to:

- a/ Examine and evaluate the report on ETA in collaborating with other lined Ministry-Institutions.
- b/ Monitor and have the measure on project's owner to comply the Environmental Management Plan during construction, operation, and closure, the project as it is mentioning in the approved EIA report.

ARTICLE 4:

Governmental Institutions and Ministries who have rights to approve the proposed project are used to examine and provide consent on the project mentioning in the Annex of this Sub-decree where the comment on ETA report is already examined by MoE.

ARTICLE 5:

Provincial-Urban Authorities who have rights to approve must:

- a/ Submit the report on EIA of the private company, joint-venture or state company to the Provincial-Urban Environmental Department.
- b/Examine and approve the project after reviewing the comment of Provincial-Urban Environment Department through the PRAKAS of the MoE.

CHAPTER 3
ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS
FOR THE PROPOSED PROJECTS

ARTICLE 6:

The Project's Owner shall provide the report on IEIA for the project where EIA is required as it is mentioned in the Annex of this Sub-decree.

ARTICLE 7:

The project's owner must apply for an examination the IEIA reports and pre-feasibility study to the MoE.

ARTICLE 8:

The Project's Owner must apply for an examination the Full EIA Report and feasibility study to the MoE for the crucial project which may cause Environmental Impact on natural resources, ecosystem, human health and public welfare.

ARTICLE 9:

The Project's Owner must apply for an examination on the report of EIA mentioning in Article 7 and 8 to the Provincial-Urban Environmental Department for local projects.

ARTICLE 10:

The guidelines criteria on IEIA and Full EIA reports preparation shall defined by the Prakas of the Ministry of Environment.

ARTICLE 11:

The Project's Owner must pay the service for the EIA report examination and monitoring the project implementation. The service fee must be defined by the Ministry of Finance and Economy and transfer to the National budget according to the proposal of the MoE.

ARTICLE 12:

The Project's Owner must contribute to the endowment foundation for Environmental Protection as it is mentioned in article 19, chapter 8 of the Law on Environmental Protection and Motional Resources Management.

ARTICLE 13:

Environment Examination Application must fill by the Project's Owner and Provided by the MoE for the central project and by the Provincial-Urban Environmental Department for the local project.

CHAPTER 4
EIA EXAMINATION PROCEDURE FOR THE PROPOSED PROJECTS

ARTICLE 14:

The Project's Owner must prepare and submit the reports as mentioned in Article 7 to the MoE and copy to the Approval Maker Institution.

ARTICLE 15:

The MoE must examine the EIA report as mentioned in Article 14 and give a comment and suggestion to the Project's Owner and Approval Maker Institution within 30 working days counting from the pre-feasibility study and IEIA reports submission day.

ARTICLE 16 :

In case that the MoE requires a full EIA report. The Project's Owner must prepare and submit as mentioned in Article 8 to the MoE with the submission of Investment Application to the Project Approval :Maker Institution.

ARTICLE 17:

MoE must examine the report as mentioned in article 16 and give a comment and suggestion to the project's owner and Approval Maker Institution within 30 working days counting from the feasibility study and full EIA report submission day.

ARTICLE 18:

In case that the MoE fails to Live a comment as mentioned in article 15 and 17, the Project Approval Maker Institution can consider that the project is applicable to this sub-decree.

ARTICLE 19:

In a duty that Project Maker Institution is, at the same time, Project's Owner this institution must follow the procedure mentioning in Chapter 3 and 4 of this sub-decree.

ARTICLE 20:

Before starting the project operation, the Project's Owner should receive consent in advance from the MoE on the report of IEIA and full EIA.

CHAPTER 5 EIA EXAMINATION PROCEDURE FOR EXISTING ACTIVITIES

ARTICLE 21:

In the period of at least 01 year after this sub-decree come into force, Proprietor or Responsible Owner must prepare the report on IEIA and apply for the report examination to the MoE which has already been approved by concerned Ministry Institution.

ARTICLE 22:

Proprietor or Responsible Owner must prepare the report on full EIA not more than 6 months according to the requirement in Chapter 3 and 4 of this sub-decree in case that the WE has found that the full EIA of the existing and on going activities is required.

ARTICLE 23:

Proprietor or Responsible Owner must implement the Environment Management Plan mentioning in the EIA report in 6 months from the date of the announcement of the MoE, which stated that the EIA report is applicable to this sub-decree.

ARTICLE 24:

In the period of at least 2 years after this sub-decree came into force, Proprietor or Responsible Owner must prepare the IEIA report and apply for the report examination to the Provincial-Urban Environmental Department for the existing and 'on going activities, which have already been approved by Provincial-Urban Authorities.

ARTICLE 25:

Proprietor or Responsible Owner must prepare the report on full EIA not more than 6 months according to the requirement in Chapter 3 and 4 of this sub-decree in case that the Provincial-Urban Environmental Department has found the full EIA of the existing and on going activities is required.

ARTICLE 26:

Proprietor or Responsible Owner must implement the Environmental Management Plan mentioning in the EIA report in 6 months from the date of announcement of tie Provincial-Urban Environmental Department, which has stated that EIA report is application to this sub-decree.

CHAPTER 6 CONDITION FOR APPROVING THE PROJECTS

ARTICLE 27:

The Approval Maker Institutions must advise the Proprietor or Project's Owner to implement the Environmental Management Plan of the project as described in EIA report, which has approved by the MoE.

ARTICLE 23:

The MoE must cooperate with concerning Institutions to ban the activity of any Proprietor or Project's Owner who have not implemented the projects Environmental Management Plan as described in the consent EIA report.

CHAPTER 7 PENALTIES

ARTICLE 29:

A Project's Owner or Proprietor who fails to provide or mis interpret information or has not implemented the Environmental Management Plan as described in the consent EIA report or violates any command of this sub-degree must condemn according to in article 20/21/22/23 and 25 of Chapter 9 of the law on Environmental Protection and Natural Resources Management.

ARTICLE 30:

The minute and prosecution for individual who contradicts or not obeys to any article of this sub-degree is the duty of the MoE.

ARTICLE 31:

Such an Environmental official or agent who is careless without giving much attention or unintentionally comply the Ministry's order or involve in collusion or facilitate the violation must be administratively condemned or will be accused to the court.

CHAPTER 8 FINAL PROVISIONS

ARTICLE 31:

Any command that contradict of this sub-decree shall be abolished.

ARTICLE 33:

Ministry of the cabinet of the council of Minister, Ministries, concerned Institution must cooperate with the MoE to implement this sub-degree.

ARTICLE 34:

This sub-degree came into force from signatory date.

Done in Phnom Penh on, 11 July, 1999

Prime Minister

HUN SEN