

**CERTIFICATION OF COMPETENCE IN COMPILING ANALYSIS DOCUMENT ON
LIVING ENVIRONMENTAL IMPACT AND INSTITUTIONAL REQUIREMENTS
FOR TRAINING COMPETENCE IN COMPILING ANALYSIS DOCUMENT
ON LIVING ENVIRONMENTAL IMPACT**

**(Regulation of the State Minister of Living Environment Number 07 Year 2010,
dated January 19, 2010)**

STATE MINISTER OF LIVING ENVIRONMENT,

Considering:

That to implement the provision in Article 28 paragraph (4) Law Number 32 Year 2009 concerning Protection and Management of Living Environment it is necessary to govern certification of competence in compiling analysis document on living environmental impact and institutional requirements for training competence in compiling analysis document on living environmental impact;

In view of:

1. Law Number 32 Year 2009 (*BN No. 7933 pages 11A-27A and so forth*) concerning Protection and Management of Living Environment (Statute Book of the Republic of Indonesia Year 2009 Number 140, Supplement to Statute Book of the Republic of Indonesia Number 5059);
2. Regulation of the State Minister of Living Environment Number 06 Year 2006 concerning General Guideline for Standardized Competence of Environmental Personnel and Institution Services;

DECIDES:

To stipulate

REGULATION OF THE STATE MINISTER OF LIVING ENVIRONMENT ON CERTIFICATION OF COMPETENCE IN COMPILING ANALYSIS DOCUMENT ON LIVING ENVIRONMENTAL IMPACT AND INSTITUTIONAL REQUIREMENTS FOR TRAINING COMPETENCE IN COMPILING ANALYSIS DOCUMENT ON LIVING ENVIRONMENTAL IMPACT.

CHAPTER I

GENERAL PROVISION

Article 1

What is meant in this Regulation of the Minister by:

1. Analysis on living environmental impact hereinafter referred to as Amdal shall be important study on impact on any business and/or activity programmed on the living environment that is required for decision making in carrying out business and/or activity.
2. The service provider institution for compiling Amdal document shall be legal entity that operates in Amdal document compilation.
3. The person compiling Amdal document shall be the person that has competence in certain

- qualification and profession in the compilation of Amdal document.
4. Competence shall be capability of a person to carry out the duty and job based on knowledge, skill, and working attitude that are accountable.
 5. Standard of competence shall be scale or criteria containing formula on a person's capability based on knowledge, skill, and supported by working attitude and its application at the work place by referring to the required work reference.
 6. Training on competence on Amdal shall be training on compilation of Amdal as governed in the Regulation of the Minister governing the curriculum on compilation, assessment and guideline and criteria in the implementation of Amdal training.
 7. Training institution on Amdal competence hereinafter referred to as LPK Amdal shall be institution that possesses facility and infrastructure for training in the compilation of Amdal document and comply with the requirements stipulated by the State Minister of Living Environment.
 8. Competence test shall be activity to assess the level of knowledge, personnel skill and working attitude in achieving the stipulated standard competence.
 9. Certificate of competence shall be recognition of competence of a person that complies with certain standard competence after passing competence test.
 10. Amdal competence certification institution hereinafter referred to in as LSK Amdal shall be institution for competence certification institution and competence test for compilation of Amdal document.
 11. Competence registration shall be series of activities for registration and documentation on service provider institution for compilation of of Amdal document and Amdal and LPK Amdal documents that comply with certain requirements.
 12. Quality management system shall be any system operated to maintain quality of any activity covering planning, selection and assignment of operating manpower, application of standard operational procedure, documentation, evaluation and reporting.
 13. Minister shall be Minister carrying out administration affairs on protection and management of living environment.

CHAPTER II

REQUIREMENTS FOR COMPETENCE IN COMPILING AMDAL DOCUMENT

Article 2

- (1) The Amdal document submitted to the Amdal Assessment Commission must be compiled by the initiator.
- (2) In the compilation of Amdal document referred to in paragraph (1), the initiator may ask for assistance from the service provider institution for compiling the Amdal document that has obtained competence registration certificate.

- (3) The person compiling the Amdal document referred to in paragraph (1) and paragraph (2) shall be obliged to hold competence certificate.
- (4) In compiling the Amdal document, the person compiling the Amdal document referred to in paragraph (3) shall be obliged to use authentic data and/or information and is based on scientific norms.
- (5) The Amdal Assessment Commission referred to in paragraph (1) shall be obliged to reject any Amdal document submitted which compilation thereof fails to comply with the provision referred to in paragraph (1) or paragraph (2).

Article 3

The service provider institution compiling the Amdal document as referred to in Article 2 paragraph (3) shall be obliged to comply with the requirements below:

- a. is in the form of legal entity;
- b. has at least two (2) permanent workers that prepare the Amdal document that hold competence certificate with qualification as Head of Compiling Team of the Amdal document;
- c. holds work agreement with temporary worker compiling the Amdal document that holds competence certificate for compiling Amdal document and all the personnel involved in the compilation of Amdal document that is accountable by law, including impartiality;
- d. possesses quality management system; and

- e. exercises internal quality control on the compilation of Amdal document, including maintaining the principle of impartiality and/or avoidance of conflict of interest.

Article 4

- (1) The compilation of Amdal document referred to in Article 2 shall be conducted by a Compiler Team duly stipulated by the initiator or service provider institution for preparing Amdal document.
- (2) The Compiler Team referred to in paragraph (1) consists of:
 - a. chairman of the Team; and
 - b. member of the Team.
- (3) The Compiling Team referred to in paragraph (1) shall comprise at least three (3) persons compiling Amdal document that hold competence certificate, including one (1) person that is qualified as chairman of the Team.
- (4) The Compiling Team referred to in paragraph (1) shall be obliged to involve expert based on the important impact caused by business program and/or activity.

Article 5

- (1) The Chairman of the Team referred to in Article 4 paragraph (2) letter a shall be obliged to comply with the competence standard of qualification of the Chairman of Team of the compiling person as set forth in Attachment I to this Regulation of the Minister.

- (2) Members of the Team referred to in Article 4 paragraph (2) letter b shall be obliged to comply with the competence standard of qualification of members of the Team for compiling Amdal document as set forth in Attachment II to this Regulation of the Minister.
- (3) The Attachment referred to in paragraph (1) and paragraph (2) shall constitute inseparable part of this Regulation of the Minister.

CHAPTER III CERTIFICATION

Article 6

- (1) Competence certification of Amdal document compiling person shall cover activities referred to below:
- a. competence test; and
 - b. issue of competence certificate.
- (2) The competence certification referred to in paragraph (1) shall be conducted by the LSK Amdal appointed by the Minister.

Article 7

- (1) The LSK Amdal referred to in Article 6 paragraph (2) shall be obliged to comply with the criteria below:
- a. quality management system;
 - b. the testing person/assessor shall have at least ten (10) years experience in compiling Amdal document;
 - c. public information system relating to implementation of competence test; and

- d. mechanism for handling complaints from service users and the public.

- (2) The LSK Amdal referred to in paragraph (1) shall be obliged to:
- a. provide the data basis of the certified personnel compiling the Amdal document; and
 - b. report the implementation of competence certification to the Minister.

Article 8

- (1) The competence test referred to in Article 6 letter a must be supported by:
- a. the potential Amdal document compiling person that has attended competence training for compiling Amdal document;
 - b. the potential Amdal document compiling person that has work experience considered to have competence that complies with the requirements; or
 - c. the holder of competence certificate which validity is expired.
- (2) The material for competence test shall be compiled by the LSK Amdal based on the standard competence as referred to in Article 5.

Article 9

- (1) The competence certificate referred to in Article 6 paragraph (1) letter a will be issued after having passed the competence test.
- (2) The competence certificate referred to in paragraph (1) is valid for three (3) years and is extenable.

CHAPTER IV

TRAINING ON COMPETENCE

Article 10

- (1) Training on competence for potential Amdal document compiling person shall be conducted by registered LPK.
- (2) The competence training referred to in paragraph (1) shall be conducted based on the provision governed in Regulation of the Minister on the curriculum of compilation, assessment and guideline, as well as the criteria for conducting Amdal training.
- (3) The LPK Amdal referred to in paragraph (1) shall be obliged to provide public information on the implementation of competence training of the Amdal document compiling person.

CHAPTER V

COMPETENCE REGISTRATION

Article 11

- (1) The service provider of Amdal document compilation that has complied with the requirements referred to in Article 3 and LPK Amdal that complies with the requirements referred to in Article 10 shall be obliged to conduct competence registration at the State Ministry of Living Environment.
- (2) The State Ministry of Living Environment shall grant registration identification number to the service provider institution of Amdal document compilation and registered LPK Amdal.

Article 12

- (1) The State Ministry of Living Environment referred to in Article 11 paragraph (1) shall provide public information on:
 - a. the registration of service provider institution of Amdal document compilation covering:
 1. the number and date of registration;
 2. the identity of the service provider institution;
 3. the person in charge of technical matter in the implementation of Amdal document compilation; and
 4. list of Amdal document compiling personnel holding competence certificate and assigned to compile Amdal document.
 - b. registration of LPK Amdal covering:
 1. the number and date of registration;
 2. the identification of LPK Amdal;
 3. the person in charge of competence training for Amdal compiling person; and
 4. the list of regular and temporary teachers.

- (2) The service provider institution for Amdal document compilation and LPK Amdal referred to in Article 11 paragraph (1) shall be obliged to update the information covering registration.

CHAPTER VI

MANAGEMENT AND SUPERVISION

Article 13

- (1) The Minister shall manage the LPK Amdal and LSK Amdal.

- (2) The Minister, Governor, or Regent/Mayor shall manage service provider institution for Amdal document compilation.
- (3) The Minister may cooperate with regional government of province and/or regional government of regency/municipality in the management of Amdal LPK.
- (4) The management referred to in paragraph (1) and paragraph (2) shall cover, among other things,
 - a. provision of relevant and updated information to the competence training institution and the teachers; and
 - b. provision of technical guideline containing procedure and technical clarification for Amdal document compilation.

Article 14

- (1) The Minister shall exercise supervision on the LPK Amdal and LSK Amdal.
- (2) The Minister, Governor, or Regent/Mayor shall exercise supervision on the service provider institution for Amdal document compilation.
- (3) In exercising the supervision on the LPK Amdal referred to in paragraph (1), the Minister may cooperate with regional government of province and/or regional government of regency/municipality.
- (4) The supervision referred to in paragraph (1) and paragraph (2) shall be exercised by means of periodical inspection and at any time on the service provider institution of Amdal document compilation, LPK Amdal and LSK Amdal.

Article 15

- (1) Based on the result of supervision referred to in Article 14, the Minister shall be authorized to freeze competence registration of:
 - a. service provider institution for Amdal document compilation that fails to comply with the requirements referred to in Article 3;
 - b. service provider institution for compilation of Amdal document copying and/or faking data in the compilation of Amdal document; or
 - c. LPK Amdal that fails to comply with the requirements referred to in Article 8.
- (2) The Minister shall be authorized to revoke competence registration of service provider institution for compiling Amdal document and/or LPK Amdal if after been frozen the service provider institution for compilation of Amdal document and/or LPK Amdal still fails to comply with the provision referred to in paragraph (1) letter a, letter b, or letter c.
- (3) In such freezing condition or revocation of competence registration, the LPK Amdal shall be prohibited from conducting training on competence of the Amdal compiling person.
- (4) In such freezing condition or revocation of competence registration, the service provider institution for compilation of Amdal document shall be prohibited from compiling Amdal document.
- (5) The Minister shall inform the public on the freezing and revocation of competence registration of service provider institution for compilation of Amdal document and LPK Amdal.

Article 16

- (1) The LSK Amdal shall exercise supervision on Amdal compilation that holds competence certificate.
- (2) The supervision referred to in paragraph (1) shall be exercised based on the criteria for maintaining competence certificate and mechanism for supervision.
- (3) Criteria for maintenance of competence certificate and mechanism of supervision referred to in paragraph (2) shall be stipulated by the LSK Amdal with approval of the Minister.

Article 17

- (1) Based on the result of supervision referred to in Article 16, LSK Amdal shall be authorized to freeze or revoke the competence certificate of the Amdal document compiling personnel if the holder of certificate:
 - a. is copying and/or falsing the data in compiling the Amdal document; or
 - b. fails to comply with the criteria for maintaining competence certificate referred to in Article 16 paragraph (3).
- (2) In the freezing condition or revocation of competence certificate, compiling of Amdal document shall be prohibited.
- (3) The procedure for freezing or revocation referred to in paragraph (1) shall be conducted by means of freezing or revoking the compe-

tence certificate for compiling Amdal document.

- (4) The procedure for freezing or revocation of competence certificate for compiling Amdal document referred to in paragraph (3) shall be stipulated by the LSK Amdal after obtaining approval of the Minister.
- (5) The LSK Amdal shall inform the public on the freezing and revocation of competence certificate for compiling Amdal document to the Minister.

CHAPTER VII**FINANCE****Article 18**

- (1) The cost for conducting competence training and competence certification shall be charged to the participant.
- (2) The cost for competence registration shall be charged to the applicant.
- (3) The standard cost for competence certification shall be determined by the LSK Amdal after obtaining consideration from the Minister.
- (4) The cost for competence registration shall be determined by the Minister.

Article 19

- (1) The cost for management and supervision referred to in Article 13 and Article 14 incurred by the Minister shall be charged to the State

Budget and Expenditure (APBN) to the State Ministry of Living Environment.

- (2) The cost for management and supervision referred to in Article 13 and Article 14 incurred by the Governor shall be charged to the State Budget and Expenditure of the Region (APBD).
- (3) The cost for supervision referred to in Article 16 shall be charged to the LSK Amdal.

CHAPTER VIII

TRANSITIONAL PROVISION

Article 20

By the time this Regulation of the Minister comes to effect, within a period of at the latest October 3, 2010:

- a. any Amdal compilation must possess competence certificate for compiling Amdal document;
- b. any service provider institution for compilation of Amdal document shall be obliged to possess competence registration identification; and
- c. any LPK Amdal shall be obliged to possess competence registration.

CHAPTER IX

CLOSING PROVISION

Article 21

By the time this Regulation of the Minister comes to force:

- a. Regulation of the State Minister of Living Environment Number 11 Year 2008 concerning Com-

petence Requirement for Compiling Environmental Impact Analysis Document and Competence Training Institutional Requirement for Compiling Living Environmental Impact Analysis Document is revoked and declared null and void; and

- b. The provision on obligatory accredited LPK AMDAL by the National Accredited Committee governed in Decision of the State Minister of Living Environment Number 178 Year 2004 concerning the Curriculum for Compilation, Assessment and Guideline and Criteria for Conducting Training on Living Environmental Impact is revoked and declared null and void.

Article 22

This Regulation of the Minister comes to force on the date it is stipulated.

Stipulated in Jakarta

On January 19, 2010

STATE MINISTER OF LIVING ENVIRONMENT,

sgd.

PROF. DR. IR. GUSTI MUHAMMAD HATTA, MS

Note from Editor:

- Due to technical reason no Attachment is included herein.

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