

UNOFFICIAL
TRANSLATION

KINGDOM OF CAMBODIA
NATION RELIGION KING

THE MINISTRY OF ENVIRONMENT

No. 191 ប្រកាស ប.ស្ត

INTER-MINISTERIAL PRAKAS

ON

**CLASSIFICATION OF EIA FOR PROJECTS OF ALL KINDS OF CONSTRUCTION MINERALS
EXPLOITATION OR OTHER MINERALS WITH THE CHARACTERISTIC OF HANDICRAFT OR
SMALL-SCALE EXPLOITATION**

Minister of Ministry of Environment

Minister of the Ministry of Mines and Energy

- Having seen Constitution of the Kingdom of Cambodia
- Having seen Royal Decree No. ៩៧/រកត/0913/903 dated 24th Sep 2013 on the Appointment of Royal Government of Cambodia
- Having seen Royal Decree No. ៩៧/រកត/1213/1393 dated 21st Dec 2013 on Modification and Supplementation of the Composition of the Royal Government of Cambodia
- Having seen the Royal Krom, No. 02/៩៧/94 dated 20th July 1994 promulgating the law on Organization and Functioning of the Council of the Ministers
- Having seen Royal Krom, No. ៩៧/រកម/0196/21 dated 24th January 1996 Promulgating the Law on the Establishment of the Ministry of Environment
- Having seen Royal Krom, No. ៩៧/រកម/1213/017 dated 09th December 2013 promulgating the Law on the Establishment of the Ministry of Mines and Energy
- Having seen Royal Krom, No. ៩៧/រកម/1296/36 dated 24th December 1996 promulgating Law on Environmental Protection and Natural Resources Management
- Having seen Royal Krom, No. ៩៧/រកម/0208/007 dated 15th February 2008 promulgating law on Natural Protected Areas

- Having seen Royal Krom, No. ៩៧/រកម/០៧០១/០៩ dated 15th February 2008 promulgating law on Mineral Resources Exploitation and Management
- Having seen Sub decree No. 576 អនក្រ.បក dated 24th December 2013 on Organization and Functioning of the Ministry of Mines and Energy
- Having seen Sub decree No. 55 អនក្រ.បក dated 04th May 2015 on Organization and Functioning of the Ministry of Environment
- Having seen Sub decree No. 72 អនក្រ.បក dated 11th August 1999 on EIA
- According to Necessity of the Ministry of Environment and Ministry of Mines and Energy

HEREBY DECIDE

Article 1

This Prakas aims at classifying projects of all kinds of construction minerals exploitation such as limestone, Marble, sandstone, aggregate, lateritic, gravel, sand, dirt, clay, phosphate, kaolin or other minerals with the characteristic of handicraft or small scale Business, such as: Gold minerals, Gem minerals which require the Contract of Environmental Protection, IEE or EIA.

Article 2:

Natural persons or Legal Entities who intend to do all kinds of Construction Minerals Business or other minerals with the characteristic of handicraft or small scale business shall prepare Environmental Protection Contract, IEE or EIA with the official approval from the Ministry of Environment or Provincial/ Municipal Environmental Department to keep it as the fundamental for issuing mineral resources license by the Ministry of Mines and Energy or Municipal/ Provincial Department of Mines and Energy.

Article 3:

Natural persons or Legal Entities who intend to do all kinds of construction minerals business or other minerals with the characteristic of handicraft or small-scale business which the total land size is less or equal to 01 (one) hectare shall at least have Environmental Protection Contract with the official approval from Municipal/Provincial Environmental

Department which that contract is kept as the fundamental in issuing Mineral Resources License decided by the Municipal/ Provincial Department of Mines and Energy except types of projects that harm environment and society severely which is required to have IEE by the Municipal/ Provincial Department of Environment. All types of projects located in prohibited areas determined by Municipal/ Provincial Department of Mines and Energy are not permitted.

Validity of approval letter on Environmental Protection Contract is 01 (one) year.

Article 4:

Natural persons or Legal Entities who intend to do all kinds of Minerals Construction Business or other minerals with the characteristic of handicraft or small scale business which the total land size is greater than 01 (one) to 10 (ten) hectare(s) shall have Environmental Protection Contract with the official approval from the Ministry of Environment which that contract is kept as the fundamental in issuing Mineral Resources License decided by the Municipal/ Provincial Department of Mines and Energy except types of projects that harm environment and society severely which is required to have IEE or EIA report by the Ministry of Environment. All types of projects located in prohibited areas determined by the Ministry of Environment or the Ministry of Mines and Energy shall not be permitted.

Validity of approval letter on Environmental Protection Contract is 02 (two) years.

Article 5:

Natural persons or Legal Entities who intend to do all kinds of Minerals Construction Business or other minerals with the characteristic of handicraft or small scale business which the total land size is greater than 10 (ten) to 40 (forty) hectares shall have IEE with the official approval from the Ministry of Environment which is kept as the fundamental in issuing Mineral Resources License by the Ministry of Mines and Energy except types of projects that harm environment and society severely which is required to have EIA report by the Ministry of Environment. All types of projects located in prohibited areas determined by the Ministry of Environment or the Ministry of Mines and Energy shall not be permitted.

Validity of approval letter on IEE is 10 (ten) years.

Article 6:

Natural persons or Legal Entities who intend to do all kinds of Minerals Construction Business or other minerals which the total land size is greater than 40 (forty) hectares shall prepare EIA report with official approval from the Ministry of Environment which is kept as the fundamental for the Ministry of Mines and Energy to issue license. All types of projects which are located in prohibited areas determined by the Ministry of Environment or the Ministry of Mines and Energy shall not be permitted.

Validity of approval letter on EIA is 10 (ten) years.

Article 7:

Procedure and timeframe to respond to proposal for making Environmental Protection Contract shall be implemented in compliance with Inter-ministerial Prakas on Public Service Providing of the Ministry of Environment between the Ministry of Environment and the Ministry of Economy and Finance.

Procedure and timeframe to response to proposal of examining the reports of IEE or EIA shall comply with Sub decree No. 72 အမိန့် dated 11th August 1999 on EIA.

Article 8:

EIA Department of the Ministry of Environment shall cooperate with Department of Construction minerals and Department of Minerals exploitation of the Ministry of Mines and energy to mutually exchange information on the project of all types of construction minerals business or other minerals with the characteristic of the handicraft or small-scale business for the purpose of prevention any environment-related offenses related to mineral resource exploitation.

Article 9:

Inter-ministerial Prakas No. 0142 အမိန့် dated 24th March 2015 on EIA on EIA on all type of sand business between the Ministry of Mines and Energy and the Ministry of Environment and all provisions that are contrary to this inter-ministerial Prakas shall be null and void.

Article 10:

General secretariat, Director of Cabinet, General Director, Inspector General, Department Director and manager of relevant units under the supervision of the Ministry of Environment and the Ministry of Mines and Energy shall be responsible for implementing this inter-ministerial Prakas starting from this signature date.

Phnom Penh, 26th April, 2006

Minister of the Ministry of Environment

Minister of the Ministry of Mines and Energy

H.E. Say Samal

H.E. Suy Sem

CC:

- Council of Ministers
- General Secretariat of the Government
- Cabinet of the Prime Minister
- Cabinet of Deputy Prime Ministers
- Municipal/ Provincial Hall
- As provided for in Article 10 (For Implementation)
- Royal Work
- Archive