

Sub- Decree #72 ANRK.BK on Environment Impact Assessment Process (PDF)_990811

KINGDOM OF CAMBODIA

Nation, Religion, King

ROYAL GOVERNMENT Council of Minister

No : 72. ANRK.BK

Phnom Penh, August 11,1999

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 Ministers;
- 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 .

IT IS HEREBY DECIDED AND ORDERED

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1:

The purpose of this Sub-decree are :

- An environmental impact assessment (EIA) shall be done on every project and activity, private or public, and shall be reviewed by the Ministry of Environment before being submitted to the Royal Government for decision. - The nature and size of the proposed projects and activities and existing and in-process activities, both private and public, shall be subject to environmental impact assessment. - Foster public participation in the environmental impact assessment process in recognition that their concerns should be considered in the project decision-making process.

ARTICLE 2:

This Sub-decree applies to every proposed project and activities and existing and in-process, private, joint-venture and public projects that listed in an Annex of this Sub- decree, except projects deemed necessary to react to a declared state of emergency and approved by the Royal Government.

CHAPTER 2

INSTITUTIONAL RESPONSIBILITIES

ARTICLE 3 :

The Ministry of Environment shall :

a/ evaluate and review the environmental impact assessment reports in collaboration with other Governmental Institutions.

b/ take appropriate administrative, conduct surveillance and monitor to ensure that the Environmental Management Plan during project construction, operation, and closure, which contained in an approved EIA report be implemented by the Project Sponsor.

ARTICLE 4 :

Central Governmental Institutions in their capacity as the Approval Institution shall approve the project that listed in an Annex of this Sub-decree only after consideration of the findings and recommendations of the Ministry of Environment on the EIA reports.

ARTICLE 5 :

Local Governmental Institutions in their capacity as the Approval Institution shall :

a/ submit a copy of private, joint-venture and public projects along with their attendant IEIA reports and EIA reports to the Provincial Environmental Department.

b/ approve the project only after consideration of the findings and recommendations of the Provincial Environmental Department as their capacity that provided by the Prakas of the Ministry of Environment

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CHAPTER 3

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS FOR PROPOSED PROJECTS

ARTICLE 6:

The Project Sponsor shall conduct Initial Environmental Impact Assessment (IEIA) for the project required EIA as listed in an Annex of this Sub-Decree.

ARTICLE 7:

The Project Sponsor will submit the Environmental Application for reviewing IEIA reports and pre-feasibility study to the Ministry of Environment

ARTICLE 8:

The Project Sponsor will submit the Environmental Application for reviewing full-scale EIA reports and feasibility study to the Ministry of Environment for the projects deemed serious impact to the natural resources, ecosystem, health and public welfare.

ARTICLE 9:

The Project Sponsor will submit the Environmental Application for reviewing EIA reports as stipulated in Article 7 and Article 8 of this Sub-decree to the Provincial Environmental Department for the local projects.

ARTICLE 10:

The Guidelines for preparing IEIA and EIA reports issuance of Prakas by the Ministry of Environment.

ARTICLE 11:

The Project Sponsor will submit the review and monitoring fee to the National Budget Account. The amount of the fee is specified by the Ministry of Economy and Finance according to the propose of the Ministry of Environment.

ARTICLE 12:

Consider the obligation to make a donation to the Environmental Endowment Fund as stipulated in Article 19, Chapter 8 of the Law on Environmental Protection and Natural Resources Management.

ARTICLE 13:

Environmental Application Form will be filled by the Project Sponsor and provided by the Ministry of Environment for the central projects and by the Provincial Environmental Department for the local projects.

CHAPTER 4

EIA REVIEW PROCESS FOR PROPOSED PROJECTS

ARTICLE 14 :

The Project Sponsor will conduct and submit the reports as stipulated in Article 7 to the Ministry of Environment and provided a copy to the Approval Institutions.

ARTICLE 15 :

The Ministry of Environment will review the EIA report as stipulated in Article 14 and will submit findings and recommendations to the Project Sponsor and Approval Institutions within 30 work-days following the receipt the IEIA report and pre-feasibility study from the Project Sponsor.

ARTICLE 16 :

In case the project required full-scale EIA report determined by the Ministry of Environment, the Project Sponsor shall conduct and submit the report as stipulated in Article 8 of this Sub-decree to the Ministry of Environment in the same time as submit the investment application to the Approval Institution.

ARTICLE 17 :

The Ministry of Environment will review the report as stipulated in Article 16 and will submit findings and recommendations to the project sponsor within 30 work-days follow the receipt the full-scale EIA report and feasibility study from the Project Sponsor.

ARTICLE 18 :

If the Ministry of Environment fails to submit findings and recommendations as stipulated in Article 15 and 17, the Project Approval Institution will assume the revised IEIA or an EIA reports complies with the requirement of this Sub-Decree.

ARTICLE 19 :

When the Project Sponsor is the Project Approval Institution shall comply as stipulated in Charter 3 and 4 of this Sub-Decree.

ARTICLE 20 :

The project will be implemented only after receives the IEIA or and EIA reports approved by the Ministry of Environment.

CHAPTER 5

EIA REVIEW PROCESS FOR EXISTING PROJECTS

ARTICLE 21:

All Project Sponsors shall file with the Ministry of Environment an IEIA report and submit the Environmental Applications for each of their projects within one year of the promulgation of this Sub-Decree for the Central Projects.

ARTICLE 22 :

After notification to the Project Sponsors by the Ministry of Environment that the report is not complies with requirement of this Sub-Decree, the Project Sponsor will improve or conduct full-scale EIA report within 6 months as required in Charter 3 and 4 of this Sub-Decree.

ARTICLE 23 :

After notification to the Project Sponsor by the Ministry of Environment of the findings of the report reviewed, the EIA report is complies with the requirement of this Sub-Decree, the Project Sponsor will implement the Environmental Management Plan contain in the EIA report within 6 calendar months.

ARTICLE 24 :

All Project Sponsors shall file with the Provincial Environmental Department an IEIA report and submit the Environmental Applications for each of their projects within two year of the promulgation of this Sub-Decree for the Local Projects.

ARTICLE 25 :

After notification to the Project Sponsors by the Provincial Environmental Department the report is not complies with requirement of this Sub-Decree, the Project Sponsor will improve or and conduct full-scale EIA report within 6 months as required in Charter 3 and 4 of this Sub-Decree.

ARTICLE 26 :

after notification to the Project Sponsor by the Provincial Environmental Department of the findings of the report reviewed, the EIA report is complies with the requirement of this Sub-Decree, the Project Sponsor will implement the Environmental Management Plan contain in the EIA report within 6 calendar months,

CHAPTER 6

CONDITION FOR APPROVING THE PROJECTS

ARTICLE 27 :

The Approval Institutions should provide conditions to the Project Sponsor to implement the Environmental Management Plan that has been approved in an EIA report by the Ministry of Environment.

ARTICLE 28 :

The Ministry of Environment operate with concerning institutions appear to stop the activity of those projects with failed in implementation of the Environmental Management Plan which has been stated in the EIA reports.

CHAPTER 7 PENALTIES

ARTICLE 29 :

A Project Sponsor, who knowingly fails to disclose or misrepresents information that is vital to the environmental process or does not implement environmental management plan as described in approved EIA report or otherwise violates a provision of this Sub-Decree, shall be subject to the penalties set forth in Article 20/21/22/23 and 25 of Charter 5 of the Law on Environmental Protection and Natural Resources Management.

ARTICLE 30 :

The reporting of violated and violator is the responsibility of Ministry of Environment.

ARTICLE 31 : Any Environmental Official or agent who is negligent, fails to pay attention to, or fails to comply with the Ministry's regulations, or conspires with violators of facilitates the commission of a violation, shall be subject to administrative sanctions or face prosecution before the court.

CHAPTER 8 FINAL PROVISIONS

ARTICLE 32 :

Any provisions that contrary to this Sub-Decree shall be considered null.

ARTICLE 33 :

Minister of Council of Minister, Ministries, Concerning Institutions shall operate with Ministry of Environment to implement this Sub-Decree accordingly to their roles and responsibilities.

ARTICLE 34 :

This Sub-Decree promulgated since the dated of signature.

Done in Phnom Penh on,/...../.....

Prime Minister

HUN SEN

List of the Projects Require an IEIA or EIA

No.	Type and activities of the projects	Size / Capacity
A	Industrial	
I	Foods, Drinks, Tobacco	
1.	Food processing and caned	≥ 500 Tones/year
2.	All fruit drinks manufacturing	≥ 1,500 Litres / day
3.	Fruit manufacturing	≥ 500 ones/year
4.	Orange Juice manufacturing	All sizes
5.	Wine manufacturing	All sizes
6.	Alcohol and Beer brewery	All sizes
7.	Water supply	≥ 10,000 Users
8.	Tobacco manufacturing	10,000 Boxes/day
9.	Tobacco leave processing	≥350 Tones/ year
10.	Sugar refinery	≥ 3,000 Tones / year
11.	Rice mill and cereal grains	≥ 3,000 Tones / year
12.	Fish, soy bean, chili, tomato sources	≥500,000 Litres/ year
II.	Leather tanning, Garment and Textile	
1.	Textile and dyeing factory	All sizes
2.	Garments, washing, printing, dyeing	All sizes
3.	Leather tanning, and glue	All sizes
4.	Sponge- rubber factory	All sizes
III.	Wooden production	
1.	Plywood	≥100,000m3/year(log)

2.	Artificial wood	$\geq 1,000 \text{ m}^3/\text{year (log)}$
3.	Saw mill	$\geq 50,000 \text{ m}^3/\text{year (log)}$
IV.	Paper	
1.	Paper factory	All sizes
2.	Pulp and paper processing	All sizes
V.	Plastic, Rubber and Chemical	
1.	Plastic factory	All sizes
2.	Tire factory	$\geq 500 \text{ Tones /year}$
3.	Rubber factory	$\geq 1,000 \text{ Tones /year}$
4.	Battery industry	All sizes
5.	Chemical production industries	All sizes
6.	Chemical fertilizer plants	$\geq 10,000 \text{ Tones /year}$
7.	Pesticide industry	All sizes
8.	Painting manufacturing	All sizes
9.	Fuel chemical	All sizes
10.	Liquid, powder, solid soaps manufacturing	All sizes
VI	Mining production other than metal	
1.	Cement industry	All sizes
2.	Oil refinery	All sizes
3.	Gas factory	All sizes
4.	Construction of oil and gas pipeline	$\geq 2 \text{ Kilometres}$
5.	Oil and gas separation and storage facilities	$\geq 1,000,000 \text{ Litres}$
6.	Fuel stations	$\geq 20,000 \text{ Litres}$
7.	Mining	All sizes

8.	Glass and bottle factory	All sizes
9.	Bricks, roofing tile manufacturing	150,000 piece /month
10.	Flooring tile manufacturing	90,000 piece /month
11.	Calcium carbide plants	All sizes
12.	Producing of construction materials(Cement)	900 tones/month
13.	Cow oil and motor oil manufacturing	All sizes
14.	Petroleum study research	All sizes
VII.	Metal industries	
1.	Mechanical industries	All sizes
2.	Mechanical storage factory	All sizes
3.	Mechanical and shipyard enterprise	All sizes
VIII.	Metal Processing Industrials	
1.	Manufacturing of harms, barbed wires, nets	≥ 300 Tones/month
2.	Steel mill, Irons, Aluminum	All sizes
3.	All kind of smelting	All sizes
IX.	Other Industries	
1.	Waste processing, burning	All sizes
2.	Waste water treatment plants	All sizes
3.	Power plants	≥ 5 MW
4.	Hydropower	≥ 1 MW
5.	Cotton manufacturing	≥ 15 Tones/month
6.	Animal's food processing	≥ 10,000 Tones/year
B.	AGRICULTURE	
1.	Concession forest	≥ 10,000 Hectares

2.	Logging	≥ 500 Hectares
3.	Land covered by forest	≥ 500 Hectares
4.	Agriculture and agro-industrial land	≥ 10,000 Hectares
5.	Flooded and coastal forests	All sizes
6.	Irrigation systems	≥ 5,000 Hectares
7.	Drainage systems	≥ 5,000 Hectares
8.	Fishing ports	All sizes
C.	TOURISM	
1.	Tourism areas	≥ 50 Hectares
2.	Goal field	≥ 18 Holes
D.	INFRASTRUCTURE	
1.	Urbanization development	All sizes
2.	Industrial zones	All sizes
3.	Construction of bridge-roads	≥ 30 Tones weight
4.	Buildings Height	≥ 12 m or floor ≥ 8,000 m ²
5.	Restaurants	≥ 500 Seats
6.	Hotels	≥ 60 Rooms
7.	Hotel adjacent to coastal area	≥ 40 Rooms
8.	National road construction	≥ 100 Kilometres
9.	Railway construction	All sizes
10.	Port construction	All sizes
11.	Air port construction	All sizes
12.	Dredging	≥ 50,000 m ³
13.	Damping site	≥ 200,000 people

