

Sub-decree on Environmental Impact Assessment Process *

Kingdom of Cambodia

Nation Religion King

ROYAL GOVERNMENT

Council of Ministers

No: 72 ANRK.BK Phnom Penh, August 11, 1999

Sub-Decree

on

Environmental Impact Assessment Process

The Royal Government of Cambodia (RGC)

- has seen the Constitution of the Kingdom of Cambodia (1993);
- has seen the Royal Decree No. NS.RKT 1198.72 dated 30 November, 1993 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
- has seen Preah Reach Kram No NS.RKM 02 NS.94 dated 20 July 1994, to allow using the Law on the Establishment and Implementation of the Council of Ministers;
- has seen Preah Reach Kram No NS.RKM 0196.2 dated 24 January 1996, announcing to use the Law on the Establishment of the Ministry of Environment;
- has seen Preah Reach Kram No NS.RKM 1296.36 dated 24 December 1996, announcing to use the Law on the Environmental Protection and Natural Resources Management;
- has received an approval from the meeting of the Council of Ministers on 23 July 1999.

and has made a decision as the following:

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1:

The main objectives of this sub-decree are:

* <http://www-mkb.slu.se/sida/Tools%20for%20Sida/Cambodia%20041217.pdf>

- To determine an Environmental Impact Assessment (EIA) upon every private and public project or activity, and it must be reviewed by the Ministry of Environment (MoE), prior to the submission for a decision from the Royal Government.

- To determine the type and size of the proposed project(s) and activities, including existing and ongoing activities in both private and public prior to undertaking the process of EIA.

- Encourage public participation in the implementation of EIA process and take into account of their conceptual input and suggestion for re-consideration prior to the implementation of any project.

ARTICLE 2:

This sub-decree hereby applies to every proposed and ongoing project(s) and activities, either by private, joint-venture or state government, ministry institutions of which are described in the annex of this sub-decree, except a special case, where a project will be approved by the Royal Government.

CHAPTER II
INSTITUTIONAL RESPONSIBILITIES

ARTICLE 3:

The MoE has responsibilities as following:

a/ scrutinize and review the report of the Environmental Impact Assessment in collaboration with other concerned ministries;

b/ follow up, monitor and take appropriate measures to ensure a Project Owner will follow the Environmental Management Plan (EMP) while project construction is taking place and accede to their EIA report's approval.

ARTICLE 4:

Institutions and ministries who are responsible for proposed project, shall have the right to examine and approve any project(s) that stated in the annex of this sub-decree, after the MoE has reviewed and commented on their EIA report.

ARTICLE 5:

Provincial/Urban authority that is responsible for proposed project, has the following duties:

a/ acquire a EIA report from a project owner either private, joint-venture or public sector to submit to the Provincial Environmental Office.

b/ review and approve the proposed project, after discussing and commenting among provincial/urban authority concerned in accordance with the Prakas "Declaration" of the MoE.

CHAPTER III

EIA IS NEEDED FOR PROPOSED PROJECT(S)

ARTICLE 6:

A Project Owner must conduct Initial Environmental Impact Assessment (IEIA) in order to comply with the EIA requirement as stated in the annex of this sub-decree.

ARTICLE 7:

A Project Owner must apply to the MoE for reviewing their IEIA report and report of pre-feasibility study .

ARTICLE 8:

A Project Owner must apply to the MoE for reviewing their full report of EIA report and pre-feasibility study, in case a project tends to cause a serious impact to the natural resources, ecosystem, health and public welfare.

ARTICLE 9:

A Project Owner must apply to the Provincial/Urban Environmental Office (PEO) for reviewing their EIA report and pre-feasibility study report as described in Article 7 and Article 8, if their project takes at provincial level.

ARTICLE 10:

A guideline for preparing a report of IEIA and EIA will be determined by the Prakas of the MoE.

ARTICLE 11:

A Project Owner must cover all the fee's services for reviewing and monitoring upon their project. These service fees shall be approved by the Ministry of Economy and Finance following the proposal of the MoE. The said fee shall be incorporated into the national budget.

ARTICLE 12:

A Project Owner must contribute a donation to the Environmental Endowment Fund as described in Article 19 of Chapter 8 of the law on Environmental Protection and Natural Resources Management.

ARTICLE 13:

Environmental Application Form (EAF) must be completed by a Project Owner and must be submitted to the MoE if project(s) existed at ministry's level. If project(s) existed at provincial/urban level, then the EAF must be submitted to PEO.

CHAPTER 4
PROCEDURES OF EIA PROCESS FOR REVIEWING
PROPOSED PROJECT(S)

ARTICLE 14:

A Project Owner must prepare a report, as described in Article 7, and must submit it to the MoE and forward a copy to the Project Approval Ministry/Institution.

ARTICLE 15:

The MoE will review EIA report, as described in Article 14 and will provide findings and recommendations back to the Project Owner and to the Project Approval Ministry/Institution within 30 work-days, commencing from the date of registration of their IEIA report and pre-feasibility study report.

ARTICLE 16:

When a project is requested to submit a full report of EIA, as described in Article 8, the Project Owner/Responsible Person shall submit it to the MoE along with their application for project's investment with the Project Approval Ministry/Institution.

ARTICLE 17:

The MoE will review the report, as described in Article 16 and will provide findings and recommendations

back to the Project Owner and to Project Approval Ministry/Institution within 30 work-days, commencing from the date of the receipt of their EIA report and pre-feasibility study report.

ARTICLE 18:

If the MoE fails to respond its findings and recommendations as described in Article 15 and 17, the Project Approval Ministry/Institution will assume that the revised IEIA or EIA report has complied with the criteria of this sub-decree.

ARTICLE 19:

In capacity as the Project Approval Ministry/Institution and Project Owner, the Project Owner must carry out all the procedures as described in Charter 3 and 4 of this sub-decree.

ARTICLE 20:

The Project Owner must acknowledge the findings and recommendations of their IEIA or/and EIA report(s) in which have been approved by the MoE, before they can proceed their project's implementation.

CHAPTER 5
PROCEDURES OF EIA PROCESS FOR REVIEWING
EXISTING PROJECT(S)

ARTICLE 21:

At least within a year of the promulgation of this sub-decree, all Existing Project Owner/Responsible Person must compile their IEIA report and must submit it to the MoE for a review and approval on their existing/ongoing activity of which previously allowed by the Project Approval Ministry/Institution.

ARTICLE 22:

Project Owner/Responsible Person must compile a full report of EIA within 6 months in accordance to the requirement in Charter 3 and 4 of this sub-decree and must submit it to the MoE, after the MoE reviewed their existing/ongoing activity is needed to submit a full report of EIA.

ARTICLE 23:

Project Owner/Responsible Person must carry out the EMP as stated in the EIA for period of 6 calendar months, commencing from the date of the MoE confirmation of their EIA report duly fulfilled the criteria of this sub-decree.

ARTICLE 24:

At least within two years of the promulgation of this sub-decree, Project Owner/Responsible Person must compile IEIA report and must submit it to PEO for a review and approval on their existing/ongoing activity of which previously allowed by the Provincial/urban Project Approval Office in that province.

ARTICLE 25:

Project Owner/Responsible Person must compile a full report of EIA within 6 months in accordance to the requirement in Charter 3 and 4 of this sub-decree and must submit it to the PEO, after the PEO reviewed their existing/ongoing activity is needed to submit a full report of EIA.

ARTICLE 26:

Project Owner/Responsible Person must carry out the EMP as stated in the EIA for period of 6 calendar months, commencing from the date of the PEO confirmation of their EIA report duly fulfilled the criteria of this sub-decree.

CHAPTER 6

CONDITIONS FOR APPROVING PROJECT(S)

ARTICLE 27:

The Project Approval Ministry/Institution shall provide some guidelines to Project Owner/Responsible Person on the EMP, in which is described in the EIA' guidelines prepared and approved by the MoE.

ARTICLE 28:

The MoE must co-operate with other line ministries/institutions to halt all existing/ongoing activities of Project Owner/Responsible Person, which failed to accomplish the EMP, stated in the approval of their EIA report.

CHAPTER 7

PENALTIES

ARTICLE 29:

A Project Owner/Responsible Person, who fails to submit their EIA report or provides false information or mis-conduct the EMP, as described in their EIA report, or violates any provisions in this sub-decree, will be offended by Cambodian law, as stated in Article 20/21/22/23 and 25 of Charter 5 of the Law on Environmental Protection and Natural Resources Management.

ARTICLE 30:

The MoE duly has a responsibility to compile a report and complaint against any Project Owner/Responsible Person who has been dis-respected or mis-conducted of any articles described in this sub-decree.

ARTICLE 31:

Any environment official, who has neglected, lacked vigilance or dis-respected the MoE's regulations, or conspires with perpetrator or assist this perpetrating activity, must be subject to administrative offense or faced prosecution in front of the court of law.

CHAPTER 8
FINAL PROVISIONS

ARTICLE 32:

Any provisions that are contrary to this sub-decree, shall be considered null.

ARTICLE 33:

The minister in charge of the Council of Ministers, ministries, concerned institutions shall collaborate with the MoE and must be responsible for this sub-decree in relation of their individual roles and responsibilities.

ARTICLE 34:

This sub-decree shall be in effect from the date of the signature below.

Phnom Penh on 11 August 1999

Prime Minister

(Signed with Seal of RGC stamp)

HUN SEN

has reported to Samdech Prime Minister
by the Minister of Environment

Dr. Mok Mareth

- cc: - Cabinet of King
- General Secretariat of Senate
 - General Secretariat of Parliament
 - Ministry of Royal Palace
 - General Secretariat of Constitution
 - Cabinet of Prime Minister
 - General Secretariat of Council of Ministers
 - As stated in Article 33 for "action"
 - Record and documentation.

Annex of Sub-Decree No 72 ANRK. BK. Date 11, August 1999

List of the Projects Required 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	$\geq 100,000\text{m}^3/\text{year}(\log)$
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	$\geq 2\text{ Kilometers}$
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	$\geq 10,000$ Tones/year
B.		AGRICULTURE
1.	Concession forest	$\geq 10,000$ Hectares
2.	Logging	≥ 500 Hectares
3.	Land covered by forest	≥ 500 Hectares
4.	Agriculture and agro-industrial land	$\geq 10,000$ Hectares
5.	Flooded and coastal forests	All sizes
6.	Irrigation systems	$\geq 5,000$ Hectares
7.	Drainage systems	$\geq 5,000$ 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 $\geq 8,000$ m ²
5.	Restaurants	≥ 500 Seats
6.	Hotels	≥ 60 Rooms

7.	Hotel adjacent to coastal area	≥ 40 Rooms
8.	National road construction	≥ 100 Kilometers
9.	Railway construction	All sizes
10.	Port construction	All sizes
11.	Air port construction	All sizes
12.	Dredging	$\geq 50,000 \text{ m}^3$
13.	Damping site	$\geq 200,000$ people

Source: GoC, 1999