

ANUKRET ON ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret No. NS/RKT/1198/72 of November 30, 1998, on the formation of the Royal Government of Cambodia;
- Referring to Reach Kram No. 02/NS/94 of July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Reach Kram No. NS/RKM/0194/21 of January 24, 1996, promulgating the Law on the Establishment of the Ministry of Environment;
- Referring to Reach Kram No. NS/RKM/1296/36 of December 24, 1996, promulgating the Law on Environmental Protection and Natural Resources Management;
- Pursuant to the approval of the Council of Ministers on July 23, 1999.

IT IS HEREBY DECIDED

CHAPTER 1: GENERAL PROVISIONS

Article 1:

The main objectives of this Anu-kret are:

- To determine an Environmental Impact Assessment (EIA) for every private and public project or activity. The assessment shall be reviewed by the Ministry of Environment prior to submission to the Royal Government for a decision.
- To determine the type and size of the proposed private and public projects and activities, including existing and ongoing activities subject to the process of EIA.
- To encourage public participation in the implementation of the EIA process and take into account their input and suggestions in the process of project approval.

Article 2:

This Anu-kret covers every proposed and ongoing projects and activities (whether of private sector, quasi-public, or state government or ministries/institutions described in the annex of this Anu-kret, except for special and crucial projects approved by the Royal Government.

CHAPTER 2: INSTITUTIONAL RESPONSIBILITIES

Article 3:

The Ministry of Environment shall have the following responsibilities:

- a. evaluate 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 Sponsor will comply the Environmental Management Plan (EMP) during project construction, implementation, and closure as described in the approved EIA report.

Article 4:

Central Government Institutions in their capacity as the Approval Institution shall approve the projects described in the annex of this Anu-kret only after consideration of the findings and recommendations of the Ministry of Environment on the EIA reports.

Article 5:

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

- a. submit a copy of private, quasi-public or public projects along with their attendant IEIA reports and EIA reports to the Provincial Environmental Office.

- b. review and approve the proposed project, after consideration of the findings and recommendations of the Provincial Environmental Office concerned whose mandated was authorized by a Prakas of the Ministry of Environment.

CHAPTER 3: EIA REQUIREMENTS FOR PROPOSED PROJECTS

Article 6:

The Project Sponsor shall conduct an Initial Environmental Impact Assessment (IEIA) for project requiring an EIA as listed in the annex of this Anu-kret.

Article 7:

The Project Sponsor shall apply to the Ministry of Environment for a review of their IEIA report and their pre-feasibility study.

Article 8:

The Project Sponsor shall apply to the Ministry of Environment for a full scale review of their EIA report and pre-feasibility study for projects deemed to have serious impact to the natural resources, ecosystem, health or public welfare.

Article 9:

For local project, the Project Sponsor shall submit an Environmental Application to the Provincial/Municipal Environmental Office (PEO) for a review of their EIA report and pre-feasibility study as described in Articles 7 and 8 of this Anu-kret.

Article 10:

The guidelines for preparing IEIA and EIA reports shall be determined by a Prakas of the Ministry of Environment.

Article 11:

The Project Sponsor shall bear the cost of the project review and monitoring fees. These service fees shall be approved by the Ministry of Economy and Finance pursuant to a proposal of the Ministry of Environment.

The said fee shall be for the benefit of the national budget.

Article 12:

The Project Sponsor is required to make a contribution 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:

For central projects an Environmental Application Form (EAF) shall be filed by the Project Sponsor with the Ministry of Environment. For local projects, the EAF shall be filed to the Provincial/Municipal Environmental Office.

CHAPTER 4: EIA REVIEW PROCESS FOR PROPOSED PROJECTS

Article 14:

The Project Sponsor shall file a report as described in Article 7 with the Ministry of Environment and forward a copy to the Project Approval Institution.

Article 15:

The Ministry of Environment shall review the EIA report as described in Article 14 and provide findings and recommendations to the Project Sponsor and the Project Approval Institution within 30 working days following the receipt of the IEIA report and the pre-feasibility study report from the Project Sponsor.

Article 16:

When a Project Sponsor is required to submit a full scale EIA report as described in Article 8, the Project Sponsor shall submit the report to the Ministry of Environment along with their investment application with the Project Approval Institution.

Article 17:

The Ministry of Environment shall review the report as described in Article 16, and will provide findings and recommendations to the Project Sponsor and the Project Approval Institution within 30 working days following the receipt of the full scale IEIA report and the pre-feasibility study report from the Project Sponsor.

Article 18:

If the Ministry of Environment fails to report its findings and recommendations as described in Articles 15 and 17, the Project Approval Institution will assume that the revised IEIA or EIA reports are complied with the requirement of this Anu-kret.

Article 19:

In capacity as the Project Approval Institution and Project Sponsor, the Project Sponsor shall comply with the requirements stipulated in Chapters 3 and 4 of this Anu-kret.

Article 20:

The Project Sponsor shall acknowledge the findings and recommendations of their IEIA or/and EIA report(s) as approved by the Ministry of Environment before they can proceed with their project's implementation.

CHAPTER 5: EIA REVIEW PROCESS FOR EXISTING PROJECTS

Article 21:

Within a year of the promulgation of this Anu-kret, all Existing Project Sponsor are required to file their IEIA report with the Ministry of Environment for review and approval of their existing/ongoing central projects as previously approved by the Project Approval Institution.

Article 22:

Project Sponsor shall file with the Ministry of Environment a full scale EIA report within 6 months in accordance with requirements in Chapters 3 and 4 of this Anu-kret, after the Ministry of Environment notification of the need to submit a full scale EIA report for the existing/ongoing projects.

Article 23:

Project Sponsor shall carry out the environmental management plan as described in the EIA within 6 calendar months, commencing from the date of the Ministry of Environment's notification that the EIA report compliance with the requirement of this Anu-kret.

Article 24:

Within two years of the promulgation of this Anu-kret, Project Sponsor shall file an IEIA report to the PEO for review and approval of their existing/ongoing local projects as previously approved by the Local Government Institutions.

Article 25:

Project Sponsor shall file with the PEO a full scale EIA report within 6 months in accordance with requirements in Chapters 3 and 4 of this Anu-kret, after the determination of the PEO of the need to submit a full scale EIA report for the existing/ongoing local projects.

Article 26:

Project Sponsor shall implement the environmental management plan as described in the EIA within 6 calendar months, commencing from the date of the PEO notification of the EIA report compliance with the requirements of this Anu-kret.

CHAPTER 6: CONDITIONS FOR APPROVING PROJECTS

Article 27:

The Project Approval Institution shall provide guidelines to Project Sponsor on the Environmental Management Plan as approved in the EIA report by the Ministry of Environment.

Article 28:

The Ministry of Environment shall collaborate with other line ministries/institutions to issue a stop-work order for existing/ongoing projects of Project Sponsor which failed in implementing the Environmental Management Plan as approved in the EIA report.

CHAPTER 7: PENALTIES

Article 29:

A Project Sponsor, who knowingly fails to disclose or misrepresents information that is vital to the environmental review process or does not implement Environmental Management Plan as approved in the EIA report or otherwise violates a provision of this Anu-kret shall be subject to the penalties set forth in Articles 20, 21, 22, 23 and 25 of Chapter 9 of the LEPNRM.

Article 30:

The Ministry of Environment shall have the responsibility to report and file a complaint against any Project Sponsor found in violation of provisions of this Anu-kret.

Article 31:

Any Environment official or agent found negligent, violated the Ministry of Environment's regulations, conspired with or assisted a perpetrator, shall be subject to administrative penalties or prosecution before the court.

CHAPTER 8: FINAL PROVISIONS

Article 32:

Any provisions that are contrary to this Anu-kret shall be null and void.

Article 33:

The minister in charge of the Office of the Council of Ministers, ministries, and concerned institutions shall collaborate with the Ministry of Environment to implement this Anu-kret in accordance with their respective roles and responsibilities.

Article 34:

This Anu-kret shall enter into force from the date of its signature.

LIST OF THE PROJECTS REQUIRING AN IEIA OR EIA

No	Type and Activities of the Projects	Size/Capacity
A	Industrial	
I	Food, Drink, and Tobacco	
1.	Food Processing and Canned Foods	≥ 500 Tones/Year
2.	All Fruit Drinks anufacturing	≥ 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 Leaf Processing	≥ 350 Tones/Year
10.	Sugar Refining	≥ 3,000 Tones/Year
11.	Rice Mills and Cereal Grains	≥ 3,000 Tones/Year
12.	Fish, Soy Bean, Chili, and Tomato Sources	≥ 500,000 Litres/Year
II.	Leather Tanning, Garments, and Textiles	
1.	Textile and Dyeing factories	All sizes
2.	Garments, Washing, Printing, and Dyeing	All sizes
3.	Leather Tanning and Glue	All sizes
4.	Sponge-Rubber Factories	All sizes
III.	Wood Production	
1.	Plywood	≥ 100,000m ³ /Year (log)
2.	Artificial Wood	≥ 1,000m ³ /Year (log)
3.	Saw Mills	≥ 50,000m ³ /Year (log)
IV.	Paper	
1.	Paper Factories	All sizes
2.	Pulp and Paper Processing	All sizes
V.	Plastic, Rubber, and Chemicals	
1.	Plastic Factories	All sizes
2.	Tire Factories	≥ 500 Tones/Year
3.	Rubber Factories	≥ 1,000 Tones/Year
4.	Battery Industry	All sizes
5.	Chemical Products	All sizes
6.	Chemical Fertilizer Plants	≥ 10,000 Tones/Year
7.	Pesticide Industry	All sizes
8.	Paint Manufacturing	All sizes
9.	Fuel Chemicals	All sizes
10.	Liquid, Powder, and Solid Soap Manufacturing	All sizes
VI.	Mining Production other than Metal	
1.	Cement Industry	All sizes
2.	Oil refining	All sizes
3.	Gas factories	All sizes
4.	Construction of Oil and Gas Pipelines	≥ 2 kilometres
5.	Oil and Gas Separation and Storage Facilities	≥ 1,000,000 Litres
6.	Fuel stations	≥ 20,000 Litres
7.	Mining	All sizes
8.	Glass and Bottle Factories	All sizes
9.	Bricks and Roofing Tile Manufacturing	≥ 150,000 Piece/month
10.	Flooring Tile Manufacturing	≥ 90,000 Piece/month
11.	Calcium Carbide Plants	All sizes
12.	Production of Construction Materials (Cement)	≥ 900 tones/month
13.	Lubricant and Motor Oil Manufacturing	All sizes
14.	Petroleum Study Research	All sizes
VII.	Metal Industries	
1.	Mechanical Industries	All sizes
2.	Mechanical Storage factories	All sizes

3.	Mechanical and Shipyard enterprises	All sizes
VIII.	Metal Processing Industries	
1.	Manufacturing of Nails, Barbed Wire, and Nets	≥ 300 Tones/month
2.	Steel, Iron, and Aluminum Mills	All sizes
3.	All Kinds of Smelting	All sizes
IX.	Other Industries	
1.	Waste Processing and 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 Food Processing	$\geq 10,000$ Tones/Year
B.	AGRICULTURE	
1.	Concession forests	$\geq 10,000$ Hectares
2.	Logging	≥ 500 Hectares
3.	Land Covered by Forests	≥ 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.	Golf Courses	≥ 18 Holes
D.	INFRASTRUCTURE	
1.	Urbanization Development	All sizes
2.	Industrial Zones	All sizes
3.	Construction of Bridges and Roads	≥ 30 Tones weight
4.	Buildings	Height ≥ 12 m or floor $\geq 8,000\text{m}^2$
5.	Restaurants	≥ 500 Seats
6.	Hotels	≥ 60 Rooms
7.	Hotels Adjacent to Coastal Areas	≥ 40 Rooms
8.	National Road construction	≥ 100 Kilometres
9.	Railway Construction	All sizes
10.	Port Construction	All sizes
11.	Airport Construction	All sizes
12.	Dredging	$\geq 50,000$ m ³
13.	Dumping Sites	$\geq 200,000$ People