

Regulations on Environment Assessment in the Lao PDR
Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Prime Minister's Office
Science Technology and
Environment Agency

No: 1770/STEA
Vientiane, 3.10.2000

Regulation on Environment Assessment in the Lao PDR

- Referring to the Law on Environmental Protection (EPL), No. 02-99/NA, dated 3/4/99;
- Referring to Prime Minister's Decree on the establishment and functioning of the Science, Technology, and Environment Agency, No. 68/PM, dated 21/5/99

The President of the Science Technology and Environment Agency (STEA) issues this Regulation on Environmental Assessment (EA) in the Lao PDR, as follows:

PART I,

GENERAL PRINCIPLES

Article 1: The objectives of the Regulation on EA in the Lao PDR are as follows:

1. to establish uniform environmental assessment requirements and procedures for including environmental protection in all development projects in the Lao PDR.
2. to lay the general foundation for line ministries responsible for planning and implementing development projects to fulfill their obligations in issuing sector-specific Environmental Assessment regulations, which must be completed within 24 months after the enactment of this Regulation.

The regulations of the line ministries must be consistent with this Regulation, and must be prepared in consultation with STEA, and must be approved by STEA prior to enactment. The regulations of the line ministries must include criteria for all projects within their sector area of responsibility that are either exempt from environmental assessment requirements in accordance with Article 8 of this Regulation, or that require environmental assessment in accordance with Articles 9, 10, 11, 12, 13 and 14 of this Regulation.

Article 2: Definitions

Definitions are to be found in Annex 2.

PART II

GENERAL PRINCIPLES, ENVIRONMENTAL ASSESSMENT PROCESS AND PROCEDURES IN
THE LAO PDR

Subpart 1: General Principles

Article 3: EA should be undertaken using the following general principles:

1. Each Development Project Responsible Agency (DPRA) must ensure that any development project in the Lao PDR carries out EA in accordance with the content determined in this Regulation, and any regulation of its own line ministry.

The Environment Assessment must include at least a Project Description to enable DPRA to perform a project environment screening under Article 7 of this Regulation. If the project is not exempt under Article 8 of this Regulation, the EA must include an Initial Environment Examination (IEE) as specified in Article 9 of this Regulation. For some projects, through the findings of the IEE, an Environmental impact assessment (EIA) is required as specified in Articles 11, 12, 13, and 14 of this Regulation.

2. The steps of the EA process are demonstrated in the chart under Annex 1. They are as follows:
 - description of project
 - screening of project environment
 - preparation of IEE
 - review and approval of the IEE, including either an Environmental Management Plan (EMP) or

Terms of Reference (TOR) for conducting an EIA where the IEE determines that an EIA is required

- preparation of EIA, based on IEE findings
- review and approval of the EIA report including an EMP
- implementation of the EMP
- project monitoring and evaluation

3. Each development project must follow the steps in Articles 3 (2) and 5 (2) of this Regulation, as appropriate.
4. No construction or other physical activities shall be undertaken at a project site until STEA has issued an environmental compliance certificate for the project, in accordance with Article 8 (4), Article 10 (5), Article 13 (5) and Article 14 (2) of this Regulation.
5. The DPRA must:
 - within 6 months after the enactment of this Regulation make a list of all projects within its sector area of responsibility that did not undertake EA as part of the project approval cycle, but have caused significant impact on the environment. Each DPRA must provide the above list to STEA for consideration. Within 60 days after receiving such list, STEA shall either approve the list or advise the DPRA to reconsider the list of projects.
 - within 9 months after the enactment of this Regulation, the DPRA must advise the project owners of each project on the list to develop an EMP. This plan must contain all negative environmental impacts from the project and propose mitigation measures to address such negative impacts.

Within 24 months after the enactment of this Regulation, each owner of a project on the above list must submit an EMP to the DPRA for consideration. Within three months of receiving the plan, the DPRA must approve the plan, or must require the project owner to revise it.

Upon approval of the EMP, the project owner must implement the EMP in conformance with its contents and schedule.

6. Within six months after the enactment of this Regulation, the Science, Technology and Environment Agency must put in place qualification guidelines for all persons, entities or organizations who undertake Environmental Assessment in the country

Article 4: Responsibilities for and costs of conducting Environmental Assessments

1. Responsibilities for carrying out the EA are summarized in the following table.

Organization or entity	Responsibility
Project owners or their consultant	<ul style="list-style-type: none"> - prepares project descriptions (Article 7) - prepares IEE (Article 9) with EMP (Articles 9 and 14) or for TOR for scoping of an EIA (Article 11) - implements the EMPs (Article 14) - monitors and evaluates the project environment (Article 15)
DPRAs (Office for Foreign or Domestic Investment Management)	delegates rights and duties with respect to the mandate and tasks according to paragraph 5, Article 3 of this Regulation including project environment screening and IEE review and approval to the Environmental Management and Monitoring Unit (EMMU) of the concerned line ministry. The EMMU retains responsibility for ensuring that the EA process is completed in accordance with this Regulation.
DPRAs (Ministries responsible for development projects)	<ul style="list-style-type: none"> - prepares project descriptions for its own projects (Article 7) - screens project descriptions for all projects in its sector area of responsibility (Article 8) - prepares or retains a consultant to prepare an IEE for its own projects (Article 9) - reviews and recommends approval of IEEs of projects in its sector area of responsibility (Article 10) - prepares and reviews TOR for EIA for its own projects and reviews TOR for other projects in its sector area of responsibility (Article 11) - prepares or retains a consultant to prepare an EIA with an EMP, for its own projects (Article 12) - reviews and approves EMPs for all projects in its sector area of responsibility (Article 10) - monitors and evaluates the project environment for its own projects (Article 15) - Monitors and evaluates the project environment for all projects in its sector area of responsibility (Article 15)
Science, Technology and Environment	<ul style="list-style-type: none"> - finally approves IEE reports (Article 10) - finally approves TOR for EIA (Article 11)
Agency	<ul style="list-style-type: none"> - reviews and approves EIA reports and EMPs (Article 13) - coordinates with line agencies for monitoring and evaluation (Article 15). - issues environmental compliance certificates for projects that have satisfactorily completed the EA process (Articles 8, 10 and 13).

2. The project owner must be responsible for all costs of implementing all elements of the project's EA, including both its own costs and the actual costs of government agencies to plan, conduct public involvement (PI) activities, review, approve, and provide data and technical assistance during the EA process. The project owner must also be responsible for all the costs of implementing the project's EMP including the government's costs for implementation and monitoring. For government owned projects, all the above-mentioned expenses must be included in the project costing.

3. Within six months after the enactment of this Regulation, STEA, in consultation with sectoral line agencies, shall determine submission fees and service charges for reviewing and approving project EAs. All EA-related fees shall be separately promulgated in an official decree.

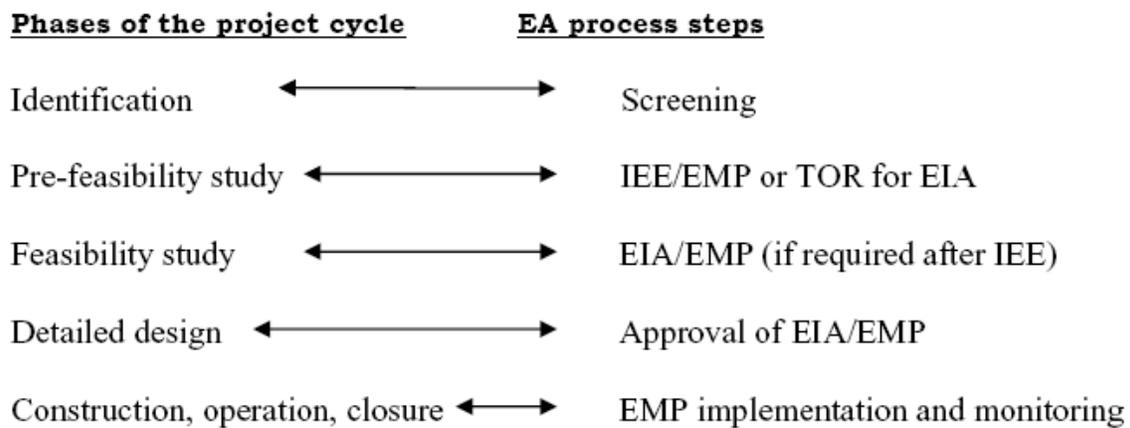
4. The provincial Science, Technology and Environment offices (including those of the municipalities and special zones), are responsible for the review of the results of project screening as is laid down under paragraph 3, Article 8 of this Regulation. They must generally guide the regular and unannounced inspection process during the implementation of monitoring and evaluation of the project according to paragraphs 2, 4, 5 and 6 of Article 15 of this Regulation.

In the case of a project under the responsibility of the local area administration, which is liable for an EIA, STEA is responsible for review and approval of the EIA report.

Article 5: Linkages between the steps in the EA process and the phases of the project cycle

1. The EA process must be integrated into the DPRA’s planning activities and project cycle as soon as the principal features of the proposed development project and its environmental impacts can be identified, so that the planning activities and project cycle reflect the conservation principles in Article 5 of the Environment Protection Law (EPL), and to avoid delays in the process.

2. The phases of the project cycle correspond to the following EA process steps:



3. Line Ministries must properly adopt an EA process sequence according to the general sequence in Article 5 (2) of this Regulation. The sequence and timing of the process must be specified in their internal guidelines.

4. For development projects for which either the Office for Foreign or Domestic Investment Management is the DPRA, that Office must not approve a concession agreement until STEA has issued an environmental certificate to the project owner.

Article 6: Public involvement (PI)

1. The DPRA and the Project Owner are responsible for undertaking of public involvement activities in a consistent manner as suitable to the EA process. PI is particularly important during the steps of review and approval of the IEE report.

STEA, the DPRA and the Project Owner are jointly responsible for conducting PI activities during all EIA steps.

2. PI shall include at least the following activities:

- notification of stakeholders
- dissemination of information about the project and its impacts
- consultation with the affected parties and parties interested in the project regarding their opinions, and
- invitation to affected parties and parties interested in the project to attend hearings or other meetings when (i) DPRA is reviewing an IEE report, (ii) STEA is reviewing and approving an EIA report, (iii) responding to affected and interested parties’ concerns during project planning and implementation.

3. STEA may extend the time frame for consideration of project environment, including screening, IEE

report, TOR and EIA report if necessary to allow for adequate PI to be included in specific projects.

4. Within 12 months after the enactment of this Regulation, STEA shall issue guidelines on the content of PI activities. After issuance of the guidelines, all future PI activities must be conducted in accordance with those guidelines.

Subpart 2: Procedures and Process for Environmental Assessment

Article 7: Project Description

1. All project proposals that are submitted to a DPRA by a project owner, and all project proposals that are prepared by a DPRA, must include a brief description of the project, which must include the following information:

- Project owner
- Project type
- Project size
- Project location
- Intended product
- Raw materials to be used
- Estimate of the quantity and quality of any solid, liquid, or air-borne wastes resulting from project construction or operation
- Number and origin of project's intended labour force for construction and operation
- Anticipated positive and negative environmental and social impacts of the project
- Environmental mitigation measures that will be implemented during the project construction, operation and closure (if applicable).

2. The DPRA must circulate the project proposal document to relevant government sectors and local authorities, and must consider their comments in its environmental screening decision (Article 8 of this Regulation).

3. Line ministries may specify additional information to be required in project descriptions in their internal EA procedures.

Article 8: Project Screening

1. Based on the information in the project proposal document, the DPRA shall assemble an adhoc Project Review Team to complete an environmental screening of the proposed project. The purpose of screening is to separate those projects that require no further EA (exempt projects) from those projects that require further EA (non-exempt projects).

2. Exempt projects are such in nature, size and location that are assumed to cause minimal environmental impacts.

3. Within 30 days of receiving a project description, the DPRA must complete the screening and explain the screening decision in writing to national STEA in the case of national projects or to the Provincial, Municipal or Special Zone Science, Technology and Environment Office for local projects. Within 15 days of receiving the screening findings the respective environment office referred to above shall either notify the DPRA that it concurs with the decision, or shall instruct the DPRA to reconsider, taking into account relevant information or guidance.

Within 7 days after receiving the record of decision from the respective environment office, the DPRA must notify project owners of the result of the project screening to abide by the record of decision. The DPRA must also notify the EMMU of the concerned line ministries or local administration authorities for information and monitoring purposes.

4. For those projects found by screening to be exempt from further EA, STEA shall issue an environmental compliance certificate within 15 days after receiving the screening record of decision from DPRA. There are two types of certificate; one with conditions and another without conditions. The general form of the environmental compliance certificate is indicated in Annex 5 of this Regulation. Any conditions attached to the environmental certificate must be legal obligations of the project owner.

5. Those projects determined to be non-exempt from EA must proceed to conduct IEE pursuant to Article 9

of this Regulation.

Article 9: Initial Environment Examination (IEE)

1. All projects not exempt from environmental assessment must undertake an IEE.
2. The project owner may prepare the IEE or arrange for a consultant, entity or a local or foreign organizations to prepare it. In all cases, the IEE report must: (i) identify the person(s) or entities or organization responsible for its preparation, and (ii) disclose any direct or indirect financial interest that the person(s) or organizations may have in the project.
3. In the case of domestic investment the IEE report must be written in Lao language and must follow the general format that is shown in Annex 3. For foreign investment projects, the IEE report must be written in Lao and English. Line ministries in their internal EA guidelines may set additional requirements for the contents of IEE reports and the number of copies of reports that are to be submitted.
4. If the IEE report concludes that no EIA is needed, an EMP must be developed within the IEE report, which must have the following contents:
 - measures to prevent and minimize environmental impacts
 - programmes for environment control and monitoring
 - responsibilities, organization, schedule and budget for implementation of the EMP and other issues that the DPRA may deem necessary for the protection of the environment.

During the IEE process, if it is found that the project needs an EIA, the IEE report shall contain TOR for the scoping of a subsequent EIA.

5. If TOR for an EIA are presented in the IEE report, the scope of the TOR must be broad enough to assess all significant harmful environmental impacts that the project is likely to cause, both within and outside the project site.
The TOR must address all the issues raised by the DPRA during the review of the IEE report and must identify the persons or entities that will undertake the EIA.
Within 6 months after the enactment of this Regulation, line agencies responsible for planning and implementation of development projects shall issue guidelines on the scope of the TOR for each project under their areas of responsibility.

Article 10: Review and approval of IEE reports

1. Within seven days of completing an IEE report, or receiving one from a project owner, the DPRA must notify and invite other line agencies and local government authorities, who could be affected by the project to comment on the IEE report. The DPRA shall use the notification form provided in Annex 7, and shall follow the PI requirements in Article 6. If the DPRA does not have an EMMU to handle IEE review, then the DPRA must delegate the duties and authorities to the EMMU of a line agency whose sector interests are most relevant to the project in order to review the IEE report and conduct PI activities.
2. Government agencies and the concerned public shall submit their comments on the IEE report to DPRA within 30 days.
3. Based on the information in the IEE report and timely comments from other government agencies, the DPRA must decide whether an EIA is required for the project. An EIA is required either if the IEE is incomplete in identification of the significant environmental impacts that could be caused by the project or if the content of the EMP is inadequate.
4. Within 40 days of completing an IEE report or receiving one from a project owner, the DPRA must give to STEA a written record of its decision concerning its review of the IEE report. The record of decision must include:
 - a brief summary of the report's important information
 - reasons for making the decision
 - the environmental protection measures and project monitoring that the project owner is to carry out during project implementation
 - other issues the DPRA think are necessary for STEA to understand the decision of the IEE review

5. Within 10 days of receiving the DPRA's record of decision, STEA shall either:
 - issue an environmental compliance certificate for the project with or without conditions for EMP measures and implementation, or
 - reject the IEE or
 - advise the project owner to conduct an EIA.

STEA shall notify the DPRA about the decision so that the DPRA can in turn notify the project owner. The general format for the certificate with or without condition(s) is attached in Annex 5. All conditions attached to the environmental compliance certificate shall be legal obligations of the project owner. In making its decision, STEA shall follow the recommendation of the DPRA, unless the DPRA did not follow the procedures in this Regulation, or did not consider relevant information.

6. If after rejection of an IEE report as stated in Section 5 of this Article the project owner revises the IEE report, the revised report may be resubmitted following the same procedure as set forth in Article 10, Sections 1 to 4 of this Regulation.

Article 11: Scoping of the TOR for conducting an EIA

1. STEA, in consultation with other interested or responsible agencies, may revise the TOR for the EIA to ensure that the EIA will cover all environment issues relating to the project.

2. The project owner shall hire persons, entities or organizations, foreign or domestic, to undertake EIA, but the TOR shall identify and describe the qualification of the person, entity or organization that will prepare the EIA and shall disclose any direct or indirect financial interest that the person, entity or organization may have in the project.

3. The project owner must submit the TOR to STEA for review and approval. STEA shall send the TOR to concerned central and local agencies for their comments within seven days after receiving the TOR. STEA shall use the format of notification letter as in Annex 7 or other format as deemed necessary. A sector agency receiving a letter from STEA inviting their comments on the TOR must send their comments to STEA within 15 days.

4. Within 30 days after receiving the draft TOR, STEA shall notify project owner(s) of its decision, and send a copy to the DPRA, indicating whether the TOR is approved or further improvements to the TOR are required.

Where the TOR needs further improvement(s), the project owner must revise the TOR according to suggestions provided by STEA prior to resubmission for approval.

5. The project owner must prepare the EIA report in strict accordance with the approved TOR and must follow the general format and content described in Article 12 of this Regulation.

Article 12: Content and Format of the EIA Report

General contents

1. The EIA report must describe the existing socio-economic and natural environment in the area(s) that will be affected by the project.

2. The report must identify and describe the environmental, social and economic impacts of the project and compare them to the impacts of one or more feasible alternative to the project.

3. The report must identify, evaluate, and compare appropriate mitigation measures for preventing or reducing the impacts of the project and of all project alternatives. In cases where impacts cannot be prevented and reduced, the report must propose ways to compensate for them.

4. The report must clearly identify all Lao PDR laws, regulations, and international treaty obligations, natural resource usage plans on land, forest etc. that are relevant to the proposed project activities.

5. The report must include a proposed EMP for preventing and mitigating environmental impacts of the project. The requirements for the EMP are listed in Article 15 of this Regulation.

Report format

6. The EIA report must follow the general format listed in Annex 4, revised as deemed necessary by STEA to include other issues that may have been identified during scoping of the EIA.

7. The project owner must prepare a full EIA main report and an executive summary. The summary must be written in both Lao and English language.

Article 13: Review and Approval of the EIA Report

1. STEA shall be responsible for reviewing and approving EIA reports, and shall coordinate the review with those line ministries, other government organizations, and the public whose interests will be directly or indirectly affected by the project

2. The project owner must submit full and summary EIA reports, at least one copy of the EIA report to the DPRA, and at least ten copies to STEA.

3. Within 15 days of receiving the EIA report, STEA shall notify and invite the affected parties to comment on the EIA report. STEA shall use the notification form provided in Annex 7, and shall follow the PI requirements in Article 6 of this Regulation.

4. The affected parties and other interested parties receiving notification and invitation for comments have 30 days to respond.

STEA shall consider these comments before making a decision to approve or reject the EIA report.

5. Within 60 days of receiving the EIA/EMP report, STEA shall complete its review of the EIA/EMP report and take one of the following actions:

- Approve the EIA report and EMP with specific conditions that must be followed during the project detailed design phase.
- Request the project owner to undertake additional studies, in order to clarify specific issues. In this case, the review and approval procedures listed above will be followed for the revised EIA/EMP report.
- Reject the EIA/EMP report and recommend that the DPRA cancel the development project for the following reasons:
 - a) the project activities will not comply with Lao PDR's laws or international treaty obligations or natural resource usage plans for land, forest and other resources related to project activities;
 - b) not enough data is available to determine the impacts of the project;
 - c) the proposed mitigation measures will not adequately prevent or reduce severe environmental impacts.

6. In keeping with the actions specified in (5) of this Article, STEA shall promptly notify the project owner in writing of its decision, and provide a brief explanation. STEA shall send a copy of its decision record to DPRA and concerned line ministries, both at the central and local levels for information and monitoring.

Article 14: The Environment Management Plan (EMP)

1. The IEE report and the IEE's EMP must receive approval from the DPRA before STEA can issue the environmental compliance certificate to the project owner. For projects requiring EIA, the project owner must, during the detailed design phase, prepare the detailed EMP based on the general EMP of the IEE already approved by STEA.

2. Prior to beginning logging, land clearing, construction, or other physical activities at the project site, the project owner must obtain an environmental compliance certificate for IEE/EIA including the EMP from STEA.

3. The project owner must implement the EMP during the entire duration of the project and must include the terms and conditions of the EMP in all contracts issued for construction, operation, and closure of the project.

4. STEA, the line agencies and the project owner have the right to request improvements of the EMP

during the course of the project, if necessary to respond to unanticipated or changing conditions.

Article 15: Monitoring and Evaluation of the Project Environment

1. The project owner is directly responsible for the monitoring and evaluation of the project environment during the implementation of the EMP.

The central government DPRAs are responsible for the inspection of the implementation of the monitoring and evaluation for the project environment where projects are approved at the central level.

The local government DPRAs are responsible for the inspection of the implementation of the monitoring and evaluation for the project environment where projects are approved at the local level.

2. STEA is responsible for overall guidance of the DPRA in matters pertaining to the inspection of the implementation of the monitoring and evaluation for the project environment where projects are approved at the central level. If necessary, STEA has the right to inspect the project owners to ensure implementation of project environment monitoring and evaluation.

The Provincial, Municipal, or Special Zone Science, Technology and Environment Office is responsible for overall guidance of the DPRA in matters pertaining to the inspection of the implementation of the monitoring and evaluation for the project environment where projects are approved at the local level.

If necessary, the Provincial, Municipal, or Special Zone Science, Technology and Environment Office has the right to inspect the project owners to ensure implementation of project environment monitoring and evaluation.

3. In order to ensure the effective implementation of the EMP as determined in Article 14 of this Regulation and the environmental monitoring and evaluation, the project must establish an environmental unit. The members of such unit may come from the company itself, hired staff, from an outside organization or be entities working on contractual basis.

4. The project owner or the Environmental Unit must establish monthly reports on project environment monitoring to be sent to the concerned agency(ies), which are: STEA and/or Provincial, Municipal or Special Zone Science, Technology and Environment Office, and the Environment Management and Monitoring Units (EMMUs) of the concerned line ministries for information and supervision. The environmental monitoring report should follow the general outline as shown in Annex 6, or may be modified as deemed necessary.

5. Within 12 months after the enactment of this Regulation and in consultation with the DPRA and responsible line agencies, STEA and/or provincial, municipal or special zone Science, Technology and Environment Office shall develop procedures for inspecting project sites and verifying the project's EMP monitoring reports. In addition to inspecting project sites and verifying environmental monitoring reports, STEA and/or provincial, municipal or special zone Science, Technology and Environment Office and the responsible line agency, EMMU shall retain authority to directly control project activities, in order to ensure that project owners carry out effectively and regularly their environmental protection duties specified in Articles 41 and 42 of the EPL.

6. If environmental monitoring reports show that the implementation of the project's EMP does not fully and properly follow the determined plan, the EMMU of the concerned line ministry, in coordination with STEA and/or provincial, municipal or special zone Science, Technology and Environment Office must warn and advise the project owner to strictly implement the plan to timely address any deficiencies.

Part III

AWARDS AND SANCTIONS

Article 16: Awards

STEA, responsible agencies and local administrations have the right to make proposals for awards or award certificates, or other appropriate forms of recognition for the achievement of the EA process in the Lao PDR to persons, entities, companies or any organization, that have made remarkable accomplishments in environmental assessment activities.

Article 17: Sanctions

Any person, entity or any organization that violates this Regulation shall be sanctioned by the following measures: warning, education, fine and criminal punishment that is commensurate with the violation. In addition, STEA in conjunction with concerned agencies may impose additional sanctions, including orders to: (i) temporarily or permanently cease work on the development project (parts or whole), or (ii) mitigate or compensate for damages caused by the development project.

PART IV:

FINAL PROVISIONS

Article 18: Persons, entities, public and private organizations both domestic and foreign have strictly to implement this Regulation.

Article 19: The Department of Environment of the STEA is entrusted to guide and coordinate with other sectors in implementing this Regulation properly and fully.

Article 20: This Regulation will enter into force immediately after the signature. All previously promulgated regulations and instructions that are inconsistent with this Regulation are superseded.

Acting President
Science, Technology and Environment Agency

Definitions

1. Development Project:

Any project, which undertakes activities that cause direct or indirect environmental impacts.

2. Development Project Responsible Agency (DPRA):

- any central or local government agency responsible to different development projects of the government itself.
- office for domestic investment management, responsible for development projects proposed by persons, entities or private organizations from within the country.
- office for foreign investment management, responsible for development projects proposed by foreign persons, entities or organizations.
- other agencies, with a governmental mandate to be responsible for development projects.

3. Project Owner:

Any person, juridical person or organization that have the permission to study, explore, design, construct and implement a project. A project owner may come from the private sector, government sector or be an organization responsible for a development project.

4. Project Environmental Screening:

is research and identification of the different issues, which are components of a project for the purpose of establishing the classification of a project with regard to the requirement for EA.

5. Initial Environment Examination (IEE):

is the study, survey and analysis of the major environmental issues of a project, together with anticipated impacts from the project if no precautions or mitigation measures are taken. An Initial Environment Evaluation must discuss data obtained from the government agencies, other projects with similar activities or in similar location as well as other projects nearby and data obtained from field observations.

6. Environmental Impact Assessment (EIA):

is the study, survey and analysis of data to serve as basis for the assessment of environmental impacts likely to be caused by the project in the short and long term as well as the proposition of development alternatives together with measures for mitigation of impacts and restoration of the environment.

7. Environment Management Plan (EMP):

is a plan that is a part of the IEE/EIA Report. Its contents must be as follows:

- Measures for the prevention and mitigation of environmental impacts, which must be applied during construction, operation and closure of a project.
- Management, responsibilities and time tables for implementation of the EMP
- Plan for the monitoring and evaluation of the project environment for the construction, operation and closure phase of a project
- Financial planning, sufficient to cover all proposed activities of the EMP during the construction, operation and closure phases of a project.

8. Public Involvement (PI):

is a process of clarification, communication and collection of the opinions of all possible stakeholders and the integration of such opinions into the decision making process for the feasibility of a project. Public involvement also means the meetings of possibly affected parties and parties interested in the project during the review and approval process for IEE/EIA reports.

9. Project Cycle:

is the complete process of the project life cycle, which includes project identification, pre-feasibility study, feasibility study, project design, construction, operation and closure.

10. Feasibility Study:

is a report that studies the economic, technical, environmental and financial feasibility of the proposed project in order to form the basis for the approval of project proposals.

11. Project Concession Agreement:

is an agreement between the government and persons, entities or organizations for the persons, entities or organizations to undertake development projects in the Lao PDR, for instance hydro-power development projects, mining projects, forest concessions, agricultural land concessions etc.

12. Financial interest:

is the financial interest of persons, entities or organizations to receive benefits from the project as a result of their involvement in that project. Financial interest does not mean the fee to undertake IEE/EIA activities of the project.

13. Environment Monitoring and Evaluation:

is the monitoring of the implementation of the EMP of the project in the construction, operation and closure phase. It is also the investigation and observation of anticipated environmental impacts from the project and their actual extent. Actually occurring environmental problems must be recorded. This will allow for timely protection and mitigation measures and for a re-assessment of impacts from operation and the drawing of conclusions. It will also assure that the environmental work of a project proceeds according to the set rules.

General Contents and Format of an IEE report for development projects in the Lao PDR

1. Introduction
 - Name and address of project owner
 - Name, address and affiliation of the author of the report
 - Purposes of the report
 - Purposes of the project
 2. Project Description
 - Type, size and location of project
 - Project activities and their timing/sequence
 - I. construction period
 - II. operation period
 - III. closure period
 - Quantity and quality of raw material to be used
 - Quantity and quality of waste products generated by the project
 - Project costing
 3. Environmental description of project area (baseline data)
 - Physical;
 - Biological;
 - Economic;
 - Social
 4. Environmental Impacts
 - Impacts during project construction period
 - Physical (air, water, land)
 - Biological (fauna and flora)
 - Economic
 - Social
 - Impacts during project operation period
 - physical (air, water, land)
 - biological (fauna and flora)
 - economic
 - social
 - Impacts during project closure phase
 - physical (air, water, land)
 - biological (fauna and flora)
 - economic
 - social
 5. Environmental Management Plan or draft TOR for an EIA
- If the project is not required to undertake an EIA, the EMP must contain:
- protective or reductive measures for environmental impacts
 - compensation measures (if any)
 - institutional arrangements, timing and budgets for implementation of EMP
 - an environmental monitoring programme
6. Description of public involvement activities during IEE
 7. Conclusions and Recommendations

General contents and format of an EIA report for development projects in the Lao PDR

1. Executive Summary
2. Introduction
 - Name and address of project owner and DPRA
 - Name, address and affiliation of the author of the report
 - Purposes of the project
 - Institutional framework including relevant laws, regulations and international treaties that pertain to the project
3. Description of the environment in the project area (baseline data)
 - Physical;
 - Biological;
 - Economic;
 - Social
4. Identification and evaluation of reasonable alternatives for achieving the project purpose(s)
5. Direct and indirect significant environmental impacts including cumulative impacts for each of the alternatives
 - Impacts during project construction period (including preparation)
 - Impacts during project operation period
 - Impacts during project closure period • Compliance with laws, regulations, international treaties and land use or watershed management plans in the project area
6. Summary on PI activities during preparation of EIA report
7. Identification of the chosen alternative and reasons for choosing the alternative
8. Detailed description of the chosen alternative project
 - workplan including time intervals for operation of project
 - construction and
 - project costing
 - economic benefits versus environmental damage
 - social, natural resources, health risks and security of population
9. Environmental Management Plan to prevent and reduce environmental impacts
 - protective or reductive measures for physical, biological, economic and social impacts
 - compensation measures (if any)
 - environmental monitoring programme
 - training workshops for implementation of EMP

institutional arrangements, timing and budgets for implementation of EMP

10. Conclusions and Recommendations

11. References

12. Annexes

**General contents for an environmental compliance certificate upon project
environmental screening**

Under the form without *[or with conditions]*

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Prime Minister's Office
Science Technology and
Environment Agency No /STEA.PM
Vientiane,

Certificate

As a result of the project proposal review and recommendations of(DPRA), document nb. ..., of..... (month/ year), for Project.....(Project Name), conducted by.....(the name of company or any institution which is recruited for developing project description), STEA certifies that, according to the screening information provided by(DPRA), the project will not create adverse environmental and social impacts and agrees that the project in question does not require further environmental assessment.

Therefore, STEA issues a certificate to approve such project proposal.
[STEA issues the following certificate of approval for the project proposal with the following conditions:...]

President

Science Technology and Environment Agency

**General contents for an environmental compliance certificate on IEE report
Under the form without [or with conditions]**

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Prime Minister's Office
Science Technology and
Environment Agency No /STEA-PMO

Vientiane,.....

Certificate

As a result of the project initial environmental examination report review and recommendations by (name of DPRA), document nb..... of.....(month/year), on Project..... (Project Name), conducted by.....(the name of company or any institution which is recruited for conducting an IEE, STEA certifies that, according IEE information provided by DPRA, the report is complete and acceptable.

Therefore, STEA issues a certificate to approve such IEE including the attached EMP for the above mentioned project.

[STEA issues the following certificate of approval for the project proposal with the following conditions:...]

President
Science Technology and Environment Agency

General contents for an environmental compliance certificate of EIA report
Under the form without [or with conditions]
Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Prime Minister's Office
Science Technology and
Environment Agency No /STEА-PMO

Vientiane,.....

Certificate

As a result of the detailed project environmental impact assessment review of the report document of.....(month/year), Project.....(Project Name), conducted by..... (the name of company or any institution which is recruited for conducting an EIA report and detailed EMP), of.....(month/year) pertaining to the same project, STEA certifies that to the best of its knowledge the EIA report and EMP are complete and acceptable.

Therefore, STEA issues a certificate to approve such environmental assessment and the attached EMP for the above-mentioned project.

[STEA issues the following certificate of approval for the project proposal with the following conditions:...]

President
Science Technology and Environment Agency

General contents for Environmental Monitoring Report

1. Summary of the environmental effects of the project that were predicted during project planning.
2. Summary of the environmental effects which have been observed to date:
 - Predicted effects and nature of observation;
 - Unpredicted effects and nature of observation.
3. Project's compliance with environmental design specifications, including environmental protection and control, mitigation, reimbursement and comparison measures, if any.
4. Results of the ongoing monitoring of specific bio-physical and socio-economic effects, including the comparison of baseline values and monitoring results, if available.
5. Recommended adjustments to project operations if any, including the rationale for the recommendation.
6. Recommended adjustments to the monitoring program, if any, including the rationale for the recommendations.
7. Other observations, recommendations and conclusions.

Forms for inviting comments on IEE, TOR and EIA
I. Request for Comments on a draft IEE

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

(Name of Responsible Agency)

No /

Vientiane, date

To: (name of organization to provide comments)
Subject: Request for Comments on IEE report of(month/year) conducted by ... (name of drafting organization/ person(s)), project.... (name of project)
- based on the general environmental assessment regulations, nb.1770/STEA.PMO of 3/10/2000
(DPRA) is requesting (the organization which needs to comment) to provide comments on the attached IEE report of(month/ year), drafted by(name of persons/entities/ organizations involved).

Please provide your comments to(DPRA) before....(date).
We hope to receive your cooperation on this matter.

Name of DPRA

II. For comments on TOR for EIA report

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Prime Minister's Office
Science, Technology and
Environment Agency

No... /STEА-PMO
Vientiane, date

To (name of organization to provide comments)

Ref.: Request for Comments on TOR for EIA report of (month/year) conducted
by ... (name of drafting organization/person(s), project.... (name of project)

- based on the general environmental assessment regulation,

nb.1770/STEА.PMO of 3/10/2000

The Science, Technology and Environment Agency is requesting (the organization which needs to comment) to provide comments on the attached TOR for undertaking an EIA of(month/year), drafted by(name of persons/entities/organizations involved) for project(name of project).

Please provide your comments to the Science, Technology and Environment Agency before....(date).

We hope to receive your cooperation on this matter.

Director General of Cabinet
STEА

III. Request for comments to an EIA report

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Prime Minister's Office
Science, Technology and Environment Agency
No /STE.A.PMO

Vientiane, date

To (name of organization to provide comments)

Ref.: Request for Comments on the draft EIA report of (month/year) conducted by ...
(name of drafting organization/person(s)), project.... (name of project)
- based on the general environmental assessment regulation,

nb.1770/STE.A.PMO of 3/10/2000

The Science, Technology and Environment Agency is requesting (the organization which needs to comment) to provide comments on the attached draft EIA report of(month/year), drafted by(name of persons/entities/organizations involved) for project(name of project). The attachment consists of the EIA report and the executive summary.

Please provide your comments to the Science, Technology and Environment Agency before....(date).

We hope to receive your cooperation on this matter.

Director General of Cabinet

STE.A