

## Gap-Equivalence Analysis on Environment Safeguards

An assessment of the current environmental management system, based on approved laws and rules in Myanmar in terms of its equivalence to ADB SPS is presented in the table below. Provisions of the draft EIA Procedure are also included in the equivalence assessment. Findings are discussed below.

In general, the key principles of ADB SPS with the relevant Myanmar laws are fully equivalent in terms of integrating environmental considerations into the project decision making process. EIA or IEE are required for investment projects which potentially could cause impacts to the environment. In addition, the ECL, Environmental Conservation Rules and the draft EIA Procedure are fully equivalent with most of the basic components of environmental assessment as exemplified by the provisions supporting the process of screening, conduct of environmental assessment studies, identifying impacts, evaluation of alternatives, and preparation of EMP including the monitoring requirements. However, there are some gaps in terms of scoping, transboundary impact assessment, examination of alternatives, guidelines on environmental monitoring and reporting, grievance redress mechanism, environmental quality standards, among others.

### Gap Analysis on Environment Safeguards between ADB and Government of Myanmar

ADB SPS Principles	GOM Policy	Gap Equivalence
<p><b>Principle 1.</b> Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance or potential impacts and risks.</p>	<p>The <b>Environmental Conservation Law 2012</b> prescribes the duties and powers of MOECF to “cause to lay down and carry out a system of environmental impact assessment and social impact assessment as to whether or not a project or activity to be undertaken by any Government department, organization or person may cause a significant impact on the environment”.</p> <p>In the EIA Procedure, <b>Chapter 1 (2) (gg)</b>, “Scoping” is defined as “the process contemplated in Chapter V for determining the scope of the EIA (i.e. the data that need to be collected and analysed to assess the potential adverse impacts of a project) and producing a ToR for preparation of an EIA Report”. <b>Chapter 1 (2)(hh)</b> defines Screening as “the initial assessment that is made pursuant to this procedure to determine whether an IEE or an EIA is required to be carried out”.</p> <p><b>Chapter II, Article 9</b> also empowers the Ministry to define the Project screening criteria, approve technical guidelines for IEE and EIA, provide guidelines for, and approve TOR of EIA.</p> <p>An entire chapter on <b>Screening (Chapter III)</b> is presented in the draft EIA Procedure which stipulates that:  “17. The Project Proponent shall submit to the Department for Screening a Project Proposal completed in accordance with Ministry guidelines... The Ministry shall determine whether the Project according to the Annex 1 “Categorization of Economic Activities for Assessment Purposes”:  a) is an EIA Type project, or  b) is an IEE Type project, or  c) is neither an EIA nor an IEE Type project and therefore is not required to undertake any environmental assessment.  18. In making its determination for a project as to the type of</p>	<p>Partial equivalence on the principle of screening of projects at the early stage is noted by virtue of stipulations in the Environmental Conservation Law 2012 and draft EIA Procedure on the use of a screening process to determine the extent of environmental assessment and studies commensurate with the significance of environmental impacts of a project.</p> <p>Partial equivalence is noted on the scoping procedures. There are currently no guidelines and templates of sector-based ToR for different development projects on the scope of the EIA with reference to achieving good international practice.</p> <p>It is also suggested that the draft ToR be made public to allow stakeholders to have the ability to provide comments on the draft ToR before the MOECF and the Environmental Conservation Committee approve these.</p>

ADB SPS Principles	GOM Policy	Gap Equivalence
	<p>environmental assessment, the Project will require the Ministry to additionally consider the following factors on a Project or Project site specific basis:</p> <ul style="list-style-type: none"> <li>a) protection of cultural or religious norms, and historical or religious heritage;</li> <li>b) conservation and protection of biodiversity;</li> <li>c) introduction of exotic or alien species;</li> <li>d) adoption of new technologies;</li> <li>e) national security;</li> <li>f) climate change; and</li> <li>g) other factors as the Ministry may determine.”</li> </ul> <p><b>Article 42:</b> Based on the Scoping, the Project Proponent shall prepare the TOR for the investigations in accordance with applicable guidelines issued or adopted by the Ministry.</p>	
<p><b>Principle 2.</b> Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project’s area of influence. Assess potential transboundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.</p>	<p>Pursuant to <b>Article 7 of the Environment Conservation Law</b> and <b>Articles 52 and 53 of the Rules</b>, all Projects undertaken in the Republic Union of Myanmar by any ministry, government department, organization, corporation, board, development committee, local government or authority, company, cooperative, institution, enterprise, firm, partnership, or individual having the potential to cause significant Adverse Impacts are required to under IEE or EIA and to obtain an ECC in accordance with the EIA Procedure.</p> <p><b>Chapter V, Article 46:</b> An EIA investigation shall consider all biological, physical, social, economic, health, cultural and visual components of the environment, together with all pertinent legal matters relating to the environment (including land use, resource use, and ownership of and rights to land and other resources) that may be affected by the Project during all project phases including pre-construction, construction, operation, decommissioning, closure, and post-closure; and shall identify and assess all Adverse Impacts and risks for environment, social and, if relevant, health that potentially could arise form the Project.”</p> <p>The EIA Procedure also defines an environmental impact as direct or indirect, cumulative and positive or adverse or both, including residual impacts. Environmental impacts also include occupational, social, socio-economic, community health, and safety issues.</p> <p>In the Environmental Conservation Rules 2014, the Committee may, if it considers that it is necessary to conclude international, regional, bilateral agreements, instruments relating to environmental conservation, assign duty to the Ministry to carry out as may be necessary after submitting to and obtaining approval of the Union Government.</p>	<p>Partial equivalence is noted in the draft EIA Procedure and other laws/rules. There is no reference to assessment of transboundary impacts other than the requirement to consider international agreements and instruments. There is no reference to the use of strategic environmental assessment in the Environmental Conservation Law and in the draft EIA Procedure. Other environmental issues are considered in the review as well as the broad requirements in the project’s area of influence.</p>
<p><b>Principle 3.</b> Examine alternatives to the project’s location, design, technology, and components and their potential environmental and social impacts and document the rationale for</p>	<p>The draft EIA Procedure defines <b>Chapter 1 (Title and Definitions)</b> “Alternatives in relation to a proposed Project as different means of meeting the general purpose and requirements of the Project, which may include alternatives to: (i) the property on which or location where it is proposed to undertake the project; (ii) type of project to be undertaken; (iii) design or layout of the project; (iv) technology to be used in the project; (v) operational aspects of the project; (vi) any other</p>	<p>Partial equivalence.</p> <p>There is no explicit reference to environmental and social impacts in the analysis of alternatives as well as reference to a “no project” alternative.</p>

ADB SPS Principles	GOM Policy	Gap Equivalence
selecting the particular alternative proposed. Also consider the no project alternative.	<p>substantive characteristic or aspect of the project as deemed necessary or appropriate by the Ministry.”</p> <p><b>Chapter 5, Article 48:</b> The investigation shall also include an analysis of alternatives. Such analysis shall include a description of each alternative, and an assessment and comparison of the adverse impacts, required mitigation measures and residual impacts of the alternatives.</p>	
<p><b>Principle 4.</b> Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.</p>	<p>In the draft EIA Procedure (<b>Chapter 1-Title and Definitions</b>), <b>Best Available Techniques</b> or <b>BAT</b> means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle <b>avoidance</b>, prevention, reduction, mitigation and compensation as the basis for Emission Limit Values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.</p>	<p>There is partial equivalence of the draft EIA Procedure with this principle. The missing elements are offset of adverse impacts and the inclusion of budget/costs for EMP implementation in the EIA reports.</p>
<p><b>Principle 5.</b> Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women’s participation in consultation. Involve stakeholders, including affected people and concerned non-government organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken</p>	<p>In the draft EIA Procedure, <b>Section 10</b> stipulates:  “The Project Proponent shall arrange for appropriate public consultation through all phases of the IEE and EIA process as provided for in this Procedure.”  <b>Article 24 (b):</b> “arrange the required complement of consultation meetings as advised by the Ministry, with local communities, potentially PAPs, local authorities, community based organizations, and civil society.”  <b>Article 26 (f):</b> “results of the public consultation / public participation process and the Project Proponent’s written response to comments received during that process”.  <b>Article 29 (b) and (c):</b> “(b) invite comments and suggestions on the IEE Report from all relevant parties including relevant government organizations, institutions, civil society organizations, and PAPs, as appropriate; (c) arrange public consultation meetings at the local level, at which the Project Proponent shall present the IEE Report.”</p>	<p>The public consultation requirements of the draft EIA Procedure are equivalent with ADB SPS requirements except that there is no stipulation as to the extent and number of times consultation should occur, document the results of consultations and activities undertaken and recommend further ongoing consultations.</p> <p>The consultation procedures and timings should also be included in the Social Impact Assessment Guidelines.</p>

ADB SPS Principles	GOM Policy	Gap Equivalence
<p>into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.</p>	<p><b>Article 40:</b> "As part of the Scoping, the Project Proponent shall ensure that the following public consultation and participation process is carried out:  a) disclose information about the proposed Project to the public and civil society through local media, including by means of the prominent posting of legible sign boards and advertising boards at the Project site which are visible to the public; and  b) arrange the required complement of consultation meetings as advised by the Ministry, with local communities, potentially PAPs, local authorities, community based organizations, and civil society."  <b>Article 41:</b> "The Project Proponent shall prepare a Scoping Report with the following content: (g) Public Consultation and Disclosure."  <b>Article 50:</b> "The EIA shall consider the views, concerns, and perceptions of stakeholders, communities and individuals that could be affected by the Project or who otherwise have an interest in the Project. The EIA should include the results of public consultations and negotiations with the affected populations on the environmental and social issues. Public concerns should also be taken into account in assessing impacts, designing mitigation measures, and selecting monitoring parameters."  <b>Article 51:</b> "As part of the EIA investigations, the Project Proponent shall undertake the following consultation process:  a) timely disclosure of all relevant information about the proposed Project and its likely Adverse Impacts to the public and civil society through local and national media, the website of the Project Proponent, at public places such as libraries and community halls and sign boards at the Project site visible to the public  b) arrange consultation meetings at national, state and local level with PAPs, authorities, community based organizations, and civil society;  c) consultations with concerned government organizations including the Ministry, the concerned sector ministry, regional government authorities, and others."  <b>Article 61:</b> Any Project Proponent, Person or organization which has submitted an EIA in accordance with this Procedure, or government organization, or other Person or organization potentially affected by any adverse impacts of the Project, shall have the right to file an appeal to the Environmental Conservation Committee with respect to a decision by the Minister to reject or approve an EIA Report.</p>	<p>In terms of the grievance redress mechanism, there is partial equivalence of the draft EIA Procedure (Article 61) since the current GRM involve an appeal to the original decision-making body and not by a new entity or higher level of authority in some form of hearing.</p>
<p><b>Principle 6.</b> Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental</p>	<p>In the draft EIA Procedure,  <b>Article 27:</b> "Not later than ten (10) days after submission of the IEE Report to the Ministry, the Project Proponent shall disclose the IEE Report to civil society, PAPs, local communities and other concerned stakeholders by means of local media (i.e. newspapers, etc.), at public meeting places (e.g. libraries, community halls) and at the offices of the Project Proponent"  <b>Article 29:</b> "Upon receipt of the IEE Report from the Project Proponent, the Ministry shall:  a) disclose the IEE Report to the public by proper media;  b) invite comments and suggestions on the IEE Report from all</p>	<p>The draft EIA Procedure is partially equivalent to the information disclosure requirement of ADB SPS because of gaps in the disclosure of the draft environmental assessment in local language and disclosure of the final IEE/EIA after the review of the Ministry and receipt of comments from</p>

ADB SPS Principles	GOM Policy	Gap Equivalence
assessment, and its updates if any, to affected people and other stakeholders.	<p>relevant parties including relevant government organizations, institutions, civil society organizations, and PAPs, as appropriate;"</p> <p><b>Article 57:</b> "Upon receipt of the EIA Report from the Project Proponent, the Ministry shall:</p> <p>a) submit the EIA Report to the EIA Report Review Body for comment and recommendations;</p> <p>b) disclose the EIA Report to the public by proper media;</p> <p>c) invite comments and suggestions on the EIA Report from all relevant parties including involved government organizations, institutions, civil society organizations, and PAPs, as appropriate;"</p>	concerned stakeholders.
<p><b>Principle 7.</b> Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.</p>	<p><b>Chapter VII. Monitoring</b> (draft EIA Procedure): The Project Owner shall, during all phases of the Project (pre-construction, construction, operation, decommissioning, closure and post closure), engage in continuous, pro-active and comprehensive self-monitoring of the Project and activities related thereto, all adverse impacts and compliance with applicable laws and standards, the ECC and the EMP.</p> <p>In the draft EIA Procedure,</p> <p><b>Article 86:</b> The Project Owner shall timely submit monitoring reports to the Ministry in accordance with a schedule in the EMP.</p> <p><b>Article 87:</b> The monitoring reports shall include: a) documentation of compliance with all conditions; b) progress made to date on implementation of the EMP against the submitted implementation schedule; c) difficulties encountered in implementing the EMP and recommendations for remedying those difficulties and steps proposed to prevent or avoid similar future difficulties; d) number and type of non-compliance with the EMP and proposed remedial measures and timelines for completion of remediation; e) accidents or incidents relating to the occupational and community health and safety and the environment; and f) monitoring data of environmental parameters and conditions as committed in the EMP or otherwise required.</p> <p><b>Article 88:</b> The Project Owner shall within 10 days of completing a monitoring report contemplated in Article 86 make the report publicly available on the Project's website, at a designated public office as agreed with the Ministry and at the Project offices.</p>	The draft EIA Procedure is partially equivalent with ADB SPS. There is no provision on the frequency of submission of monitoring reports to the Ministry.
<p><b>Principle 8.</b> Do not implement project activities in areas of critical habitats, unless (i) there are no measureable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional</p>	<p><b>National Forest Policy (1995)</b> has among its goals, "to strengthen wildlife management through the establishment of a network of national parks, wildlife reserves and sanctuaries".</p> <p><b>Protection of Wildlife and Wild Plants and Conservation of Natural Areas Law (1994)</b> aims to implement the policy of protecting wild animals and wild plants; implement the policy of conserving natural areas; act in accordance with relevant conventions to which Myanmar has acceded; contribute towards natural history scientific research; and establish zoological and botanical gardens for the purpose of protecting wild plants and animals. The 1994 Law provides for:</p> <p>-A Committee for the Protection of Wildlife and Wild Plants and Conservation of Natural Areas, which is to serve as an advisory body to the Minister of Forestry; supervise implementation of the Law; give guidance in matters of research, conserving species in danger of extinction and international cooperation;</p> <p>-Categories of "natural areas" and zoological and botanical</p>	<p>The current laws are fully equivalent with principle of ADB SPS.</p> <p>The precautionary principle with regards to implementing projects in areas of critical habitats are stipulated in the 1994 Law while the need for the conduct of an EIA of projects located in protected areas is mentioned in the annex of the draft EIA Procedure.</p>

ADB SPS Principles	GOM Policy	Gap Equivalence
<p>programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development and management of renewable natural resources.</p>	<p>gardens, their declaration and uses;            -Categories of protected wild animals (almost the same as provided for under earlier law): completely protected, normally protected and seasonally protected;            -Hunting licenses;            -Establishment of zoological and botanical gardens;            -Registration of ownership of completely protected animals or trophies thereof;            -Administrative actions;            -Appeals;            -Offences and penalties.</p> <p>Myanmar is also signatory to international conventions, namely:            -Convention on Biological Diversity            -Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)            -Convention on International Trade in Endangered Species of Wild Fauna and Flora            -Convention on the Conservation of Migratory Species of Wild Animals            -UN Convention to Combat Climate Change.</p> <p><b>EIA Procedure, Annex 1. Categorization of Economic Activities for Assessment Purposes</b>, under the draft EIA Procedure:            Section h. An EIA is required in all cases where the project or activity will be located in or will have foreseeable adverse effects on any legally protected national, regional or state area, including without limitation: (i) a forest conservation area (including biodiversity reserved area); (ii) a public forest; (iii) a park (including marine parks); (iv) a mangrove swamp; (v) any other sensitive coastal area; (vi) a wildlife sanctuary; (vii) a scientific reserve; (viii) a nature reserve (ix) a geophysically significant reserve; (x) any other nature reserve nominated by the Minister; (xi) a protected cultural heritage area; and (xii) a protected archaeological area or area of historical significance.</p>	
<p><b>Principle 9.</b> Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges,</p>	<p><b>Environmental Conservation Law (2012)</b>  <b>Section 11:</b> The Ministry may, with the approval of the Union Government and the Committee, stipulate the following environmental quality standards: (a) suitable surface water quality standards in the usage in rivers, streams, canals, springs, marshes, swamps, lakes, reservoirs and other inland water sources of the public; (b) water quality standards for coastal and estuarine areas; (c) underground water quality standards; (d) atmospheric quality standards; (e) noise and vibration standards; (f) emission standards; (g) effluent standards; (h) solid waste standards; (i) other environmental quality standards stipulated by the Union Government.  <b>Section 13:</b> The Ministry shall, under the guidance of the Committee, maintain a comprehensive monitoring system and implement by itself or in co-ordination with relevant Government departments and organizations in the following matters: (k) the use of agro-chemicals which cause to impact on the environment significantly; (l) transport, storage, use, treatment and disposal of pollutants and hazardous substances in industries; (m) disposal</p>	<p>The existing provisions in the Environmental Conservation Law 2012, Environmental Conservation Rules 2013, and the draft EIA Procedure apply the pollution prevention and control principles with international good practices.</p> <p>However, there are currently no environmental standards that may be referred to when defining the allowable levels of emissions that may be discharged to the environment. There are also no specific laws, regulations and standards for the management of hazardous</p>

ADB SPS Principles	GOM Policy	Gap Equivalence
<p>including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phase-outs. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</p>	<p>of wastes come out from exploration, production and treatment of minerals, industrial mineral raw materials and gems;</p> <p>(n) carrying out waste disposal and sanitation works;</p> <p>(o) carrying out development and constructions;</p> <p>(p) carrying out necessary matters relating to environmental pollution.</p> <p><b>Section 14:</b> A person causing a point source of pollution shall treat, emit, discharge and deposit the substances which cause pollution in the environment in accord with stipulated environmental quality standards.</p> <p><b>Section 15:</b> The owner or occupier of any business, material or place which causes a point source of pollution shall install or use an on-site facility or controlling equipment in order to monitor, control, manage, reduce or eliminate environmental pollution. If it is impracticable, it shall be arranged to dispose the wastes in accord with environmentally sound methods.</p> <p><b>Environmental Conservation Rules (2014)</b></p> <p><b>Section 41:</b> The Ministry shall determine categories and classes of hazardous wastes, in coordination with the relevant Government department or organization, which may come out from producing or using chemicals or other hazardous materials in industries, agricultural businesses, mineral explorations, livestock breeding and fisheries, waste disposal and other works.</p> <p><b>Section 42:</b> The Ministry, to enable to promote the establishment of necessary facilities or centers for the treatment of solid waste, liquid waste and emissions which contain poisonous and hazardous materials, in cooperation with the relevant Government departments, Government organizations, experts:</p> <p>(a) shall cause to carry out waste treatment by the categories of business which emit or produce solid wastes, liquid wastes, emissions, radiations which contain poisonous and hazardous materials by establishing their own facility or centre, or collective facility or centre;</p> <p>(b) shall determine the period to establish waste treatment facilities or centres by the businesses which are established before the issue of these rules and which are responsible to establish their own or collective waste treatment facility or centre;</p> <p>(c) may assign duty to the Department to inspect and report whether or not the relevant businesses comply with as contained in sub-rule (a) relating to the waste treatment.</p> <p><b>Section 43:</b> The Ministry:</p> <p>(a) may determine terms and conditions for treatment of effluent in industrial areas, special economic zones and other necessary areas and buildings, and terms and conditions of emissions of machine, vehicle and machineries; (b) may prescribe manners for supervision relating to confiscation, storing, keeping safety measures, transport, import, export of disposed hazardous material, management, treatment and disposal of such material by high technology; (c) may adopt necessary better measures relating to the maintenance, store, transport and destruction of solid waste in coordination with the relevant Government departments and Government organizations; (d) may adopt manners for cleaner production mechanisms and recycling of natural resources and wastes in industries and businesses.</p> <p><b>Section 44:</b> The Department shall prepare, in coordination with</p>	<p>materials/wastes, greenhouse gas emissions, solid wastes, wastewater effluents, and air pollutants.</p>

ADB SPS Principles	GOM Policy	Gap Equivalence
	<p>the relevant Government departments, Government organizations, if it is necessary, suitable non-governmental organizations, in accord with the guidance of the Ministry, the categories and classes of hazardous wastes which may come out from producing or using chemicals or other hazardous materials in industry, agricultural business, mineral exploration, livestock breeding and fishery, waste disposal and other works, and submit to the Ministry.</p> <p><b>Section 45:</b> The Department shall inspect whether or not the businesses which are responsible to establish waste treatment facility or centre under rule 42 comply with the stipulations relating to waste treatment and carry out, and submit in accord with the guidance of the Ministry.</p> <p><b>Section 46:</b> The Department: (a) shall prepare terms and conditions for treatment of effluent in industrial areas, special economic zones and other necessary areas and buildings, and terms and conditions relating to emissions of machine, vehicle and machineries and submit to the Ministry; (b) shall prepare manners for supervision relating to confiscation, storing, keeping safety measures, transport, import, export of disposed hazardous materials, management, treatment and disposal of such material by advanced technology and submit to the Ministry; (c) shall cause to implement and supervise the measures adopted by the Ministry for the betterment of the destruction, store, and transport of solid waste; (d) shall submit to the Ministry after inspecting whether or not the manners adopted by the Ministry for cleaner production.</p> <p><b>Environmental Impact Assessment Procedure</b></p> <p><b>Section 73:</b> The Ministry may prescribe conditions of an ECC. Such conditions may encompass any or all of:</p> <p>(b) Emissions: (i) Emissions not allowed, (ii) Emission Limit Values in terms of types, substances, loads, concentrations, rates, timing, duration, frequency, seasons, Project phase, (iii) Emission points, (iv) form and media, (v) recipients, (vi) contribution to Environmental Quality Standards, (vii) statistical methods for determining compliance;</p> <p>(c) Use of energy and natural resources: amounts, type, origin of resource, rates, effectiveness of use, waste generation;</p> <p>(d) Pollution Prevention: Effectiveness of production or construction methods or waste storage and treatment facilities to (i) prevent or, where this is not practicable, to minimize pollution, and to (ii) prevent or minimize the risk of pollution;</p> <p>(e) Nature conservation and management: (i) sites, environments or species, (ii) effectiveness of environmental measures to prevent or minimize Adverse Impacts on certain environments or species;</p> <p>(f) Hazardous or toxic materials including waste: (i) limits to the types, categories, and amounts, (ii) methods and systems of collection, storage, handling, transport, treatment and disposal;</p> <p>(g) Waste management: (i) limits to the types, categories, and amounts of waste (liquid, solid, atmospheric) generated, (ii) methods and systems of collection, storage, handling, transport, treatment and disposal, (iii) recycling or reuse of wastes;</p> <p>(h) Transport and access: (i) access points, (ii) means of</p>	



ADB SPS Principles	GOM Policy	Gap Equivalence
	<p>transport of materials and people to and from the Project, (iii) transport routes for products, materials or waste, (iv) access control measures;</p> <p>(i) Decommissioning, rehabilitation, clean-up and closure: (i) sites, areas / environments and facilities, (ii) objectives and standards, (iii) site conditions and after use, (iv) timing, (v) controls and monitoring;</p> <p>(j) Control measures: (i) prevention of accidents, (ii) measures and procedures in case of accidents, incidents, and operational irregularities, (iii) control and maintenance of pollution prevention / minimization measures, (iv) safety zones;</p> <p>(k) Monitoring: i) parameters, ii) methods, iii) sampling and analyses, iv) point of monitoring, v) frequency, vi) timing, vii) data management, viii) maintenance and control of monitoring equipment, ix) documentation and reporting;</p>	
<p><b>Principle 10.</b> Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize adverse impacts and risks to the health and safety of local communities.</p>	<p><b>Environmental Impact Assessment Procedure</b></p> <p><b>Article 54 (9.0):</b> The Project Proponent is responsible for the preparation of an EIA Report which shall contain the following:</p> <p>9.0 Environmental Management Plan</p> <p>9.4.2.1 Thematic Sub-Plans: Noise, waste, air quality, odor, chemicals, water quality, erosion and sedimentation, biodiversity, occupational and community health and safety, cultural heritage, employment and training.</p> <p>9.4.3 Emergency Plan</p> <p>Article 73: The Ministry may prescribe conditions of an ECC. Such conditions may encompass any or all of:</p> <p>j) Control measures: (i) prevention of accidents, (ii) measures and procedures in case of accidents, incidents, and operational irregularities, (iii) control and maintenance of pollution prevention/minimization measures, (iv) safety zones.</p>	<p>The Environmental Conservation Rules 2014 and draft EIA Procedure include the requirement on ensuring occupational and community health and safety. However, specific guidelines on the protection of workers are still missing.</p>
<p><b>Principle 11.</b> Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.</p>	<p><b>Protection and Preservation of Cultural Heritage Regions Law (1998), Chapter II.</b> The objectives of this law are as follows: (a) to implement the protection and preservation policy with respect to perpetuation of cultural heritage that has existed for many years; (b) to protect and preserve the cultural heritage regions and the cultural heritage therein so as not to deteriorate due to natural disaster or man-made destructions; (c) to uplift hereditary pride and to cause dynamism of patriotic spirit of citizens by protecting and preserving the cultural heritage regions; (d) to promote public awareness and will as to the high value of the protection and preservation of the cultural heritage regions; (e) to protect the cultural heritage regions from destruction; (f) to carry out protection and preservation of the cultural heritage regions in conformity with the International Convention approved by the State.</p> <p><b>Environmental Conservation Law (2012)</b></p> <p>(a) Environment means the physical factors in the human environment, including land, water, atmosphere, climate, sound, odour, taste, the biological factors of various animals and plants and <b>historical, cultural</b>, social and aesthetic factors;</p> <p><b>Environmental Conservation Rules (2014)</b></p> <p><b>Article 48:</b> The Ministry may carry out or assign duty to the</p>	<p>There is partial equivalence with ADB SPS principle on conservation of physical cultural resources since there are no specific requirements for "chance find" procedures as well as requirements for pre-approval of any management and conservation approach for materials that may be uncovered.</p>

ADB SPS Principles	GOM Policy	Gap Equivalence
	<p>Department for cooperation and carrying out with the relevant Government departments, Government organizations in the matters of environmental conservation for the perpetuation of cultural heritage areas, natural heritage areas, <b>cultural monuments and buildings</b>, and natural areas stipulated under any existing law.</p> <p><b>Article 49:</b> The Ministry may assign duty to the Department to cooperate with the relevant Government departments and Government organizations for making proper land use for the perpetuation of natural resources and cultural heritages contained in section 18 of the Law.</p>	

## Notes:

"Full equivalence" denotes that the national legal instruments and policy are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof; "Partial equivalence" denotes that the national legal instruments and policy are in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and "No Equivalence" denotes that no national legal instruments and policy can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element.

Source: Final Report, February 2015, TA 7566 Subproject: Capacity Building for Implementing Environment and Social Safeguards in Myanmar, pages 24 - 33