

Comparative Analysis of Cambodia Legal Framework and ADB Safeguard Policy Statement: ENVIRONMENT

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of the draft of the Law on EIA ¹	(C) Extent of Equivalence ²	(D) Recommended Gap-filling Measures
Policy Principle 1: 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 of potential impacts and risks.			
	<p>The Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996 states that the nature and size of the proposed projects and activities and existing and in-process activities, both private and public, that shall be subject to that environmental impact assessment shall be determined by Sub-decree following a proposal of the Ministry of Environment.</p> <p>Sub-Decree 72 on EIA Process (1999) Annex define types and sizes of projects requiring IEIA or EIA.</p> <p>Article 14 of the Sub-decree states that the project will conduct and submit the IEIA or EIA, as relevant to the Ministry of Environment</p> <p>Article 15 mentions that the report will be reviewed by the MoE and its findings and recommendations will be sent to the project sponsor and</p> <p>Article 16 makes a decision that a full EIA is required, the project sponsor will be required to comply with this decision</p>	<p>Partial equivalence</p> <p>There are no clear guidelines for screening criteria and the process for determination of this</p>	<p>For Full Equivalence the Ministry of Environment should adopt mandatory guidance as proposed under the the draft Law on EIA..(Full Equivalence.</p>
11 Policy Principle 2: 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 trans-boundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.			


¹ There are relevant provisions of the Law on Environmental protection and natural resources management, 1996 , Law on Protected Area Management, 2008, Sub-decree 72 on EIA Process, 1999, Declaration on General Guideline for conducting IEIA/EIA Reports, 2009, Draft new Law on EIA (under development)

² "Full Equivalence" denotes that the Cambodia's legal requirement(s) are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof. "Partial Equivalence" denotes that the Cambodia's legal requirement is in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and "No Equivalence" denotes that no Cambodia's legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element.

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<p>Key element (1)</p> <p>Identify indirect as well as direct impacts</p>	<p>Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996 Article 3 is explicit in recognition of the need to (i) identify important environmental issues and important natural resource management issues that are related to socioeconomic development and (ii) set forth measures for ensuring environmental management.</p> <p>Sub-Decree 72 on EIA Process (1999) also makes reference to the need for undertaking an impact assessment of all development projects, which means the assessment of impacts of such development activities.</p> <p>Both the law and sub-decree are silent in terms of whether both direct and indirect impacts need to be assessed, although it might be implicitly recognized as being necessary to be undertaken</p>	<p>Partial equivalence</p> <p>There is no reference to indirect impacts to be assessed in EAs</p>	<p>For Full Equivalence, the draft Law on EIA that is under preparation should clearly specify that both direct and indirect impacts should be assessed and guidelines for EIA and TORs for preparation of project specific EIAs to be prepared by MOE should provide clear direction and guidance on assessments of direct and indirect impacts. Guidelines should be prepared by MOE for key development activities/sectors identifying potential likely direct and indirect impacts that would assist the developer to undertake the preparation of EIAs.</p>
<p>Key element (2)</p> <p>Identify cumulative impacts</p>	<p>There is no explicit reference to “identification of cumulative impacts” in the legal framework. All potential references to cumulative impacts are implicit.</p> <p>Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996 Article 4 and 5 mentions the preparation of regional environmental plans as such:</p> <p>Article 4</p> <p>Regional Environmental Plans shall be consistent with the National Environmental Plan. Regional Environmental Plans shall:</p> <ul style="list-style-type: none"> • identify important environmental issues and important natural resource management issues that are related to socio-economic development of the respective regions; • set forth measures for ensuring environmental management in the said region. <p>Article 5</p> <p>The National and Regional Environmental Plans shall be reviewed and revised at least once every five years.</p>	<p>Partial equivalence.</p> <p>While regional environmental plans are expected to be prepared every five years, it is unclear if the individual project EAs have to be reviewed and defined within the context of these plans</p>	<p>For Full Equivalence the legal framework should incorporate the provisions of Article 38 of the draft Law on EIA on Principles and Methodology of Cumulative Impact Assessment</p>

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Key element (3) Identify induced impacts	There is no explicit reference to “induced impacts” in the legal framework. All potential references to indirect impacts are implicit.	No Equivalence	For Full Equivalence the draft Law on EIA should include specific instructions on assessing induced impacts and guidelines to be developed by MOE for implementation of the new Law on EIA should provide guidance on likely induced impacts from key sector development activities to guide project proponents in assessing induced impacts.
Key element (4) Identify physical impacts	<p>There is no explicit reference to “physical impacts” in the legal framework. All potential references to physical impacts are implicit. The broad reference in the current legislation is to “assessment of environmental impacts”, but there is no definition of what “environmental impacts” entail. There is some definitions in terms of the Law on EPNRM (1996) that defines what “natural resources” are (see below), but this is not explicitly defined in the sections relating to EIA nor in Sub-Decree 72 on EIA process</p> <p>The Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996- Article 8 defines the natural resources as such:</p> <ul style="list-style-type: none"> -The natural resources of the Kingdom of Cambodia, which include land, water, airspace, air, geology, ecological systems, mines, energy, petroleum and gas, rocks and sand, precious stones, forests and forest products, wildlife, fish, [and] aquatic resources, shall be conserved, developed, and managed [and] used in a rational and sustainable manner. -Natural resource protected areas, which include national parks, wildlife sanctuaries, protected landscape areas, [and] multiple use areas, shall be determined by Royal Decree. 	Partial Equivalence.	For Full Equivalence the draft Law on EIA and guidelines to be issued by MOE for implementation of the EIA law should clearly and define the specific types of impacts (physical, biological, cultural, socio-economic, etc.) that need to be assessed as part of the EIA process.
Key element (5) Identify biological impacts	There is no explicit reference to “identification of biological impacts” in the legal framework. All potential references to biological impacts are implicit. The broad reference in the current legislation is to “assessment of environmental impacts”, but there is no definition of what “environmental impacts” entail. There is some definitions in terms of the Law on EPNRM (1996) that defines what “natural resources” are (see below), but this is not explicitly defined in the sections relating to EIA nor in Sub-Decree 72 on EIA	Partial Equivalence Existing legislation, including the draft Law on EIA currently does not	For Full Equivalence, the proposed Law on EIA should include clear reference to the need to identify biological impacts.

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	<p>process</p> <p>The Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996- Article 8 defines the natural resources as such:</p> <p>-The natural resources of the Kingdom of Cambodia, which include land, water, airspace, air, geology, ecological systems, mines, energy, petroleum and gas, rocks and sand, precious stones, forests and forest products, wildlife, fish, [and] aquatic resources, shall be conserved, developed, and managed [and] used in a rational and sustainable manner.</p> <p>-Natural resource protected areas, which include national parks, wildlife sanctuaries, protected landscape areas, [and] multiple use areas, shall be determined by Royal Decree</p> <p>The Law on Protected Areas (2008) Article 44: requires the following actions in relation to protected areas:</p> <p>-To minimize adverse impacts on the environment and to ensure that management objectives of protected areas are satisfied, an Environmental and Social Impact Assessment shall be required on all proposals and investment for development within or adjacent to protected area boundary by the Ministry of Environment with the collaboration from relevant ministries and institutions.</p> <p>-The procedures for Environmental and Social Impact Assessment for any projects or activities shall comply with provisions pertaining to the process of Environmental and Social Impact Assessment.</p>	<p>contain clear and explicit reference to identification of biological impacts</p>	
<p>Key element (6)</p> <p>Identify socioeconomic impacts (including on livelihood through environmental health and safety, vulnerable groups, and gender issues,)</p>	<p>There is vague reference to identification of socio-economic impacts in the current legislation. The Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996 Article 16 has the following reference to this, namely that the Ministry of Environment, following a request from the public, shall provide information on its activities, and shall encourage public participation in environmental protection and natural resource management.</p> <p>Article 8: Sub-Decree 72 on EIA Process (1999) requires the Project Sponsor to 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.</p>	<p>Partial Equivalence</p> <p>The Draft Law on EIA defines Environmental Impact Assessment as a detailed assessment of impact on environment and society. EIA is the process of study and prediction of positive and negative impact on environment and society.</p> <p>It defines Social Impact Assessment as a process of study and prediction of positive and negative</p>	<p>For Full Equivalence. should also include specific reference to addressing gender issues.</p>

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		<p>impacts on the socio-economic aspects of society from projects and different development activities together with determination of appropriate measures to protect, mitigate, and compensate project-impacted-persons for the impacts on their lives, livelihoods, welfare, and health.</p> <p>Article 5 of the draft EIA Law states that all development projects must conduct prior Environmental Impact Assessment (EIA) which encompasses impacts to the environment, economy, society, and culture before being sent to the government for approval.</p> <p>Article 19 of the draft EIA Law requires that the EIA report include a detailed Environmental Management and Monitoring Plan (EMP) based on the environmental and social impacts and mitigation measures of the project.</p> <p>Article 19 of the draft</p>	

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		<p>EIA Law requires that before the decision of granting a permit or EIA approval certificate to development projects which are located in the areas where the ethnic minority groups live, the MoE, members of the Expert Review Committee, and relevant stakeholders involved in the decision making, must take strong heed and special considerations about the project in order to avoid negative impact on the custom, tradition, culture, livelihood, and the property of the ethnic minority groups</p>	
<p>Key element (7)</p> <p>Identify impacts on physical cultural resources</p>	<p>There is no explicit reference to “identification of impacts on physical/cultural resources” in the legal framework for the environment.</p> <p>The Law on Protection of Cultural Heritage is intended to protect national cultural heritage and cultural property in general against illegal destruction, modification, alteration, excavation, alienation, exportation or importation.</p>	<p>Partial Equivalence</p> <p>The Draft Law EIA Article 5 seeks to require all development projects to conduct EIA which encompasses impacts to the environment, economy, society, and culture before being sent to the government for approval..</p>	<p>For Full Equivalence the legal framework should incorporate the provisions relative to assessment of impacts on cultural resources as proposed in the Draft Law on EIA.</p>
<p>Key element (8)</p> <p>Identify impacts in the</p>	<p>The Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996 Article 6 has the following instructions regarding evaluation of project impacts:</p>	<p>Partial Equivalence</p> <p>The existing legislation</p>	<p>For Full Equivalence the proposed Draft Law on EIA</p>

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context of the project's area of influence	<p>An environmental impact assessment shall be done on every project and activity, private or public, and shall be reviewed and evaluated by the Ministry of Environment before being submitted to the Royal Government for decision.</p> <p>This assessment shall also be done for existing and in-process activities that have not yet been assessed for environmental impact.</p> <p>The procedures of the environmental impact assessment process shall be determined by Sub-decree following a proposal of the Ministry of Environment.</p> <p>The nature and size of the proposed projects and activities and existing and in-process activities, both private and public that shall be subject to that environmental impact assessment shall be determined by Sub-decree following a proposal of the Ministry of Environment.</p>	does not make explicit reference to determination of impacts within the context of a project's influence area	and/or the guidelines issued under the Draft Law should include specific requirement to define and assess impact of the project's area of influence.
<p>Key element (9)</p> <p>Assess potential trans-boundary impacts</p>	.	<p>No Equivalence</p> <p>The draft Law on EIA requires the conduct of trans-boundary EIAs for projects that are likely to have impacts beyond national boundaries. The draft Law has instructions on: (i) screening criteria and framework for preparation of trans-boundary EIA (TbEIA); (ii) process for informing and discussing with affected countries and stakeholder participation provisions; and (iii) measures for mitigation and monitoring of impacts</p>	For Full Equivalence the legal framework should include the trans-boundary impact assessment provisions in the Draft Law on EIA
<p>Key element (10)</p> <p>Assess potential global impacts, including climate</p>	<p>There is no explicit reference to assessment of global impacts, either in the Law on Environmental Protection and Natural Resources Management (1996) or in Sub-Decree 72 on EIA Process.</p> <p>Sub-Decree 27 Water Pollution Control (1999) and Sub-Decree 42 Air Pollution Control and Noise Disturbance (2000) provides for measures to protect environment quality from water and air pollution</p>	<p>No Equivalence</p> <p>However, the draft Law on EIA (Chapter 8) requires all IEE and EIA to analyze and assess the</p>	For Full Equivalence the legal framework should include the provisions set out in Chapter 8 of the Draft Law on EIA relating to global impacts,

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change	respectively through monitoring, eliminating and mitigating impacts of pollution.	<p>potential impacts and vulnerability of the Project, caused by climate change and development activities that are potentially imbalanced by affected environmental conditions, by finding measures to mitigate the potential risks associated with climate change impacts and in order to achieve low-carbon economic development which is a primary target of Green Growth.</p> <p>All EIAs to include the assessment on the risks and vulnerability of climate change (using at least two scenarios of weather extremes).</p> <p>Project Proponents to propose and analyze mitigation measures in the EIA study which reduce climate change risks and include emergency response planning and technology choices to prepare for climate change impacts.</p> <p>A carbon footprint of the project is to be calculated and included in the IEE or EIA utilizing analysis on</p>	including climate change.

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		<p>low carbon emissions, with the objective of sustainable products usage and supplies for accomplishing Green Growth.</p> <p>The Project Proponent would be required to seek (a) low carbon energy options, (b) the need to mitigate climate induced changes to water supply, and (c) resulting changes in the project's carbon footprint.</p>	
<p>Key element (11) Use strategic environmental assessment</p>	<p>No provision exists in the legislation to use strategic environmental assessment.</p> <p>There is some vague reference in Article 4 of the Law on Environmental Protection and Natural Resources Management requiring regional environmental plans to be prepared that identify important environmental and natural resources management issues related to socio-economic development and set forth measures for ensuring environmental management in such regions. However, it is unclear if this is actually commensurate with a strategic environmental assessment</p>	<p>No Equivalence</p> <p>However Section 4 of the Draft Law on EIA has specific provisions for the conduct and use of Strategic Environmental Assessment (SEA) to promote sustainable development by evaluating, strengthening and integrating policy, planning and programs of the government in processing making of its development projects.</p> <p>It provides an opportunity to actively guide development in a sustainable manner and promote consideration of</p>	<p>for Full Equivalence the legal framework should include the SEA provisions of Section 4 of the draft Law on EIA..</p>

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		<p>a broad range of alternatives, improve the analysis of large scale impacts including health impacts and trans-boundary impacts that cover national, regional and global concerns.</p> <p>The SEA process is intended to assess policies, programs and strategic plans of the Government and in particular focus on important development sectors such as energy, transport, extraction industries (mining, water resources, forestry), tourism, agriculture, infrastructure and other relevant sectors.</p>	
<p>Policy Principle 3: Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no-project alternative.</p>			
<p>Key element (1) Examine alternatives to the project's location, design, technology.</p>		<p>No Equivalence</p> <p>Chapter 5 of the Draft Law on EIA requires Project Proponents are required to include public involvement and consultant in the EIA process at project planning in order to: (i) identify areas of cultural and social significance</p>	<p>For Full Equivalence the legal framework should include the provisions on alternatives assessment in on the draft Law on EIA . In addition, specific requirements with respect to the assessment of alternative locations, design features and technologies should be included.</p>

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		collect opinions of stakeholders and integrate such opinions into the decisions making process; (ii) review the project proposal and explain social and environmental impacts’ (iii) consider a wider range of alternatives and mitigation measure	
Key element (2) Consider the no-project alternative		No Equivalence	For Full Equivalence the draft Law on EIA should require project proponents to also consider the “no-project” alternative.
Policy Principle 4: 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.			
Key element (1) 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	Article 3 of the Law on Environmental Protection and Natural Resources Management that requires the Ministry of Environment to follow up, monitor and take appropriate measures to ensure a Project Sponsor will comply with the Environmental Management Plan (EMP) during project construction, implementation, and closure as described in the approved EIA report.	Partial Equivalence The draft Law on EIA requires the determination of appropriate measures to protect and mitigate the impact on environment and society from projects and different development activities. Sections 3 (Health Impact Assessment) and Section (Trans-boundary Impact Assessment) requires Project Proponent to present proposed	For Full Equivalence the legal framework should incorporate the provisions of the draft law on EIA with respect to impact a, minimization, mitigation and offsets In addition the legal framework should include provisions applicable relating to avoidance of impacts where possible, and extending to all sectors.

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		mitigation measures to eliminate, diminish or offset the predicted project impacts.	
Key element (2) Prepare an environmental management plan (EMP)	<p>The requirement for an EMP is mentioned in Sub-Decree 72 on EIA Process (1999), although it is defined in the context of responsibilities of the MOE and Project Approval Institutions rather than on the responsibility of preparation of an EMP by the Project Developer, as stated in Articles 3, 27, 28 and 29.</p> <p>Article 3 calls upon the Ministry of Environment to follow up, monitor, and take appropriate measures to ensure a Project Sponsor will comply with the Environmental Management Plan (EMP) during project construction, implementation, and closure as described in the approved EIA report.</p> <p>Article 27 requires the Project Approval Institution to provide guidelines to Project Sponsor on the Environmental Management Plan as approved in the EIA report by the Ministry of Environment, and .</p> <p>Article 28: mentions that the Ministry of Environment will 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.</p> <p>Article 29: mentions that if the Project Sponsor 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.</p> <p>Further Chapter 7 of the Draft Law on EIA requires that an Environmental Management Plan (EMP) be prepared by the Project Proponent. The EMP shall include the protection, mitigation, monitoring and management requirements that were identified in the EIA.</p>	<p>Partial Equivalence</p> <p>In the absence of guidelines for EIA as required by the Law on EPNRM and Decree 72, there is no specific guidance in terms of the content of the EMP.</p>	For Full Equivalence the legal framework should adopt guidelines for EIA as required by the Law on EPNRM and Decree 72 .
Key Element (3) Prepare an environmental management plan (EMP) that includes the proposed... environmental monitoring and reporting requirements	<p>The requirement for an EMP is mentioned in Sub-Decree 72 on EIA Process (1999), although it is defined in the context of responsibilities of the MOE and Project Approval Institutions rather than on the responsibility of preparation of an EMP by the Project Developer, as stated in Articles 3, 27, 28 and 29.</p> <p>Article 3 calls upon the Ministry of Environment to follow up, <u>monitor</u>, and take appropriate measures to ensure a Project Sponsor will comply with the Environmental Management Plan (EMP) during project construction, implementation, and closure as described in the approved EIA report.</p> <p>Further Chapter 7 of the Draft Law on EIA requires that an Environmental Management Plan (EMP) be prepared by the Project Proponent. The EMP shall include the protection, mitigation, monitoring and management requirements that were identified in the EIA.</p>	<p>Partial Equivalence</p> <p>The legislation lacks requirements for reporting of monitoring results and the frequency of reporting</p>	For Full Equivalence the legal framework should require project proponents to prepare EMPs that include explicit monitoring and reporting requirements
Key Element (4)	While, there is requirement to prepare an EMP, there is no reference to arrangements for its	No Equivalence	For Full Equivalence the legal framework should require that

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Prepare an environmental management plan (EMP) that includes... related institutional or organizational arrangements	implementation Chapter 7 of the Draft Law on EIA requires that an Environmental Management Plan (EMP) be prepared by the Project Proponent. The EMP shall include the protection, mitigation, monitoring and <u>management</u> requirements that were identified in the EIA.	Lack of specific requirement for defining institutional and organizational arrangements, for implementation of EMP	project proponents prepare EMPs that include management arrangements for EMP implementation.
Key Element (5) Prepare an environmental management plan (EMP) that includes the proposed... capacity development and training measures	None	No Equivalence There is lack of reference to requirement for including capacity development and training as part of EMP	For Full Equivalence, the legal framework should explicitly specify the need to include measures for capacity development and training as part of EMP.
Key Element (6) Prepare an environmental management plan (EMP) that includes the proposed ... implementation schedule	None	No Equivalence The legislation does not refer to requirement for implementation schedule in EMP	For Full Equivalence, the legal framework n should explicitly specify the need for an EMP implementation schedule.
Key Element (7) Prepare an environmental management plan (EMP) that includes the proposed... cost estimates	None	No Equivalence No reference for inclusion of cost estimates for EMP in the legislation	For Full Equivalence, the legal framework should explicitly the specify need for cost estimates and of funding sources for effective EMP implementation.
Key element (8) Prepare an environmental management plan (EMP) that includes the proposed ...performance indicators	None	No Equivalence The legislation lacks mention of requirement for performance indicators	For Full Equivalence, the legal framework n should explicitly require inclusion of indicators to monitor the effectiveness of EMP implementation .

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		for EMP implementation	
<p>Policy Principle 5: 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 nongovernment 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 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>Key element (1) Carry out meaningful consultation with affected people and facilitate their informed participation</p>	<p>The Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996 refers to participation of public in environmental protection as such:</p> <p>Article 16 The Ministry of Environment, following a request from the public, shall provide information on its activities and shall encourage public participation in environmental protection and natural resource management.</p> <p>Article 17 The procedures for public participation and access to information on environmental protection and natural resource management shall be determined by Sub-decree following a proposal of the Ministry of Environment.</p> <p>Article 18 Information related to environmental protection or natural resource management shall be mutually disseminated between the Ministry of Environment and different ministries.</p> <p>Sub-Decree 72 on EIA Process (1999) refers to public participation in the EIA process as outlined below,</p> <p>Article 1: defines one of the main objectives of the sub-decree as 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.</p> <p>While the legislation refers to public participation in the EIA process, there is no explicit reference to identification of affected people and other relevant stakeholders</p>	<p>Partial Equivalence</p> <p>Chapter 5 of the Draft Law on EIA includes several provisions on the public participation process in the EIA as described below:</p> <p>The main objective of the public participation is to ensure that project-affected persons and concerned stakeholders are well informed about the project, and have the opportunity to be involved in discussion and the decision-making process related to the project, participate in the project monitoring.</p> <p>Project Proponents are required to include public involvement and consultation in the EIA process at project planning in order to:</p> <ul style="list-style-type: none"> -identify areas of cultural and social significance -collect opinions of 	<p>For Full Equivalence the legal framework should incorporate the provisions of the draft Law on EIA relating to consultation with and informed participation of project-affected affected people .</p>

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		<p>stakeholders and integrate such opinions into the decisions making process</p> <p>-review the project proposal and explain social and environmental impacts and consider a wider range of alternatives and mitigation measure</p> <p>Project Proponents will be required to ensure that all project affects persons, local administrations, civil society and other interested persons have received information about the project in the local language and be given the opportunity to fully participate in public consultation meetings</p> <p>The public participation process in stage of studying, reviewing, examining the EIA report and project monitoring will be stipulated by guidelines of the Ministry of Environment.</p> <p>The draft EIA Law also talks about ensuring Free, Prior and Informed Consent</p> <p>The public participation process is required to be used to identify measures</p>	

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		to improve the livelihood of project affected persons, ensure that project affected persons are involved in any resettlement planning, to ensure that compensation for lost assets is fair, suitable and acceptable as equivalent to the market price and that the mitigation measures are appropriate and sustainable. A sub-decree is expected to be approved to define the procedure of resettlement and solution of compensation to the affected/impacted community.	
Key element (2) Ensure women's participation in consultation	No specific mention is made of women's participation in EIA consultation processes, although it is might be considered implicit in terms of being subsumed within the term "public participation".	No Equivalence	For Full Equivalence the legal framework should incorporate the provisions of the draft Law on EIA relating to the participation of women in the EIA process.
Key element (3) Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process.	In the absence of guidelines for conduct of IEE and EIA as required by Sub-decree 72, there is no explicit mention of the scheduling of participation at different points of the EIA process in the current legislation There is reference in Article 1 of the Sub-Decree 72 on EIA Process (1999) that in order to foster public participation in the environmental impact assessment process in recognition that their concerns should be considered in the project decision-making process. This might be interpreted as the requirement for involvement of the public before the project is finalized..	Partial Equivalence Chapter 5 of the Draft Law on EIA requires project-affected persons and concerned stakeholders are well informed about the project, and have the opportunity to be involved in discussion and the	For Full Equivalence the legal framework should incorporate provisions of the draft Law on EIA and related guidance for consultation and involvement of stakeholders in the EIA process

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		<p>decision-making process, The description of the planned consultation process, including the participants in the process, should be included in the IEE and ToR of the EIA.</p> <p>Project Proponents are required to include public involvement and consultant in the EIA process at project planning stage to (i) identify areas of cultural and social significance; (ii) collect opinions of stakeholders and integrate such opinions into the decisions making process; (iii) review the project proposal and explain social and environmental impacts; (iv) consider a wider range of alternatives and mitigation measure</p>	
Key element (4) Establish a grievance redress mechanism	No mention is made of the need for project-level grievance mechanisms in the existing legislation	<p>No Equivalence</p> <p>Chapter 7 of the draft Law on EIA deals with Mediation of Environmental/Social Disputes (Public Grievance Procedures)</p> <p>MOE is required to establish guidelines for</p>	For Full Equivalence the legal framework should adopt the provisions of the draft Law on EIA relating to relating to establishment of a grievance redress mechanism..

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of the draft of the Law on EIA ¹	(C) Extent of Equivalence ²	(D) Recommended Gap-filling Measures
		<p>receiving and dealing with complaints about environmental problems caused by the project.</p> <p>It is anticipated that in the settlement of disputes, all stakeholders will have the right to settle their problems through consultations with the Project Proponents before taking the action to higher administrative body or court system.</p>	
<p>Policy Principle 6: 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 assessment, and its updates if any, to affected people and other stakeholders.</p>			
<p>Key element (1) Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place.</p>	<p>There is no explicit reference to the need for public disclosure of EA and EMPs in the existing legislation, although there is broad reference in the Sub-Decree 72 on EIA Process (1999) to foster public participation in the environmental impact assessment process and in recognition that their concerns should be considered in the project decision-making process, but it is unclear if this requires the explicit disclosure of the draft EIA and EMP.</p> <p>”.</p>	<p>No Equivalence</p> <p>Chapter 5 of the Draft Law on EIA makes clear reference to the need for disclosure as follows:</p> <p>The Ministry of Environment to ensure that IEE, the EIA and all related documents, including the EIA Approval Certificate and EMP, shall be made publically available and that relevant stakeholders including the projected affected communities have access to clear and sufficient information. Documents should be</p>	<p>For Full Equivalence the legal framework should incorporate the provisions of the draft Law on EIA relating to disclosure of draft environmental assessments.</p>

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of the draft of the Law on EIA ¹	(C) Extent of Equivalence ²	(D) Recommended Gap-filling Measures
		publicly available should also be available on a publically-accessible web-site of the Ministry of Environment. There is also a requirement for the documents to be available in the national language	
Key element (2) Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders	There is no explicit reference to the need for public disclosure of EA and EMPs in the existing legislation, although there is broad reference in the Sub-Decree 72 on EIA Process (1999) to foster public participation in the environmental impact assessment process and in recognition that their concerns should be considered in the project decision-making process, but it is unclear if this requires the explicit disclosure of the draft EIA and EMP.	No Equivalence Chapter 5 of the Draft Law on EIA makes clear reference to the need for disclosure as follows: The Ministry of Environment to ensure that IEE, the EIA and all related documents, including the EIA Approval Certificate and EMP, shall be made publically available and that relevant stakeholders including the projected affected communities have access to clear and sufficient information. Documents should be publically available (including in the national language) should also be available on a publically-accessible web-site of the Ministry of Environment.	For Full Equivalence the legal framework should incorporate the provisions of the draft Law on EIA relating to disclose of the final environmental assessment, and its updates if any, to affected people and other stakeholders.
Policy Principle 7: Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring			

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<p>reports.</p> <p>Key element (1) Implement the EMP and monitor its effectiveness.</p>	<p>Sub-Decree 72 on EIA Process (1999) contains reference to the implementation and monitoring of EMP:</p> <p>Article 3 requires the taking of appropriate administrative, conduct surveillance and monitor to ensure that the Environmental Management Plan during project construction, operation, and closure, which contained in an approved EIA report be implemented by the Project Sponsor.</p> <p>Article 28: calls on the Ministry of Environment to 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.</p> <p>Article 29: mentions that if the Project Sponsor 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.</p>	<p>Partial Equivalence</p> <p>Chapter 7 of the Draft Law on EIA spells out in greater detail the requirements for implementation and monitoring of the EMP.</p> <p>The EIA general department and provincial city department should follow up on EMP implementation.</p> <p>Any Development Project that obtains an EIA Approval Certificate must comply with the terms and contents of the EMP and the conditions stated in the EIA Approval Certificate.</p>	<p>For Full Equivalence the legal framework should incorporate the provisions of the draft Law on EIA relating to implementation and monitoring of the EMP.</p>
<p>Key element (2) Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.</p>	<p>Reference to document monitoring results and take corrective action and disclosure of monitoring reports is not explicit in the legislation</p>	<p>No Equivalence</p> <p>Chapter 7 of the Draft Law on EIA requires all development projects and project operators to establish and maintain an Environmental Management System (EMS) that to ensure self-monitoring procedures and methods as stipulated in their EMP.</p>	<p>Full Equivalence the legal framework should incorporate the provisions of the draft Law on EIA relating to documentation and disclosure of monitoring results,</p>

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		<p>In cases where the environmental impacts are greater than limited standard in the EIA report or EMP, then the Ministry of Environment is required to take immediate action to remedy the impact or an adjustment of the EMP. Project Proponent are required to prepare the environmental monitoring report in every 3 months Department covering all environmental management and monitoring results and an Annual Report that includes the environmental auditor's opinions for review and comment by the Ministry of Environment</p> <p>The General EIA department has the right to make site inspections and verify monitoring data of project proponent.</p> <p>Those projects identified in the Prakas that have significant environmental or social impact will be audited by an external environmental auditor for compliance.</p> <p>Regarding disclosure of the monitoring reports,</p>	

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of the draft of the Law on EIA ¹	(C) Extent of Equivalence ²	(D) Recommended Gap-filling Measures
		electronic copies of the annual environmental report will be placed on the publically accessible web-site of the Ministry of Environment and by the Proponent on a publically accessible web-site and make available only request by any member of the public	
<p>Policy Principle 8: Do not implement project activities in areas of critical habitats, unless (i) there are no measurable 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 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>Key Element (1) Do not implement project activities of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that might impair its ability to function; (ii) there is no reduction in the population of any recognized endangered and critically endangered species; and (iii) any lesser impacts are mitigated</p>	<p>The existing legislation is implicit in terms of avoidance of critical habitats or conversion or degradation of such habitats.</p> <p>The Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996 has some reference to natural resources as requiring that before issuing any decisions or undertaking activities related to the conservation, development, or management [or] use of natural resources, the concerned ministries shall consult with the Ministry of Environment on the sustainability of natural resources. It refers to “natural resources” as the natural resources of the Kingdom of Cambodia, which include land, water, airspace, air, geology, ecological systems, mines, energy, petroleum and gas, rocks and sand, precious stones, forests and forest products, wildlife, fish, [and] aquatic resources, shall be conserved, developed, and managed [and] used in a rational and sustainable manner, as well as protected areas, which include national parks, wildlife sanctuaries, protected landscape areas, [and] multiple use areas, that are determined by the Law on Protected Areas, but there is no mention of the need to avoid critical areas.</p> <p>The Law on Protected Areas: Article 44 requires the minimization of adverse impacts on the environment and to ensure that management objectives of protected areas are satisfied, an Environmental and Social Impact Assessment shall be required on all proposals and investment for development within or adjacent to protected area boundary by the Ministry of Environment with the collaboration from relevant ministries and institutions.</p>	<p>Partial equivalence</p> <p>The draft Law on EIA is also silent on explicit reference to no implementation of activities in critical habitats, but requires measurable conservation outcomes resulting from actions designed to compensate for significant adverse biodiversity impacts arising from project development and persisting after appropriate avoidance, minimization, and restoration measures have been taken. Generally, these are not within the</p>	<p>For Full Equivalence the legal framework should incorporate provisions of the draft Law on EIA relating to measurable conservation outcomes resulting from actions designed to compensate for significant adverse biodiversity impacts along with with specific reference to the need avoid areas of critical habitats, and r specific actions to mitigate any unavoidable impacts on habitats and/or populations of endangered, threatened or rare species.</p>

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<p>Key Element (2)</p> <p>If a project is located within a legally protected area, implement additional programs to promote and enhance conservation aims of the protected area</p>	<p>The Law on Protected Areas: Article 44 requires the minimization of adverse impacts on the environment and to ensure that management objectives of protected areas are satisfied, an Environmental and Social Impact Assessment shall be required on all proposals and investment for development within or adjacent to protected area boundary by the Ministry of Environment with the collaboration from relevant ministries and institutions.</p> <p>Articles 35 through 43 also lays out activities that are prohibited in protected areas as well as the necessity for undertaking an environmental and social assessment on investments within, or adjacent to the protected areas and the need to comply with recommendations emanating from these assessment, that are validated by the Ministry of Environment. This clause permits the possibility of introduction of conservation enhancement measures as part of the EMP</p> <p>The Law on Environmental Protection and Natural Resource Management Article 9 requires that the assessment of environmental impacts on natural resources (and described in Article 8 of the aforesaid Act to also include natural resource protected areas, including national parks, wildlife sanctuaries, protected landscape areas and multiple use areas as defined by the Protected Area law) and for the Ministry of Environment to provide recommendations for the conservation, development and management of these areas in a rational and sustainable manner.</p>	<p>project site.</p> <p>Partial Equivalence</p> <p>There is no explicit recognition in the legislation to undertake conservation enhancement measures if a project is located in a protected area, but the need for undertaking an environmental and social assessment provides an opportunity on a case-by-case basis for such enhancement actions</p>	<p>For Full Equivalence , the legal framework should require included of conservation enhancement measures within protected areas as part of e project mitigation strategy .</p>
<p>Key Element (3)</p> <p>In an area of natural habitats, there must be no 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</p>	<p>There is implicit recognition in Chapter III EIA of the Law on Environmental Protection and Natural Resource Management of the need to avoid conversion or degradation of natural habitats, and if such conversion and degradation is unavoidable, that there should be appropriate mitigation of such impacts as part of the EIA process</p>	<p>Partial Equivalence</p> <p>There is no recognition of the need to undertake cost benefit analysis of degradation or conversion of natural habitats, and that such conversion is allowable only if no other alternatives are available, To make matters more concerning is the lack of legislation seeking consideration of alternatives to project location, design and technologies that precludes any consideration of considering alternatives to</p>	<p>For Full Equivalence, the legal framework should require ie consideration of the cost-benefits of habitat degradation and conversion as part of the decision making process in location projects within natural habitats,</p>

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		conversion of natural habitats	
Key Element (4) Use a precautionary approach to the use, development, and management of renewable natural resources	The Law on Environmental Impact assessment (revised 2014) Article 6 (Principles to be Applied) states that the EIA process shall adopt and apply a precautionary principle, namely that where there are threats of serious or irreversible environmental damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental damage.	Full Equivalence	None required
Policy Principle 9: 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, 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 phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.			
Key element (1) Apply pollution prevention and control technologies and practices consistent with international good practices.	<p>The Law on Environmental Protection and Natural Resources Management (EPNRM) of 1996 indicates the general need for pollution prevention, reduction and control.</p> <p>Article 12 requires the Ministry of Environment to develop an inventory that indicates:</p> <ul style="list-style-type: none"> • the sources, types, and quantities of pollutants and wastes being imported, generated, transported, recycled, treated, stored, disposed, or released into the airspace, water, land, or on land; • the sources, types, and quantities of toxic substances and hazardous substances being imported, manufactured, transported, stored, used, generated, treated, recycled, disposed, or released into the airspace, water, or into land or on land; • the sources, types, and extent of noise and vibration disturbances. <p>Article 13 calls for the prevention, reduction, and control of airspace, water [and] land pollution, noise and vibration disturbances, as well as waste, toxic substances, and hazardous substances that will be determined by Sub-decrees (namely Sub-Decree 27 Water Pollution Control (1999) and Sub-Decree 42 Air Pollution Control (2000)).</p> <p>Article 14 calls on the Ministry of Environment to require the owners or responsible persons of factories, pollution sources, industrial sites, or sites of natural resource development activity:</p> <ul style="list-style-type: none"> • to install or use monitoring equipment; • to provide samples; and • to prepare or maintain and submit [for] review records and reports. 	Partial Equivalence Although, there is requirement for applying pollution prevention and control technologies and practices, it is unclear to what extent these are consistent with internationally recognized standards.	For Full Equivalence the draft Law on EIA should clearly define the requirement for applying pollution prevention and control technologies and practices that are consistent with internationally recognized standards and that the guidelines issued under the Law should clearly establish these standards.

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	<p>Sub-Decree 27 Water Pollution Control (1999) lists (i) effluents standards for pollution sources; (ii) types of hazardous substances; (iii) types of industries needing permission to operate and discharging effluents; (iv) water quality standards. It also lays down procedures for permitting and approval procedures for operation of industries that are likely to cause water pollution and monitoring and inspection procedures to enforce regulations and standards.</p> <p>Sub-Decree 42 Air Pollution Control and Noise Disturbance (2000) lays down procedures for provisions for emission of air and noise pollution, permit granting, pollution source monitoring, air quality monitoring and inspection.</p>		
Key Element (2) Adopt cleaner production processes and good energy efficiency practices	<p>Sub-Decree 42 Air Pollution Control and Noise Disturbance (2000) lays down procedures for provisions for emission of air and noise pollution, permit granting, pollution source monitoring, air quality monitoring and inspection.</p> <p>Sub-Decree 27 Water Pollution Control (1999) lists (i) effluents standards for pollution sources; (ii) types of hazardous substances; (iii) types of industries needing permission to operate and discharging effluents; (iv) water quality standards.</p>	<p>No Equivalence</p> <p>The legislation lacks requirement for seeking cleaner production processes and energy efficiency measures</p>	<p>For Full Equivalence, the legal framework should require specific efforts to adopt cleaner production and energy efficiency processes</p>
Key Element (3) Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste	<p>The Law on Environmental Protection and Natural Resources Management Article 13 calls for: The prevention, reduction and control of airspace, water and land pollution,as well as waste, toxic substances and hazardous materials, that should be determined by a Sub-Decree following proposal of the Ministry of Environment (see sections below regarding sub-decree provisions)</p> <p>Sub-Decree 42 Air Pollution Control and Noise Disturbance (2000):</p> <p>Chapter 2 Provisions on emission of air and noise pollution set out air quality standards (specified in Annex 1) and the maximum quantity of hazardous substances allowed into the air (Annex 2); the maximum emissions into the air (Annex 3) and standard for smoke emissions from movable sources</p>	<p>Partial Equivalence</p> <p>The legislation is not comprehensive, as it does not deal with the production and storage of pollutants and the direct and indirect greenhouse gas emissions</p>	<p>For Full Equivalence, the legal framework should be more comprehensive in requiring the avoidance, minimization and control of intensity of pollution emissions in the production, transport, handling and storage and not just upon discharge.</p>

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of the draft of the Law on EIA ¹	(C) Extent of Equivalence ²	(D) Recommended Gap-filling Measures
generation, and release of hazardous materials from their production, transportation, handling, and storage.	(Annex 4). The intent of the sub-decree is to prevent, reduce and mitigate air pollution. Sub-Decree 27 Water Pollution Control (1999) sets out standards of effluent discharge from any sources of pollution (Annex 2). In addition (Article 10) states that the discharge or transport of waste water from any source of pollution (Annex 3 provides a listing of two Categories I and II of sources of pollution that require a permit for transport or discharge) to other places is subject to prior permit from the Ministry of Environment . Chapters 4 through 7 deals with the monitoring and inspection process as well as the penalties for non-compliance.		
Key Element (4) Avoid the use of hazardous materials subject to international bans or phase-outs	The Law on Environmental Protection and Natural Resources Management Article 13 calls for: The prevention, reduction and control of airspace, water and land pollution,as well as waste, toxic substances and <u>hazardous materials</u> , that should be determined by a Sub-Decree following proposal of the Ministry of Environment (see sections below regarding sub-decree provisions) Sub-Decree 42 Air Pollution Control and Noise Disturbance (2000): Chapter 2 Provisions on emission of air and noise pollution set out the maximum quantity of hazardous substances allowed into the air (Annex 2) that includes a list of 30 chemical substances.	Partial Equivalence While there is a list of 30 hazardous chemical substances, it is unclear if these are based on internal norms or other related criteria	For Full Equivalence, the legal framework should require the avoidance of use of hazardous materials based on international agreed norms,criteria and phase-outs.
Key Element (5) Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.	Pesticide regulations are defined in Sub-Decree 69 on Standards and Management of Agricultural Materials and a Law on Pesticide and Chemical Fertilizer Control is understood to have been approved in 2011 (not seen)	Partial Equivalence	For Full Equivalence the legal framework should to require the management of pesticides based on integrated pest management approaches and reduced reliance on synthetic chemical pesticides
Policy Principle 10: 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.			
Key Element (1) Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease	The Labour Law of 1997 Chapter VIII Health and Safety of Workers: lays out regulations be adapted under the law to ensure health and safety measures for workers. Chapter VIII of the Labor Law, and in particular Article 229 deals with health and safety of the workplace as follows: All establishments and work places must always be kept clean and must maintain standards of hygiene and sanitation or generally must maintain the working conditions necessary for the health of the workers. The Ministry in Charge of Labor and other relevant ministries shall prepare a Prakas (ministerial order) to monitor the measures for enforcing this article in all establishments subject to the provisions of this Chapter, particularly regarding: _ the quality of the premises;	Full Equivalence	None required

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	<ul style="list-style-type: none"> _ cleaning; _ hygienic arrangements for the needs of personnel; _ beverages and meals; _ lodging of the personnel, if applicable; _ work stations and the seating arrangements; _ ventilation and sanitation; _ individual protective instruments and work clothes; _ lighting and noise levels in the workplace. <p>Article 230: requires all establishments and work places must be set up to guarantee the safety of workers. Machinery, mechanisms, transmission apparatus, tools, equipment and machines must be installed and maintained in the best possible safety conditions. Management of technical work utilizing tools, equipment, machines, or products used must be organized properly for guaranteeing the safety of workers. The Prakas covered in Article 229, shall also determine the measures for enforcing this article, particularly regarding:</p> <ul style="list-style-type: none"> _ risks of falling; _ moving heavy objects; _ protection from dangerous machines and apparatus; _ preventive measures to be taken for work in confined areas or for work done in an isolated environment; _ risks of liquids spilling; _ fire prevention. <p>Article 231: mentions that without prejudice to the provisions in Articles 229 and 230 and the regulation for their enforcement, and if necessary, the Ministry in Charge of Labor can issue other Prakas in order to enforce the same legislative measures regarding the special regulations for certain professions or certain types of work.</p> <p>Article 232: calls for a sub-decree or guidelines to be issued after having consulted with the Labor Advisory Committee.</p> <p>Various Sub-Decrees or Prakas have been issued under the Labour Law for specific activities and industries (Sub-Decrees 3, 52, 53, 54, 75, 76, 77, 78, 86, 106, 124, 125, 138, 139, 147, 305, 306, 307, 308, 309, 330, 343 and 48). In addition, Cambodia has ratified a number of ILO Conventions relating to health and safety of workers.</p>		
Key Element (2) Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the	Law on Environmental Impact assessment (revised 2014) Article 39 requires the preparation of an Health Impact assessment that includes: Safety and health Management Plan that analyses relevant risks and specific hazards (biological, physical, chemical, noise and radiological hazards) on affected communities and establish preventive measures and management plans of the impacts	Partial Equivalence The legislation lacks specific mention of an emergency preparedness plans, although it requires a management plan	For Full Equivalence, the legal framework should explicitly also require the preparation of emergency measures.

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health and safety of local communities			
Policy Principle 11: 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.			
Key element (1) Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment.	<p>There is no explicit reference to “conservation of physical/cultural resources” in the legal framework for the environment.</p> <p>However, the Law on Protection of Cultural Heritage is intended to protect national cultural heritage and cultural property in general against illegal destruction, modification, alteration, excavation, alienation, exportation or importation.</p> <p>Article 63 defines activities that are in contravention with the law.</p>	Full Equivalence	None required
Key element (2) 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>In terms of “Chance Finds” Law on Protection of Cultural Heritage: Articles 37 through 39 addresses measures to deal with this situation:</p> <p>Article 37 states that when construction work or any other activity bring to light cultural property such as monuments, ruins, ancient objects, remains of inhabited sites, ancient burial sites, engravings or any property likely to be of interest in the study of prehistory, history, archaeology, ethnology, paleontology or other branches of science dealing with the past or of human sciences in general, the person finding the property and the owner of the site where it was discovered are obliged to stop the construction work and immediately make a declaration to the local police, who shall transmit it to the Governor of the province without delay. The Governor shall in turn inform the competent authority and shall take the measures necessary to ensure the protection of the objects and the site.</p> <p>Article 38: requires the competent authority within thirty days of the declaration mentioned in Article 37, announce the temporary suspension of the work and the safeguarding measures to be taken. If no such measures are announced within that time limit, the effects of temporary suspension shall no longer apply. The competent authority shall decide on the permanent measures to be taken concerning chance discoveries.</p> <p>Article 39: deals with movable cultural property in “chance finds” in public property. In such cases, the competent authority is required to provide within three weeks a reward to the finder of the discovery, the amount of which is to be fixed by agreement or by expert opinion.</p>	Full Equivalence	None required

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