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Procedures for Environmental Impact Assessment in Cambodia

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1. EIA law and Regulations

- Law on Environmental protection and natural resources management, 1996
- Law on Protected Area Management, 2008
- Sub-decree on EIA Process, 1999
- Declaration on General Guideline for conducting IEIA/EIA Reports, 2009
- Joint Declaration between MoE and MEF on Determination of Service Fee for EIA reviewing and Monitoring, 2000 and 2012
- Declaration on the Power of the Delegation to the decision making on Project development for Environmental Provincial Department, 2005
1.1 Law on Environmental Protection and Natural Resources Management (1996)

- **Article 6:**
  An environmental impact assessment shall be conducted on every project and activity of the private or public, and shall be approved by the Ministry of Environment before being submitted to the Royal Government for decision. This assessment shall also be conducted for existing activities that have not yet been assessed for environmental impacts. The procedures of the process for environmental impact assessment shall be defined by sub-decree following a proposal of the Ministry of Environment.
  The nature and size of the proposed projects and/or activities (proposed and existing) both private and public, that shall be subject an environmental impact assessment which shall be defined by sub-decree following a proposal of the Ministry of Environment.
Article 7:

All investment Project Applications and all proposed State projects shall be subject to an initial Environmental Impact Assessment and / or Environmental Impact Assessment as specified in article 6 of this law. The Ministry of environment shall review and provide recommendations on the initial Environmental Impact Assessment and / or environmental impact assessment to the competent bodies within period determined by the Law on Investment of the Kingdom of Cambodia.
Each Protection of Natural Areas (such as Natural Parks; Wildlife Sanctuary; Multipurposes Areas; Protected Landscape Areas; Ramsar Areas; Tonle Sap Biosphere Areas and Natural Heritage Areas) divide 4 zones as:

1- Core zone
2- Conservation zone
3- Eternal Multi-use zone
4- Community zone

Article 44:

All the Development Project in zone 3 and zone 4, MoE shall be done Environmental and Social Impact Assessement (ESIA) and collaborate with related Ministries-Agencies.
1.3 Sub-decree on Environmental Impact Assessment Process (1999)

- **Article 1:**
  
The main objectives of this sub-decree are:
  - To determine an Environmental Impact Assessment (EIA) upon every private and public project or activity, and it must be reviewed by the Ministry of Environment (MoE), prior to the submission for a decision from the Royal Government.
  - To determine the type and size of the proposed project(s) and activities, including existing and ongoing activities in both private and public prior to undertaking the process of EIA.
  - Encourage public participation in the implementation of EIA process and take into account of their conceptual input and suggestion for re-consideration prior to the implementation of any project.
1.3 Sub-decree on Environmental Impact Assessment Process (1999)

- Article 3:
The MoE has responsibilities as following:
a/ Review and evaluate the report of the Environmental Impact Assessment in collaboration with other concerned ministries;
b/ Follow up, monitor and take appropriate measures to ensure a Project Owner will follow the Environmental Management Plan (EMP) while project construction is taking place and accede to their EIA report's approval.
1.3 Type of Project Required IEIA/EIA (Annex of Sub-decree on EIA Process)

A. Industry

I. Foods, Drinks, Tobacco
II. Leather tanning, Garment and Textile
III. Wooden production
IV. Paper
V. Plastic, Rubber and Chemical
VI. Mining production other than metal
VII. Metal industries
VIII. Metal Processing Industrials
IX. Other Industries
B. AGRICULTURE
   I. Concession forest (Prohibited)
   II. Logging
   III. Land covered by forest
   IV. Agriculture and agro-industrial land
   V. Flooded and coastal forests
   VI. Irrigation systems
   VII. Fishing ports.

C. TOURISM
   I. Tourism areas
   II. Golf field

D. INFRASTRUCTURE
   I. Urbanization development
   II. Bridge, national road, railway and port construction
   III. Restaurant and hotel
   IV. Air port construction
   V. Dumping site.
Article 1:
This Declaration has the goal to implement General Guideline for conducting IEIA or EIA and the Checklist, as stated in annex 1 and 2.

Article 2:
The project owner either, as private individuals or private companies, public companies or ministries/government agencies must prepare an IEIA or EIA report for proposed projects and existing activities, as mentioned in the appendix of Sub-decree of EIA Process and submit these for reviewing and approved by MoE, except some particular and urgently needed projects that are decided by the RGC.
1.4 IEIA or EIA Preparation / Guidelines

- Introduction
- Legal Framework
- Project Description
- Existing Environment Description
- Public Participation
- Significant Environmental Impact Assessment and Mitigation Measures
- Environmental Management Plan
- Cost-Benefit Analysis
- Conclusion and recommendation
1.5 Joint Declaration between MoE and MEF on Determination of Service Fee for EIA reviewing and Monitoring, 2012

Article 11 (Sub-decree of EIA):
A Project Owner must cover all the fee's services for reviewing and monitoring upon their project. These service fees shall be approved by the Ministry of Economy and Finance following the proposal of the MoE. The said fee shall be incorporated into the national budget.

Declaration between MoE and MEF (2012)
the fee's services for reviewing and monitoring are:
(1)- 7,000,000 Riels = 1,750 USD
(2)- 5,400,000 Riels = 1,350 USD
(3)- 4,200,000 Riels = 1,050 USD
(4)- 3,000,000 Riels = 750 USD
(5)- 2,000,000 Riels = 500 USD
1.6 Declaration on the Decentralization for Environmental Municipality-Provincial Department (2005)

- Article 5 (Sub-decree of EIA):

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

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

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


- Article 3 (Declaration of General Guideline):

The project owner either, as private individuals or private companies, public companies or ministries/government agencies must prepare an IEIA or EIA report for proposed projects and existing activities, as mentioned in the declaration on Decentralization for Environmental Municipal-Provincial Department and submit these for reviewing and approved by DoE, except some particular and urgently needed projects that are decided by the RGC.
1.6 Declaration on the Decentralization for Environmental Municipal-Provincial Department (2005)

- Article 1 (Declaration on the Decentralization):

The Environmental Municipal-Provincial Department shall be responsible for reviewing and decision making on IEIA or EIA report for proposed projects and existing activities, that the projects have less than 2,000,000 USD of capital investment, as mentioned in the declaration on Decentralization for Environmental Municipal-Provincial Department.
2- Procedures for EIA in Cambodia
What organizations involve in EIA procedure in Cambodia?

- MoE and line departments in MoE
- Line ministries
- Municipality and Provincial authorities
- Provincial Environmental Departments
- NGOs
- The Project Proponents
  - Government
  - Private Sectors
  - Joint-Ventures
  - Consultant Companies
EIA Process

Identification of Need
Proposal Description
Screening

EIA Required
Scoping
Assessing
Mitigation
Reporting

Initial Environmental Examination
No EIA

Resubmit
Redesign

Decision - making
Not approved
Approved

Monitoring
EIA audit and evaluation

Information from this process contributes to effective future EIA
EIA Process for Proposal Project that decided by Approval Maker Institutions/CDC or Sub-Committee of Royal Municipal-Provincial Investment (SCPI)

NOTE: IEIA: Initial Environmental Impact Assessment  MoE: Ministry of Environment  P.O: Project Owner
EIA: Full Environmental Impact Assessment  SCPI: Sub-Committee of Royal Municipality-Provincial Investment
CDC: Council for Development of Cambodia  PDE: Royal Municipality-Provincial Department of Environment
EMP: Environmental Management Plan  AFE: Application Form of Environment
Approval process for EIA of Private and public Projects

1. Project proponent
2. Prepare EIA At The Stage of Conducting Feasibility Study
3. EIA Department Approves TOR
4. EIA Dept. Meeting (10 days)
5. Inter Dept. (MoE) Meeting (5 days)
6. Senior Official (MoE) Meeting (5 days)
7. Inter-ministries Meeting (5 days)
8. MoE, EIA Dept. mixes Comment (5 days)
9. Decision To Approve EIA and Issues Approval Letter
EIA Review at Provincial level

Approval process for EIA of Public and Private Projects

- Project proponent
  - Prepare EIA At The Stage of Conducting Feasibility Study
    - Envt. Provincial Dept. Meeting
      - Leader of Evt. Prov. Dept. Meeting
        - Inter-Dept. of Province Meeting
          - Envt. Provincial Dept. mixes comment

- Decision to Approve EIA and Issues Approval Letter

- Envt. Provincial Department Approves TOR

- Revise EIA
  - (15 days)
  - (5 days)
  - (5 days)
  - (5 days)
Sub-Decree No. 72 on Environmental Impact Assessment Process

Article 23: Project Owner/Responsible Person must carry out the EMP as stated in the EIA within 6 months, commencing from the date of the MoE confirmation of their EIA report duly fulfilled the criteria of this sub-decree.

Article 26: Project Owner/Responsible Person must carry out the EMP as stated in the EIA within 6 months, commencing from the date of the Provincial/Municipal Department of Environment’s confirmation of their EIA report duly fulfilled the criteria of this sub-decree.
Sub-Decree No. 72 on Environmental Impact Assessment Process

Article 3: The MoE has responsibilities as follows:

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

b. follow up, monitor and take appropriate measures to ensure a Project Owner follow the Environmental Management Plan (EMP) while project construction is taking place and accede to their EIA report approved.
Prakas No. 346 of Ministry of Environment on Organization and Function of the Department of Environmental Impact Assessment:

**Article 8, Point 5:** Tasks and obligates of Project Monitoring Office are as follows:

- Monitor project activities and EMP as stated which were written in EIA reports of investment projects.
Public Participation in EIA

- Identification of Need
  - Proposal Description
    - Screening
      - EIA Required
        - Scoping
          - Assessing
            - Mitigation
              - Reporting
                - Reviewing
                  - Decision-making
                    - Not approved
                    - Approved
                      - Monitoring
                        - EIA audit and evaluation

- Resubmit
- Redesign

*Public Involvement
* Public involvement typically occurs at these points. It may also occur at any other stage of the EIA process

Information from this process contributes to effective future EIA
Thank you