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Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Government

No. 21/GOL

Vientiane Capital, date 31 January 2019

DECREE
ON
ENVIRONMENTAL IMPACT ASSESSMENT

- Pursuant to the Law on the Government of the Lao PDR (amended version) No. 04/NA, dated 8 November 2016;
- Pursuant to the Law on Environmental Protection No. 29/NA dated 18 December 2012;
- Pursuant to the Request Letter No. 6612/MONRE, dated 28 December 2018 of the Ministry of Natural Resources and Environment.

The Government issues the decree:

Part I
General Provisions

Article 1: Objectives

This Decree provides rules, regulations and measures on management and monitoring implementation of environmental impact assessment activities to make sure that such activities are proceeded correctly with transparency and in concerted form with purpose to protect [environment], mitigate [and] remedy impacts on environment, ensuring that the compensation is reasonable, relocation and occupational resumption and restoration of livelihood of the affected people is improved more than before, making management and use of the natural resources is efficient, securing the rights and interests of the nation and the people, contributing to the implementation of the National Social and Economic Development Plan in the direction of green and sustainability.

Article 2: Environmental Impact Assessment

Environmental impact assessment is a process of studying, exploring, analyzing and evaluating the potential beneficial and adverse impacts on the social and natural environment that may be caused by an investment project [or] activity¹ in the short term and long term, as well as identifying the suitable means and measures to protect, navigate and mitigate impacts on environment.

¹ From the translator: In Laos, it is commonly understood that the term "projects" means big investment projects like hydropower projects, whereas the term "activities" refer to "business activities".

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The outcomes of environmental impact assessment is one of the key factors that the Government considers in approval of investment projects and activities.

Article 3: Definitions

The terms used in this Decree must have the meaning as follows:

1. **“Environment”** means everything, both living and non-living, that is created naturally or that is created by human that is surrounding a target such as people, animals, plants and so on, that associated with and creates effects, both beneficial and adverse, on livelihood, production, existence, evolution of human and nature. Environment comprises: social environment and natural environment;
2. **“Social environment”** means everything or environmental composition that is created by human that is associated with and creates effects, both beneficial and adverse, on livelihood, production, existence, evolution of human and nature;
3. **“Natural environment”** means everything or environmental composition that is created naturally that is associated with and creates effects, both beneficial and adverse, on livelihood, production, existence, evolution of human and nature;
4. **“Environmental impact”** means beneficial or adverse, direct or indirect, short term or long term effects on ecology, natural resources, climate change, natural heritage, cultural heritage, lives, health, assets, livelihood, shelters and so on, that is caused by investment projects and activities;
5. **“Environmental restoration”** means restoration and remedy the destroyed or deteriorated social and natural environment to a good condition and has a balanced ecological system;
6. **“Environmental management monitoring plan”** means a plan containing the key environmental and natural tasks, means and measures for protection, mitigation and remedy environmental and social impacts that are provided in the preliminary environmental impact assessment report and the comprehensive environmental impact assessment report, as well as implementation, responsibilities, time schedule and sufficient budget for implementation of the plan;
7. **“Complicated project”** means a big investment project [that] has many activities, procedures, complicated technology, risks to have serious impacts on health and lives of people or has big impacts in environment;
8. **“Accumulative effects”** means environmental impacts that are continuous, accumulative, and having concentration of direct and indirect, short term and/long term impacts caused by activities of investment project and activities in the past, present and future plus impacts caused by the project that is being proposed;
9. **“Accumulative effect assessment”** means study, survey, [and] analyze data, and estimate potential impacts on environment caused by the existing projects and the projects being proposed, including consideration of the problems associated with impacts caused by climate change that requires accumulative assessment and a separate environmental management and monitoring plan;

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10. **“Project owners”** means persons, entities or organizations, domestic or foreign that is licensed to study, survey, design, construct and operate investment projects or activities in the Lao PDR;
11. **“Affected person”** means a person, entity or organization that is permanently or temporarily, directly or indirectly, in short term or long term affected by an investment project [or] activity;
12. **“Stakeholder”** means a person, entity or organization that is interested, related to or has a stake in an investment project [or]² activity;
13. **“Direct impact”** means direct impacts on life, health, natural resources, ecology, loss of assets, relocation, [and] livelihood of people that are caused by activities of an investment project [or] activity;
14. **“Indirect impact”** means impacts caused by activities of an investment project [or] activity that are not direct, such as [impacts] on mind, belief, tradition, loss of time and opportunity in working, climate change, [and] pollution;
15. **“Beneficial impact”** means creation extra convenience and good opportunity for people who are affected by an investment project [or] activity, such as life of people has been better improved, creation jobs, [and] the basic infrastructure, education, and healthcare has been improved; [and]
16. **“Adverse impact”** means adverse impacts on environment and people who are affected by an investment project [or] activity, such as deteriorated environment, people’s living is worsen, [and] basic infrastructure is damaged.

Article 4: Policies on Environmental Impact Assessment

The State encourages [and] promotes individual persons, entities and organizations both in public and private sectors that develop investment projects and activities in the Lao PDR to use modern techniques and science in environmental impact assessment to protect environment and use natural resources efficiently in the direction of green and sustainability.

The State encourages [and] promotes environmental impact assessment by formulating policies, building basic infrastructure, developing human resources, building awareness, disseminating [and] educating [policies] and creating conditions that facilitate [environmental impact assessment] activities.

The State promotes involvement of all parties in the society by [encouraging them] to provide data [and] have comments on environmental impact assessment.

Article 5: Basic Principles on Environmental Impact Assessment

Environmental impact assessment must be done in accordance with the following principles:

1. In compliance with the laws, the National Social and Economic Development Plan, international conventions and treaties that the Lao PDR is a signatory;
2. Centralized and unified management throughout the country;

² From the translator: the Lao text use the drafter uses the phrase “investment projects and activities” in many places in this Decree. However, in most places, it should be “an investment project or activity”, not “investment projects and activities” because it refers to a particular investment project or business activity.

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3. Transparency, disclosure, justice, and can be audited;
4. Ensuring public involvement;
5. Ensuring that the data is reliable, accurate, logical, [and] can be retested re-certified; [and]
6. Being liable for the losses and damages caused.

Article 6: Scope of Application

This Decree applies to persons, entities and organizations, in both the public and private sectors, domestic and foreign, that operate investment projects and activities in the Lao PDR.

Article 7: International Cooperation

The State promotes cooperation with foreign countries regionally and internationally in environmental impact assessment by exchange of lessons, data and information, science and technology, trainings and improvement of technical knowledge to make the [environmental impact assessment] activities efficient, complied with the international convention and treaties that the Lao PDR is a signatory.

Part II

Screening and Grouping of Investment Projects and Activities

Article 8: Screening of Investment Projects and Activities

Screening of investment projects and activities is the first process of environmental impact assessment. It is the process of consideration whether or not environmental impact assessment is required for the proposed investment projects and activities.

Screening of investment projects and activities [must] be based on the grouping list of investment projects and activities in respect of environmental impact assessment.

In the case an investment project [or] activity is not in the list, the natural resources and environment sector³ will do the screening process based on the data of the project or activity to consider whether or not the environmental impact assessment is necessary.

Article 9: Grouping of Investment Projects and Activities

Investment projects and activities are divided into two groups:

1. The investment projects and activities that are believed⁴ that will cause less or not-severe impacts on social and natural environment will be conducted preliminary environmental impact assessment;
2. The investment projects and activities that are believed that will cause huge or severe impacts on social and natural environment will be conducted comprehensive environmental impact

³ From the translator: This term is commonly used in laws and other official documents of the Lao PDR. It refers to technical line of management and supervision in the public sector of the Lao PDR. For example, term "natural resources and environment sector" refers to all of: (i) the Ministry of Natural Resources and Environment; (ii) the provincial offices of natural resources and environment; and (iii) district offices of natural resources and environment.

⁴ From the translator: In the Lao text, the term "estimate" is used, but that is not the correct term.

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assessment. For projects that [are estimated that will] have impacts on health will be conducted health impact assessment.

The Ministry of Natural Resources and Environmental [must] work with the concerned ministries and the local administration to consider and make a list of investment projects and activities for environmental impact assessment [purposes].

Part III

Types of Environmental Impact Assessments

Article 10: Types of Environmental Impact Assessments

There are two forms of environmental impact assessments namely:

1. Preliminary environmental impact assessment; [and]
2. Comprehensive environmental impact assessment.

Chapter 1

Preliminary Environmental Impact Assessment Report

Article 11: Preliminary Environmental Impact Assessment

Preliminary environmental impact assessment is a process of studying, exploring, analyzing data to evaluate the potential preliminary non-severe impacts on environment that may occur and identify the suitable means and measures to protect, navigate and mitigate impacts on environment that may be caused by an investment project [or] activity, including identification of the causes of the climate change.

Preliminary environmental impact assessment is required for investment projects and activities that are in the first grouping list. Preliminary environmental impact assessment is done by preparing a preliminary environmental impact assessment report and an environmental management and monitoring plan and submitting to the provincial office of natural resources and environment [where the project is located] for reviewing.

Article 12: Preliminary Environmental Impact Assessment Report

A preliminary environmental impact assessment report must contain the following information:

1. The project description;
2. The project selection of options;
3. Explanation of the basic environmental data and information, such as physical, biological, socio-economic [data and information] in the project area and the nearby areas; [and]
4. Environmental and [natural] disaster risk assessment.

The environmental management and monitoring plan must be prepared in parallel with preparation of the preliminary environmental impact assessment report as provided in Article 23 of the Decree.

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Article 13: Preparation of Preliminary Environmental Impact Assessment Report

In preparation of a preliminary environmental impact assessment report, a project owner must:

1. Prepare the preliminary environmental impact assessment report together with an economical and mechanical feasibility study in Lao language in accordance with the relevant law and regulations;
2. Coordinate with the relevant provincial office of natural resources and environment and the local administration for an authorization on collection of data and public involvement in development of the project;
3. Gather physical and biological data and socio-economic data in the project area and nearby areas, including analyze the data. In gathering of field data, the place where samples will be taken must be located and must take all samples in accordance with the technical procedure and suitable with the real condition of the area. The source of data must be reliable and the data analysis at field must certified by the relevant sectoral [governmental] agency;
4. Study at least three options and each option must show the key information such as project site, the project size and production process, including explanation on impacts on environment, as well as comparison of the three options and explain rationale behind selection of an option. In studying of options, there must be non-selected options with explanation on beneficial and adverse impacts on environment of such options;
5. Study basic data on health, gender equality and ethnics as a part of the preliminary environmental impact assessment;
6. Make an environmental management and monitoring plan separated from the preliminary environmental impact assessment report; [and]
7. Proceed with public involvement by convening meetings at village level to disseminate data and gather opinions on the preliminary environmental impact assessment report from the affected people and stakeholders.

Article 14: Preparation of Documents for Application for Approval of Preliminary Environmental Impact Assessment Report

Any project owner that wants to apply for approval on a preliminary environmental impact assessment report must prepare the following documents:

1. An application for approval on the preliminary environmental impact assessment report;
2. A preliminary environmental impact assessment report [and] the environmental management and monitoring plan with executive summaries;
3. The minutes of consultation meetings at village level;
4. A preliminary economic-mechanical feasibility study report; [and]
5. A copy of the environmental business license and the list of technical team members who conducted the preliminary environmental impact assessment and their CVs.

Article 15: Checking of the Attached Documents

The provincial office of natural resources and environment [where the project is located] must check the application for approval on the preliminary environmental impact assessment report and the attached documents and inform the project owner in writing within ten working days from the date of receiving the documents [whether or not all required documents have been provided]. If all required documents were prepared correctly and have been fully provided, the project owner must make at least

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ten hard copies and ten soft copies and deliver them to the provincial office of natural resources and environment.

Article 16: Reviewing of Preliminary Environmental Impact Assessment Report

The provincial office of natural resources and environment [where the project is located] must review a preliminary environmental impact assessment report within forty working days from the date of receiving the documents from the project owner, excluding periods in which the project owner revises the documents. Each revision of such report must not be more than three months. If it takes more than three months, the provincial office of natural resources and environment will review the preliminary environmental impact assessment report from the beginning again. If the revision takes more than six months, the preliminary environmental impact assessment report will expire and the project owner has to go all over the whole process in conducting the preliminary environmental impact assessment again.

Reviewing of a preliminary environmental impact assessment report has two phases:

1. Gathering of opinions; [and]
2. Final reviewing.

Article 17: Opinions Gathering

Gathering opinions must be proceeded within thirty working days from the date of receiving the documents from the project owner and must be in accordance with the following procedure:

1. The provincial office of natural resources and environment [where the project is located] sets up a provincial team of specialists, and [then] deliver to the provincial team of specialists the preliminary environmental impact assessment report and the environmental management and monitoring plan to the provincial team of specialists, the district office of natural resources and environment, and other concerned parties for reviewing and comments within five working days, as well as publishing in a website for public opinions within twenty working days [from the date of receiving]. Any party that does not provide any comment/opinion within that period of time will be deemed having consent to it;
2. The provincial office of natural resources and environment [where the project is located] collaborates with the project owner to convene consultation meetings at district level that are attended by the concerned parties to provide comments on the preliminary environmental impact assessment report [and] the environmental management and monitoring plan and provide to the project owner a summary of the comments for revising before the technical consultation meeting;
3. The provincial office of natural resources and environment [where the project is located] collaborates with the project owner, the concerned district offices and administration and village administration for field inspection and convene technical consultation meeting for comments on the preliminary environmental impact assessment report and the environmental management and monitoring plan; [and]
4. The provincial office of natural resources and environment [where the project is located] summarize comments provided by the concerned parties, comments posted in the website, the resolution of the technical consultation meeting, the outcomes of the field inspection, and the feedbacks derived from the provincial team of specialists and provide the summary to the project owner for revision within five working days before resubmission it them to the provincial office of natural resources and environment.

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Article 18: Final Review

Final review must be as follows:

1. The provincial team of specialists to convene meetings to review the revised preliminary environmental impact assessment report and the revised environmental management and monitoring plan provided by the provincial office of natural resources and environment, and [then] report the feedback gathered in the meeting to the provincial office of natural resources and environment within five working days from the date of receiving the revised preliminary environmental impact assessment report [and the revised environmental management and monitoring plan];
2. The provincial office of natural resources and environment must consider and make decision within five working days from the date of receiving the report of the feedbacks given in the meeting of the provincial team of specialists:
 - If it is alright, to issue an environmental certificate to the project owner;
 - If the information is not fully provided, to instruct the project owner to revise the preliminary environmental impact assessment report and environmental management and monitoring plan and then resubmit again;
 - If it is not accurate, to reject in writing and explain the reasons of rejection to the project owner; [or]
 - If the [potential] impacts are severe, to instruct the project owner to conduct a comprehensive environmental impact assessment.

Chapter 2 Comprehensive Environmental Impact Assessment

Article 19: Comprehensive Environmental Impact Assessment

Comprehensive environmental impact assessment is the process of analyzing to evaluate potential impacts on social and natural environment caused by an investment project [or] activity, including consideration of all potential problems that may be caused by climate change that have to be reported. An environmental management and monitoring plan must be prepared in apparel with the comprehensive environmental impact assessment report.

Comprehensive environmental impact assessment is required for all investment projects and activities that are in the second grouping list. Comprehensive environmental impact assessment is done by preparing a comprehensive environmental impact assessment report and an environmental management and monitoring plan and submitting to the Ministry of Natural Resources and Environment for review.

The procedures for comprehensive environmental impact assessment are as follows:

1. Determining the scope of assessment and works;
2. Reviewing the scope of assessment and works;
3. Preparing a comprehensive environmental impact assessment report and an environmental management and monitoring plan; [and]
4. Reviewing the comprehensive environmental impact assessment report and the environmental management and monitoring plan.

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Article 20: Determination the Scope of Assessment and Works

Determination of the scope of assessment is the process of collection of basic data on environment of the project to identify the key areas and potential impacts on environment.

Determination of the scope of works is identification of all tasks that must be done during the environmental impact assessment within the scope of environmental impact assessment.

The project owner must determine the scope of assessment and works that must be done in the comprehensive environmental impact assessment of the project. The scope of assessment and works must be consistent with the regulations issued by the Ministry of Natural Resources and Environment. The scope of assessment and works must be determined by an environmental service provider that is duly licensed by the Ministry of Natural Resources and Environment.

Article 21: Reviewing of the Scope of Assessment and Works

The Ministry of Natural Resources and Environment must review and has meetings with other concerned ministries [and] sectoral [governmental] agencies to consider and approve the scope of assessment and works of the comprehensive environmental impact assessment within fifteen working days from the date of receiving the documents from the project owner.

If the scope of assessment and works is not comprehensive, [the Ministry of Natural Resources and Environment] must notify the project owner to revise and resubmit it.

Article 22: Preparation of Comprehensive Environmental Impact Assessment Reports

A comprehensive environmental impact assessment report is a report on assessment of potential impacts on the environment, including direct and indirect impacts on living organism, ecological system and environment, that may be caused by an investment project [or] activity, to protect, mitigate and remedy the impacts appropriately. A comprehensive environmental impact assessment report must have clear and easy-to-understand wording, and have means and techniques for comprehensive environmental impact assessment.

A comprehensive environmental impact assessment report of a project may be different from the comprehensive environmental impact assessment reports of other projects depending on the types of the projects. However, all comprehensive environmental impact assessment reports must have project description, options, basic data on environment, such as physical, biological, socio-economic data in the [project] area and the nearby areas, accumulative impacts, compensation, relocation and occupational resumption, and restoration of livelihood of the people, impacts on health, gender equality, ethnics, including appropriate means and measures to protect, mitigate and remedy the environmental impacts and disaster.

In preparation of a comprehensive environmental impact assessment report, the project owner must:

1. Prepare the comprehensive environmental impact assessment in Lao language in compliance with the [relevant] law, regulations, the scope of assessment and works, in parallel with preparation of the economic-mechanical feasibility study report;

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2. To carry out the comprehensive environmental impact assessment within six months after approval for the scope of assessment and works. If it passes the deadline, the approval will be revoked. If [the approval is revoked] and the project owner wants to conduct a comprehensive environmental impact assessment, it must determine the scope of assessment and works again and submit to the Ministry of Natural Resources and Environment for consideration;
3. Liaise with natural resources and environment sector at local level and the local administration to apply for authorization for collection of data and public involvement proceeding in the project development;
4. Collect detailed physical, biological and socio-economic data in the project area and nearby areas, accumulative impacts, compensation, relocation and occupational resumption, and restoration of livelihood of the people, impacts on health, gender equality, ethnics, if the project involves relocation and occupational resumption, including people interviewing and data analysis. In collection of information at field, locations for taking of all samples must be determined depending on the real condition of the location. The source of the data must be reliable and is certified by the relevant organization;
5. Study at least three options in which each option must show key information such as project site, project size and production process, including description on impacts on environment with a comparison of the three options, and explain the rationale behind selection of an option. In studying of the options, there must be an option that is not development of the project, and must explain the project's environmental condition, both benefits and adverse of such option;
6. Prepare an environmental management and monitoring plan separately as an attachment depending on circumstances;
7. Carry out an accumulative impact assessment, cross-border assessment, assessment of environmental and disaster risks, assessment of gender equality, assessment of ethics by preparing separate reports and has an environmental management and monitoring plan for each of them.

Hydropower projects along Mekong River must comply with the terms and conditions agreed in the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin 1995 and the relevant regulations.

The comprehensive environmental impact assessment reports of complicated projects must be in both Lao and English languages.

For a project that poses risks to health, the project owner must conduct an assessment of impacts on health and prepare a health impact assessment report separately in parallel with preparation of the comprehensive environmental impact assessment report, with a public health management monitoring plan in compliance with the laws and regulations issued by the Ministry of Public Health.

Article 23: Preparation of Environmental Management and Monitoring Plan

An environmental management and monitoring plan must contain asks, project activities, potential impacts, environmental and disaster risks, measures for protection, mitigation, remedy impacts on environment, potential accidents and emergency, environmental restoration, time schedule, budget and persons responsible for implementation, monitoring plans of the project owner and the concerned sectoral [governmental] agencies. Moreover, there must be specific management plans as follows:

1. A plan for handling with emergency;

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2. Plans for replacement of biodiversity, tree plantation, forest restoration and preservation of water sources, management of reservoir if the project will cause impacts on forest land;
3. Plans for compensation, relocation and occupational resumption and restoration of livelihood of the people, a community development plan and a specific management plan;
4. Plans for construction and transportation route, transportation station, car parks and so on;
5. A water flow management plan to feed the down-stream organism below dams, a sediment clearance plan, a plan for management of reservoir, a down-stream development and management plan, fishery management plan and specific management plan;
6. A plan for mining site closure, an environmental restoration plan and a post closure monitoring plan;
7. Preparation of an environmental management and monitoring plan has two phases as follows:
 - The first phase is preparation of the environmental management and monitoring plan in parallel with preparation of the preliminary environmental impact assessment report and the comprehensive environmental impact assessment report;
 - The second phase is the revision of the environmental management and monitoring plan, the environmental management and monitoring plan during the construction phase, operational phase and at the end of the project.

Article 24: Preparation of Documents for Applying for Approval of Comprehensive Environmental Impact Assessment Report

Any project owner that wants to apply for an approval for a comprehensive environmental impact assessment report must prepare the following documents:

1. An application for approval on the comprehensive environmental impact assessment report;
2. The scope of assessment and works for environmental impact assessment;
3. The comprehensive environmental impact assessment report, environmental management and monitoring plan, and the specific management plan and their summaries;
4. The minutes of consultation meeting at village level;
5. The preliminary economic-mechanic feasibility study report; [and]
6. A copy of environmental business license and a list of technical team members that conducted the environmental impact assessment and their CVs.

Article 25: Checking of the Attached Documents

The Ministry of Natural Resources and Environment must check the application for approval on the comprehensive environmental impact assessment report and the attached documents and inform the project owner in writing within ten working days from the date of receiving the documents [whether or not all required documents have been provided]. If all required documents were prepared correctly and have been fully provided and are correct, the project owner must make at least fifteen hard copies and fifteen soft copies and deliver them to the Ministry of Natural Resources and Environment.

Article 26: Reviewing of Comprehensive Environmental Impact Assessment Report

The Ministry of Natural Resources and Environment must review a comprehensive environmental impact assessment report within ninety working days from the date of receiving the documents from the project owner, excluding the periods in which the project owner revises the documents. Each revision of such report must not be more than six months. If it takes more than six months, the Ministry of Natural

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Resources and Environment will review the comprehensive environmental impact assessment report from the beginning again. If the revision takes more than two years, the comprehensive environmental impact assessment report will expire and the project owner has to go all over the whole process in conducting the comprehensive environmental impact assessment again.

Reviewing of a comprehensive environmental impact assessment report has two phases:

1. Gathering of opinions; [and]
2. Final reviewing.

Article 27: Opinions Gathering

Gathering opinions must be proceeded within seventy working days from the date of receiving the documents from the project owner and must be in accordance with the following procedure:

1. The Ministry of Natural Resources and Environment sets up a central-level team of specialists, and [then] deliver to the central-level team of specialists the comprehensive environmental impact assessment report and the environmental management and monitoring plan to the central-level team of specialists, the provincial office of natural resources and environment, the district offices of natural resources and environment [where the project is located], and other concerned parties for reviewing and comments within five working days, as well as publishing in a website for public opinions [for] fifty working days [from the date of receiving]. Any party that does not provide any comment/opinion within that period of time will be deemed having consented on it;
2. The Ministry of Natural Resources and Environment collaborates with the project owner to convene consultation meetings at district level that are attended by the concerned parties to provide comments on the comprehensive environmental impact assessment report [and] the environmental management and monitoring plan and [then] provide to the project owner a summary of the comments for revising before the technical consultation meeting;
3. The Ministry of Natural Resources and Environment collaborates with the project owner, provincial office of natural resources and environment [where the project is located], the concerned sectors and local administration for field inspection and convene technical consultation meetings to gather comments on the comprehensive environmental impact assessment report and the environmental management and monitoring plan, and deliver to the project owner a summary of the comments for revising the report before the provincial level technical consultation meeting;
4. The Ministry of Natural Resources and Environment collaborates with the project owner, provincial office of natural resources and environment [where the project is located], the concerned sectors and local administration to convene technical consultation meetings at provincial level to gather comments on the comprehensive environmental impact assessment report and the environmental management and monitoring plan; [and]
5. The Ministry of Natural Resources and Environment summarize comments provided by the concerned parties, comments posted in the website, the resolution of the technical consultation meeting at provincial level, the outcomes of the field inspection, and the feedbacks derived from the central-level team of specialists and provide the summary to the project owner for revision within fifteen working days before resubmission it them to the Ministry of Natural Resources and Environment.

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Article 28: Final Review

Final review must be as follows:

1. The central-level team of specialists to convene meetings to review the revised comprehensive environmental impact assessment report and the revised environmental management and monitoring plan provided by the Ministry of Natural Resources and Environment, and [then] report the feedbacks gathered in the meeting to the Ministry of Natural Resources and Environment within ten working days from the date of receiving the revised preliminary environmental impact assessment report [and the revised environmental management and monitoring plan];
2. The Ministry of Natural Resources and Environment must consider and make decision within fifteen working days from the date of receiving the report of the feedbacks given in the meeting of the central-level team of specialists:
 - If it is alright, to issue an environmental certificate to the project owner;
 - If the information is not fully provided, to instruct the project owner to revise the comprehensive environmental impact assessment report and environmental management and monitoring plan and then resubmit again;
 - If it is not accurate, to reject in writing and explain the reasons of rejection to the project owner; [or]
 - If it is not accurate, to reject in writing and explain the reasons of rejection to the project owner.

Article 29: Reviewing of Environmental Management and Monitoring Plan

Reviewing of an environmental management and monitoring plan has two phases as follows:

1. The first phase is reviewing of the environmental management and monitoring plan in parallel with reviewing of the preliminary environmental impact assessment report as provided in Articles 16,17 and 18 and the comprehensive environmental impact assessment provided in Article 26, 27 and 28 of this Decree;
2. The second phase is reviewing of the revised environmental management and monitoring plan or the environmental management and monitoring plan during the construction phase or operational phase or at the end of the project. Such reviewing must be completed within thirty working days from the date of receiving such plan from the project owner. The natural resources and environment sector must collaborate with the project owner to convene consultation meetings and have field inspection when necessary.

The Ministry of Natural Resources and Environment approves the environmental restoration plan.

Article 30: Reviewing of Comprehensive Environmental Impact Assessment Report of Complicated Projects

The Ministry of Natural Resources and Environment reviews comprehensive environmental impact assessment reports of complicated projects as provided in Article 26, 28 and 27 of this Decree. Reviewing must be done within one hundred and twenty working days from the date of receiving the documents from the project owner, excluding periods in which the project owner revises the documents.

When necessary, foreign specialists may be hired to assist in reviewing the comprehensive environmental impact assessment report, the environmental management and monitoring plan and the

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specific management plan. The project owner is liable for all professional fees and expenses incurred by the foreign specialists.

Chapter 3 Specialists

Article 31: Specialists

A specialist is a person that has a specific qualification related to environmental impact assessment that is from an office, [governmental] agency, [or] enterprise, both in the public and private sectors, [a specialist can be] a pensioner or a Lao citizen.

A team of specialists is a non-stationed team comprises:

1. The central level specialists appointed by the Ministry of Natural Resources and Environment; [and]
2. The provincial level specialists appointed by the provincial offices of natural resources and environment, depending on the project category.

The members of the team of central level and provincial level specialists must be those whose names are in the lists of specialists only.

Article 32: Qualification of Specialists

A specialist must have the following qualification:

1. Having ethics, morality and honesty;
2. Having technical knowledge [and] ability at a certain degree with a valid certificate;
3. Having experience in the field at least five years;
4. Have never been convicted due to willful criminal offense related to his profession; [and]
5. Being healthy.

Article 33: A Booklist of Specialists

A booklist of specialists is a book with a list of specialists in different fields, including their resumes.

The Ministry of Natural Resources and Environment to approve the list of specialists selected based on the qualification provided in the above Article 32 of this Decree and then publish the booklist. The booklist will be updated in every five years or sooner if necessary and sent to the provincial and district offices of natural resources and environment.

Article 34: Rights, Duties and Responsibilities of a Team of Specialists

Specialists have the rights and obligations within their scope of responsibilities as follows:

1. To research and provide opinion to preliminary environmental impact assessment report or the comprehensive environmental impact assessment report;
2. To attend discussion meetings or participate in field inspection at investment projects and activities when necessary;

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3. To be independent in reviewing;
4. To receive wages in accordance with the regulations;
5. To provide opinion on the preliminary environmental impact assessment report or the comprehensive environmental impact assessment report of project owners in writing;
6. To be responsible to the opinion provided;
7. To perform the duties fairly, quickly and with transparency;
8. To report the outcomes of reviewing of the preliminary environmental impact assessment report [and] the comprehensive environmental impact assessment report;
9. To keep confidential the data and information get during the reviewing except the data and information that must be provided to the relevant sector pursuant to the laws and regulations;
10. To pay [taxes] pursuant to the laws and regulations; [and]
11. To exercise other rights and perform other obligations as provided in the laws.

Article 35: Budget for Performance of a Team of Specialists

The budget for activities of the specialists shall be from the incomes from providing technical services, from issuance of environmental certificates as provided in the laws or from the budget of the investment projects.

Chapter 4 Public Involvement

Article 36: Public Involvement

Public involvement is the process of consultation, provision of data and information and gathering opinions of all sectors of society on investment projects and activities during preparation and reviewing the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report and environmental management and monitoring plan, including inspecting the implementation of environmental management in each phase of investment projects and activities to ensure transparency, justice and efficiency.

Public involvement has phases as follows:

1. Project preparation and planning;
2. Construction and operation; [and]
3. End of the project.

The natural resources and environment sector, the sector that governs the investment project, local administration and project owners have the joint responsibilities in ensuring and creating conditions for participation of all sectors in the society in environmental impact assessment.

Project owners must make a public involvement plan in environmental impact assessment in each phase, as well as making public involvement analysis, particularly involvement of ethnic minority, the gender equality, the people who cannot help themselves, and disadvantaged people that are affected by the investment project and activities.

Article 37: Public Involvement in Project Preparation and Planning

Public involvement during the project preparation and planning are as follows:

Unofficial Translation

1. During preparation of a preliminary environmental impact assessment report and the comprehensive environmental impact assessment report:
 - Project owners to disseminate public involvement plan and collect basic data and information in the project area and nearby areas, particularly the data and information on population, economic-society, social and natural environment conditions;
 - Project owners to coordinate with natural resources and environment sector in dissemination to the people in the project area and the nearby areas and other stakeholders on project development plan, environmental impacts and benefits that [they] will receive from the investment projects and activities, by convening dissemination meetings and other forms, in both Lao and the dialects of the ethnic minority people if necessary;
2. During reviewing the preliminary environmental impact assessment report and the comprehensive environmental impact assessment report:
 - The provincial offices of natural resources and environment to liaise with the project owners to convene district level meeting, technical level meetings and have a field inspection trip to consult the preliminary environmental impact assessment report attended by the affected people, village administration, the district office of natural resources and environment, the sector that governs the investment project, the related sectors at district level, provincial level and other stakeholders depending on matters being discussed in each level of meeting;
 - The Ministry of Natural Resources and Environment to liaise with the project owners to convene village level meetings, technical level meetings and have a field inspection trip, and convene meeting at provincial level to discuss about the comprehensive environmental impact assessment report attended by the affected people, local administration, local level office of natural resources and environment, the sector that governs the investment project, the related sectors at central level, local level and other stakeholders depending on matters being discussed in each level of meeting.

Article 38: Public Involvement During Construction and Operation

Public involvement during the project preparation and planning are as follows:

1. Project owners to coordinate with natural resources and environment sector, the related sectors and local administration to give a notice to those who are in the project area and the nearby areas periodically on project activities that may affect the environment, such as land surface clearance, explosion, transportation, use and storage of hazardous materials and chemical substances, discharging of water from reservoir;
2. Project owners to coordinate with natural resources and environment sector, sector and local administration in dissemination of the documents on environment and society, particularly the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report, environmental management and monitoring plan, the report on implementation of project environmental activities via newspaper, televisions, speaker, radios, website or other printed materials;
3. The affected people and other stakeholders may express their opinions on implementation of the investment project and activities via hotline telephone, electronic, [or] send opinions, complaints in writing to the project owners or the governmental organization or in other means.

Unofficial Translation

Article 39: Public Involvement at the End of the Project

Project owners must notify the affected people and other stakeholders of closure and environmental restoration done by their investment project and activities and their rights in expressing opinions on completion and pending activities in implementation of environmental management and monitoring plan at the end of the project that is deemed as a condition for the natural resources and environment sector to approve the end of the project.

Part IV Environmental Certification

Article 40: Environmental Certification

Environmental certification is approval of the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report, including environmental management and monitoring plan of investment projects and activities.

Article 41: Environmental Certificate

An environmental certificate is a certificate approving environment issued to investment projects and activities.

An environmental certificate is valid for the rest period of the project, but the environmental management and monitoring plan must be improved in every two or five years depending on the type of the investment projects and activities.

The natural resources and environment sector to approve and issue environmental certificates, certificate of renewal of the environmental management and monitoring plan by coordinating with the related sectors and local administration.

For the concession investment projects pursuant to the Law on Investment Promotion, environmental certificates will be issued prior to execution of the concession agreement. For other mineral investment projects pursuant to the Law on Minerals, environmental certificates will be issued before approval of the economical and technical feasibility study.

For the projects and activities that are in the list of controlled businesses pursuant to the Law on Investment Promotion, including the projects and activities that are in the grouping lists in which environmental impact assessment will be done as provided in Article 9 of this Decree, environmental certificates will be issued prior to issuance of the investment license.

Article 42: Conditions for Issuance of Environmental Certificate for Preliminary Environmental Impact Assessment Report

Conditions for issuance of a certificate [approving] a preliminary environmental impact assessment report are as follows:

1. Must complete all processes of preliminary environmental impact assessment with participation of society;

Unofficial Translation

2. Have sufficient, correct and accurate data and information and already disclosed to the affected people and other stakeholders;
3. Have been approved by divisions, local administration and the majority of the people affected by the investment projects and activities;
4. Have been certified by the agriculture and forestry sector on impacts on forest land, tree plants, bio-diversity, and the remedy measures. If the forest land is transformed, there must be evaluation of losses and damage; [and]
5. Have allocated sufficient budget for implementation of the environmental management and monitoring plan.

Article 43: Conditions for Issuance of Environmental Certificate for Comprehensive Environmental Impact Assessment Report

Conditions for issuance of a certificate [approving] a comprehensive environmental impact assessment report are as follows:

1. Must complete all processes of preliminary environmental impact assessment with participation of society;
2. Have sufficient, correct and accurate data and information and already disclosed to the affected people and other stakeholders;
3. Have been approved by the concerned ministries, local administration and the majority of the people affected by the investment projects and activities;
4. Have been certified by the agriculture and forestry sector on impacts on forest land, tree plants, bio-diversity, and the remedy measures. If the forest land is transformed, there must be evaluation of losses and damage;
5. Have been certified by the Resettlement and Livelihood Restoration Committee in the case the project compensates losses and damages and relocate the place of living and occupation;
6. Have been certified on health impacts by the public health sector in the case it affect health [of people];
7. Have put an environmental deposit to restore environment by the projects and activities as provided in the laws and regulations; and
8. Have allocated sufficient budget for implementation of the environmental management and monitoring plan.

Article 44: Conditions for Issuance of a Certificate on Renewal of Environmental Management and Monitoring Plan

Conditions for issuance of a certificate on renewal of an environmental management and monitoring plan are as follows:

1. For general projects, must submit a summary of past implementation of the environmental management and monitoring plan and prepare a new environmental management and monitoring plan for future;
2. For complicated projects:
 - During the construction phase, there must be a summary of implementation of the environmental management and monitoring plan and an [environmental] management and monitoring plan for the construction phase;

Unofficial Translation

- During the operational phase, there must be a summary of implementation of the environmental management during the construction phase and a monitoring plan and an [environmental] management and monitoring plan for the operational phase.

[The project owner] must submit the environmental management and monitoring plan for the construction phase and the environmental management and monitoring plan for the operational phase to the natural resources and environment sector at least ninety days prior to the expiry of the certificate. The natural resources and environment sector will consider renewal of the environmental certificate prior to its expiry.

Article 45: Refusal to Issue an Environmental Certificate

Based on the outcomes of the reviewing of the environmental impact assessment, an environmental certificate will be issued to investment projects and activities that:

1. [Will] cause more damage and gains;
2. [Will] cause serious damage to health, living, and assets of the people such as a big number of people has to relocate, but have no sufficient and suitable land area for relocation and resumption of occupation;
3. [Will] cause serious damage to the bio-diversity or will change the ecological system [in the project area];
4. [Will] cause negative impacts on wild animals or rare plants that nearly becomes extinct;
5. [Will] affect the national strategic area, national heritage area, historical area, cultural area, tourism area, good tradition and national unique beautiful views;
6. [Will] have accumulative impacts beyond the sustention capacity of the natural ecology system and environmental quality; [or]
7. Violated the laws.

Article 46: Suspension of Environmental Certificates

Issuance of an environmental certificate to an investment project [or] activity may be suspended in any of the following circumstances:

1. Violated the laws and regulations on environment that does not cause serious damage;
2. Failed to comply with the conditions provided in the environmental certificate;
3. Failed to perform a payment obligation, environmental obligation and other obligations provided by the laws and regulations;
4. Failed to comply environmental management and monitoring plan;
5. Concealed, hided or provided false environmental data/information;
6. Failed to remedy the environment after being warned in writing by the natural resources and environment sector; [and]
7. Caused serious damage to health, livelihood and assets of the people and the environment.

Suspension issuance of an environmental certificate must have definite time limit for project owners to improve and remedy.

After the natural resources and environment sector suspends issuance of an environmental certificate, the concerned [governmental] agency must notify the project owners and activities as provided in the laws after receiving a notice from the natural resources and environment sector.

Unofficial Translation

Article 47: Withdrawal of Environmental Certificates

An environmental certificate issued to an investment project [or] activity will be withdrawn in any of the following circumstances:

1. [The project owner] failed to improve and remedy [the environment] as set out in the conditions for suspension as provided in Article 46 of this Decree;
2. [The project owner] does not do anything for two years from the date of issuance. The certificate will expire;
3. Violated the laws and regulations on environment and caused serious damage to the environment.

After the natural resources and environment sector withdraws an environmental certificate, the concerned sectoral [governmental] agency must notify the project owner to stop operation of the project [or] activity pursuant to the laws, after receiving a notice from the natural resources and environment sector.

Part V

Environmental Technical Inspection in Investment Projects and Activities

Article 48: Environmental Technical Inspection in Investment Projects and Activities

Technical environmental inspection is inspection of environmental compliance by investment projects and activities particularly [performance of] the environmental obligations, conditions for issuance of environmental certificates, environmental management and monitoring plan, compensation plan, relocation and resumption of occupations, and comprehensive management plan.

Article 49: Duration of Environmental Technical Inspection

Environmental inspection is divided into three phases namely:

1. Construction inspection that is an inspection of environmental implementation during construction phase;
2. Operational inspection that is inspection of environmental implementation during operation; [and]
3. End project inspection that is inspection of environmental implementation at the end of the project.

Article 50: Responsibilities in Environmental Technical Inspection

[Parties that have] the responsibilities to conduct environmental technical inspection are:

1. Project owners;
2. The sectoral [governmental] agency that govern the investment project [or] activity;
3. The natural resources and environment sector.

Unofficial Translation

Article 51: Project Owner's Responsibilities in Environmental Technical Inspection

The project owner is the first persons that conduct the inspection regularly to ensure that environmental implementation of the project is effective by creating systematic monitoring mechanism as follows:

1. Appointment of civil servants with specific qualification and establishment of environmental management team to be responsible for implementation and monitor environmental implementation and coordinate with the concerned [governmental] agencies;
2. Establishment of society management team if the project has to compensate losses and damage and is liable for relocation and resumption of occupation;
3. Provision of sufficient standard equipment required for field work, particularly equipment for collection of samples and tools for measurement of the quality of water, soil, air and sound. For complicated projects, tools for automatic measurement of water, air and sound must be set up;
4. Reporting the outcomes of inspection to the sectoral [governmental] agency that governs the investment and the natural resources and environment sector.

Article 52: Responsibilities the Sectoral [Governmental] Agency that Governs the Investment Project in Environmental Technical Inspection

Sectoral [governmental] agency that governs the investment project is the second party that, within its scope of responsibilities, monitor environment by coordinating with the concerned sectoral [governmental] agencies and local administration as follows:

1. The central-level sectoral [governmental] agency that governs the investment project to carry out environmental inspection when necessary;
2. The provincial-level sectoral [governmental] agency that governs the investment project to carry out environmental inspection during construction phase for three to five times per annum, during operational phase for two to three times per annum, and during the end of project phase for one to two times per annum;
3. The district-level sectoral [governmental] agency that governs the investment project to carry out environmental inspection during construction phase for four to six times per annum, during operational phase for three to four times per annum, and during the end of project phase for two to four times per annum, except for environmental inspection of the complicated project.

The number of times of environmental technical inspection may be increased or reduced depending on special characteristics and size of the investment project, besides from the above-mentioned environmental technical inspection.

The sectoral [governmental] agency that governs the investment project must report the outcomes of each inspection to the natural resources and environment sector.

Article 53: Responsibilities of the Natural Resource and Environment Sector in Environmental Technical Inspection

The natural resources and environment sector is the third party that monitors environmental implementation, by coordinating with concerned sectoral [governmental] agencies and local administration, particularly [in monitoring] performance of environmental obligations, conditions provided in the environmental certificate, the environmental management and monitoring plan and the

Unofficial Translation

specific management plan, including guidelines, notices and imposition of [disciplinary] measures on violators in accordance with the laws and regulations, and report the outcomes of the inspection to the Government periodically as follows:

1. The Ministry of Natural Resources and Environment is responsible at macro level, to issue regulations, manuals for monitoring and field inspection when necessary;
2. The provincial offices of natural resources and environment to monitor the environment during construction phase for three times per annum, during operational phase for two times per annum, and during the end of project phase for one time per annum;
3. The district offices of natural resources and environment to monitor the environment during construction phase for three to four times per annum during operational phase for two to three times per annum, and during the end of project phase for two to three times per annum, except for environmental technical inspection of the complicated project.

The number of times of environmental technical inspection may be increased or reduced depending on special characteristics and size of the investment project, besides from the above-mentioned environmental technical inspection. [The natural resources and environment sector] may randomly inspect or in the case of emergency or when being requested by the public, may inspect suddenly by setting up an ad hoc committee to monitor environmental compliance by the investment projects [or] activities.

For complicated projects, the Ministry of Natural Resources and Environment may set up a field environmental inspection to manage and monitor the environmental [compliance] daily. The team must comprise representatives from natural resources and environment sector, sectoral [governmental] agency that governs the investment project, and from other concerned sectoral [governmental] agencies.

Article 54: Project Owner's Reporting on the Outcomes of Environmental Technical Inspection

A project owner must report the outcomes of its inspection of environmental implementation to the sectoral [governmental] agency that governs the investment project and the natural resources and environment sector regularly, monthly, quarterly, semi-annually and annually as per the conditions of the environmental certificate. In the event, it found out that there is a risk that an accident, emergency or a violation that will cause serious damage to the environment, it must report immediately and must initially report the situation in writing within 24 hours.

The report on outcomes of the environmental implementation inspection must contain the following information:

1. The progress, violation or pending performance of the environmental implementation, performance of the conditions provided in the environmental certificate, the environmental management and monitoring plan, compensation plan, relocation and resumption of occupation plan, and the specific management plan;
2. The measured quality of water, air and sound in graphs, diagrams and samples, by comparing against the data and information before the project and the national environmental standard; [and]
3. Difficulties in performance of the environmental obligations of the project.

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In the case of a complicated project must report the condition of the measured air, water and sound via an inter-connected database linking to the data base of the natural resources and environment sector and other sectoral [governmental] agencies.

Article 55: Environmental Technical Services

Preliminary environmental impact assessment and comprehensive environmental impact assessment must be done by an environmental service provider that is licensed by the Ministry of Natural Resources and Environment.

The environmental service provider must carry out preliminary environmental impact assessment and comprehensive environmental impact assessment with transparency, justice, ethics, morality and consistent with the laws and regulations and is responsible for [accuracy] of all data and information and the outcome of its study.

Any environmental service provider whose license is suspended is prohibited to conduct any preliminary environmental impact assessment and comprehensive environmental impact assessment for two years.

Part VI

The Rights and Obligation of the Affected Persons and the Project's Owner

Article 56: The Rights of the Persons Affected by Investment Projects [or] Activities

People who are affected by an investment project [or] activity have the following rights:

1. To receive and have access to the data and information on benefits, environmental impacts of the investment project [or] activity;
2. To receive compensation, resettlement and occupational resumption benefits as provided in the [relevant] laws and regulations, and [to receive] fair treatment;
3. To receive health protection, medical check-up and treatment depending on the circumstances;
4. To receive promotion and cultural, religious, traditional and [religious] belief protection, including gender equality promotion;
5. To participate in field inspection and each level meetings to express opinions on the environmental impact assessment;
6. To request the project owner or complain to the concerned State's organization for solution of environmental impacts caused by the investment project [or] activity that is not lawful and unfair; [and]
7. To exercise other rights as provided by the laws and regulations.

Article 57: The Obligations of the Persons Affected by Investment Projects and Activities

People who are affected by an investment project [or] activity have the following obligations:

1. To cooperate and provide data and information on environment in the project area and nearby areas, including the data and information on their land, buildings, crops, assets and incomes, to the project owner and the concerned sectoral [governmental] agencies;

Unofficial Translation

2. To report environmental impacts caused by the investment project [or] activity in writing, verbally, or through media [or] other forms of communication, to the each level of local administration, the natural resources and environment sector, and other concerned sectoral [governmental] agencies for resolution of the environmental impacts caused by the investment project [or] activity; [and]
3. To perform other obligations as provided by the laws and regulations.

Article 58: The Rights of the Project's Owner in Environmental Impact Assessment

In environmental impact assessment, a project owner has the following rights:

1. To select an environment service provider to carry out preliminary environmental impact assessment or comprehensive environmental impact assessment;
2. To gather environmental data and information related to its investment project;
3. To coordinate with the natural resources and environment sector, each level of sectoral [governmental] agency and local administration in respect of environmental impact assessment;
4. To monitor and request for documents related to environmental impact assessment from the concerned sectoral [governmental] agencies and local administration;
5. To participate in field inspection and attend consultation meetings to express opinions on environmental impact assessment;
6. To complain to the concerned State's organizations for solutions of incorrect and unfair treatment; [and]
7. To exercise other rights provided in the laws and regulations.

Article 59: The Obligations of the Project's Owner in Environmental Impact Assessment

In environmental impact assessment, a project owner has the following obligations:

1. To be responsible to the data and information stated in the report on preliminary environmental impact assessment, the comprehensive environmental impact assessment report, and the environmental management and monitoring plan;
2. To be liable for expenses incurred in field inspection [and] each level meeting, [and expenses incurred by] the team of specialists, [the cost of] hiring foreign specialists, including [the cost of] implementation of the environmental management and monitoring plan;
3. To pay official fees and charges as provided in the laws and regulations;
4. To pay natural resource royalties, ecological service fees and environmental protection fees as provided in the [relevant] laws and regulations;
5. To deposit environmental warranty money for environmental restoration to be payable by the investment project [or] activity as provided in the [relevant] law or contract;
6. To contribute to the Environmental Protection Fund;
7. To improve the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report and the environmental management and monitoring plan after receiving comments from natural resources and environment sector;
8. To perform environmental obligations pursuant to the environmental management and monitoring plan, the compensation plan, relocation and occupational resumption plan, and the specific management plan;
9. To solve the complaints submitted by those who are affected by the investment project [or] activity;

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10. To improve, modify and restore environment damaged by its investment project; [and]
11. To perform other obligations provided in the [relevant] law and regulations.

In the case its investment project created any unforeseeable environmental impact not stated in its preliminary environmental impact assessment report, comprehensive environmental impact assessment report and environmental management and monitoring plan, the project owner must be liable for additional study and remedy of the impacts.

Part VII

Contractor Hiring, Transfer and Changes in Investment Projects and Activities

Article 60: Hiring of Contractors by Investment Projects and Activities

Any project owner that wants to hire a contractor to do any activity of the investment project or activity must have terms and conditions on obligations and measures on environmental management and monitoring provided in the contract to ensure that the contractor perform such obligations and measures have been correctly and fully performed and implemented.

In the case the contractor fails to perform the terms of the contract signed with the project owner, the project owner must be liable for the environmental impacts.

Article 61: Transfer of Investment Projects and Activities

Any project owner that wants to transfer an investment project [or] activity to a third party [must ensure that] the third party continue to exercise the rights and perform the environmental obligations as provided in the environmental certificate, the preliminary environmental impact assessment report or the comprehensive environmental impact assessment report, and the environmental management and monitoring plan, including the specific management plan throughout the term of the investment project [or] activity.

In the event of transfer or change in the investment project [or] activity's name, the project owner must request the natural resources and environment sector for changing of the name in the project owner or the company in the environmental certificate.

Article 62: Changes in Investment Projects and Activities

Any project owner that wants to alter the investment project [or] activity, such as a new investment project [or] activity in the same area or expansion to a new area, technical changes, enlarge or reduce the size of the existing investment project [or] activity, the project owner must prepare a new preliminary environmental impact assessment report or the comprehensive environmental impact assessment report, including environmental management and monitoring plan and specific management plan.

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Part VIII

Data and Information In Respect of Environmental Impact Assessment

Article 63: Provision of Environmental Data and Information

Provision of environmental data and information is providing of physical, biological, and socio-economic data and information and other data and information to facilitate preparation and reviewing of the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report, environmental management and monitoring plan, including monitoring environmental implementation.

In an environmental impact assessment, the following data and information must be provided:

1. The natural resources and environment sector, other concerned sectoral [governmental] agencies [must] cooperate and provide the data and information that they possess to the project owner for use in the environmental impact assessment activities;
2. The project owner [must] provide sufficient data and information on the investment project [or] activity, and the data and information on environmental impact assessment to the natural resources and environment sector for reviewing and approval;
3. The project owner must create database for use and periodically provide to the natural resources and environment sector and the concerned parties the data and information on implementation of the environmental management and monitoring plan and specific management in the form of printed materials and electronic for monitoring and evaluation; [and]
4. The affected people [must] provide to the project owner and the concerned sectoral [governmental] agencies the data and information on environment in the project area and the nearby areas, including the data and information on their land, buildings, crops, assets and incomes.

Article 64: Disclosure of Environmental Data and Information

Disclosure of environmental data and information is presentation of the data and information derived from the preliminary environmental impact assessment report or the comprehensive environmental impact assessment and the environmental management and monitoring plan, including the costs of implementing, to the affected people and other stakeholders to inform them of the impacts or the potential impacts on the environment, caused directly or indirectly by the investment project [or] activity.

In an environmental impact assessment, the following data and information must be disclosed:

1. The natural resources and environment sector and the project owner must disclose and provide access to the data and information related to the project owner, environmental impact, the obligations and measures to mitigate impacts on environment, preliminary environmental impact assessment report, the comprehensive environmental impact assessment report and the environmental management and monitoring plan, including the outcomes of monitoring implementation and other data;
2. Periodical disclosure to the public of the data and information of the project must be made in both Lao and English languages [and must be done] through newspaper, television, speaker, radios, website, online and other printed materials;

Unofficial Translation

3. In the event the project owner does not want to disclose a data and information stated above, the project owner must submit to the natural resources and environment sector a request attached with such data and information. The natural resources and environment sector must determine whether or not such data and information is confidential data and information within twenty-five working days. If [it is determined that] the data and information is confidential data and information, it must be kept confidential within a period mutually agreed by the natural resources and environment sector and the project owner;
4. For the complicated project, the project owner must set up database centers in the project area and the nearby districts.

Part IX Prohibitions

Article 65: General Prohibitions

It is prohibited persons, entities or organizations, both domestic and foreign, to do the following acts:

1. To provide environmental professional services without a license from the natural resources and environment sectoral [agency];
2. To counterfeit environmental certificates, seal, signature and [other] documents in respect of environmental impact assessment;
3. To exercise the rights and duties exceedingly, application of force or threat to the public officials;
4. To conceal, hide or providing false data/information;
5. To give or be a medium man for accepting or giving bribes;
6. To refuse cooperation or obstruct environmental impact assessment;
7. To defame or making false statement on the State's organization and public officials; [and]
8. To have any other behavior that violates the laws.

Article 66: Prohibitions Imposed on Project Owners and Management of Firm that Provide Environmental Professional Services

It is prohibited a project owner and the management of a firm that provides environmental professional services to do the following acts:

1. For the project owner, to conduct environmental impact assessment on its own;
2. To provide environmental technical services not in compliance with the license and certificate;
3. For the management of the firm that provides environmental technical services, to affix its seal on the preliminary environmental impact assessment report or the comprehensive environmental impact assessment report, environmental management and monitoring plan that it has not conducted and prepared;
4. To bribe or give kickbacks to public authorities and officials;
5. To conspire with the public authority and official to acquire illegal interests;
6. To use force or threaten the public authorities and officials;
7. To defame or making false statement on the State's organization and public officials;
8. To counterfeit documents, signatures, seals and provide false data and information;

Unofficial Translation

9. To violate the duties and conditions provided in the environmental certificate, evade payment of environmental obligations, natural resource royalties, official fees, charges as provided in the laws and regulations;
10. To refuse cooperation or obstruct environmental impact assessment;
11. For the project owners, to construction and operate investment projects or activities that are in the grouping lists of investment projects and activities that require environmental impact assessment without an environmental certificate; [and]
12. To have any other behavior that violates the laws.

Article 67: Prohibitions Imposed on Authorities or Officials

It is prohibited public authorities or officials in natural resources and environment sector and the sectoral agency that governs the investment projects to do the following acts:

1. To study and prepare a preliminary environmental impact assessment report, comprehensive environmental impact assessment and environmental management and monitoring plan;
2. To ignore [and] neglect in performing duties, to delay, withhold reviewing of documents on environmental impact assessment;
3. To be unfair, biased and incorrect to persons, entities, organizations and collective community;
4. To be an agent [or] consultant to a person, entity and organization in environmental impact assessment;
5. To abuse power, position [and] duty, to ask for [and] accept bribery from project owners for personal interest, [or the interests of] relatives and friends;
6. To issue environmental certificates illegally;
7. To counterfeit documents, signature, and seal;
8. To conceal, hide or providing false data/information;
9. For the foreign experts [and] the team of specialists, to review any preliminary environmental impact assessment report, comprehensive environmental impact assessment report and environmental management and monitoring plan of an investment project or activity that they have been involved in conducting and preparation;
10. To disclose confidential data and information without permission;
11. To destroy evidence, documents on environmental impact assessment; [and]
12. To have any other behavior that violates the laws.

Part X Dispute Resolutions

Article 68: Means of Dispute Resolutions

Dispute resolution in respect of environmental impact assessment may be done in any of the following manners:

1. Resolution by compromise;
2. Resolution by administrative means;
3. Dispute resolution by Economic Arbitration Center;
4. Submission to courts; [and]
5. International dispute resolution.

Unofficial Translation

Article 69: Mediation or Compromise

In the event there is a dispute on environmental impact assessment that is not severe and with small amount of damages, the adversaries may resolve the dispute by discussion, negotiation and compromise by amicable means or request for mediation.

Article 70: Dispute Resolution by Administrative Means

In the case there is a dispute related to environmental impacts and damage that is not severe and not in a big amount, the adversaries may request the concerned sectoral [governmental] agency to solve.

Article 71: Dispute Resolution by Economic Arbitration Center

In the case there is a dispute related to environmental impacts and damage, the adversaries may submit the dispute to the Economic Arbitration Center for resolution in accordance with the [relevant] law.

Article 72: Submission to People's Courts

In the case, there is a dispute on environmental impact assessment, a party may file with the [competent] people's court for adjudication in accordance with the [relevant] law.

Article 73: International Dispute Resolutions

In the case, the dispute on environmental impact assessment has international characteristics, the adversaries may submit it to the domestic, foreign or international arbitrators mutually agreed or as provided in the international convention and treaty that the Lao PDR is a signatory.

Part XI

Management and Inspection

Chapter 1

Management of Environmental Impact Assessment Activities

Article 74: Agencies Responsible for Management of Environmental Impact Assessment Activities

The management of environmental impact assessment is centralized and unified at the Government. The Government assigns to the Ministry of Natural Resources and Environment to be directly responsible and key player in coordination with the ministries, [governmental] agencies, local administration and other organizations.

The organizations that are in charge of management of environmental impact assessment are:

1. The Ministry of Natural Resources and Environment;
2. The provincial offices of natural resources and environment; and
3. The district offices of natural resources and environment.

Unofficial Translation

Article 75: The Rights and Duties of the Ministry of Natural Resources and Environment

In management of environmental impact assessment, the Ministry of Natural Resources and Environment has the following rights and duties:

1. Conducting research and draft policies and laws on environmental impact assessment and submit to the Government for approval;
2. Adopting the policies and laws on environmental impact assessment into detailed regulations and working plans, programs and projects, and implement;
3. Advertising, disseminating, training the policies, laws and regulations n environmental impact assessment;
4. Issuing decisions, directions, guidelines and notices in respect of environmental impact assessment;
5. Suspending or revoking decisions, directions, guidelines, [and] notices that are inconsistent with the laws and regulations;
6. Strengthening and training the civil servants of the natural resources and environmental sector in respect of environmental impact assessment and monitoring environment;
7. Giving technical advice to project owners and environmental professionals⁵ on environmental impact assessment and environmental monitoring;
8. Creating and improving the lists of grouped investment projects and activities for the purposes of environmental impact assessment to make them suitable with the current situation nationwide;
9. Reviewing and approving the scope of assessment and works for comprehensive environmental impact assessment report;
10. Field inspecting and organizing each level meetings during reviewing of comprehensive environmental impact assessment report;
11. Appointment of a team of specialists at central level to review comprehensive environmental impact assessment report;
12. Hiring foreign specialists to assist in reviewing comprehensive environmental impact assessment reports, environmental management and monitoring plan and specific management plan when necessary;
13. Issuing, suspending or withdrawing environmental certificates in respect of comprehensive environmental impact assessment reports;
14. Issuing certificates to renew environmental management and monitoring plan of investment projects and activities that are in the second group;
15. Approving environmental management and monitoring plans for the mineral prospecting and plans for environmental restoration;
16. Instructing project owners to upgrade their preliminary environmental impact assessment into comprehensive environmental impact assessment in the event finding that the impact is material;
17. Instructing project owners to carry out further study or improve the approved comprehensive environmental impact assessment report, environmental management and monitoring plan and specific management plan if found out that the impacts are beyond the preliminary assessment scope;
18. Establishing a field environmental management team to daily manage and monitor environmental activities of complicated projects;

⁵ From the translator: The term refers to a person who provide environmental technical services. I also use the term "environmental service provider" in other places in this Decree. But, both of them means the same thing the "person" or "firm" that provides environmental services, that conduct the environmental impact assessment and prepare environmental management and monitoring plans.

Unofficial Translation

19. Inspecting environmental technical staff of investment projects and activities within its scope of responsibilities;
20. Establishing central ad hoc committee to monitor environment of the investment projects and activities in the case of emergency and when necessary;
21. Gathering requests of people affected by the investment projects and activities and of the related stakeholders, including resolution of disputes within its scope of responsibilities;
22. Coordinating with ministries, [governmental] agencies, local administration and project owners in environmental impact assessment;
23. Working with foreign countries, regionally and internationally, in environmental impact assessment activities;
24. Regularly summarizing and reporting implementation of environmental activities to the Government; [and]
25. Exercising other rights and performing other duties pursuant to the laws and regulations.

Article 76: The Rights and Duties of the Provincial Offices of Natural Resources and Environment

In management of environmental impact assessment, the provincial offices of natural resources and environment has the following rights and duties:

1. Implementing policies, laws, detailed working plan, programs and projects in respect of environmental impact assessment;
2. Advertising, disseminating, training the policies, laws and regulations on environmental impact assessment;
3. Requesting for issuance decisions, directions, guidelines and notices in respect of environmental impact assessment;
4. Requesting for suspension or revoking of decisions, directions, guidelines, [and] notices that are inconsistent with the laws and regulations;
5. Strengthening and training the civil servants of the natural resources and environmental sector in respect of preliminary environmental impact assessment report and monitoring environment;
6. Giving technical advice to project owners and environmental professionals on preliminary environmental impact assessment report and environmental monitoring;
7. Collaborating and facilitating project owners in public involvement procedure with participation of the affected people and other stakeholders;
8. Field inspecting and organizing each level meetings during reviewing of comprehensive environmental impact assessment report;
9. Appointment of a team of specialists at provincial level to review comprehensive environmental impact assessment reports;
10. Issuing, suspending or withdrawing environmental certificates to approve in the preliminary environmental impact assessment;
11. Requesting the Ministry of Natural Resources and Environment to suspend or withdraw environmental certificate approved the comprehensive environmental impact assessment report;
12. Issuing certificates to renew environmental management and monitoring plan of investment projects and activities that are in the first group
13. Inspecting environmental technical staff of investment projects and activities;
14. Requesting provincial majors to establish an ad hoc committee to monitor environment of the investment projects and activities in the case of emergency and when necessary;
15. Gathering requests of people affected by the investment projects and activities and of the related stakeholders, including resolution of disputes within its scope of responsibilities;

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16. Coordinating with offices, local administration and project owners in environmental impact assessment;
17. Regularly summarizing and reporting implementation of environmental activities to the Ministry of Natural Resources and Environment; [and]
18. Exercising other rights and performing other duties pursuant to the laws and regulations.

Article 77: The Rights and Duties of the District Offices of Natural Resources and Environment

In management of environmental impact assessment, the provincial offices of natural resources and environment has the following rights and duties:

1. Implementing policies, laws, detailed working plan, programs and projects in respect of environmental impact assessment;
2. Advertising, disseminating, training the policies, laws and regulations on environmental impact assessment;
3. Requesting for issuance decisions, directions, guidelines and notices in respect of environmental impact assessment;
4. Requesting for suspension or revoking of decisions, directions, guidelines, [and] notices that are inconsistent with the laws and regulations;
5. Strengthening and training the civil servants of the natural resources and environmental sector in respect of preliminary environmental impact assessment and monitoring environment;
6. Participating in environmental impact assessment and monitoring of environment in investment projects and activities;
7. Gathering requests of people affected by the investment projects and activities and of the related stakeholders, including resolution of disputes within its scope of responsibilities;
8. Coordinating with other related parties in environmental impact assessment;
9. Regularly summarizing and reporting implementation of environmental activities to the provincial offices of natural resources and environment and the local administration; [and]
10. Exercising other rights and performing other duties pursuant to the laws and regulations.

Article 78: The Rights and Duties of the Sector in Charge of the Investment Projects

In management of environmental impact assessment, the technical sector that governs the investment project has the rights and duties, within their scope of its responsibilities, to coordinate with the natural resources and environmental sector and other related sector in preparing a plan, budgeting, protecting of environment, encouraging project owners to conduct environmental impact assessment and apply modern and environmental-friendly technology in construction and operation of the projects, as well as being secondary inspector that inspect performance of the environmental sector as provided in Article 52 of this Decree.

Article 79: The Rights and Duties of the Sectoral Offices, Local Administration and Other Sectors

In management of environmental impact assessment, the other technical sectors, local administration and other organizations have the rights and duties to coordinate with natural resources and environmental sector within their roles and scope of responsibilities in protection of environment, environmental impact assessment, application of modern and environmental-friendly technology in construction and operation of the projects.

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Chapter 2 Inspection

Article 80: Agencies Responsible for Inspection of Environmental Impact Assessment Activities

The [governmental] agencies that are in charge of inspection of environmental impact assessment are:

1. Internal inspectors are the [governmental] agencies that are in charge of environmental impact assessment listed in Article 74 of this Decree
2. External inspectors are the provincial people council, the Governmental Inspector, each level-State inspector, the State Auditor, the National Front for National Construction, the Veteran Association, Civil Organization, Mass Media and citizen.

Article 81: Inspection Matters

The matters that will be inspected when conducting an inspection on environmental impact assessment activities are as follows:

1. Compliance with policy, laws and regulations on environmental impact assessment;
2. Organization and activities of the [governmental] agency that is in charge of management of the environmental impact assessment;
3. Exercise of the rights, and performance of duties and imposition of legal measures on violators.

Article 82: Means of Inspection

There are three forms of inspection namely:

1. Regularly systematic inspection;
2. Inspection with an advance notice; [and]
3. Sudden inspection.

Regularly systematic inspection is an inspection done in accordance with the plan that has a definite schedule.

Inspection with an advance notice is an inspection that is outside the plan when it is deemed necessary, by giving an advance notice to the inspected target.

Sudden inspection is urgent inspection without giving an advance notice to the inspected target.

Part XII Policies on Persons Who Performs Very Well and Measures on Violators

Article 83: Policies on Persons Who Performs Very Well

Any person, entity or organization that is outstanding in implementing this Decree, such as, being a good model and contributing actively in environmental impact assessment, achieving the objective and

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is effective, will be commended or granted other [benefits in accordance with] the policy as provided in the laws and regulations.

Article 84: Measures on Violators

Any person, entity or organization that violates this Decree, particularly the prohibition, will be educated, warned, disciplined, fined, ordered to pay civil compensation or criminally prosecuted depending on the circumstances.

Part XIII Final Provisions

Article 85: Implementation

The Ministry of Natural Resources and Environment is the key player in dissemination and implementation of this Decree effectively.

Ministries, governmental agencies, local administration, project owners and affected people to acknowledge and implement this Decree strictly.

Article 86: Deadline for Dealing with Investment Projects and Activities that Do Not Have Environmental Certificate

The Ministry of Natural Resources and Environment coordinates with the sectors that govern the investment projects and other [governmental] agencies to review the investment projects and activities that do not have an environmental certificate and instruct the project owners to carry out and complete environmental impact assessment and preparation of an environmental management and monitoring plan by six months or one year depending on circumstances since the date of receiving the instruction.

Article 87: Coming into Force

This Decree comes into force since the date of signature and after publication in the official gazette for fifteen days.

The Government of the Lao PDR

The Prime Minister

[Signed [illegible] and seal

Thongloun Sisoulith

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