

カンボジア王国  
環境影響評価（EIA）を含む  
公害管理能力向上プロジェクト  
詳細計画策定調査報告書

平成 29 年 1 月  
(2017 年)

独立行政法人国際協力機構  
地球環境部

環 境
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## 略 語 表

略語	英語	日本語
AAS	Atomic Absorption Spectrometry	原子吸光分析法
ADB	Asian Development Bank	アジア開発銀行
BOD	Biochemical Oxygen Demand	生物化学的酸素要求量
CO	carbon monoxide	一酸化炭素
COD	Chemical Oxygen Demand	化学的酸素要求量
C/P	Counterpart	カウンターパート
Cr (VI)	Chromium VI	六価クロム
DO	Dissolved Oxygen	溶存酸素量
EC	Electrical Conductivity	電気伝導率
EIA	Environmental Impact Assessment	環境影響評価
EMP	Environmental Management Program	環境管理計画
EPA	Environmental Protection Agreement	公害防止協定
EMS	Environment Management System	環境マネジメントシステム
FDI	Foreign Direct Investment	外国直接投資
GC-MS	Gas Chromatography - Mass Spectrometry	ガスクロマトグラフィー質量分析法
GIS	Geographic Information System	地理情報システム
IEE	Initial Environmental Examination	初期環境調査
ICP-MS	Inductively Coupled Plasma - Mass Spectrometry	誘導結合プラズマ質量分析法
ISO	International Organization for Standardization	国際標準化機構
ITC	Institute of Technology of Cambodia	カンボジア工科大学
JICA	Japan International Cooperation Agency	国際協力機構
KOICA	Korea International Cooperation Agency	韓国国際協力団
M/M	Minutes of Meeting	協議議事録
MoE	Ministry of Environment, Cambodia	カンボジア環境省
NGO	Non-Governmental Organization	非政府組織
NO <sub>2</sub>	nitrogen dioxide	二酸化窒素
PDM	Project Design Matrix	プロジェクト・デザイン・マトリックス
pH		水素イオン指数
PM10	Particulate Matter 10	直径 10 μ m 以下の粒子状物質

PM2.5	Particulate Matter 2.5	直径 2.5 $\mu$ m 以下の粒子状物質
PO	Plan of Operation	活動計画表
PRTR	Pollution Release and Transfer Register	環境汚染物質排出移動量登録
QIP	Qualified Investment Projects	適格投資プロジェクト
R&D	Research and Development	研究開発
R/D	Record of Discussion	討議議事録
SATREPS	Science and Technology Research Partnership for Sustainable Development	地球規模課題対応国際科学技術協力
SEZ	Special Economic Zone	経済特別区
SO <sub>2</sub>	sulfur dioxide	二酸化硫黄
T-N	Total Nitrogen	全窒素
T-P	Total Phosphorus	全リン
TDS	Total Dissolved Solid	総溶解固形分
TOR	Terms of Reference	委託事項
TSP	Total Suspended Particle	総浮遊粒子状物質
UNDP	United Nations Development Programme	国連開発計画
UNEP	United Nations Environment Programme	国連環境計画
UNIDO	United Nations Industrial Development Organization	国際連合工業開発機関
USAID	United States Agency for International Development	米国国際開発庁
WEPA	Water Environment Partnership in Asia	アジア水環境パートナーシップ
WHO	World Health Organization	世界保健機関

## 第1章 詳細計画策定調査の概要

### 1-1 調査の目的

- ・ 協力の枠組みについてカンボジア王国（以下、「カンボジア」と記す）実施機関と協議、合意すること。
- ・ 本格協力の実施に必要な関連情報の収集・整理を行うこと。
- ・ 本格協力の実施方法、留意事項などについて確認し、計画策定結果にまとめること。

### 1-2 調査団の構成

担当分野	氏名	所属
総括	伊藤 民平	JICA地球環境部環境管理第一チーム課長
環境管理/EIA	辻 昌美	JICA国際協力専門員（環境管理）
協力企画	細貝 瑞季	JICA地球環境部環境管理第一チーム職員
評価分析	福田 宗弘	(株) ソーワコンサルタント

### 1-3 調査日程

調査は2016年11月22日より12月15日まで実施した。コンサルタント団員（評価分析）が先行調査を行い、官団員は最終週に相手国政府との協議及び協議議事録（Minute of Meeting：M/M）署名する形で合流した。詳細日程は以下のとおりである。

日時	曜日	活動・訪問面談先（福田）	活動・訪問先（伊藤、辻、細貝）
22-Nov-16	Tue	成田→プノンペン移動。夜 JICA カンボジア事務所と打ち合わせ	
23-Nov-16	Wed	環境省環境保護総局 計画・財務部	
		同上 固形廃棄物部	
		同上 水質管理部	
24-Nov-16	Thu	同上 有害物質管理部	
		同上 環境影響評価部	
25-Nov-16	Fri	同上 検査法規制部	
		同上 ラボラトリー	
26-Nov-16	Sat	資料整理	
27-Nov-16	Sun		
28-Nov-16	Mon	環境省環境保護総局 大気・騒音管理部	
		同上 総局長	
		農林水産省 農業総局	
29-Nov-16	Tue	鉱山・エネルギー省 鉱物資源総局	

		工業手工芸省 工業総局	
		工業手工芸省 カンボジア標準研究所	
30-Nov-16	Wed	カンボジア開発評議会 環境評価部	
1-Dec-16	Thu	環境省環境保護総局 総局長	
2-Dec-16	Fri	プノンペン経済特区工業団地運営会社	
		JICA カンボジア事務所 ブリーフィング Oxfam	
3-Dec-16	Sat	PDM 及び PO 案作成	
4-Dec-16	Sun		
5-Dec-16	Mon	プノンペン→シアヌークビル移動	
		シアヌークビル州環境部	
6-Dec-16	Tue	シアヌークビル→プノンペン移動	
		国連開発計画カンボジア事務所	
7-Dec-16	Wed	プノンペン都環境部	
8-Dec-16	Thu	カンボジア工科大学	
9-Dec-16	Fri	E&A コンサルタント	
10-Dec-16	Sat	PDM 案、PO 案策定	
11-Dec-16	Sun	PDM 案、PO 案策定	成田→プノンペン移動
		団内協議	
12-Dec-16	Mon	JICA カンボジア事務所	
		環境省官房長と打ち合わせ	
13-Dec-16	Tue	団内協議	
		環境省環境保護総局と PDM 案、PO 案についての打ち合わせ	
14-Dec-16	Wed	環境省環境保護総局と PDM 案、PO 案についての打ち合わせ	
		団内協議	
15-Dec-16	Thu	環境省次官補表敬、M/M、R/D 案にかかわる最終協議、M/M の署名	
		辻、福田はプノンペン→成田移動（夜行便）	伊藤、細貝は別件業務

#### 1-4 協議概要

##### 1-4-1 プロジェクトの期間について

本案件はカンボジア環境省（Ministry of Environment, Cambodia : MoE）に対して行う初めての技術協力プロジェクトであることから、先方からの要請が 3.5 年であるものの、フェーズ 2 の実施も念頭に置いた 6 年程度の協力をを行う最初のフェーズとして位置づけることで検討していた。先方も息の長い支援を希望しており、先方の自助努力によるプロジェクトの積極的な推進が見込めること



を踏まえて、日本政府の判断によるものの、JICA としては単発で終わることなく現在カンボジア政府部内で行われている環境法制見直し作業（環境法典）の結果も踏まえ、次のフェーズにつなげる意向をもっているという点を先方に伝えた。

#### 1-4-2 環境法典について

環境法典制定支援については国連開発計画（United Nations Development Programme：UNDP）が取り組んでいることを踏まえ、プロジェクトスコープには含めない。しかし、カンボジア国内における法律の承認手続きをかんがみると早急に最終化されるとは考えにくいことから、プロジェクト開始後に環境省側から環境法典制定へのコメントやアドバイスを求められた場合は、プロジェクト専門家が対応することとした。

#### 1-4-3 プロジェクトの対象とする範囲

プロジェクトの対象につき、環境省の環境保護総局を主たるカウンターパート（Counterpart：C/P）として三つの成果に関する活動を展開することで先方と合意した。

成果について、具体的には①環境影響評価（Environmental Impact Assessment：EIA）と水環境に焦点を当てた環境管理に関する関連法文書が改定され、承認に向けた手続きが進む、②EIA と水環境に焦点を当てた環境管理に関する技術的課題と手続きが明確化され、環境保護総局とその他のステークホルダーの間で共有される、③環境保護総局及び関連する部署の能力が向上する、の三つとした。

また、上記③に関連が深く、要請書にも記載されていた地方行政官への EIA に関するトレーニングについては、環境省内の計画の中で既に記載されており、予算についても少額ながら確保されていることが明らかとなった。しかし、予算総額については環境省とカンボジアの財務省の間で継続協議が必要とのことで、環境省も予算確保に向けた粘り強い交渉を継続していく姿勢を示している。

#### 1-4-4 ラボの支援

ラボの支援については時期尚早であり、今回のプロジェクトでは実施しないこととしていた。そのかわり、成果3点目の能力向上に関しては、単に室内で講義を実施するのではなく、実際に現場にて携帯型検査機器を使い数値を測定するなど、実践的な取り組みを通じた活動を行うなかで能力を培うことを想定している。

### 1-5 団長所感

#### 1-5-1 タイミングの問題（投資増）

カンボジアは近年、高い経済成長を遂げているが、日本企業も「タイ・プラス・ワン」の生産拠点としてカンボジアに進出する事例が増えている。今次調査では、特にプノンペンをはじめとする都市部や経済特区における急激な発展・人口流入により、水環境等の悪化が顕在化している状況を目の当たりにした。数多くの投資・開発が進められるなか、要請のあった EIA を適切に行い、環境への悪影響を回避することは喫緊の課題である。その観点から、本協力は時宜を得たものと判断した。

#### 1-5-2 環境法典 (Environmental Code)

現在、UNDP はカンボジア政府に対し、環境法制の基礎となる環境法典の作成を支援している。環境法典には、持続可能な都市、グリーンエコノミー、EIA、廃棄物、汚染規制、生物多様性、水資源、森林資源、情報アクセス等々、さまざまな分野が包含され、本協力の対象となる EIA や水環境も含まれている。環境法典の最終承認には引き続き時間を要すると推測され、環境法典の内容に影響を受ける可能性がある本協力の開始を躊躇する意見もあった。そのため本協力においては、環境法典の内容に左右されない内容を中心として組み立てた。また、本協力の実施の過程で、環境法典の技術的内容に係るアドバイスも必要に応じて行うこととした。

#### 1-5-3 情報公開

カンボジア側との協議においては、情報公開に取り組むことの重要性について強調した。本協力が対象とする EIA や水環境管理は、多数のアクターが関与するなかで行う活動である。環境に対する負荷を高める可能性のある民間企業や投資・開発を推進する母体にとって EIA や水環境管理は、重荷となる余分なものであることが多い。また、発展途上の国においては、環境保全よりも投資・開発をより重視する傾向がある。そのようななか、力の弱い環境規制官庁としては、情報公開を推進し、市民の声を味方につけ、世論を形成していくことが、自らの活動を適正に実施するための後押しとなる。

情報公開の重要性については、カンボジア側からも同様の認識が呈されるとともに、現在作成中の環境法典においても情報公開が一つの柱として位置づけられているとの説明があった。プロジェクトの実施においては、適切な情報公開についても取り組むこととした。

#### 1-5-4 息の長い支援

本協力は、カンボジアの環境省に対して実施する初めての技術協力プロジェクトである。今次調査を通じて明らかとなった環境省の現状やキャパシティにかんがみ、適切な EIA の実施や水環境管理の推進に対しては、息の長い支援が必要である。他方、環境法典の進捗や内容によって、今後の活動が大きく変わる可能性もあることから、本協力は3年半と短く区切ることとしたが、継続した取り組みが必要であることを指摘したい。

## 第2章 EIA 及び環境管理にかかわる現況と課題

### 2-1 要請の背景と経緯

カンボジアは、アジアでも屈指の7%強という高い経済成長率を維持している。また総人口は2013年時点で1,467万人、人口増加率は1.46%である。都市部の人口は総人口の約21.44%で、1998年調査時の18.32%、2008年調査時の19.51%から増えている。こうした近年の急激な都市化や経済発展に伴い、都市や市街地における環境汚染に対する懸念が拡大している。

特に、カンボジアの首都プノンペン都内では、未処理雑排水が周辺河川や湖などに放流され、これまでは湖・湿地等で自然浄化能力によりある程度浄化されてきたが、近年の急速な都市化により、水質悪化が進んでいる。

また、同国における国内外資本による企業活動は増加している。近年、中国やタイの人件費上昇、労働市場逼迫などを背景に、日系企業が「チャイナ・プラス・ワン」「タイ・プラス・ワン」の生産拠点として人件費の安いカンボジアへ進出する事例が増えており、今まで主力を担っていた縫製業にとどまらず、より環境負荷の高い産業が増加することが予測されている。持続可能な経済発展を担保するためには、大規模な開発事業などの実施前に環境に与える影響を調査・予測・評価するEIAや環境管理を適切に行う必要がある。

しかし、これらの任務を担当する環境省の歴史は浅く、環境省におけるEIA審査能力や環境管理計画のモニタリング能力は大幅に不足している。結果として、制度的な問題とも相まって、本来事業開始前に実施され環境対策を予防的に行うはずのEIAが必ずしも適切に実施されないケースもある。

さらに、環境省が有する分析ラボでは基礎的項目のみ分析が行われており、多くの先進国で問題となっている各種の微量有害物質については分析、モニタリングされていないことから、環境汚染の有無、またその程度自体が不明な状況である。民間ラボに対する精度管理などは行われておらず、分析可能な基礎項目についてもその信頼度は不明である。したがって、環境への影響が懸念される企業活動に対して科学的根拠に基づいた適正な指導を行うのが困難であり、監視能力も不足している。

EIAや環境管理には環境省が単独活動するのではなく、関連するカンボジアの他省庁(開発評議会、農林水産省、鉱山・エネルギー省、保健省、公共事業・運輸省、水資源気象省、観光省等)、地方政府、民間事業者、住民・NGO等多種多様な主体との連携が必要であるが、いまだそれらの主体との連携を促進する環境省の能力は十分ではない。

#### 2-1-1 カンボジアの法制度序列と承認プロセス

カンボジアの現在の法律・法規の序列は以下のようにになっている(出典：<http://www.yappango.com/faq/jbl01.html>)。なお、同WEB情報は「カンボジア投資ガイドブック」カンボジア開発評議会(2013年)が出所。今回の成果1で支援対象としているものは政令(Sub-Decree)と省令(Prakas)のレベルであり、国会承認を必要とする法律(Law)は対象としていない。

##### (1) 憲法(The Constitution)

1993年に制定された、カンボジアにおける最高法規。

(2) 国際条約・協定 (Treaties and Convention)

憲法 26 条によれば、下院と上院の承認に基づき国王が署名し批准する。批准後において国際条約 (2 国間または多国間)・協定は法律とみなされ、司法上の準拠基準の一つとなる。

(3) 法律 (Chhbab : Law)

国民議会により採択される法規。

(4) 勅許 (Royal Kram : Preah Reach Kram 及び Royal Decree : Preah Reach Kret)

国王が憲法で認められた権限にしたがい国王の名により発する命令。

(5) 政令 (Au-Kret : Sub-Decree)

閣議での採択に基づき首相により署名される。閣議で採択されなかった場合には、首相と主管大臣の署名が必要となる。首相は法令で定められた権限内で政令を発布することができる。

(6) 省令 (Prakas : Ministerial Order)

法令に定められた権限内において政府の閣僚により発せられる。

(7) 決定 (Sechkdei Samrech : Decision)

「Decision」は首相により、「Prakas-Deika」は閣僚または知事により、法令に定められた権限に基づき発せられる。

(8) 告示 (Sarachor : Circular)

一般的に、特定の法制度を説明したり明確にしたりするため、あるいは指示を与えるために、政府の長としての首相が、あるいは省庁の責任者としての大臣が発布する。

(9) 省令 (Arrete : Provincial Deka)

州の地理的埴内において有効であり、州知事が発布する。

## 2-1-2 法制度概要

上述したように現在環境関連法に関して「環境法典」の策定作業が進んでおり (詳細は「2-3 ドナーと関連プロジェクト」の UNDP の項参照)、この内容によっては現行法による規制が変更される可能性もある。以下そうした状況を踏まえての概要説明である (なお、下記法制度概要は JICA 辻国際協力専門員のコンタクトミッションレポートを一部再構成及び追記したものである)。

環境に関する現行の基本法は、環境保護及び自然資源管理に関する法律 (Law on Environmental Protection and Natural Resources Management, 1996) である。同法に基づき、EIA、大気、水質、廃棄物等の個別分野に関する政令 (sub-decree = 閣僚会議令。首相による承認が制定されている)。

(1) 環境影響評価 (EIA)

EIA は、環境保護及び自然資源管理に関する法律第 3 章 (第 6 条及び 7 条の二つの条文からなる) に根拠条文がある。同法第 6 条に基づき、EIA プロセスに関する政令 (Sub-decree on

Environmental Impact Assessment Process. No:72 ANRK.BK (11 Aug. 1999) があり、同政令に基づき、以下の主務大臣によって承認される省令 (Prakas) が制定されている。

表 2 - 1 EIA 関連法規制

レベル	タイトル	注
Sub-Decree	Environmental Impact Assessment Process. No:72 ANRK.BK (11 Aug. 1999)	EIAの具体的手続きの概要、事業者側及び審査側の責務、IEIAないしはEIAを要する事業のリスト等を定めている。
Prakas	Guidelines for Conducting Environmental Impact Assessment Report (No.49, Mar. 2000)	EIA記載事項を規定しているが、より新しいPrakasで置き換えられているものと推察される。
Prakas	Determination of Service Charge for Environmental Impact Assessment Report Review and Follow-up and Monitoring of Project Implementation (No. 745, Oct. 2000)	英訳なし。
Prakas	General Guidelines for Conducting Initial and Full Environmental Impact Assessment Reports (No. 376 BRK.BST, Sep. 2009)	IEIA及びEIA審査手続きの詳細 (EIA作成には、登録されたコンサルタント会社を使うことも含め)、EIA記載事項を規定。上述2000年のPrakasを置き換えていると推察される。
Prakas	Registration of Consulting Firms for Studying and Preparing Environmental and Social Impact Assessment Report (No. 215 Brk MoE, May 2014)	EIA作成を行うコンサルタント会社の登録要件、職員の構成・資格等について規定。
Prakas	Establishment of the Technical Working Group for Reviewing and Commenting on the EIA Report (No. 063 Pr.k MoE、Feb. 2014)	英訳なし。
Prakas	Organization and Function of the Department of Environmental Impact Assessment (No. 445 MoE 2015)	EIA部の組織、役割、責任について規定。
Prakas	Power Delegation of Decision Making Instead of Ministry of Environment for Investment Projects to the Municipal- Provincial Department of Environment (MoE 2005)	投資額が200万米ドル未満の事業はMunicipal-Provincial Department of Environmentが審査することを規定。

## (2) 大気汚染・騒音

大気汚染及び騒音については、環境保護及び自然資源管理に関する法律第13条に基づき、大気汚染規制及び騒音障害に関する政令〔Sub-decree on Air Pollution Control and Noise Disturbance. No:42 ANRK.BK (10 Jul. 2000)〕が、基準値、許可制度、発生源及び環境のモニタリング、立入検査、罰則等を定めている。同政令に基づき、下記の下部文書が策定されることとなっているが、現在のところ策定されていない。政令別表1から7の基準値には測定法は示されておらず、上記文書で定める予定だったと推察される。

なお、環境省では今後数年の間に、同上の政令を固定発生源対策と移動発生源対策に分けて再構成する予定である。

表 2-2 大気騒音関連法規制

レベル		タイトル	注
Sub-Decree		Air Pollution Control and Noise Disturbance. No:42 ANRK.BK (10Jul. 2000)	固定発生源対策と移動発生源対策に分けた形での改定予定。
	Joint Declaration	Monitoring procedure	未策定。前記Sub-Decreeの第18条による。
	Technical Guideline	Pollution source monitoring sampling point, air and noise analysis	未策定。前記Sub-Decreeの第19条による。

(3) 水質汚濁

水質汚濁については、環境保護及び自然資源管理に関する法律第 13 条に基づき、水質汚濁規制に関する政令〔Sub-decree on Water Pollution Control. No:27 ANRK.BK (6 Apr.1999)〕が、基準値、許可制度、発生源及び環境のモニタリング、立入検査、罰則等を定めている。同政令に基づき、下記の下部文書が策定されることとなっているが、現在のところ策定されていない。政令別表の基準値には測定法は示されていない。第 22 条において、事業者が他の試験所に試験を依頼する場合には環境省と同じ分析方法を用いることとされているが、その方法が示されていない。なお、環境省では最近下水処理に関する政令の改定を進めている。

表 2-3 水質関連法規制

レベル		タイトル	注
Sub-Decree		Water Pollution Control. No:27 ANRK.BK (6 Apr. 1999)	
	Standard	Standard for effluent discharge	未策定。前記Sub-Decreeの第5条による。
	Prakas	Pollution load standard	未策定。前記Sub-Decreeの第7条による。
	Technical Guideline	Effluent discharge or transportation permit	未策定。前記Sub-Decreeの第14条による。

(4) 廃棄物

廃棄物については、環境保護及び自然資源管理に関する法律第 13 条に基づき、廃棄物管理に関する政令〔Sub-decree on Solid Waste Management. No:36 ANRK.BK (27 Apr.1999)〕が、家庭廃棄物管理、有害廃棄物管理、有害廃棄物モニタリング及び立入検査、罰則等を定めている。同政令に基づき、次のような省令、ガイドラインなどが策定されることとなっているが、現在のところ策定されていない。2015 年 8 月、Sub-decree No. 113 on Solid Waste Management in Urban Areas が制定された。同政令は、廃棄物管理機能を州レベルから市/地区レベルに移譲するとともに、料金徴収システムを確立しようとするものである。また韓国国際協力団（Korea International Cooperation Agency : KOICA）－国際連合工業開発機関（United Nations Industrial Development Organization : UNIDO）の支援を受け 2016 年 4 月に E-Waste に関する新たなガイドラインが策定されている。

表 2 - 4 廃棄物関連法規制

レベル		タイトル	注
Sub-Decree		Solid Waste Management. No:36 ANRK.BK (27 Apr. 1999)	
	Guideline	Disposal, collection, transport, storage, recycling, minimizing, and dumping of household waste in provinces and cities.	未策定。前記Sub-Decreeの第4条による。
	Prakas	Sound management of waste	未策定。前記Sub-Decreeの第5条による。
	Guideline	Management of hazardous waste	未策定。前記Sub-Decreeの第11条による。
	Prakas	Standard of quantity of toxin or hazardous substances contained in the hazardous waste which could be allowed for disposal	未策定。前記Sub-Decreeの第12条による。
	Prakas	Storage, transportation and disposal of hazardous waste	未策定。前記Sub-Decreeの第15条による。
	Prakas	Guidelines of environmentally sound management of hazardous waste	未策定。前記Sub-Decreeの第16条による。前述Guidelineと同一の可能性あり。
Sub-Decree		Solid Waste Management in Urban Areas No. 113 August 2015	廃棄物管理機能を州レベルから市/地区レベルに移譲するとともに、料金徴収システムを確立しようとするもの。
	Technical Guideline	Environmental Sound Management of Waste Electrical and Electronic Equipment (WEEE) April 2016	KOICAとSamsungの資金供与でUNIDOが支援して作成したもの。

このほか、プラスチック廃棄物、産業廃棄物、有害廃棄物に関する新たな政令を策定中である。

### 2 - 1 - 3 組織・体制

環境省全体の組織図を図 2 - 1 に示す。環境省の任務は環境保護及び自然資源管理に関する法律に基づき次のように規定されている。

- ・ 実施中及び実施予定の全プロジェクト及び活動に対する EIA 実施（第 6 条）。
- ・ 自然資源に対する環境影響の調査及び評価（第 9 条）。
- ・ 自然資源の保全及び合理的利用を担保するため、他関連省庁に対し勧告を行う（第 9 条）。
- ・ 汚染源をすべてリストアップする（第 12 条）。
- ・ 汚染を防止し、緩和するための政令を策定する（第 13 条）。
- ・ 汚染源及び自然資源の開発活動をモニタリングする（第 14 条）。
- ・ 汚染源の立ち入りを行い（第 15 条）、違反した場合には改善を命令する（第 20 条）。

環境省には五つの総局があり、本プロジェクトの実施機関となるのはそのうちの環境保護総局（General Directorate of Environmental Protection）である（図 2 - 1 の点線で囲んだ部分）。環境省のそれぞれの総局、また部の役割については政令（SUB-DECREE On ORGANIZATION AND FUNCTIONING OF THE MINISTRY OF ENVIRONMENT, No.135 ANKr.BK, July 5th, 2016）に規定さ

れている（注：組織図では総局は General Department となっているが、正確には General Directorate と訳す）。

なお、環境省内の自然資源保全管理総局（General Directorate of Administration Protection & Natural Conservation）と知識環境情報総局（General Directorate of Knowledge & Environmental Information）に対しては、UNDP が米国国際開発庁（United States Agency for International Development : USAID）の資金拠出を得て支援を実施している（詳細は後述「2-3-1」を参照）。

環境保護総局内には次の八つの部（Department）が設置されている。

- ① Department of Air and Noise Quality Management
- ② Department of Water Quality Management
- ③ Department of Solid Waste Management
- ④ Department of Hazardous Substance Management
- ⑤ Department of EIA
- ⑥ Department of Inspection & Law Enforcement
- ⑦ Laboratories
- ⑧ Department of Administration, Planning and Finance

それぞれの職員数（うち大学卒以上の職員数、また海外留学経験のある職員数）、並びに大凡の予算額（2016 年分）を表 2-5 にまとめる。



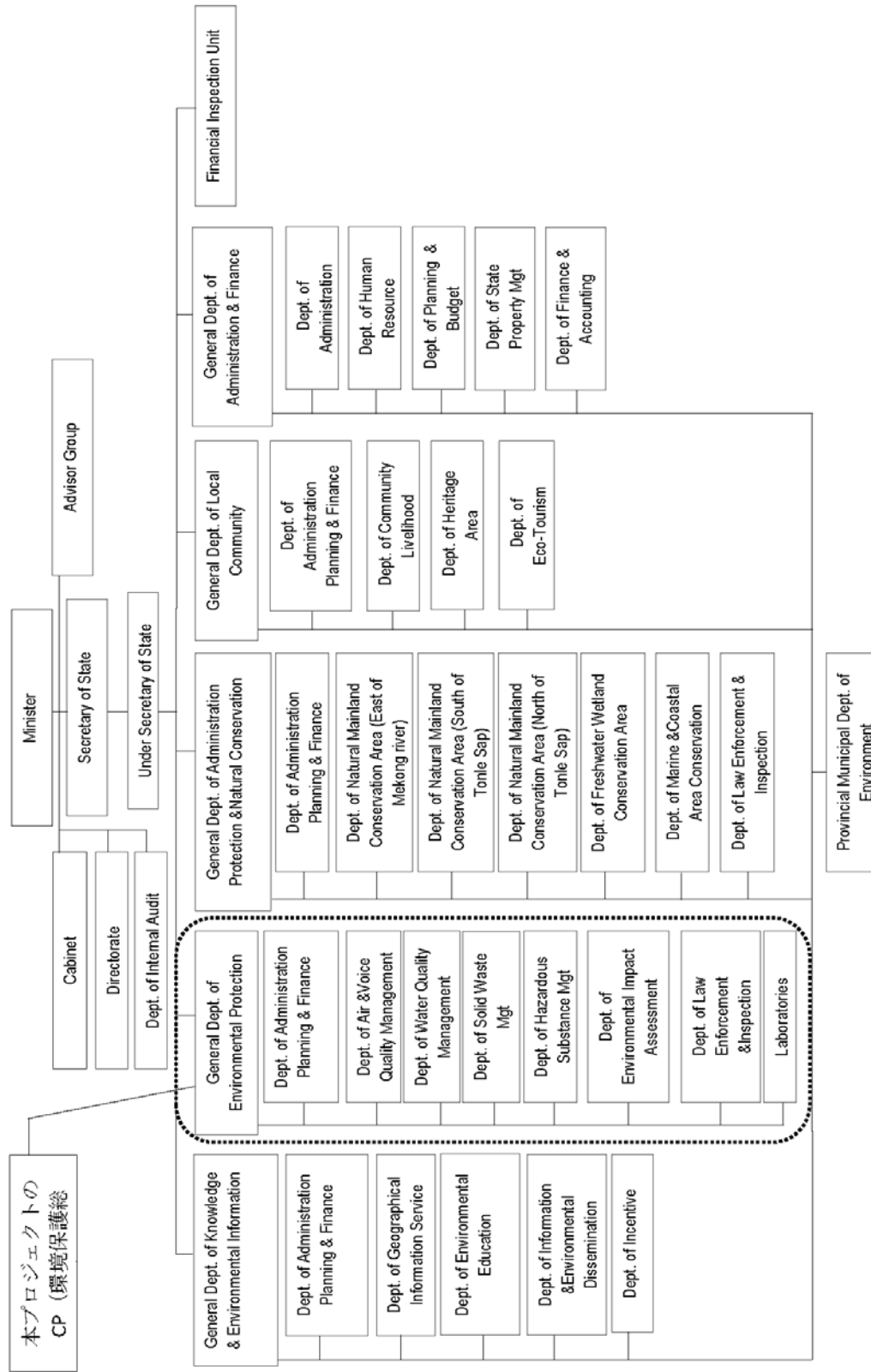


図 2 - 1 環境省組織図 (2016年7月5日 政令による)

表 2-5 環境保護総局 人員予算概要

部局	全職員数	内 大学以上	海外留学経験者	予算額 (2016)
Air and Noise Quality Management	16	11	1	USD43,000
Water Quality Management	18	7	1	USD28,000
Solid Waste Management	13	13	2	不明 (他の部の予算額からは USD30,000程度と推定される)
Hazardous Substance Management	15	9	1	USD30,000
EIA	68	40	10	USD179,000
Inspection & Law Enforcement	13	12	1	USD16,000
Laboratories	16	13		USD44,000
Administration, Planning and Finance	14	10	1	不明

予算につき、カンボジア国政府は近年各部局の活動ごとでの予算積み上げを行い、かつ数年のスパンでの活動継続性を含めた「プログラム予算システム」を導入している。環境省においても 2016 年より同システムに対応した予算となっている。同システムではそれぞれの活動に対応する指標も含まれているため、活動内容、指標類をプロジェクト活動と整合させることでプロジェクトが追加的な負担作業にならないようにすることが可能となる。ただいまだ導入初期でもあり、活動ごとの積み上げとはいえ、そのほとんどは既存活動の延長線での予算請求が占めている。また予算額も限定的であることから、新規の事業を実施することは相当困難な状況であると考えられる。特に、現場でのモニタリング作業にかかる経費も不足状態で、ヒアリングでは自家用車での作業を行っている職員もいることが明らかになった。

なお、年度ごとの予算請求スケジュールは次のとおりである。

- ・ 6月 環境保護総局/環境省内での次年度予算概要
- ・ 7月 経済財務省との予算説明、交渉
- ・ 8~9月 経済財務省による予算案、内閣に送付
- ・ 11月 国会承認
- ・ 12月 環境省で次年度支出計画作成

次年度の予算獲得には前年の 6 月までに請求内容をまとめていないと、ほぼ不可能となる。

環境保護総局の職員数は約 170 名強であり、うち大学卒以上の学歴者が 115 名となっている。状況をよりの確に理解するための比較対象として、日本の環境省の事例では定員は約 1,200 名である。日本環境省の場合はここに自然保護系の職員も含まれていること、温暖化防止や廃棄物処理に係る事業を実施していること、また日本とカンボジアの人口比が大凡 7~8 倍であることを考慮すると、本省人員では量・質共に日本の環境省と比較でき得るレベルであるとも判断できる。一方で日本と大きく異なるのは、地方における環境行政担当官の数・質である。カンボジアにおいては地方のマ

ンパワーが圧倒的に不足しているため、環境省本省の人員が工場立ち入り、モニタリングなど現場活動まで実施しなければならず、結果として深刻なマンパワー不足が問題となっている。なお、各部署ともに海外留学経験者（英語によるコミュニケーションが可能な者）がおり、技術移転上のコミュニケーションで大きな困難はないと想定される。

以下に環境保護総局の各部（Department）の活動内容と課題並びにプロジェクトへの要望内容を記す。なお、各部の詳細な所掌事務は前述の政令にて規定されている（付属資料3参照）。

(1) Department of Air and Noise Quality Management（大気・騒音管理部）

環境モニタリングについては、プノンペン都内で2013年までは3カ所、2014年は1カ所で行っている。項目は2012年まではCO、SO<sub>2</sub>、NO<sub>2</sub>の3項目で、2013年はCO、NO<sub>2</sub>、2014年はCO、NO<sub>2</sub>、SO<sub>2</sub>、TSPである。環境省による最新の大気モニタリングは2015年に国内4カ所の都市部、すなわちプノンペン、シェムリアップ、シアヌークビル、バットアンバンでCO、NO<sub>2</sub>、SO<sub>2</sub>、TSPについて行われたが、ほとんどは環境基準以下の状態であった。

技術的な課題として対応を検討しているのが粒子状物質である。WHOが2012年にレポートを出し、カンボジアでは10万人当たり7,000人がPMで死亡するとの論がでた。本プロジェクトに対してはPM10、PM2.5の調査実施に対する要望が出された。

(2) Department of Water Quality Management（水質管理部）

活動のメインはモニタリングである。対象は公共水域と汚染源で、約100地点について年2回行っている。四つのモニタリングチームがあり、他の部と協働で編成している。測定項目は七つでpH、TDS、COD、BOD、T-P、T-NとCr(VI)である。現在、環境省が飲用水源への影響を調べることを念頭に置き、モニタリング地点の拡充を計画しており、地方政府と協議しながら地点選定を進めている。

表流水質はおおむね国家水質環境基準を満たしており、汚染は深刻化していないとみなされている。代表的な表流水質としてメコン河の生物化学的酸素要求量（Biochemical Oxygen Demand : BOD）計測値とトンレサップ湖の化学的酸素要求量（Chemical Oxygen Demand : COD）計測値を示す（データ出典：WEPA アジア水環境管理 Outlook2015 環境省）。

表2-6 メコン河 BOD 計測値

年度	BOD 値 (mg/l)		BOD 水質環境基準値
	最大値	最小値	
2009	3.80	0.20	10mg/l
2010	4.80	0.27	
2011	6.50	0.10	
2012	4.20	0.55	
2013	6.87	0.33	

表 2-7 トンレサップ湖 COD 計測値

年度	COD 値 (mg/l)		COD 水質環境基準値
	最大値	最小値	
2009	4.80	1.27	8mg/l
2010	8.57	1.00	
2011	6.83	2.20	
2012	9.90	3.60	
2013	8.40	3.13	

2017年度からは近年異常な藻の発生が問題となったため、新たに沿岸水域の海水もモニタリング対象としている。政策的な課題は政令による廃水処理設備設置義務に対応していない事業所が多いところである。違反を理由に処罰をするにも手続き上長い期間が必要で、かつ多くの従業員の職場を奪うことになるので（閉鎖、運転停止すると）、迂闊に進めることができない。このような状況を踏まえて、まずは啓発活動を進めることから始めるべきと考えられる。工業団地については規制により中央廃水処理装置設置義務に対応しているところが多い。

JICA プロジェクトへの要望は、ガイドライン類については廃水処理設備に関する技術的なもので事業者と規制側の両方に有用なもの、また携帯できる簡易測定装置の機材供与である。研修活動については同部が実際に活動している内容とリンクさせ、机上の座学のみは避けてほしいとの意向が示された。

### (3) Department of Solid Waste Management (固形廃棄物管理部)

現在、一般廃棄物の管理責任は地方自治体にあり、また実施は民営化（民間業者との契約）によりなされている。プノンペン都では 1 年前に Sub-Decree によりこの責任を更に末端の 12 の区 (Khan) に権限移譲しているが、未実施の状態であり、民間業者との契約を 12 分割するには至っていない。受託した民間業者は十分な能力を有せず、一方で受託収入は微々たるもののため能力を拡大させることが困難である。住民は廃棄物問題で政府と民間業者を責め、廃棄物処理の費用負担増大には断固反対することも課題である。

現在の固形廃棄物分野での問題の根源は関係者間の協力の欠如にある、と固形廃棄物管理部の担当は認識している。関係者の協力調整の場としては環境大臣が議長の調整会議があるものの、大臣レベルの政策上の調整が主たるもので、必ずしも現場レベルの調整がなされるわけではない。

JICA プロジェクトへは、地方政府が廃棄物処理を民間契約する際の技術ガイドライン等の策定支援、及び固形廃棄物分野の戦略策定への要望が示された。またプロジェクトで実施する研修は座学の講義形式だけではなく実務が入るべきで、例えば予算上承認された本来業務とリンクさせるべきであるとの意見が示された。

### (4) Department of Hazardous Substance Management (有害物質管理部)

同部には有害物質管理、有害廃棄物管理、放射性廃棄物管理の 3 ユニットがあり、それぞれ

①データ収集、②啓発活動、③能力向上（海外会議参加含む）の三つの活動を行っている（合計九つの活動）。

現在の技術的な課題としては有害物質・有害廃棄物の検査で、化学的分野の学術的知見をもった担当者が少ないため困難な状況がある。化学の知見の少ない担当者でも対応できるように化学物質管理のガイドラインを作成することが必要である。

環境汚染物質排出移動量登録 (Pollution Release and Transfer Register : PRTR) については UNEP の支援を受け、不完全ながら実施している。また現在策定作業が進められている環境法典にも明記されている。輸出入統計から対象物質（200 種類以下程度）の排出を算定している。一部工場への排出推計、報告依頼も行っている。

今後の課題としては製品中の化学物質問題がある。現在、国際的な潮流のなかで製品中の化学物質の扱いが問題視されていることも受け、環境省内で重要な問題になりつつある。

プロジェクトに対する要望としては次のアイデアが出された。

- ・ 化学物質のインベントリー調査
- ・ 水銀調査（小規模金鉱山によるもの）
- ・ 製品中の化学物質問題について日本の取り組み紹介
- ・ 廃棄物処理に関しては、日本など先進国企業の進出を促進するためのエコ産業投資フォーラムの開催

#### (5) Department of EIA（環境影響評価部）

環境影響評価部は環境保護総局内の最大の部で職員数も他部の数倍の規模である。内部の組織は次の 10 の室（Office）からなる。

- ① 総務
- ② 法規制
- ③ 研究開発（Research and Development : R&D）研修
- ④ 住民参加
- ⑤ EIA 審査 産業と公衆衛生
- ⑥ EIA 審査 鉱山とエネルギー
- ⑦ EIA 審査 農業と水資源
- ⑧ EIA 審査 インフラと観光
- ⑨ モニタリング
- ⑩ 社会環境基金

環境影響評価部の活動は 12 項目で、以下のとおりである。

- ① EIA に関する法規制の策定
- ② EIA 職員の能力向上
- ③ EIA レポートのスクリーニング、カテゴリー、委託事項（Terms of Reference : TOR）の審査
- ④ 現場踏査
- ⑤ EIA レポートの審査

- ⑥ 環境管理計画（Environmental Management Program : EMP）のモニタリング
- ⑦ EMP レポートの評価
- ⑧ 社会環境基金による活動のモニタリングとフォロー
- ⑨ 情報の共有と普及
- ⑩ 法規制
- ⑪ 環境基金への自発的拠出の促進
- ⑫ 国内外での情報・意見交換

モニタリング活動については環境保護総局内で協働チームを編成する場合と環境影響評価部が EMP のモニタリングを独自に実施する場合がある。多くの事業認可が EIA 認可なしで進むことについての改善に向けて、最近環境省と関係省庁が 2 省間での相互確認（EIA なしで事業認可しない）の合意を進めている。また、小規模事業（USD200万以下）については地方政府に EIA の監督・審査権限が分権化されたことに伴い、環境影響評価部として既に地方政府など外部関係者への EIA トレーニングを小規模であるが実施している。

なお、前述活動のうち環境基金はプロジェクト事業者が自発的に寄付する基金、社会環境基金はプロジェクト事業者からプロジェクトの便益などから計算される一定額を強制的に拠出させる基金である。後者については 2016 年末に政令で決定したところである。プロジェクトに対する要望としては、環境影響評価内部の組織が四つのセクターごとの審査に分かれていることに対応したセクター別のガイドラインが必要とのことである。また、別途 EIA の啓発活動は必要である。研修については予算承認された活動に直接リンクした題材で行いたいとのことである。

#### (6) Department of Inspection & Law Enforcement（検査・法規制部）

主要活動は次の 3 項目である。

- ① 部内人員のモニタリング、立入検査にかかわる能力向上
- ② 工場立入による法規制。年間 20 から 30 工場に立ち入りしている。
- ③ 汚染工場からの罰金徴収。2016 年は（11 月現在）2 億 3,100 万 riel（約 USD56,000）の罰金を 11 工場から徴収した。なお、この罰金額が検査法規制部のパフォーマンス指標ともなっている。罰金は経済財務省 50%、環境省 50% で分けた国庫収入となる。環境省分については検査法規制部職員のインセンティブとして給与に上乗せされる。罰金額は法律による計算式で算出している。

工場立入検査ではチェックリストを作り、サンプルを採取して分析する。このときは水質、大気部等の混成チームである。しかしながら、現在の検査・法規制部のスタッフは雑多な背景をもつ職員の集まりで、工場立入、検査に必要な専門的知識、経験がないため研修は非常に重要である。

プロジェクトの研修については、工場立入マニュアル等の作成とそれに合わせた工場の立入実習の要望が出された。

## (7) Laboratories (ラボラトリー)

本ラボは2016年7月のコンタクトミッション訪問時には全く稼働しておらず、支援の対象とはなりがたい状況であった。しかしながら、同11月の本調査訪問時には改善をみせており、基礎的な水質検査項目について継続的に検査を行っている状態であった。

ラボのトータルの実績は年間500検体ほどである(主に水試料)。このうち2016年では146検体が外部からの持ち込みに対応しての分析で、残りは環境保護総局としてのモニタリング活動である。三つの地域、プノンペン、シアヌークビル、シェムリアップは環境保護総局の活動範囲であるが、他の地域からは持ち込み分析での対応になる。本プロジェクトに対する要望としては原子吸光分析法(Atomic Absorption Spectrometry : AAS)、ガスクロマトグラフィー質量分析法(Gas Chromatography - Mass Spectrometry : GC-MS)、誘導結合プラズマ質量分析法(Inductively Coupled Plasma - Mass Spectrometry : ICP-MS)に対する支援が出された。これについて今回はラボに対する本格支援は難しいこと、携帯型の簡易分析機等にとどまることを説明し、携帯型機器を水質部等とシェアする支援を行うことで了解を得た。また、本格的な支援が難しいようであれば、次の機材供与だけでも何とか検討できないかと切実な要望が出された。

- ・ ホットプレート(500度まで加熱可能なもの)
- ・ ウォーターバス
- ・ ラボ用pHメーター

環境保護総局内の実情を概観した。なお、各部への質問票ではすべての部から人員、予算、設備(車両含む)、技術的能力・経験の不足が大きな問題であると回答が得られているが、上記では重複するのであえて触れていない。

## 2-2 ステークホルダー

### 2-2-1 関係中央省庁

本プロジェクトではEIAに関して、次の中央省庁が密接な関係を有すると予想される。

- ① 工業手工芸省 (Ministry of Industry and Handicraft)
- ② 鉱山・エネルギー省 (Ministry of Mines and Energy)
- ③ 農林水産省 (Ministry of Agriculture, Forestry and Fisheries)
- ④ 公共事業・運輸省 (Ministry of Public Works and Transport)
- ⑤ 国土整備・都市化・建設省 (Ministry of Land Management)
- ⑥ 水資源気象省 (Ministry of Water Resources and Meteorology)

今回調査では上記のうち、所轄範囲では民間事業主体による活動が主たるもので、その事業認可とEIAの実態把握を目的として2機関を訪問調査した。以下に2機関でのヒアリング内容を記す。なお、ヒアリングに際しては環境省と新たな技術協力プロジェクトを開始することと、そのためにEIA関連のライン省庁との協力が必要ということで訪問の趣旨を説明した。

#### (1) 工業手工芸省 工業総局 (General Directorate of Industry)

- 1) 工業手工業省内でのEIA関連部局は科学技術部 (Department of Technique, Science and

Technology : DTST) である。人員は 40 名で 六つの Office に分かれている

- ① 科学技術 (Science & Technology)
  - ② 技術移転 (Technology Transfer)
  - ③ 研修 (Training)
  - ④ 原材料 (Raw Material)
  - ⑤ 産業安全 (Industrial Safety)
  - ⑥ 産業と環境 (Industry & Environment)
- 2) 同総局産業・環境室 (Industry & Environment Office) が EIA を所管している。また産業廃棄物も所管している。人員は 7 名。産業廃棄物の所管については 2014 年の Law on Administration of Factory and Handicraft に明記されている。現在、この分野の Prakas を策定中である。
- 3) 外国投資プロジェクトの許可についてはカンボジア開発評議会が一元的に行っており、工業手工芸省として詳細は把握していない。工業手工芸省の事業許可は次の 2 段階で行われる。
- ① 工場設置の許可
  - ② 製造活動開始の許可
- 製造開始の許可前には DTST の職員が現地調査及び書面で環境上の問題がないか確認している。
- 4) プロジェクトで EIA 啓発活動実施は賛成。工業手工芸省としても協力したいとのことである。

(2) 鉱山・エネルギー省 鉱物資源総局 (General Directorate of Mineral Resources)

- ① 現在鉱物資源総局で管轄するプロジェクト概数は次のとおり。

川砂採取プロジェクト	30
海砂採取プロジェクト	10
石材採掘プロジェクト	200
金属鉱山プロジェクト	3 (ただし、すべて F/S 段階)
- ② 採掘面積が 1 ヘクタール以上のプロジェクトは地方政府環境部と公害防止協定 (Environmental Protection Agreement : EPA) を締結して事業開始、10~40 ヘクタールのものは、初期環境調査 (Initial Environmental Examination : IEE) を実施、40 ヘクタール以上はフルの EIA 実施としている。
- ③ EIA なしで始まった事業は、1 年以内に EIA 報告がなければライセンスを停止する。なお、採掘ライセンスは 2 年間。
- ④ 事業者がまず鉱区申し込みをすると内部スタッフによる事前の現地環境審査を行い、移転問題や影響を受ける恐れのある住民への対応等を確認する。
- ⑤ 金属鉱山については探鉱段階のライセンス (2 年間) と開発段階のライセンスに分かれる。
- ⑥ 小規模鉱山 (Family Mining) については大変管理が難しい。金採掘で水銀を使用している。
- ⑦ JICA プロジェクトで EIA の啓発活動をするのはよい。是非協力したい。第一段階で鉱物資源総局のスタッフにトレーニングを行い、第二段階で民間を呼びセミナーとしたい。環境省からの一方的な情報伝達でなく、双方向で民間からも手続きなどの問題提起もできる場としたい。



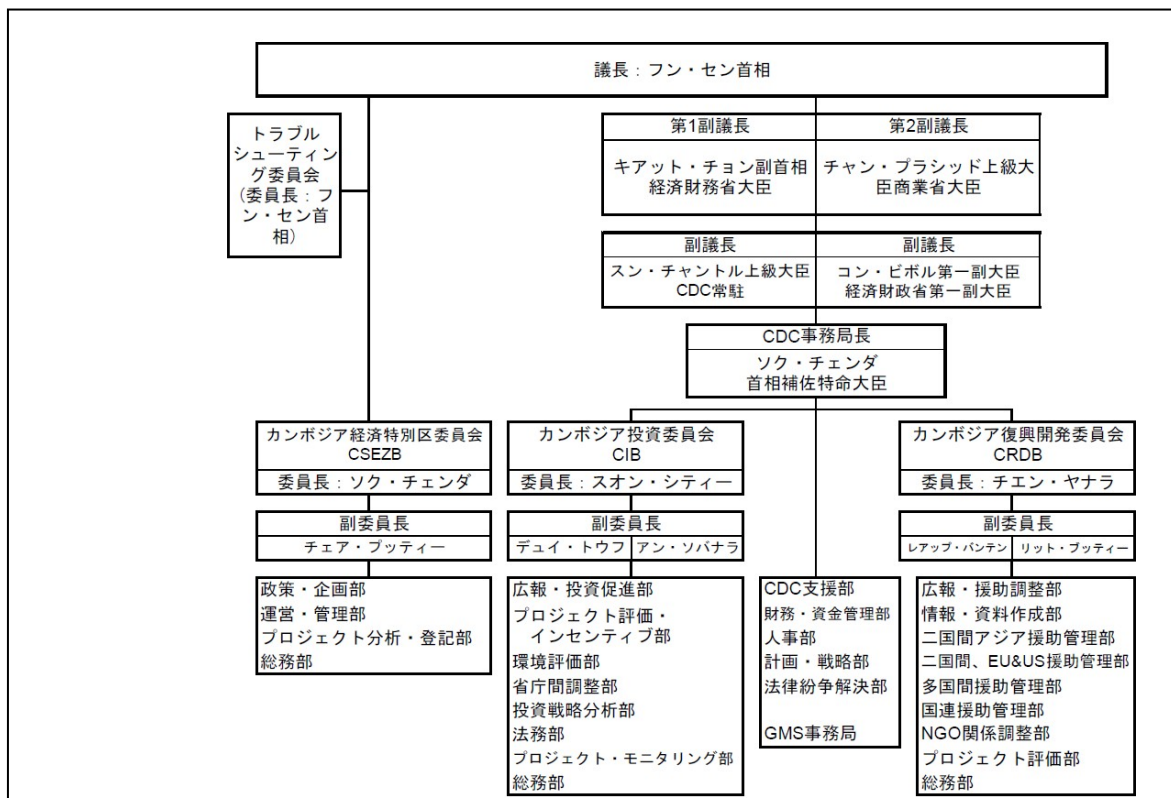
⑧ 環境省スタッフの能力向上でパイロット的にEIA実習するなら石材採掘案件を考えてほしい。一緒に参加したい。

以上のヒアリング結果から明らかなように、事業許可の条件としてEIAを実施しているわけではなく、内部職員による簡単な現地踏査で環境上の問題把握を行っており、許可後にEIAを実施するケースのほうが多いようである。ただ両機関ともにEIAの必要性は認識しており、本プロジェクトでEIA啓発活動を実施する場合には積極的に参加、協力したい意向が示された。

### 2-2-2 カンボジア開発評議会 (CDC)

カンボジアへの投資に関する管理、評価、調整は、政府の執行機関であるカンボジア開発評議会 (The Council for Development of Cambodia : CDC) が所管している。図2-2に組織図を示す。

図2-2 CDC組織図



カンボジア開発評議会内には①カンボジア復興開発委員会、②カンボジア投資委員会、③カンボジア経済特別区委員会の、三つの委員会組織が設置されている。このうち②のカンボジア投資委員会の役割は適格投資プロジェクト (Qualified Investment Projects : QIP) (投資インセンティブを受けられる企業に発行される。最大9年間の法人税の免税や輸入品にかかる関税の免税措置を受けられるなどのメリットがある) にかかわる手続き関係である。カンボジア投資委員会の内局として環境評価部が設置されている。本調査では同環境評価部へのヒアリングを行った。以下その内容である。

環境評価部の人員は6名で任務としては次のとおりである。

- ・ 新規投資案件、あるいは拡張案件に関して調査を他省庁と協力しながら行う。
- ・ 操業中の工場の立入検査（単独で行う）。2016年は20～30工場
- ・ 投資家と環境省との間の連絡調整
- ・ 公害を引き起こした工場への罰則適用

QIP のすべてが EPA や EIA を要するわけではなく、特定の事業のみに課せられる。EIA が求められる事業は、環境影響評価部が年間把握している範囲で 20～30 件程度、EPA も含めるとレビューする件数は、約 100 件程度である。なお、環境影響評価部では EIA は本来案件許可前に行うべきものであると認識しているが、CDC では外国直接投資（Foreign Direct Investment : FDI）を遅延させない事を優先しており、許可前でなく許可後に EIA を行う、あるいは環境影響評価部が調査を行うことが通常となっている。環境影響評価部の認識ではカンボジアにおける EIA の最大の問題は EIA 作成後のフォローアップで、事後のモニタリングが欠如していることである。

### 2-2-3 工業団地開発業者

前項 CDC の中で触れたカンボジア経済特別区委員会は、経済特別区（Special Economic Zone : SEZ）工業団地による産業集積地を中心とした地域産業を開発することで、積極的な外資誘致政策を展開している。特にインドシナ南部経済回廊、またシアヌークビルという物流拠点を中心に開発が進められており、これらの拠点には従来主要産業であった縫製業以外の産業が参入してくる可能性が高い。

工業団地は外資誘致による産業開発の点でも、また工場の集積による環境問題の点でも非常に重要である。この観点からプノンペン経済特別区で工業団地を開発、運営している企業よりのヒアリングを行った。下記にその内容を記す。

- ・ 現在入居企業は 81 社、うち非製造業が 5 社。日系は 45 社である。稼働している工場は 60 社。タイの自動車関連産業の進出を期待しているがなかなかない。
- ・ 工業団地開発に伴う EIA 取得の経緯について下記のとおりであった。

2006 年 会社設立

2007 年 インフラ工事開始。フェーズ I で 140 ヘクタール。2008 年 8 月完成。この時点で環境省より EIA を受けるよう指示。民間コンサル 2 社から見積もりをとるが、2 社とも同じ金額を提示し、高額だったため保留となった。

2010 年 ISO14000 取得、中央廃水処理施設も設置

2013 年 総選挙がありフンセン首相への批判票多く、環境大臣交代。新大臣のもと再見積もりをとると、以前の見積もりよりも安価な金額となった。

2015 年 EIA 開始

2016 年 12 月 1 日 EIA 承認。EIA 承認前に、環境省よりレターあり。環境社会基金に 10 年間にわたり一定金額を寄付することを条件に承認するとのレター。法的根拠が明確でないので各種調査していたところ、最近になって政令が承認された。

- ・ 現在困っている主な点は二つある。一つは非有害産業廃棄物の処理。民間と個別企業が契約しているが収集などのサービスが悪い。もう一つは EPA の中で EMP を作成することになっているが、その手順など具体が不明であること。環境省が見本など開示してくれないので手探り状態である。

以上のように制度面の不備という経緯はありながらも、EIA の承認は事業開始後 10 年ほどが経過した時点であった。ただ EIA の承認とは別に工業団地として ISO14000 取得、中央廃水処理装置設置など環境面の対応を進めており、先進的なモデルとしてプロジェクトでも協力関係をもつことが有用と考えられる。また、環境省が各種の情報、データを開示して透明性を高めることが重要であることが確認できた。

#### 2-2-4 地方政府（プノンペン都及びシアヌークビル州）環境部

カンボジアの環境行政の将来を考えるうえで地方政府の環境部の役割は極めて重要である。本調査ではプノンペン都及びシアヌークビル州の 2 カ所の環境部で訪問ヒアリングを行った。下記にその内容を記す。

##### (1) プノンペン都環境部

- ・ プノンペン都環境部は職員数 65 名（うち 6 名は女性）。年間予算は 13 億 riel=US\$310,000（ただし、人件費込み）。
- ・ 七つの内局がある。
  - ① 総務
  - ② 計画・法規制
  - ③ EIA
  - ④ 環境管理
  - ⑤ 自然資源保護
  - ⑥ 廃棄物管理
  - ⑦ 環境教育
- ・ 組織図的には 2017 年以降完全に市役所の内部組織となる。これに加えて 12 の Khan（区）事務所がある。
- ・ 毎年 10～14 件の EIA レポートを受領する。セクターは雑多である。すべて投資額 200 万ドル以上であるので、同部としてはコンサルテーション会議を行い、情報収集して環境省にあげるまでが役割。同部で EIA レビューまでをするケースはほとんどない。同業務に関する問題意識はあまりない。

##### (2) シアヌークビル州環境部

- ・ 環境部は職員数 23 名、年間予算は 2,000 万 riel=約 USD5,000（人件費別）。
- ・ アジア開発銀行（Asian Development Bank：ADB）の EIA 研修には職員が 1 名参加した。所長自身も環境省の EIA 研修に参加した。講師は民間コンサルタントだった。環境省では数日間講義中心の研修であった。
- ・ 今までいろいろな EIA 関連研修に参加したが、いまだにすべきこと、内容が明確になっていない。それぞれの研修が有益であったことは確かだが、自分たちで EIA 関連業務ができるようになるには更に何が必要なのか、今までの研修に何が欠けていたのかは明確でない。JICA で研修をするなら是非役に立つものにしてほしい。多くの研修では講義のみが多いが、必要なのは実経験である。
- ・ 例えば環境省の環境影響評価部と当環境部の人員の短期交換プログラムで OJT をすれば互

いに資するところ大であろう。

以上のように、同じ地方政府環境部といえども、その内情には大きな差があり、一般化することは危険である。ただ中央のプノンペン都であっても、地方で EIA を監督するケースはあまりないようである。地方政府職員の研修内容を検討するには、プロジェクト開始後に個別の地域ごとに丁寧なニーズの把握が必要である。

#### 2-2-5 カンボジア標準研究所 (ISC)

カンボジア標準研究所 (Institute of Standards of Cambodia : ISC) は工業手工芸省の傘下にあり、カンボジア国内の標準・基準を扱う唯一の機関である。本調査で対象としたのは環境省で定める環境基準、排出基準の国家基準化についての道筋の明確化、並びに国内ラボの精度管理に関連しているためである。以下にヒアリング内容をまとめる。

- ・ ISC はカンボジア国内で唯一国家標準・基準を定める機関である。環境省が環境基準を定めるなら次のプロセスが必要である。
  - ① 環境省大臣から工業手工芸省大臣へのレター送付、環境基準案を添付
  - ② 技術委員会で審査
  - ③ 最低2カ月間かけてパブリックヒアリング
  - ④ 国家標準審議会で決定
  - ⑤ 国家基準として認定国家の基準の設定ということで、かなりの期間が必要であることは当然であると ISC では考えている。
- ・ 基準という名前でなく、目標値、規制値などの名前であれば上記のプロセスで国家基準化の必要はない。ただ ISC としては国家基準化を勧める。
- ・ 基準値の設定とともに測定法も合わせて示さなければならないが、現状 ISC ではそこまでの作業はしていない。
- ・ 現在 ISC はカンボジア国内での ISO9000、14000 の認証を行っている。ISC のラボ自体は最近カンボジアで唯一ラボの認証である ISO17025 を取得したところである。ただカンボジアの他のラボの認証を始めるまでには、相当の期間が必要である。

以上のように環境基準、排出基準の国家基準化は望ましいものの、相当の時間と労力が必要と思われる。また基準化とともに設定すべき測定法の内容についても ISC の問題意識はそれほどない。国内ラボの精度管理、認証についても早急に ISC が作業を進められる状況ではない。当面様子を見つつプロジェクト実施で更なる情報交換を行うのにとどめるのが妥当であろう。

#### 2-2-6 カンボジア工科大学 (ITC)

カンボジア工科大学 (Institute of Technology of Cambodia : ITC) はカンボジア国内でエンジニアを養成する国内最高峰の機関として位置づけられる。日本は ITC に対して下記のような継続的な支援を行ってきた。

- ・ アセアン工学系高等教育ネットワーク (SEED-Net) プロジェクト (技術協力。第一フェーズ : 2003~2008、第二フェーズ : 2008~2013 年)

- ・ カンボジア工科大学教育能力向上プロジェクト（技術協力。2011～2015年）
- ・ カンボジア工科大学施設機材整備計画（無償資金協力 2013～2014年）

また 2016 年現在、地球規模課題対応国際科学技術協力（Science and Technology Research Partnership for Sustainable Development : SATREPS）では、ITC を主要な C/P として、「トンレサップ湖における環境保全基盤の構築」プロジェクトを実施中である。

本調査では環境省が新たな環境問題に対応するために ITC と協働関係を行えるか、特に大気汚染分野での PM（粒子状物質）問題について確認のための訪問となった。今回の訪問で面談したのは、同上 STAREPS 案件の C/P である環境工学部門の長である。

結果として、ITC としては協力に前向きであること、環境省職員は現環境保護総局長を含めて多くが ITC の卒業生で人脈もあること、また PM 問題については既に研究実績があることが判明した。ただし、プロジェクトとしては大きな資金支援は不可能であること（学生のアルバイト代程度にとどまる）、情報管理には留意が必要であること（同意なしに学会発表などを行わない）、プロジェクトで環境省に供与予定の携帯型測定器は貸与可能であることなどの説明確認を行った。

#### 2-2-7 ローカルコンサルタント

カンボジアにおける EIA 作成は現場ではローカルコンサルタントが担っており、その現状把握のため、及び現地再委託の可能性を把握するために E&A コンサルタント社を訪問した。なお、環境省では EIA を実施するローカルコンサルタントの登録を行っており、2016 年末現在、E&A コンサルタント社を含む 13 社が登録されている（付属資料 1 のリスト参照）。

訪問した E&A コンサルタントは正職員 25 名、そのほかに外部の専門家、臨時職員を擁している。同社は環境保護総局の環境影響評価部の推薦により訪問したので、おそらくは他の会社も同様に、あるいはより小規模であると推定される。EIA に関して十分な経験、知識を有すると思われる。

現地再委託にかかわる内容については技術的に十分可能であるとのことで、料金は環境省でカテゴリー、規模に応じた標準料金表があるとのことであった。

### 2-3 ドナーと関連プロジェクト

カンボジアにおいては多くのドナーが支援活動を行っており、支援の重複を避け、また支援の有効性を高めるためのドナー間調整は極めて重要である。ここでは環境省に対して支援実績のある主要な組織として次の 4 組織について調査を行った。

#### 2-3-1 国連開発計画（UNDP）

UNDP は国連組織における技術協力の中核機関で、国連内の開発支援の調整者でもある。現在 UNDP は環境及び統治改革プロジェクト（Environmental & Governance Reform Project）として環境分野での支援を行っている。これは次の 4 コンポーネントに分かれている。

- ① 環境省の組織能力向上。2023 年までの 7 年間の行動計画の策定と自然保護総局の能力向上の二本立てで、前者は 2017 年前半にコンサルタントが作業開始予定で、後者は既に 2016 年末時点でカナダ人コンサルタントが現地入りしており、現在キャパシティーアセスメント中である。1 年半の支援を予定している。
- ② 持続可能な開発国家会議（NCSO）への支援。これは大臣レベルの各省庁調整会議で 2015 年 7

月に設置され運営開始している。事務局は 100 人レベルの体制である。

- ③ 環境関連の法規制の上位包括的な位置づけとなる環境法典 (Environment Code) 策定支援。2016 年 12 月末に最終ドラフトが作成された。その後、法律専門家会議を経て閣僚委員会で承認し、2017 年 4 月の国会で成立をめざしている。

最終ドラフト (418 ページ) の内容 (目次) は下記のとおりである。

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##### Book 6 Waste and Pollution Management and Sustainable Production

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Title 1	Economic Measures and Accounts
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Book 9	Environmental Offenses, Enforcement and Remedies
Title 1	Environmental Offences and Penalties
Title 2	Investigation, Enforcement and Remedies
Title 3	Restoration and Compensation for Harm to the Environment
Book 10	Transitional Provisions
Book 11	Final Provisions

コードにおいては多くの下部法令やガイドライン類が必要となっているが、UNDP は環境大臣とも協議のうえ実施に向けた継続支援を行う予定で予算も確保している。なお UNDP による本環境法典に対する支援は一部日本政府からの拠出金により行われている。

- ④ 包括的生態系地図作成 (Integrated Eco System Mapping) 支援。自然資源に関する情報をマッピングするもので環境省内の知識情報サービス総局 (General Directorate of Knowledge and Information Services : DKIS) が C/P 組織である。本地図に含まれる内容は土地利用区分、保護地域、森林資源、漁業資源、水資源、鉱山、ダム等を地理情報システム (Geographic Information System : GIS) 上で重ね合わせたもので、環境管理と土地利用計画の連携を強化する狙いがある。C/P となる知識情報サービス総局は内局に GIS 部、環境教育部、環境情報普及部等を有し環境にかかわる知識、情報の発信を役割としている。

付属資料 4 及び 5 として UNDP より受領した同上環境と統治改革プロジェクトに関する説明資料 (パワーポイント) と国家環境戦略と行動計画 (NATIONAL ENVIRONMENT STRATEGY AND ACTION PLAN : NESAP) 2016-2023 (公開版) を添付する。

### 2-3-2 アジア開発銀行 (ADB)

大メコン河流域圏はアジアでももっとも経済発展の進む地域であるが、一方で環境の悪化が懸念されている。そこで 2005 年に流域 6 各国 (タイ、ベトナム、カンボジア、ラオス、ミャンマー、中国) によって大メコン川流域圏ーコア環境プログラム (Greater Mekong Sub-region-Core Environmental Program (GMS-CEP)) が設置された。本プログラムは 6 カ国の環境大臣による監督の下、ADB によって運営されている。

また同プログラムではその活動の一環で EIA にかかわる能力向上支援を行っており、カンボジアについては下記のような支援を実施し、また実施予定である。

#### ① カンボジア セーフガード支援 (2015-2016)

カンボジアにおける EIA の現状を把握し、改善のための行動計画を策定した。この計画には能

力向上プログラム、啓蒙活動、エネルギーと鉱山分野におけるパイロット的戦略的アセスメント調査、及びEIAモニタリングの改善が含まれている。

- ② 2015年11月にシェムリアップ及びシアヌークビルにおいて60名の地方政府職員にEIA報告書のレビューについて3日間の研修を実施
- ③ 2016年9月にラタナキリにおいて48名の地方政府職員に同様の研修を実施
- ④ 2016年5月にシェムリアップにおいて全国の地方職員60名に対して環境管理計画実施時の規制遵守のモニタリング能力向上の支援を実施
- ⑤ 2017年前半には戦略的環境アセスメントについての支援を実施予定。また、地方でのEIAレビュー研修を1回実施する可能性もある。これをもってEIAに関する支援は完了

付属資料6に上記研修で用いられたプログラム概要と教材を添付する。そのほかに環境管理分野ではIPPS（産業公害予測システム：Industrial Pollution Projection System）モデルの適用の支援を行った（同モデルは産業ごとの概略の汚染物質排出を予測し、汚染の程度を推定するもの）。

なお、ADBによる当該分野の支援は主にGMS-CEPが行っており、ADBカンボジア事務所の関与は限定的である。

### 2-3-3 米国国際開発庁（USAID）

米国国際開発庁はUNDPが実施している「環境及び統治改革プロジェクト」のうち環境省の能力向上支援及び持続可能な国家開発評議会支援の両コンポーネントに資金拠出を行っている。また本事業のC/P機関である環境保護総局については、USEPA（米国環境保護庁）との人事交流プログラムを計画している。

### 2-3-4 Oxfam

Oxfamは、NGOとして環境省に対して石油及び鉱山開発分野でのEIAガイドライン策定を行った。今後の支援予定はない。

## 2-4 課題と対応

以上概観したようにカンボジアにおける環境省の現状は、制度的にも体制・組織的（人材、予算、設備等）にも大きな課題を有している。ただ単純にこれらの問題点をここで羅列することはあまり建設的ではないと考え、ここでは本プロジェクトで対応を予定する優先課題に焦点を当てて具体的に議論を進める。環境保護総局の役割を大きく二分割すると一般的な環境管理とEIA（事業認可、開始前の予防的環境保全）となる。それぞれが抱える課題は異なると考える。

### 2-4-1 環境管理における優先課題

#### (1) 短期的課題

前述のように制度、人材、予算、設備等で多くの問題があり、これは大気騒音、水質、固形廃棄物、有害物質、ラボラトリーの各部で共通している。短期的には、規制的手法（Command and Control）の実施に伴う内部職員の基本的な能力向上支援を進める必要がある。具体的には法規制の整備、ガイドライン類の策定支援、また現場におけるモニタリング、工場立入検査でのモニタリング能力の向上である。ただすべての分野を支援する全方位展開は大きなリスクを伴う。



したがって、限定された期間と投入の中で明確な成果を得るために、優先的に取り組む分野を絞り込み、段階的なアプローチをとることが必要である。

今回の協力では、他の JICA 協力案件との相乗効果の観点から、優先分野として水環境の分野に支援を集中させることが望ましい。また段階的なアプローチとして、高度なラボラトリー分析を必要とする微量有害物質による公害問題ではなく、まずは基本的な有機汚濁の問題に対応すべきである。

## (2) 中長期的課題

中長期的な観点からは、かなりの長期にわたって環境行政にかかわるマンパワー不足（特に地方において）が予見される。この問題に対する正攻法は地道に地方人材を養成していくことであろう。プロジェクトを通じて能力向上を進めた環境省職員が次の段階として地方人材の研究を行うことになれば理想的であり、そうした動きに対する支援も重要である。

一方、他の途上国における経験から、地方人材の能力向上には相当の期間が必要であり、このマンパワー不足の状態は同様に相当長期にわたるとも危惧される。逆に言えば、マンパワーを必須とする規制的手法のみに環境保全を頼ることは、多くの点で限界があろう。中長期的には非伝統的な手法（経済的手法等）を積極的に取り込み、具体化を進める必要があると考える。

非伝統的な手法の中でカンボジアの現状から最も期待できるのは、単純な経済的手法ではなく、情報公開をベースに住民・市民の参加を進め社会的圧力を形成し、これによって事業者の自主的な管理、汚染削減努力を促すプロセスである（例えば、PRTR 制度）。また、環境マネジメントシステム（EMS）は事業者の自主的な努力を担保する手段として有効であると考えられる。これらへの対応として本プロジェクトでも限定的な投入（例えば、講義等の啓発）あるいはパイロット的な情報公開で布石を打つことも有用と考える。

また短期的な観点での段階的アプローチと表裏一体であるが、次の段階に進む自立的なメカニズムをどう構築していくかも課題である。環境問題には常に新しい汚染物質、汚染問題が発生しており、これらに自立的に対応できない限り常に外部からの支援頼みとなる恐れがある。日本では新たな環境問題には国立環境研究所のような組織が研究課題として対応するが、カンボジアでそのような組織を新規に設置することは極めて困難であり、また、環境保護総局の人員が本来の規制・管理業務を削って研究するのも課題が残る。一案はカンボジア国内の研究機関との協働の枠組みを構築することで、前述した ITC はその有力候補である。こうした協働の枠組み構築支援も将来の布石として有用であると考ええる。

最後の課題として環境質の測定データの精度管理問題がある。環境行政には正確な環境モニタリングデータが不可欠であるが、現状カンボジア国内では環境省のラボラトリーの問題に加えて、多くの民間ラボの精度管理が放置状態にある。最悪のケースでは民間ラボの数値が「作られる」恐れもあり、そうなると環境行政の根本が揺らぐことにも成りかねない。残念ながら本課題はプロジェクトでも直接の対応が困難であり、当面は解決策を検討してゆくにとどまらざるを得ない。

## 2-4-2 EIA における優先課題

### (1) 短期的課題

環境保護総局環境影響評価部職員の EIA レビュー作業がよりの確に、より迅速に行われるよ

うになるような能力向上が必要である。他ドナーによる EIA 関連研修も実施されているが、参加経験者の中には実務能力向上が感じられないとの感想をもつ者もいる。おそらくは既存の研修が EIA の「手続き論」に重点があることが原因でないかと推察される。本プロジェクトでは「手続き」にとどまらず、多くの事業がもたらす環境インパクトのプロセス、またその軽減対策という「中味」に研修の重点を置くことが望ましいと考える。EIA に関する各種の判断基準を明確にすることも、EIA の的確迅速性、透明性の向上に必須である。また EIA の作業全体を民間コンサルタントと共同実施・経験することも検討すべきである。自らが経験したことのない作業の報告書を的確に迅速にレビューすることは困難だからである。

## (2) 中長期的課題

EIA にかかわる本質的な課題は、多くの（ほとんどの）事業が許可前、あるいは開始前に EIA を実施しておらず、事後的に EIA が行われており、本来の予防的な観点が出ていない点にある。例えば、プノンペン経済特区の工業団地については 2008 年にインフラ建設が始まり、2016 年時点では既に 80 社が進出する一大工業地帯として発展しているが、EIA の認可がなされたのは 2016 年 12 月である。

これは歴史的、制度的な経緯（EIA が制度として確立する以前に直接外国投資を優先的に受け入れてきた）もあり、環境省自体のみが抱える問題とはいえない。したがって、この問題の改善にはそれぞれの事業許可、監督を行う関係省庁との協力が不可欠であり、環境保護総局環境影響評価部の能力向上だけでの解決あるいは改善は困難である。しかしまた、EIA 部の能力向上なしには関係省庁からの信頼性を高めることも困難であると考えられる。すなわち現状は「EIA に関する能力不足 → 迅速的確な EIA の欠如 → EIA に時間・手間が掛かりすぎる → EIA が事業認可前に実施されない」というネガティブなループに陥っている恐れが高い。ここでは短期的課題と中長期的課題を組み合わせ、関係省庁との共同での事業者及び社会全般を対象にした「EIA 啓発プログラム実施」が有用な取り組みと考えられる。

## 第3章 技術協力プロジェクトへの提言

### 3-1 基本方針

本プロジェクトはわが国がカンボジアの環境省に対して行う、最初の技術協力である。環境省は人材、予算、設備等で能力不足の状態であり、本協力をもって一足飛びにすべてが改善するとは期待できない。したがって、段階的な能力向上アプローチが必要である。例えば、実施に多くの困難を伴う過大なガイドライン類を策定するといった協力は避けるべきである。また能力向上のための研修も、形式的な研修の実施ではなく、現状の課題解決、すなわち日々の実務で役立つことを第一とする。すべての活動に「優先度」を意識することが必要である。

環境省は事業官庁でなく、企画調整が主たる役割であることから、外部の関係者との協働のなかでこそ能力向上があることを意識し、内にこもらない活動が必要である。この観点で本プロジェクトの上位目標、またプロジェクト目標では外部関係者からの評価の向上が指標として組み込まれている。

### 3-2 支援・協力内容

#### 3-2-1 上位目標

【環境保護と天然資源管理を効果的・効率的に遂行する環境省の組織的・技術的能力が開発される。】

指標)

環境省の環境保護にかかわる業務が利害関係者（地方行政、民間事業者、住民・NGO等）より、プロジェクト開始時のベースライン調査の結果より高い評価を得る。

#### 3-2-2 プロジェクト目標

【EIAと水環境に重点を置いた環境保護総局による環境公害防止、削減、改善のための能力が強化される。】

指標)

- ① 環境省環境保護総局のEIAにかかわる業務について、プロジェクト開始前より事業官庁からの信頼度が上がる。
- ② 環境保護総局の透明性向上のために情報公開が行われる。

#### 3-2-3 成果1

【環境管理の準備段階としてのEIAと実施段階としての水環境管理に関する法規制文書が改定され承認に向けて手続きが進む。】

成果1については「産業廃水処理管理」にかかわる法規制策定の支援を行う。法制度序列としては政令（Sub-Decree）あるいは省令（Prakas）レベルであり、閣議による承認あるいは環境大臣の承認が必要となる。プロジェクトの出口は最終的な承認でなく、内部的に合意された文書が承認に向けた手続きに入るまでとする。支援の方法としては専門家による日本における同分野の法規制について講義形式で説明を行い（後述成果3の一部として）、それを受けてC/Pが文書化を進め、

またその過程で質疑応答を行うという内容を想定している。またその一環として、必要に応じて現行「EIA」法等についても質疑応答することを想定している。

カンボジア側からは「産業廃棄物管理」「有害廃棄物管理」「大気汚染管理」の3分野についても支援要請がある。これらの分野については同様な形式で講義説明は行うが、文書化された政令ドラフトまでの作業は成果として含めない。

なお、C/Pによる文書化が困難あるいは大幅に時間が必要と判断される場合には、カンボジア国内の法律専門家あるいはコンサルタントを一時雇用あるいは再委託してC/Pの作業を支援することも検討する。

また、これらの文書化の過程では外部ステークホルダーとのコンサルテーション会議を定期的に行い、関係者の意見を取り入れながらの作業を行うものとする。

#### 3-2-4 成果2

【EIAと水環境に重点を置いた環境保護に関連した技術事項と手続きが明確になり、環境省内及び関連する事業官庁間で共有される。】

成果2としては現時点では次の内容を想定している（詳細はプロジェクト開始後C/Pと議論して最終決定する）。これらは政令、省令の一段階下部で規制実施に必要な内容であり、これらの内容が環境省内外の関係者間で共有されることを成果とする。

- ① EIA一般ガイドライン
- ② EIAに関する各種判断基準（EIA必要性の有無等）
- ③ EIAセクター別技術資料

代表的な環境インパクト及びその対策のプロセスを説明。セクターとしては次の8分野を想定。農業、水資源、産業、保健衛生、鉱山、電力、インフラ、観光。なお、C/Pからは次の内容を含めるよう要請がある。

- ・ ビル建設に伴う品質、安全性、廃水処理設備に関する技術資料
  - ・ 川砂採取事業に伴う河岸保全の技術資料
  - ・ 花崗岩・セメント材採掘における騒音・粉塵・大気汚染対策及び同事業の景観保全のためのセミオープンカット鉱山に関する技術資料
- ④ 工場立入検査マニュアル
  - ⑤ 廃水処理ガイドライン（行政担当者向け及び事業者向け）

またこれらの文書化の過程では外部ステークホルダーとのコンサルテーション会議を定期的に行い、関係者の意見を取り入れながらの作業を行うものとする。

#### 3-2-5 成果3

【環境保護総局全体として、また内部の各部の環境管理に関する基礎的な知識と技術が獲得される。】

成果3の研修プログラムについては講義形式の座学と実務演習（野外作業、パイロット事業等）の組み合わせで行う。また成果1、及び成果2と有機的に連携する形になるように配慮する。現時点では次の内容を想定している（詳細はプロジェクト開始後C/Pと議論して最終決定する）。

## (1) 講 義

### ① 産業廃水処理管理

日本の水質汚濁防止法及び関連の規制の説明講義。

### ② 産業廃棄物管理

日本の廃掃法（廃棄物の処理及び清掃に関する法律）及び関連の規制の説明講義。

### ③ 有害廃棄物管理

同上②と合わせての説明講義。

### ④ 大気汚染管理

日本の大気汚染防止法及び関連の規制の説明講義。

### ⑤ EIA（一般）レビューとモニタリング

EIA 全般について、また特にレビュー方法、モニタリングについての説明講義。

### ⑥ EIA（セクター別インパクト分析）

農業、水資源、産業、保健衛生、鉱山、電力、インフラ、観光のセクターについて、それぞれの代表的な事業プロセスが与える環境インパクト及びその低減対策について講義を行う。

### ⑦ 水質汚濁対策

水質モニタリングの概論、BOD による水質汚濁モデル、及び廃水処理施設について講義を行う。

### ⑧ 工場立入検査

工場立入検査の概要、手順、技術面の留意事項などについての講義を行う。

### ⑨ GIS・データベース

GIS・データベース技術の概要、応用についての講義を行う。カンボジア国内のリソースを活用することも可能とする。

### ⑩ 新たな環境問題とその対応策（PM 等）

今回重点的な支援を行う基礎的な水分野以外の環境問題で、今後対応が必要な課題についてその概論、対応策を説明講義する。具体的なトピックはC/Pと協議のうえで選定する。PM10、PM2.5については含める。

### ⑪ 産業界の自主的管理促進策（PRTR、EMS 等）

産業界の自主的な管理促進の方策についての説明講義を行う。内容としてはPRTR制度、環境マネジメントシステム（エコアクション21等）を含むものとする。また途上国におけるそれらの取り組みについても紹介する。

## (2) 実務・パイロット事業等

### ① EIA 啓発活動（セミナー開催と啓発マテリアルの作成配布）

EIAにかかわる啓発活動を関係省庁と協力しながら行う。具体的には関係省庁担当者を対象にしたワークショップ、また各所轄の民間業界を対象にしたセミナー、また一般市民を対象にした啓発マテリアルの作成と配布を行う。またこの一環としてEIA関連資料、提出書類の書式などを環境省サイトWEB上に格納し、一般向けに情報開示を進める。

### ② EIA 実習及びEIA レビュー実習

現地ローカルコンサルタントへの再委託によりEIAを実施（可能であれば実案件について事業主体と協力しながら実施）する。C/Pと専門家が同作業に参加しながら共同で実施する

ことにより、C/P が実 EIA 作業を経験することができる。その後同 EIA のレビュー研修を実施する。

③ 地方職員に対する EIA 研修（第三年次）

第三年次に EIA 部職員を講師にした形で地方政府環境部職員を対象にした EIA レビューに関する研修をパイロット的に行う。

④ 携帯機器を活用した水質モニタリング（プノンペン周辺）とデータの評価

携帯型現場測定器を調達し、その原理、使用法について研修を行う。その後同機器を用いてプノンペン周辺における水質モニタリングを実施する。モニタリングの項目、場所、規模（モニタリング数）については C/P の本来業務の計画にプラスアルファのレベルとする。項目は次の 7 項目を想定している。pH、TDS、COD、BOD、T-P、T-N と Cr (VI)。また得られたデータについての評価を行う。なお、現場測定の本質にかんがみ公定法（カンボジアにおける分析測定の本定法、整備されていなければ、例えば“Standard Method of Water and Wastewater Examination”による方法）でない測定法も検討する。ただし、その場合は初期調査分についてラボ分析との比較検証を行う。評価は通常の統計的手法（異常値の検出）、地図上の分布、経時変化の分析、基準との比較等を含む。なお、携帯型測定器の供与にあたっては、プロジェクト期間に実施するモニタリング個数に留意し、試薬、消耗品、アクセサリ類についても必要数を合わせて調達するものとする。また、作業効率などを勘案し、測定器を複数ユニット調達することも検討する。

⑤ 水質汚染源調査とマッピング

プノンペン周辺の水質汚染源について調査を行い、マッピングする。対象汚染源は廃水処理装置の設置が義務づけられている事業所等とする。なお、本調査では汚染源の位置、名称、廃水処理装置設置の有無、また可能であれば概略の廃水量と汚濁濃度の把握にとどめ、精緻な汚濁インベントリ調査までは見込まない。調査の対象事業所の概数は 500 程度と想定する。現地再委託によるローカルコンサルタントの活用を見込んでいる。

⑥ 工場立入検査実習

廃水処理装置の廃水モニタリングを主眼とした工場立入検査の実習を行う。処理装置を検査時にのみ運転するような事業所への対応法も習得させる。可能であれば、日系企業などから協力工場を得て実施することが望ましい。

⑦ 水質汚濁モデリング

同上の④、⑤で得られたデータを元に水質汚濁のモデリングを実際に行う。また必要に応じて現地で補足測定を行う。モデリングの対象はプノンペン全域ではなく、限定された地域内のモデル河川で、対象項目は BOD、あるいは電気伝導率（Electrical Conductivity : EC）等基本項目とする。簡易なモデルで基礎的な原理を習得することを目的とする。高度なソフトの使用法の習得が目的ではない。

⑧ 汚染源とモニタリングデータの GIS 化と WEB での一般公開

同上の④、⑤で得られたデータを統合して GIS 化する。またこれを環境省のサイト WEB 上で公開できるようにする。公開に含む汚染源データの範囲について C/P 側と十分に議論する。

⑨ 国内研究機関（ITC 等）との協働枠組みの構築及びパイロット研究としての PM10、PM2.5 概況調査

国内研究機関（現時点で ITC を想定）と協力関係を構築する協議を行い、そのパイロットとして PM10、PM2.5 の現状把握調査（プノンペン都）を実施する。具体的にはプロジェクトで環境省に PM10、PM2.5 が測定可能な携帯型測定器を調達し、その使用法等について C/P 並びに ITC 関係者に指導したあと、同測定器を ITC に対して環境省より貸与する。ITC は測定器を活用し、プノンペンにおける現状把握の調査を行う。プロジェクトからは同調査に従事する学生などに対する少額の経費負担を想定している。

⑩ 企業による連続廃水あるいは排ガス連続監視パイロット

現在、環境省では事業所への連続廃水あるいは排ガス監視装置の設置を義務づける規制を検討しており、その一環で某火力発電所と協議を進め、火力発電所側ではこれを受け自主的に排ガス監視装置の設置を進めている。本プロジェクトではその排ガス監視装置からのデータをオンラインで環境省内でモニタリングができるよう予算面での支援を行う。これを企業の連続廃水、排ガス監視のパイロットと位置づけ、各種の施策検討に生かすことを想定している。

### 3-3 投入

#### 3-3-1 要員構成

本プロジェクトの実施する専門家の構成は図 3-1 のように想定される。総括の元に EIA 及び環境管理分野の副総括格の専門家を配置し、それぞれの下に個別分野専門家が配置される。法規制の専門家は総括と直結した形態である。また工場への立入検査については技術的な事項は環境管理、水質モニタリング、廃水処理技術分野の専門家による指導を行うが、手続き的な事項などは必要に応じて国内自治体などの関係者を講義研修の短期講師として招聘することも検討する。

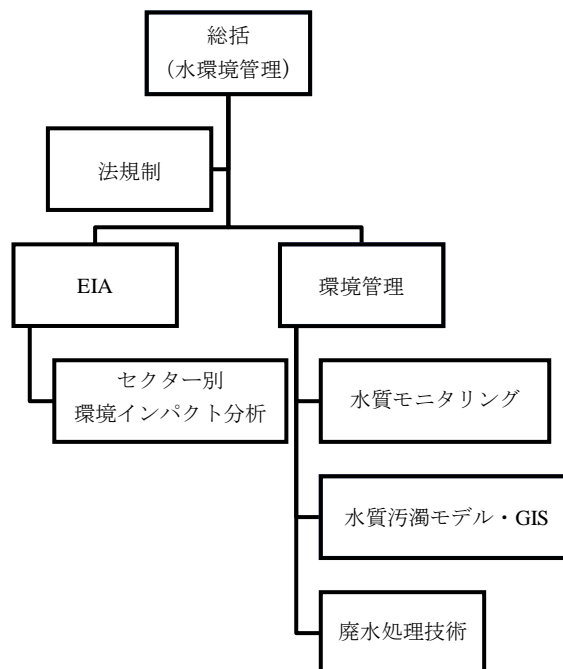


図 3-1 専門家構成案

それぞれの専門家の役割及び求められる要件については表 3-1 にまとめる。

表 3-1 専門家役割・要求事項案

	担当	役割・要求事項
1	総括 (水環境管理)	案件全体の総括。法規制、ガイドライン類の整備の方向性に留意し、水環境分野の他案件との連携、JICA事業全体の相乗効果発現を期す。JICA水環境案件での総括経験が望ましい。
2	公害対策	環境管理分野の総括。水分野に加えて、新規環境問題（大気）、PRTR（有害物質分野）、産業界との協力等の研修を担当する。 JICAでの幅広い環境分野の経験のあることが望ましい。
3	EIA	EIA分野の総括。EIAの一般ガイドライン策定とEIA研修を担当する。途上国（可能であればカンボジア）におけるEIAの経験を有し、事情に詳しいことが望ましい。
4	法規制	法規制策定に関する支援を総括とともに行う。公的機関での業務経験及び途上国における法規制の知識のあることが望ましい。
5	セクター別環境 インパクト分析	各事業セクターに特有の環境インパクトのプロセス及びそれらへの対策をできるだけ簡易な技術資料として取りまとめる。EIA（副総括）と協力してEIA研修を行う。環境負荷プロセスの分析経験のあることが望ましい。場合によれば専門分野ごとに複数団員配置もあり得る。
6	水質モニタリング	水質管理分野の研修を担当する。携帯型測定器を利用した現場でのサンプリング、分析、そのデータ評価及び工場立入検査を指導する。水質分野他団員と協力して水質汚染源マップの作成を指導する。同様の業務経験を有することが望ましい。
7	水質汚濁モデル・GIS	水質管理分野の研修を担当する。BOD、DOなどの汚濁モデル利用及びGISの活用について指導する。水質分野団員と協力して水質汚染源マップの作成を指導する。同様の業務経験を有することが望ましい。
8	廃水処理技術	水質管理分野の研修を担当する。廃水処理ガイドライン（行政担当者向け及び事業者向け）の策定並びに工場立入検査を指導する。水質分野他団員と協力して水質汚染源マップの作成を指導する。同様の業務経験を有することが望ましい。

### 3-3-2 機材供与

本件では次の機材供与（試薬、消耗品、アクセサリを含む）を想定している。

- ① 携帯型水質測定器（対象項目は pH、TDS、COD、BOD、T-P、T-N と Cr (VI)）
- ② 携帯型 PM 測定器（PM10、PM2.5）
- ③ ラボラトリー汎用機材（ホットプレート、ウォーターバス、pH 計）

### 3-3-3 現地再委託

本件では次の現地再委託を想定している。

- ① EIA 実習のための EIA 実施調査
- ② 水質汚染源マッピングの調査及び GIS データ入力
- ③ GIS データベース講習

### 3-3-4 本邦研修及び第三国研修

本件では本邦研修 2 回あるいは本邦研修 1 回及び第三国研修 1 回を想定している。



表 3-2 作業フロー

活動項目	第一年次	第二年次	第三年次	第四年次 (半年)
案件全体	<ul style="list-style-type: none"> <li>JCC の開催</li> <li>インセンションセミナーの開催</li> <li>本邦研修</li> </ul>	<ul style="list-style-type: none"> <li>JCC の開催</li> <li>2 年次セミナーの開催</li> <li>第三国研修 (あるいは本邦研修)</li> </ul>	<ul style="list-style-type: none"> <li>JCC の開催</li> <li>3 年次セミナーの開催</li> </ul>	<ul style="list-style-type: none"> <li>JCC の開催</li> <li>最終セミナーの開催</li> </ul>
成果 1 関連	<ul style="list-style-type: none"> <li>タスクフォースの設置</li> <li>詳細活動計画の策定</li> <li>法案類文書化作業</li> <li>コンサルテーション会議 (外部関係者) の開催 (年 1~2 回程度を想定)</li> </ul>	<ul style="list-style-type: none"> <li>法案類文書化作業継続</li> <li>コンサルテーション会議 (外部関係者) の開催 (年 1~2 回程度を想定)</li> </ul>	<ul style="list-style-type: none"> <li>法案類文書化作業継続及び承認手続き</li> <li>コンサルテーション会議 (外部関係者) の開催 (年 1~2 回程度を想定)</li> </ul>	<ul style="list-style-type: none"> <li>法案類文書承認手続き</li> <li>成果 1 要約レポートの作成</li> </ul>
成果 2 関連	<ul style="list-style-type: none"> <li>タスクフォースの設置</li> <li>詳細活動計画の策定</li> <li>ガイドライン・マニユアル等文書化作業</li> </ul>	<ul style="list-style-type: none"> <li>ガイドライン・マニユアル等文書化作業継続</li> <li>コンサルテーション会議 (外部関係者) の開催 (年 1~2 回程度を想定)</li> </ul>	<ul style="list-style-type: none"> <li>ガイドライン・マニユアル等文書化作業継続及び承認手続き</li> <li>コンサルテーション会議 (外部関係者) の開催 (年 1~2 回程度を想定)</li> </ul>	<ul style="list-style-type: none"> <li>ガイドライン、マニユアル等法案類文書承認手続き</li> <li>成果 2 要約レポートの作成</li> </ul>
成果 3 関連	<ul style="list-style-type: none"> <li>研修内容についての協議</li> <li>供与機材の調達</li> </ul> <p>下記については C/P の本来業務、ステークホルダーとの調整を睨みながら柔軟にスケジュール</p> <ul style="list-style-type: none"> <li>講義研修の実施</li> <li>実務研修、パイロット活動の実施</li> </ul>		<ul style="list-style-type: none"> <li>地方政府環境部職員等を対象にした BIA 研修</li> </ul>	<ul style="list-style-type: none"> <li>成果 3 要約レポートの作成</li> </ul>

### 3-5 協力実施上の留意点

#### 3-5-1 協力の重点分野と他協力案件との相乗効果

本件は環境保護総局に対する包括的な協力であるが、重点分野は水環境と EIA にかかわる分野とする。また、わが国からは下記の関連協力がある。これらの案件と連携し、相乗効果をもたらすことができるよう十分留意すること。

- ① 「住民移転のための環境社会配慮能力強化プロジェクト」(2010～2012)が、経済財務省住民移転局を主たる C/P として行われた。このなかで環境社会配慮の基礎的能力を得ることが成果のなかに位置づけられており、本案件で行う EIA にかかわる能力向上の内容と整合させることが重要である。
- ② 「道路分野における環境社会配慮に関する実施能力向上プロジェクト」(2017～)は、公共事業・運輸省により、道路セクターにおける環境社会影響に対する配慮が適切に実施されることを目標としている。本案件でも EIA にかかわる能力向上にインフラ・セクターも含まれることから密接に連携する必要がある。
- ③ 「プノンペン都下水・排水改善プロジェクト」(2014～2016)が、プノンペン都公共事業・運輸局を C/P として行われた。同プロジェクトはプノンペン都の水質問題に直接かかわるものであり、本案件でも重点とする水環境の改善と密接に関連する。
- ④ 地球規模課題対応国際科学技術協力 (SATREPS) 案件「トンレサップ湖における環境保全基盤の構築」(2016～)は、ITC を主たる C/P として行われる。長期的にトンレサップ湖の環境保全を実現するための枠組みが構築されることを上位目標としている。同プロジェクトでは水質管理について高度な技術内容を含んでおり、その成果と本案件で注力する水環境の改善と密接に連携する必要がある。

#### 3-5-2 外部ステークホルダーの積極的な巻き込みと C/P との相互作用促進

本件では外部ステークホルダーを積極的にプロジェクト活動に巻き込み、C/P との活発な相互作用を促進するプロセスが重要である。専門家と C/P が内にこもるような形態での活動は避ける必要がある。一方で多くのステークホルダーを巻き込むことで、予期せぬ事態も危惧されることから活動の進捗管理上はできるだけ巻き込みを避けたい圧力も生ずる。本件では活動の予定通りの進捗よりも上記のプロセスを経ることに重点を置くことが求められる。

#### 3-5-3 他ドナーとの情報交換・連携

カンボジアでは多くのドナーが活動していることから、それらの協力との重複を避け、また相乗効果をもたらすことも重要である。現時点での他ドナーの活動は本報告書に記載したとおりであるが、プロジェクト実施中においても JICA カンボジア事務所と連絡をとりつつ、他ドナーの動向に留意する必要がある。

## 付 属 資 料

1. 協議議事録
2. 面談メモ
3. 関連法規制英訳資料
4. 国連開発計画（UNDP）プロジェクト資料
5. 国家環境戦略行動計画（NESAP）
6. アジア開発銀行（ADB）EIA 研修資料



## 1. 協議議事録



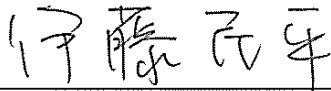
**MINUTES OF MEETINGS**  
**BETWEEN**  
**JAPAN INTERNATIONAL COOPERATION AGENCY**  
**AND**  
**MINISTRY OF ENVIRONMENT OF THE KINGDOM OF CAMBODIA**  
**ON**  
**JAPANESE TECHNICAL COOPERATION PROJECT**  
**FOR CAPACITY BUILDING OF THE MOE STAFF TO IMPROVE THE**  
**IMPLEMENTATION OF EIA AND POLLUTION CONTROL LAW AND**  
**REGULATION**

In response to the request made by the Royal Government of Cambodia for the Japanese Technical Cooperation Project for “Capacity building of the MoE staff to improve the implementation of EIA and pollution control law and regulations”(hereinafter referred to as “ the Project”), the Japan International Cooperation Agency (hereinafter referred to as “JICA”) has dispatched the Detailed Design Survey Team to the Kingdom of Cambodia (hereinafter referred to as “the Team”) headed by Dr. Mimpei Ito, Director of Global Environment Department, JICA , from 22 November to 15 December, 2016.

During its stay, both the Team and MoE had a series of discussions and exchanged views for the purpose of working out the framework and contents of the Project.

As a result of the discussions, both sides agreed to recommend to their respective organizations the matters referred to in the documents attached hereto.

Phnom Penh, Cambodia, 15 December, 2016



\_\_\_\_\_  
Dr. Mimpei Ito  
Leader,  
Detailed Design Survey Team  
Japan International Cooperation Agency



\_\_\_\_\_  
Mr. Sao Sopheap  
Advisor and Director of Cabinet  
Ministry of Environment  
The Kingdom of Cambodia

## ATTACHED DOCUMENT

### 1. Comments and/or advice on Environmental Code

MoE requested JICA to make comments or give advice on Environmental Code which is currently at the stage of drafting. JICA agreed once the Project has started, JICA experts will provide MoE with comments and advice upon request.

### 2. Coordination among development partners

As there are several development partners working in the area of environmental management in Cambodia, both sides recognized the necessity of coordinating activities among such organizations to maximize the effectiveness of each project and avoid duplication of the activities. MoE will play a role as the coordinator among the related partners.

### 3. Title of the Project

Both sides agreed on changing the title of the Project to “Technical Cooperation Project for Effective Implementation of EIA and Pollution Control through the Capacity Development of MoE”.

### 4. Draft Record of Discussions

Both sides agreed on the contents of the Project framework, as attached in the Appendix I, II, and III, as well as draft version of Record of Discussion which will be signed by both sides early next year after the approval of the contents of the document at JICA headquarters in Tokyo and MoE’s management later. Both sides agreed that there will be a possibility of minor modification on the document during the approval process, in which case both sides will keep each other informed.

### 5. Provisional schedule until the Project commencement

5.1 Signing of Record of Discussions in February, 2017

5.2 Commencement of the Project in June, 2017

### 6. Undertaking of MoE

#### 6.1 Allocation of Personnel

MoE confirmed to allocate counterpart personnel to the Project in order to ensure





the effective implementation of the Project.

## 6.2 Working Space

MoE has confirmed to secure the working space for JICA experts during the project cooperation period.

## 6.3 Monitoring

JICA and MoE will jointly and regularly monitor the progress of the Project through the Monitoring Sheets based on the Project Design Matrix (PDM) and Plan of Operation (PO). The Monitoring Sheets will be reviewed every six (6) months.

## 7. Other relevant issues for implementation of the Project

7.1 Allocation of budget and personnel to extend cooperation of the Project to local governments regarding EIA

MoE requested to involve local governments in the project scope. The Team explained that allocation of budget and personnel to handle the EIA related work in local governments is the key to sustain the quality of EIA review.

MoE has started the implementation of program-based budgeting and MoE has the intention to allocate some of the ministry's budget for this purpose during and after the Project.

7.2 Information disclosure

The Team explained that to enable sound environmental management, involvement of four actors (Government, private sectors, citizens, and academics) is indispensable. In this regard, the Team shared its view that information disclosure to the public would be an important aspect to be tackled through the Project, with step by step approach.

**Appendix I : Tentative Project Design Matrix**

**Appendix II: Tentative Plan of Operation**

**Appendix III: Tentative framework of project Output relations**

**Appendix IV: Draft Record of Discussion**



Tentative Project Design Matrix (2016/12/15) Ver.1.0  
 Project Name: Technical Cooperation Project for Better Implementation of EIA and Pollution Control through the Capacity Development of MoE  
 Duration of Project: 3 years  
 Target Group: GDEP (General Department of Environmental Protection), Ministry of Environment  
 Target area: Phnom Penh

Narrative Summary	Verifiable Indicators	Means of Verification	Important assumption
<p>[Overall goal]            MoE's institutional and technical capacity is developed to implement the mission of ensuring environmental protection effectively and efficiently.</p> <p>[Project purpose]            GDEP capacity to prevent, reduce and mitigate environmental pollution focusing on EIA and water is strengthened.</p>	<p>MoE's work on environmental protection received better evaluation from related stakeholders, compared to the level that of the starting point of the project.</p> <p>GDEP's work on EIA received more confidence from government offices related to EIA, compared to the level that of the starting point of the project.</p> <p>Transparency of GDEP is increased through information disclosure.</p> <ul style="list-style-type: none"> <li>● Prakas/Joint Prakas : Documents submitted to Minister(s) for approval</li> <li>● Sub-decrees : Document submitted to the Prime Minister's office for approval</li> <li>● Technical guidelines and procedures developed</li> </ul>	<p>Organizing a seminar to report the progress after the project and obtaining questionnaire answer from related stakeholders.</p> <p>Questionnaire answer from the related government offices</p> <p>Website that contains information related to EIA and environmental pollution</p> <p>Legal documents under approval process</p>	<p>Present national policy and environment regulation in Cambodia is maintained and improved. Manpower and budget to be provided by the government.</p> <p>Present national policy and environment regulation in Cambodia is maintained and improved. Manpower and budget to be provided by the government.</p>
<p>[Output]            1. Legal documents related to EIA and pollution control focusing on water are revised and processed for approval.</p>	<ul style="list-style-type: none"> <li>● Enhanced EIA review</li> </ul>	<ul style="list-style-type: none"> <li>● Printed guidelines and procedures</li> <li>● Minutes of consultation meetings</li> </ul>	
<p>2. Technical issues and procedures related to EIA and pollution control focusing on water are clarified and shared with GDEP staff as well as other stakeholders.</p>	<ul style="list-style-type: none"> <li>● Review and comment on EIA reports of 70 investment projects in 2017 and increase by 10% every year onward</li> <li>● Collect data and related information of EIA/EIA/EPA reports of 140 investment projects in 2017 and increase by 10% every year onward</li> <li>● Monitor environmental EPA and EMP (written in IEIA/EIA reports) of 322 investment projects for 644 times in 2017 and increase by 10% every year onward</li> <li>● Water quality monitoring</li> <li>● Pollution source mapping in PP area</li> <li>● Increased coverage of pollution source/waste water monitoring in PP</li> </ul>	<ul style="list-style-type: none"> <li>- Internal reports</li> <li>- Water pollution mapping report</li> <li>- Monitoring data compiled</li> </ul>	
<p>3. Capacity of GDEP as a whole and related departments under GDEP is enhanced.</p>			

	<p>area (100% coverage by 2020) - An increased number of sites for ambient water monitoring (50% increase from 2016)</p>	
<p>[Activity of the project] Output 1 Law and regulation revised and updated 1.1 Develop task force to review law and regulation 1.2 Finalize items for output 1 1.3 Review and draft revised law and regulation 1.4 Consultation with stakeholders 1.5 Finalize draft revised law and regulation 1.6 Prepare summary report for output 1  Output 2 Technical guideline and procedure developed 2.1 Develop task force to develop guideline and procedure 2.2 Finalize items for output 2 2.3 Develop draft guideline and procedures 2.4 Consultation with stakeholders 2.5 Finalize draft guideline and procedure 2.6 Prepare summary report for output 2  Output 3 Capacity development of MoE staff 3.1 Finalize content/subject of training program 3.2 Organize seminar 3.3 study tour 3.4 Develop training program and implement 3.5 Prepare summary report of output 3</p>	<p>[input]  Japanese Side (1) Japanese Experts 7-10 short term expert (2) Training Study tour to Japan and other countries (3) Local Cost Local costs for experts' activities Sub-contract for EIA Sub-contract for data collection and Database input Local consultant to assist legal document drafting Small funding for research (4) Machinery, Equipment and Materials Portable water quality monitoring unit and accessory, reagent Portable air quality monitoring unit (PM) Laboratory common apparatus (hot plate, water bath, pH meter)</p>	<p>Cambodia side (1) Counterpart personnel including administrator (2) Office space, meeting room (3) Local costs (see Minutes of Meeting)*</p>

Note:

- "Task force" mentioned in activity 1.1 and 2.1 means working team within GDEP and JICA team for respective task, i.e, preparation of legal document, technical guideline and materials. Persons from outside may be selected to join the team.
- "Summary report" mentioned in activity 1.6, 2.6 and 3.6 means reports to be prepared by GDEP and JICA team to summarize the activity/achievement in each output area, and will be used to report to others in GDEP, JICA and other stakeholders.

Tentative Plan of Operation (draft version as of 15 December 2016)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42								
Output 1 Law and regulation revised and updated																																																		
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2.2 Finalize items for output 2																																																		
2.3 Develop draft guideline and procedures																																																		
2.4 Organize or consult with stakeholders																																																		
2.5 Finalize draft guideline and procedure																																																		
2.6 Prepare summary report for output 2																																																		
Output 3 Capacity development of MoE staff																																																		
3.1 Finalize content/subject of training program																																																		
3.2 Organize seminar																																																		
3.3 study tour																																																		
3.4 Develop training program and implement																																																		
3.5 Prepare summary report of output 3																																																		

Tentative framework of project Output relations( as of 15 December 2016)

Output 1 (Law & regulation)	Output 2 (Guideline and procedure)	Output 3 (Training) Lecture	Output 3 (Training) Practice/Pilot	JICA Provision	Dept. inside GDEP	Stakeholders relation
Sub-Decree and Prakas on Industrial Wastewater management		Industrial Wastewater management (Introduction of Japanese case – Law and Practice)	Stakeholder consultation	Study tour to Japan Local assistant for drafting	WQM	
Note:  Lecture content can be used to draft various sub decree related to the topics, but will not be included as official output of the project.		Industrial Waste Management (Introduction of Japanese case – Law and Practice)			SWM	MIH, Private sector (including JBAC), NGO, Local authority
		Hazardous Waste Management (Introduction of Japanese case –Law and Practice)			SWM, HSM	MIH, Private sector (including JBAC), NGO, Local authority
		Air Pollution Management (Introduction of Japanese case – Law and Practice)			AQNM	MIH, Private sector (including JBAC), NGO, Local authority
	<ul style="list-style-type: none"> <li>● EIA General Guideline</li> <li>● Guideline of EIA criteria</li> </ul>	<ul style="list-style-type: none"> <li>● EIA General</li> <li>● EIA review method</li> <li>● EMP/EPA monitoring</li> </ul>	<ul style="list-style-type: none"> <li>● EIA awareness raising seminar (1<sup>st</sup>, 2<sup>nd</sup> year)</li> <li>● Trainer's training + Training for local officers (3<sup>rd</sup> year)</li> <li>● Preparation and dissemination of awareness raising</li> </ul>	<ul style="list-style-type: none"> <li>● Seminar, Training expenses</li> <li>● Study tour to Japan</li> </ul>	EIA	MAFF, MIH, MME, Local officers Private sectors(including JBAC) General public (materials dissemination)

	EIA sector specific technical reference	<ul style="list-style-type: none"> <li>Environment impact/loading process by specific sector (Agriculture, Water Resource, Industry, Health, Energy, Infrastructure, Tourism, etc.) Including building construction, river-bank collapse prevention during sand mining, pollution control of stone and cement mining</li> </ul>	materials <ul style="list-style-type: none"> <li>EIA real practice</li> <li>EIA review practice</li> <li>Preparation of technical reference materials and leaflets to be shared among ministries and local governments</li> </ul>	Sub-contract to local consultants (EIA)	EIA	MAFF, MIH, MME, Local officers Private sectors (including JBAC)
	Factory inspection manual	Factory inspection	On-site practice (focusing on water) including use of portable monitoring unit <ul style="list-style-type: none"> <li>Training on portable monitoring unit</li> <li>Water quality monitoring around Phnom Penh area</li> <li>Evaluation of monitoring data</li> <li>Application of pollution modeling</li> <li>Pollution source (water) mapping</li> </ul>	<ul style="list-style-type: none"> <li>Portable water monitoring equipment</li> <li>Laboratory supply (hot plate, water bath, and pH meter)</li> </ul>	ILE, WQM	Private sectors (including JBAC)
	Guideline /manual for waste water treatment facility	Water quality management			WQM	Local officers
		Application of GIS and database		Sub-contract to local consultant (Data)	WQM, HSM	General public through web site and

			around Phnom Penh area	collection survey and Database input)	publication
			<ul style="list-style-type: none"> <li>● Data disclosure with monitoring data to public</li> <li>● Develop collaboration framework with other institutes (such as ITC)</li> <li>● PM 10 and 2.5 fact finding survey</li> <li>● Pilot self-monitoring by power plant or other facility</li> <li>● Eco business forum</li> </ul>	<ul style="list-style-type: none"> <li>● Research funding to ITC ? (small scale)</li> <li>● Portable PM detector</li> </ul>	General public and political level through fact paper
	Emerging issue in environment and promotion of collaboration with other institutes	<ul style="list-style-type: none"> <li>● PRTR, EMS and promotion of voluntary management by industry</li> <li>● Promotion of Eco-business</li> </ul>		<ul style="list-style-type: none"> <li>● Technical expense for data connection</li> <li>● Study tour to Thailand</li> </ul>	All (AQM as focus on PM10 and 2.5)  All  Private sector (power plant, or other facility) Private sector (Eco business promoters)

Remarks:

1. Number of law and regulation to be supported as output1 depends on effort to draft them at GDEP side (at this moment JICA side propose to limit output 1 just for "industrial wastewater management"). JICA team will provide technical substance such as those regulatory system in Japanese case and will answer specific question from GDEP, however will NOT draft the legal document. JICA team may assist such drafting work by engaging local law firm or consultant to support GDEP staff, if requested so.
2. To tackle new issue in environment such as PM10 and 2.5 pollution, it is suggested GDEP to collaborate with other institutes. ITC (Institute of Technology of Cambodia) who is under JICA support can be a good candidate.

**RECORD OF DISCUSSIONS**  
**ON**  
**JAPANESE TECHNICAL COOPERATION PROJECT**  
**FOR**  
**EFFECTIVE IMPLEMENTATION OF EIA AND POLLUTION CONTROL**  
**THROUGH THE CAPACITY DEVELOPMENT OF MOE**  
**IN**  
**THE KINGDOM OF CAMBODIA**  
**AGREED UPON BETWEEN**  
**MINISTRY OF ENVIRONMENT**  
**AND**  
**JAPAN INTERNATIONAL COOPERATION AGENCY**

Phnom Penh, XX Month.2017

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Mr. Itsu ADACHI  
Chief Representative  
JICA Cambodia Office  
Japan International Cooperation Agency

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Mr. Say Samal  
Minister  
Ministry of Environment  
The Kingdom of Cambodia





Based on the minutes of meetings on the Detailed Design Survey on the Technical Cooperation Project for Effective Implementation of EIA and Pollution Control through the Capacity Development of MoE (hereinafter referred to as “the Project”) signed on 15 December, 2016 between the Ministry of Environment (hereinafter referred to as “MoE”) and the Japan International Cooperation Agency (hereinafter referred to as “JICA”), JICA held a series of discussions with MoE and relevant organizations to develop a detailed design of the Project.

Both sides agreed the detailed design of the Project and the main points discussed as described in Appendix 1 and Appendix 2 respectively.

Both sides also agreed that General Directorate of Environmental Protection (hereinafter referred to as “GDEP”), the counterpart to JICA, will be responsible for the implementation of the Project in cooperation with JICA, coordinate with other relevant ministries, institutions and organizations and ensure that the self-reliant operation of the Project is sustained during and after the implementation period in order to contribute toward sustainable (environmental, social and economic) development of Cambodia.

The Project will be implemented within the framework of the the Agreement on Technical Cooperation signed on 17 June, 2003 (hereinafter referred to as “the Agreement”) and the Note Verbales exchanged on 6 May, 2016 between the Government of Japan (hereinafter referred to as “GOJ”) and Government of Cambodia.

Appendix 1: Project Description

Appendix 2: Main Points Discussed

Appendix 3: Minutes of Meetings on the Detailed Design Survey



## PROJECT DESCRIPTION

### I. BACKGROUND

Cambodia has experienced rapid economic growth along with drastic urbanization and industrialization. Together with activities related to the development, environmental degradation has become a serious issue for the country and there is a need to take an appropriate action accordingly.

As guided by the Rectangular Strategy Phase III, the National Strategic Development Plan 2014-2018 and recent Industrial Development Policy 2015-2025, the Government of Cambodia has given priorities to maintain environmental quality and assess environmental impacts of development projects through regular and effective monitoring of water and pollution sources.

MoE is mandated environmental protection, bio-diversity conservation and sustainable development by the Government of Cambodia. However MoE has been facing with the difficulty to handle the situation due to the lack of institutional capacity to conduct environmental management effectively and efficiently. In addition to this, the absence of appropriate policies, legal frameworks and technical guidelines is one of the obstacles for smooth implementation of the given mandates of GDEP, MoE.

Under such background and circumstances, the Government of Cambodia requested technical cooperation to the Japanese Government.

### II. TENTATIVE OUTLINE OF THE PROJECT

#### 1. Title of the Project

Technical Cooperation Project for Effective Implementation of EIA and Pollution Control through the Capacity Development of MoE

#### 2. Expected Goals which will be attained after implementing the Proposed Plan.

##### <Overall Goal>

MoE's institutional and technical capacity is developed to implement the mission of ensuring environmental protection and natural resources management effectively and efficiently.

##### <Project Purpose>

GDEP capacity to prevent, reduce and mitigate environmental pollution focusing on EIA and water is strengthened.

#### 3. Outputs

Output 1: Legal documents related to EIA and pollution control focusing on water are revised and processed for approval.

Output 2: Technical issues and procedures related to EIA and pollution control focusing on water are clarified and shared with GDEP staff as well as other stakeholders.

Output 3: Capacity of GDEP as a whole and related departments under GDEP to implement EIA and pollution control is enhanced.



Details of the Project activities are described in the Logical Framework (Project Design Matrix: PDM) (Annex I) and the Plan of Operation (Annex II).

#### 4. Input

##### (1) Input by JICA

###### (a) Dispatch of Experts

JICA will provide the service of Japanese experts in following areas;

###### Short term experts

- Environmental Management
- EIA
- Pollution control
- Water quality monitoring and pollution modeling
- Wastewater treatment
- Environmental laws and regulations

JICA experts will be added as the need arises for smooth and effective implementation of the Project.

###### (b) Training

Training of counterpart personnel in third countries and/or Japan

###### (c) Machinery and Equipment

- Portable water monitoring equipment
- Portable PM detector
- Basic laboratory apparatus (hot plate, water bath and pH meter)
- Equipment for lecture training
- Reagents and consumables required for the machinery and equipment above

In case of importation, the machinery, equipment and other materials under II-4 (c) above will become the property of the MoE upon being delivered C.I.F. (cost, insurance and freight) to MoE at the ports and/or airports of disembarkation.

Input other than indicated above will be determined through mutual consultations between JICA and MoE during the implementation of the Project, as necessary.

##### (2) Input by MoE

MoE will take necessary measures to provide at its own expense:

- (a) Services of MoE counterpart personnel and administrative personnel as referred to in II-5;
- (b) Suitable office space with necessary equipment;
- (c) Supply or replacement of machinery, equipment, instruments, vehicles, tools, spare parts and any other materials necessary for the implementation of the Project other than the equipment provided by JICA;
- (d) Transport and travel expenses for MoE counterpart personnel and administrative personnel for official travel in Cambodia;
- (e) Information and support in obtaining medical service;



- (f) Credentials or identification cards;
- (g) Available data (including maps and photographs) and information related to the Project;
- (h) Running expenses necessary for the implementation of the Project, such as electricity, internet connection, water and telephone;
- (i) Expenses necessary for transportation within Cambodia of the equipment referred to in II-4(1) as well as for the installation, operation and maintenance thereof; and
- (j) Necessary facilitations to the JICA experts for the remittance as well as utilization of the funds introduced into Cambodia from Japan in connection with the implementation of the Project.

## 5. Implementation Structure

The project organization chart and related members list are given in the Annex III, IV and V. The roles and assignments of relevant organizations are as follows:

### (1) MoE

#### (a) Project Director

General Director of General Directorate of Environmental Protection will be responsible for overall administration and implementation of the Project.

#### (b) Project Manager

Deputy General Director will be responsible for the managerial and technical matters of the Project as the Project Manager.

### (2) JICA Experts

The JICA experts will give necessary technical guidance, advice and recommendations to the counterparts on any matters pertaining to the implementation of the Project.

### (3) Joint Coordinating Committee

Joint Coordinating Committee (hereinafter referred to as "JCC") will be established in order to facilitate inter-organizational coordination. JCC will be held at least once a year and whenever deems it necessary. JCC will review the progress, revise the overall plan when necessary, approve an annual work plan, conduct evaluation of the Project, and exchange opinions on major issues that arise during the implementation of the Project. A list of proposed members of JCC is shown in the Annex IV.

## 6. Project Site and Beneficiaries

### (1) Project Site

Phnom Penh

### (2) Beneficiaries

Key staff members of GDEP, MoE

## 7. Duration

Three (3) and half years from the arrival of the first expert in Cambodia.

#### 8. Environmental and Social Considerations

Cambodia agreed to abiding by 'JICA Guidelines for Environmental and Social Considerations' and Cambodia's EIA regulations in order to ensure that appropriate considerations will be made for the environmental and social impacts of the Project.

### **III. UNDERTAKINGS OF MoE**

#### 1. MoE will take necessary measures to:

- (1) ensure that the technologies and knowledge acquired by the Cambodian nationals as a result of Japanese technical cooperation contributes to sustainable economic and social development of Cambodia, and that the knowledge and experience acquired by the personnel of Cambodia from technical training as well as the equipment provided by JICA will be utilized effectively in the implementation of the Project; and
- (2) grant privileges, exemptions and benefits to the JICA experts referred to in II-4 above and their families, which are no less favorable than those granted to experts and members of the missions and their families of third countries or international organizations performing similar missions in Cambodia.

#### 2. MoE will take necessary measures to:

- (1) provide security-related information as well as measures to ensure the safety of the JICA experts;
- (2) permit the JICA experts to enter, leave and sojourn in Cambodia for the duration of their assignments therein and exempt them from foreign registration requirements and consular fees.
- (3) exempt the JICA experts from taxes and any other charges on the equipment, machinery and other material necessary for the implementation of the Project;
- (4) exempt the JICA experts from income tax and charges of any kind imposed on or in connection with any emoluments or allowances paid to them and/or remitted to them from abroad for their services in connection with the implementation of the Project; and
- (5) meet taxes and any other charges on the equipment, machinery and other material, referred to in II-4 above, necessary for the implementation of the Project.

#### 3. MoE will bear claims, if any arises, against the JICA experts resulting from, occurring in the course of, or otherwise connected with, the discharge of their duties in the implementation of the Project, except when such claims arise from gross negligence or willful misconduct on the part of the JICA experts.

### **IV. MONITORING AND EVALUATION**

JICA and MoE will jointly and regularly monitor the progress of the Project through the Monitoring Sheets based on the Project Design Matrix (PDM) and Plan of Operation (PO). The Monitoring Sheets will be reviewed every six (6) months. Authorized



Monitoring Sheet shall be sent to JICA.

Also, Project Completion Report will be drawn up one (1) month before the termination of the Project.

JICA will conduct the following evaluations and surveys to verify sustainability and impact of the Project. MoE is required to provide necessary support for them.

1. Ex-post evaluation three (3) years after the project completion, in principle.
2. Follow-up surveys on necessity basis.

## **V. PROMOTION OF PUBLIC SUPPORT**

For the purpose of promoting support for the Project, MoE will take appropriate measures to make the Project widely known to the public.

## **VI. MISCONDUCT**

If JICA receives information related to suspected corrupt or fraudulent practices in the implementation of the Project, MoE and relevant organizations will provide JICA with such information as JICA may reasonably request, including information related to any concerned official of the government and/or public organizations of the Cambodia.

MoE and relevant organizations will not, unfairly or unfavorably treat the person and/or company which provided the information related to suspected corrupt or fraudulent practices in the implementation of the Project.

## **VII. MUTUAL CONSULTATION**

JICA and MoE will consult each other whenever any major issues arise in the course of Project implementation.

## **VIII. AMENDMENTS**

The Record of Discussions may be amended by the minutes of meetings between JICA and MoE. However, PO may be amended in the Monitoring Sheets.

The minutes of meetings will be signed by authorized persons of each side who may be different from the signers of the record of discussions.

Annex I	Logical Framework (Project Design Matrix: PDM)
Annex II	Plan of Operation (PO)
Annex III	Project Organization Chart
Annex IV	A List of Proposed Members of Joint Coordinating Committee
Annex V	A List of Counterpart Members



**MAIN POINTS DISCUSSED**

Project policy for transportation and travel expenses for the Project counterparts is to be considered once the Project starts.

Handwritten signature or initials, possibly "uf" with a small symbol above the "u".

Tentative Project Design Matrix (2016/12/15) Ver.1.0  
 Project Name: Technical Cooperation Project for Better Implementation of EIA and Pollution Control through the Capacity Development of MoE  
 Duration of Project: 3 years  
 Target Group: GDEP (General Department of Environmental Protection), Ministry of Environment  
 Target area: Phnom Penh

Narrative Summary	Verifiable Indicators	Means of Verification	Important assumption
<p>[Overall goal]            MoE's institutional and technical capacity is developed to implement the mission of ensuring environmental protection effectively and efficiently.</p>	<p>MoE's work on environmental protection received better evaluation from related stakeholders, compared to the level that of the starting point of the project.</p>	<p>Organizing a seminar to report the progress after the project and obtaining questionnaire answer from related stakeholders.</p>	<p>Present national policy and environment regulation in Cambodia is maintained and improved. Manpower and budget to be provided by the government.</p>
<p>[Project purpose]            GDEP capacity to prevent, reduce and mitigate environmental pollution focusing on EIA and water is strengthened.</p>	<p>GDEP's work on EIA received more confidence from government offices related to EIA, compared to the level that of the starting point of the project.            Transparency of GDEP is increased through information disclosure.</p>	<p>Questionnaire answer from the related government offices            Website that contains information related to EIA and environmental pollution</p>	<p>Present national policy and environment regulation in Cambodia is maintained and improved. Manpower and budget to be provided by the government.</p>
<p>[Output]            1. Legal documents related to EIA and pollution control focusing on water are revised and processed for approval.</p>	<ul style="list-style-type: none"> <li>● Praksi/Joint Prakas : Documents submitted to Minister(s) for approval</li> <li>● Sub-decrees : Document submitted to the Prime Minister's office for approval</li> </ul>	<p>Legal documents under approval process</p>	
<p>2. Technical issues and procedures related to EIA and pollution control focusing on water are clarified and shared with GDEP staff as well as other stakeholders.</p>	<ul style="list-style-type: none"> <li>● Technical guidelines and procedures developed</li> </ul>	<ul style="list-style-type: none"> <li>● Printed guidelines and procedures</li> <li>● Minutes of consultation meetings</li> </ul>	
<p>3. Capacity of GDEP as a whole and related departments under GDEP is enhanced.</p>	<ul style="list-style-type: none"> <li>● Enhanced EIA review</li> <li>-Review and comment on EIA reports of 70 investment projects in 2017 and increase by 10% every year onward</li> <li>- Collect data and related information of EIA/EIA/EPA reports of 140 investment projects in 2017 and increase by 10% every year onward</li> <li>- Monitor environmental EPA and EMP (written in IEIA/EIA reports) of 322 investment projects for 644 times in 2017 and increase by 10% every year onward</li> </ul>	<ul style="list-style-type: none"> <li>- Internal reports</li> <li>- Water pollution mapping report</li> <li>- Monitoring data compiled</li> </ul>	
	<ul style="list-style-type: none"> <li>● Water quality monitoring</li> <li>- Pollution source mapping in PP area</li> <li>- Increased coverage of pollution source/waste water monitoring in PP</li> </ul>		



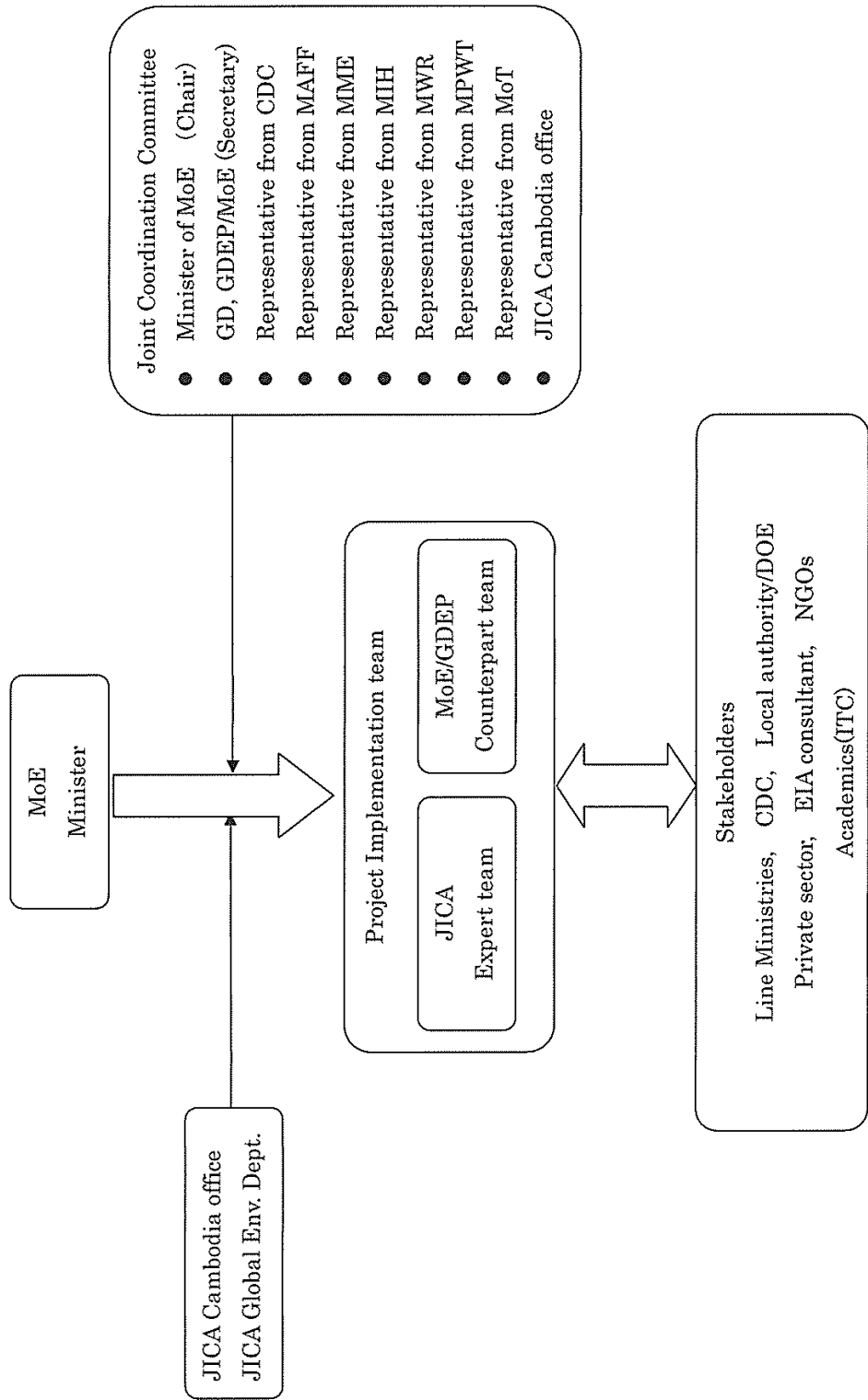
<p>[Activity of the project]</p> <p>Output 1 Law and regulation revised and updated</p> <p>1.1 Develop task force to review law and regulation</p> <p>1.2 Finalize items for output 1</p> <p>1.3 Review and draft revised law and regulation</p> <p>1.4 Consultation with stakeholders</p> <p>1.5 Finalize draft revised law and regulation</p> <p>1.6 Prepare summary report for output 1</p> <p>Output 2 Technical guideline and procedure developed</p> <p>2.1 Develop task force to develop guideline and procedure</p> <p>2.2 Finalize items for output 2</p> <p>2.3 Develop draft guideline and procedures</p> <p>2.4 Consultation with stakeholders</p> <p>2.5 Finalize draft guideline and procedure</p> <p>2.6 Prepare summary report for output 2</p> <p>Output 3 Capacity development of MoE staff</p> <p>3.1 Finalize content/subject of training program</p> <p>3.2 Organize seminar</p> <p>3.3 study tour</p> <p>3.4 Develop training program and implement</p> <p>3.5 Prepare summary report of output 3</p>	<p>area (100% coverage by 2020)</p> <p>- An increased number of sites for ambient water monitoring (50% increase from 2016)</p>	<p>[input]</p> <p>Japanese Side</p> <p>(1) Japanese Experts 7-10 short term expert</p> <p>(2) Training Study tour to Japan and other countries</p> <p>(3) Local Cost Local costs for experts' activities Sub-contract for EIA</p> <p>Sub-contract for data collection and Database input</p> <p>Local consultant to assist legal document drafting</p> <p>Small funding for research</p> <p>(4) Machinery, Equipment and Materials</p> <p>Portable water quality monitoring unit and accessory, reagent</p> <p>Portable air quality monitoring unit (PM)</p> <p>Laboratory common apparatus (hot plate, water bath, pH meter)</p> <p>Cambodia side</p> <p>(1) Counterpart personnel including administrator</p> <p>(2) Office space, meeting room</p> <p>(3) Local costs (see Minutes of Meeting)*</p>
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Note:

- "Task force" mentioned in activity 1.1 and 2.1 means working team within GDEP and JICA team for respective task, i.e, preparation of legal document, technical guideline and materials. Persons from outside may be selected to join the team.
- "Summary report" mentioned in activity 1.6, 2.6 and 3.6 means reports to be prepared by GDEP and JICA team to summarize the activity/achievement in each output area, and will be used to report to others in GDEP, JICA and other stakeholders.

Tentative Plan of Operation (draft version as of 15 December 2016)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42							
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## JOINT COORDINATING COMMITTEE (JCC)

### 1. Functions

The Joint Coordinating Committee (hereinafter referred to as “JCC”) will meet at least once a year or whenever the necessity arises, in order to fulfill the following functions:

- (1) To approve an annual work plan of the Project based on the Plan of Operation within the framework of the Record of Discussions;
- (2) To monitor and review the overall progress of the Project carried out under the above-mentioned annual work plan; and
- (3) To exchange views and ideas on major issues those arise during the implementation of the Project.

### 2. Members of the JCC

The JCC will be composed of the chair, the members and the observers. The chair may declare closed sessions against the observers. The rules and guidelines for the management of the JCC will be determined at the initial stage of the Project.

(1) Chairperson: Minister, Ministry of Environment

(2) Cambodian side:

- Representative from the Council for the Development of Cambodia
- Representative from Ministry of Agriculture, Forestry and Fishery
- Representative from Ministry of Mining and Energy
- Representative from Ministry of Industry and Handicraft
- Representative from Ministry of Water Resources
- Representative from Ministry of Public Work and Transportation
- Representative from Ministry of Land Management, Urbanization and Construction
- Representative from Ministry of Tourism
- Counterparts

(3) Japanese side

- JICA Expert(s) of the Project
- Representative from JICA Cambodia Office

(4) Other member(s)

Note: Official(s) of Embassy of Japan may attend the JCC meeting as observer(s). The chairperson can name new members or request the attendance of other participants, as necessary, upon mutual consent by both sides, when necessary.



**A LIST OF COUNTERPART PERSONNEL OF CAMBODIA**


No.	Project Position	Position	Organization	Related Output
1.	Project Director	General Director	General Department of Environmental Protection	All
2.	Project Manager	Deputy General Director	General Department of Environmental Protection	All
3.	Project Assistant	Director	Department of Administration Planning and Finance	All
4.	Project Assistant	Director	Department of Air and Noise Quality Management	Output 3
5.	Project Assistant	Director	Department of Solid Waste Management	Output 3
6.	Project Assistant	Director	Department of Water Quality Management	All
7.	Project Assistant	Director	Department of Hazardous substance Management	Output 3
8.	Project Assistant	Director	Department of Environmental Impact Assessment	All
9.	Project Assistant	Director	Department of Law Enforcement and Inspection	All
10.	Counterpart	Staff	Department of Administration Planning and Finance	All
11.	Counterpart	Staff	Department of Air and Noise Quality Management	Output 3
12.	Counterpart	Staff	Department of Solid Waste Management	Output 3
13.	Counterpart	Staff	Department of Water	All

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			Quality Management	
14.	Counterpart	Staff	Department of Hazardous substance Management	Output 3
15.	Counterpart	Staff	Department of Environmental Impact Assessment	All
16.	Counterpart	Staff	Department of Law Enforcement and Inspection	All
17.	Counterpart	Staff	Laboratory	Output 3

Note:

Counterpart personnel will be added as the need arises for the smooth and effective implementation of the Project.



## 2. 面談メモ





## (1) 面談者一覧（面談順）

名前	所属	タイトル
Mr. Phin Narong	環境省環境保護総局	計画・財務総務部長
Mr. Dy Kiden	環境省環境保護総局	固形廃棄物管理部長
Mr. Phin Rady	環境省環境保護総局	水質管理部副部長
Mr. Vorang Say	環境省環境保護総局	水質管理部技術職員
Mr. Sophal Laska	環境省環境保護総局	有害物質管理部副部長
Mr. Chea Leng	環境省環境保護総局	環境影響評価部 R&D 研修室長
Mr. Sar Kosal	環境省環境保護総局	環境影響評価部農業水資源審査室長
Mr. Hong Sambath	環境省環境保護総局	環境影響評価部職員
Mr. Sok Sovathwa	環境省環境保護総局	検査・法規制部副部長
Mr. Chandara Yem	環境省環境保護総局	検査・法規制部技術職員
Ms. Meas Chanthya	環境省環境保護総局	ラボラトリー部長
Mr. Chhek Roth	環境省環境保護総局	ラボラトリー部副部長
Mr. Siv Kung	環境省環境保護総局	ラボラトリー部副部長
Mr. Iv Sophal	環境省環境保護総局	ラボラトリー部副部長
Ms. Pak Sokharavuth	環境省環境保護総局	大気・騒音管理部長（総局次長に昇進）
Mr. Thiv Sophearith	環境省環境保護総局	大気・騒音管理部副部長（部長に昇進）
Mr. Heng Nareth	環境省環境保護総局	総局長
Dr. Hean Vanhan	農林水産省	農業総局長
Dr. Ok Savin	農林水産省	前渡金管理官
Mr. Ung Dipola	鉱山・エネルギー省	鉱物資源総局次長
Mr. Hong Bona	鉱山・エネルギー省	鉱物資源総局建材資源部副部長
Mr. Ouch Many	工業手工芸省	工業総局科学技術部長
Mr. Sok Chea	工業手工芸省	工業総局科学技術部副部長
Mr. Thara NOU	工業手工芸省	カンボジア標準研究所副所長
Mr. Khem Vireak	工業手工芸省	カンボジア標準研究所副所長
Mr. Seng Sochinda	カンボジア開発評議会	環境評価部長
上松裕士氏	Phnom Penh SEZ Plc.	最高経営責任者
長岡奨氏	Phnom Penh SEZ Plc.	シニアマネージャー
Mr. Thira Ouk	Oxfam	Project Officer – Extractive Industries
Mr. Samuth Sothearith	シアヌークビル州環境部	部長

Ms. Moeko Saito Jensen	国連開発計画カンボジア事務所	政策専門家
Mr. Chhoeun Sothun	プノンペン都環境部	部長代行
Mr. Tes Norearith	プノンペン都環境部	EIA 室長
Mr. Khim Nora	プノンペン都環境部	固形廃棄物室長
Dr. Fidero KUOK	カンボジア工科大学	環境工学部長
Dr. Hul Seingheng	カンボジア工科大学	教授
Ms. Sandra Stajka	米国国際開発庁カンボジア事務所	食料保障と環境 ディレクター
Mr. Menglim Kim	米国国際開発庁カンボジア事務所	環境・森林 プロジェクト管理専門家
Mr. Ham Kimkong	E&A Consultant	代表取締役
Mr. Hay Samchan	E&A Consultant	プログラムマネージャー

(2) 面談メモ

1 環境省環境保護総局 計画財務総務部

日時 2016年11月23日 8:30am～

場所 Ministry of Environment

面談者 Mr. Phin Narong Director、Dept. of Administration/Finance/Planning, GDEP

JICA 事務所より Bora 職員が参加

内容：

- ・ GDEP 内各 Dept. の職員数は次のとおり（質問票での回答）

Dept.	Total staff	Technical staff (above Bachelor level)	Technical staff (studied at foreign country)
Air Noise Quality management	16	11	1
Water Quality management	18	7	1
Solid waste management	13	13	2
Hazardous Substance management	15	9	1
EIA	68	40	7
Law Enforcement & Inspection	13	12	1
Laboratories	16	13	
Administration, Planning and Finance	14	10	1

- ・ 環境省における活動計画と予算は Program Budget（1cm 程度の厚みの本）にすべて網羅されている（ただし、面談時には各部局の予算額等については開示なし。外部への開示には

制約があるかもしれないので General Director に相談することとする)

- ・ 予算確保のプロセスは次のとおり。
  - ① まずは GDEP 内で General Director を Chair (議長) とする会議で次年度予算、活動を議論、各 Dept の長は Deputy Chair として参加
  - ② その後、環境省内で各 GD からの予算を調整、審議
  - ③ その後、MEF (Economy and Finance) と交渉、査定される。  
(一般的なプロセスでボトムアップ積み上げ方式。各末端部局が予算不足で嘆くが、上が勝手に決めるわけではない。一般論として環境省内の調整、MEF における査定でどの程度原予算が削減されるか質問するが、はぐらかすような答えしか出てこない。一例としてラボが新規機材予算 10,000m riel が全額カットされた話がでる)
- ・ ラボの外部からの委託分析収入は半分が MEF (国庫) に入り、半分が環境省に残る。これらはラボ職員のインセンティブとして給与に上乘せされている。
- ・ 環境省、MEF における予算減額は①活動自体の優先度、②国としての財源が原因である。予算請求 (資料) の不味さで減額されることはない。また減額された予算は一括で環境省にくるので内部でのやりくり調整が可能である。
- ・ 年次の獲得スケジュールは次のとおり。
  - 6月 GDEP/環境省内での次年度予算概要
  - 7月 MEF との予算説明、交渉
  - 8~9月 MEF による予算案、内閣に送付
  - 11月 国会承認
  - 12月 環境省で次年度支出計画作成(上記でいけば7月以降に新規項目を入れるのはほぼ不可能)

## 2 環境省環境保護総局固形廃棄物管理部

日時 2016年11月23日 10:30am~

場所 Ministry of Environment

面談者 Mr. Dy Kiden Director、Dept. of Solid Waste Management, GDEP

JICA 事務所より Bora 職員が参加

内容:

- ・ 本 Dept. における予算上の承認された活動項目数は 2015 年が 6 項目、2016 年が 8 項目である。Dept. の活動の成果は予算上で記述された指標により判断する (同指標はあまりよくないものとの意見だが、Dept. 自体がつくったものでもある。この指標を PDM にも活用できれば一番スッキリするのだが)。
- ・ 現在の固形廃棄物分野での問題の根源は関係者間の協力の欠如にある。現在一般廃棄物の管理責任は地方行政にあり、また実施は民営化 (民間業者との契約) によりなされている。プノンペン都では 1 年前に Sub-Decree によりこの責任を更に末端の 12 の区 = Kan におろしているが、いまだ実施、すなわち民間業者との契約を 12 分割には至っていない。受託した民間業者は十分な能力がなく、一方で受託収入は微々たるものでキャパを拡大させることが困難である。住民は廃棄物問題で政府と民間業者を責めるが、廃棄物処理の費用負担増大には断固反対である。

- ・ NGO は協力を申し出るが、必要な情報とレターなどを得ると、それを材料にどこかから資金を得て勝手に活動を進めている。
- ・ 関係者の協力調整の場としては環境大臣が議長の調整会議がある。
- ・ JICA プロジェクトでは地方政府が廃棄物処理を民間契約する際の技術ガイドラインなどができればありがたい。また固形廃棄物分野の戦略策定も頼みたい（例えば EPR=拡大製造者責任など）。
- ・ プロジェクトで実施する研修は座学の講義形式だけでは不味い。実務が入るべきで、例えば予算上承認された本来業務とリンクさせるべきである。
- ・ （当方より）関係者の調整の場として大臣主催の会議だけでは細かい点は煮詰まらない。各分野の実務担当者によるワーキンググループを設け、調整がつかない点について大臣主催会議で決定するような方式がよい。そのような関係者の調整協力会議を設けることをプロジェクト研修の実務部分とすることも考えられる。

### 3 環境省環境保護総局水質管理部

日 時 2016 年 11 月 23 日 14 : 30am～

場 所 Ministry of Environment

面談者 Mr. Phin Rady Deputy Director Mr. Vorang Say, Technical Officer, Dept. of Water Quality Management GDEP

内容 :

- ・ 本 Dept.の予算上承認された活動の数などについては、その詳細を作成した担当者が今海外でわからないが、活動のメインはモニタリングである。対象は公共水域と汚染源で、約 100 地点について年 2 回行っている。四つのモニタリングチームがあり、他の Dept.と協働で編成している。測定項目は七つで pH、TDS、COD、BOD、T-P、T-N と Cr (VI) である。
- ・ 現在、対応中の課題としては更なるモニタリング地点の拡充を計画しており、地方政府と協議しながら地点選定を進めている。飲用水源へのインパクトを調べることを念頭に置いている。
- ・ モニタリングの問題の一つは移動のための経費で、政府車両が足りないので自家用車で対応することが多い。
- ・ また来年度からは新たに沿岸水域の海水も対象としている（異常な藻の発生が問題となったため）。
- ・ 政策的な課題は政令 1061 による廃水処理設備設置の要求に対応しない事業所が多いところである。違反を理由に処罰をするにも長い期間が必要で、かつ多くの従業員の職場を奪うことになるので（閉鎖、運転停止すると）、迂闊に進められない。啓発活動を進めるしかないと考えている。
- ・ 工業団地については規制により中央廃水処理装置が必要で実際に対応しているところが多い。
- ・ JICA プロジェクトで要望したいことはガイドライン類については廃水処理設備について技術的なもので、事業所の運転者と規制側の両方に有用なものを望む。また携帯の測定装置を機材供与してほしい。
- ・ 研修活動については Dept.が実際に活動している内容とリンクさせ、机上の座学のみは避

けてほしい（ここから議論形式でいくつかアイデアを出す。括弧内は当方の出したコメント）。

- 連続水質モニタリングステーションの F/S 及びパイロット（結構高価で、実際の運用は安定電源の確保が問題となることが多い）
- 沿岸域の海水モニタリング（来年初めて行うが経験がないので）
- GIS データベース研修。3～4年に一度「環境水質の現況」という報告をしているのでそれに使いたい。また汚染源のマッピングも行いたい（当方より政令 1061 の問題とも併せ、モニタリングと汚染源（廃水処理装置の有無も含めて）をデータとし、一般公開すればどうか？ 大きな社会的圧力になる。またデータベースの元データを揃え、入力していくのは結構な人手が必要。モニタリングで追い回されている現状からすれば、データ集めは外注でローカルなところにさせたほうが現実的であろう）
- 河川流域の汚染シミュレーション
- 長期の留学資金供与（これは JICA プロジェクトでは難しい。日本の文科省の業務でときには JICA 活動の中から選ばれることもあるが...）

#### 4 環境省環境保護総局有害物質管理部

日 時 2016 年 11 月 24 日 8:30am～

場 所 Ministry of Environment

面談者 Mr. Sophal Laska Deputy Director

Dept. of Hazardous Substance Management, GDEP

内容：

- ・ Dept. の人員について。海外留学経験者は 5 名である（2 名は日本）。
- ・ 年間予算（2016）は大凡 30,000USD（他の Dept. も大凡 30,000～45,000USD の範囲でないか）。
- ・ 予算上承認された活動は次のとおり。Dept. には有害物質管理、有害廃棄物管理、放射性廃棄物管理の 3 ユニットがあり、それぞれ①データ収集、②啓発活動、③能力向上（海外会議参加含む）の三つの活動を行っている（合計九つの活動）。ただ支出上は全体のパッケージとして柔軟に対応している。
- ・ 技術的な課題としては有害物質、有害廃棄物の検査である。化学出身の担当者が少なく苦労している。化学物質管理のガイドラインが必要。
- ・ PRTR については UNEP の支援を受け、既に不完全ながら実施している。輸出入統計から対象物質（200 種類以下程度）の排出を算定している。一部工場への排出推計、報告依頼も行っている。
- ・ プロジェクトで何らかの Exchange 研修は可能か？ 例えば、日本の環境省職員との Exchange 等（JICA 事業としては難しい）。
- ・ 研修については座学の講義形式のみは避けたい。なんらかのパイロット活動を伴うものが望ましい。以下プロジェクトで行う研修内容についての議論（括弧内は当方コメント）。
  - 化学物質のインベントリー調査（インベントリー調査結果を GIS でデータベース化ということなら水質管理のデータベースと合体させた活動にすればどうか？ もちろん全国規模では難しいので例えばプノンペン周辺に限定して）

- 水銀調査（小規模金鉱山によるもの）（日本は水銀条約に関連しての支援には前向きなので面白いかもしれない）。
- 今後の課題として製品中の化学物質問題がある。現在環境省内で **HOT** な問題になりつつある（化学物質管理としてはまずは入り口（輸入、製造）の管理、次に出口管理（使用、排出）、製品中の問題はその後であろう。ただし、例えば日本の取り組み（**JAMP**）を紹介、講義は可能である）
- 有害廃棄物処理には日本など先進国企業の進出が必要——例えば蛍光灯の処理など。これらを促進するためのエコ産業投資フォーラムの開催などはパイロットとして可能か？（これは日系企業との相互作用促進という観点では面白いかもしれない）

## 5 環境省環境保護総局 EIA 部

日 時 2016 年 11 月 24 日 14 : 30am～

場 所 Ministry of Environment

面談者 Mr. Chea Leng Chief Officer (R&D Training)

Mr. Sar Kosal Chief Officer (Review Agriculture & Water Resources)

Mr. Hong Sambath EIA Officer

Dept. of EIA, GDEP

内容：

- ・ 人員：海外留学経験者は 10 名
- ・ 内部の組織は次の 10 の Office からなる。
  1. Admin.
  2. Law and legislation
  3. R&D Training
  4. Public participation
  5. Review Industry and health sector
  6. Review Mining and Energy sector
  7. Review Agriculture and water resource sector
  8. Review Infrastructure and tourism sector
  9. Monitoring
  10. Social and Environmental Fund
- ・ 2016 年の承認予算総額は 732m Riel=約 180,000USD.
- ・ 予算に伴う活動は 12 項目で以下のとおり。
  1. To develop law and regulation on EIA
  2. Capacity building of EIA staff
  3. Review screening, category, TOR of EIA report
  4. Site review
  5. Review EIA report
  6. Monitoring of EMP
  7. Review and assess EMP report
  8. Monitoring and follow up of Social and Environment fund activity

9. Extension and information sharing

10. Law enforcement

11. Promote voluntary contribution to Environmental Fund

12. Networking inside and outside country (travel to foreign meeting etc.)

- Environmental Fund はプロジェクト事業者が自発的に寄付してくれる基金、Social and Environmental Fund はプロジェクト事業者からプロジェクトの便益などから計算される一定額を強制的に拠出させる基金である。後者については、昨日首相が署名した Sub Decree で決定したところ。基金は環境省内でも利用が可能である。
- 多くの事業認可が EIA 認可なしで進むことについて。これは 1999 年の Decree によって建設プロジェクトで EIA なしの例外があったことから長引いた問題。最近環境省と関係省庁が 2 省間での相互確認 (EIA なしで事業認可しない) の合意を進めているところ。プロジェクトでも EIA の啓発活動は必要である。
- EIA Dept. として既に外部関係者への EIA トレーニングは小規模であるが実施している。
- プロジェクト成果 1 の Legal document としては Law でなく Prakas や Decree のレベルを想定している。
- 成果 2 については Dept. 内部の組織が四つのセクターごと Review に分かれているのに対応したセクター別のガイドラインが必要と考えている (当方より General Guideline を作成し、各セクターごとにはそれぞれのセクターの事業で発生する環境負荷、インパクトのプロセスを中心に簡潔に Review の要点を記した技術参考資料を作成するというでどうかと提案。これについては一旦引き取り Dept. 内で検討するとのこととなった)。
- 研修については予算承認された活動に直接リンクした題材で行うこととしたい。具体的なトピックは内部で一度検討する。
- モニタリングについては GDEP 内で協働チームを編成する場合と EIA Dept. が EMP のモニタリングを独自に実施する場合がある。したがって、携帯の測定ユニット供与は 1 つだけでは困る。最低 2 ユニット必要である。対象は水、大気、騒音である (当方からは水が最優先と伝える)。→ヒアリング時はこのような要望が出たが、後日 EIA 部単独でのユニットは必要ない旨の連絡あり。

## 6 環境省環境保護総局検査・法規制部

日時 2016 年 11 月 25 日 8:30am~

場所 Ministry of Environment

面談者 Mr. Sok Sovathwa Deputy director

Mr. Chandara Yem Technical Officer

Dept. of Inspection and Law Enforcement, GDEP

内容:

- 人員: 海外留学 (あるいは英語コミュニケーション可能) は 7 名。
- 予算: 2016 年は 64m riel=約 16,000USD
- 予算承認された活動は次の 3 項目
  1. Dept. 内人員のモニタリング、インスペクションにかかわる能力向上
  2. 工場立ち入りによる法規制。年間 20 から 30 工場に立ち入り。

3. 汚染工場からの罰金徴収。2016 年は（11 月現在）231m riel の罰金を 11 工場から徴収した。なお、この罰金額が本 Dept のパフォーマンス指標ともなっている。罰金は MEF50%、環境省 50%で分けた収入となる。環境省分については本 Dept.スタッフのインセンティブとして給与上乘せ。罰金額は法律による計算式で算出。
- ・ 現在のスタッフはいろいろなところからの集まり、工場立ち入り、検査の特定の知識、経験がないため研修は非常に重要である。工場立ち入り検査ではチェックリストを作りサンプルを採取して分析する。このときは水質、大気部等の混成チームである（検査の際に待たされ、その間に廃水処理装置を運転し、その後サンプルをとっているような話なので、当方から少しアドバイス。積算電流計（工作すると電力会社に捕まる）でエアレーションのモーター稼働時間をチェック、あるいは凝集剤の使用量を購買の記録からチェック等ができるという一生懸命ノートを取っていた）。
  - ・ JICA の集団研修はとても役立つ。水質管理のコースでなく、環境管理全般のコースであれば誰にとっても有用である。是非続けて参加したい。
  - ・ 研修については工場立ち入りマニュアル等の作成とそれに合わせた工場の立ち入り実習があれば大変ありがたい。携帯水質測定機については水質部とシェアすることは可能である。

#### 7 環境省環境保護総局ラボラトリー部

日 時 2016 年 11 月 25 日 14 : 30am～

場 所 Ministry of Environment

面談者 Ms. Meas Chanthya      Director  
 Mr. Chhek Roth            Deputy Director  
 Mr. Siv Kung                Deputy Director  
 Mr. Iv Sophal               Deputy Director  
 Dept. of Laboratory, GDEP

内容 :

- ・ 人員：学士以上は、M.Sc.が 2 名、B.Sc.が 5 名
- ・ 予算は 179m Riel=約 42,000USD。
- ・ 承認された活動は次のとおり。
  1. Admin.
  2. 試薬の調達
  3. 機材の保守
  4. スタッフの能力向上
  5. サンプルング
  6. 汚染地域のモニタリング
- ・ ラボのトータルのキャパ（実績）は年間 500 検体ほど（主に水）。このうち 2016 年では 146 検体が外部からの持ち込みに対応しての分析。残りは GDEP としての活動。三つの地域、プノンペン、シアヌークビル、シェムリアップは GDEP の活動範囲であるが、他の地域からは持ち込み分析での対応になる。
- ・ 質問票の回答で DNA 解析などに使われる高度な生化学用機材についての研修、保守支援



が記述されていたことについて。大臣の命令で省内のすべての分析関連機材はラボで面倒をみることになった。同生化学用機材は公害管理には関係ないがそうした経緯でラボに外から持ち込まれた（今回の検討に加える必要なし）。

- 本プロジェクトに対する要望としては AAS、GC-MS、ICP-MS に対する支援（これについては今回はラボに対する本格支援は難しいこと。携帯型の簡易分析機等にとどまることを説明。ラボが新しく移転建設される際の支援対象としては考えられるかもしれないと説明）。新規ラボ建設は何時になるかわからない。政治判断である。携帯型機器については水質部等とシェアすることで OK である。携帯機器では Wagtech 製を検討してほしい。
- 本格的な支援が難しいようであれば、次の機材だけでもなんとか検討できないか？
  - ホットプレート（500 度まで加熱可能なもの）
  - ウォーターバス
  - ラボ用 pH メーター
- （当方より）プロジェクトで専門家が長期にラボ支援をすることは難しい。一つの可能性としてシニアボランティアが考えられる。（先方）Ms. Misaki Sakai（長野大学？）が以前に来てくれて大変助かった。彼女はカンボジア人と結婚して今年 2 回はカンボジアに来ている。彼女が来てくれれば大変いいが。



ラボの作業（当日は 2 名の女性スタッフが忙しそうに動いていた）



GDEP の活動として採取してきた水試料（ミネラル水のボトルをサンプリングに転用しているが、金のない途上国ではよくある話）。ラボが稼働している一つの証拠である。



かなり年代物の分光計だが、問題なく稼働しているようだ。

## 8 環境省環境保護総局大気・騒音管理部

日 時 2016年11月28日 8:30am～

場 所 Ministry of Environment

面談者 Ms. Pak Sokharavuth Director

Mr. Thiv Sophearith Deputy Director

Department of Air Quality and Noise Management

内容：

- ・ 予算：2016年は175m Riel=USD42,000
- ・ 承認された活動は7項目。ただし事務所運営、法規制準備など当たり前の内容の列挙である（あまり細かく話しても無駄な時間と考えたのか詳細はなし）。
- ・ 技術的な課題として今対応したいのが粒子状物質である。PM10、PM2.5。実はWHOが2012年にレポートを出し、カンボジアでは10万人当たり7,000人がPMで死亡するとの論がでた。水質問題は目に見えるので、ドナーや政治家の支援を得やすい。ところが、住民は汚い水は飲まないが、大気中の汚染は住民全員を暴露してしまう。その意味では健康被害としては大気が重要である。PM測定のための携帯機器の供与を検討してほしい。
- ・ （当方より）大気汚染の問題解決は本プロジェクトの範囲を大きく超えるであろう。ただ例えばPM問題の現状を政治、住民に対して周知するようなパイロット的な現状調査と携帯機器の研修を組み合わせることは可能かもしれない。
- ・ 他に要望したい支援としては大気質の環境基準のレビューと改訂、また戦略的大気質管理計画の策定。

## 9 環境省環境保護総局局長

日 時 2016年11月25日 10:30am～

場 所 Ministry of Environment

面談者 Mr. Heng Nareth Director-General

General Directorate of Environmental Protection

内容：

- ・ （当方より）現在のPDM案をベースに説明、質問。成果1はLaw & Regulation、あるいは

はこれを Legal Document ということで考えている。最新の Environment Code によると相当な数の sub-legislation の策定が必要であり、これをすべてプロジェクトに振られても現実的に大変な感がある。一定の範囲に絞りこんだほうがよくないか？

- ・ 昨年は固形廃棄物、今年は新たに E-waste についてそれぞれ Sub Decree を策定した。また下水処理、プラスチック廃棄物についても近く策定を終える。プロジェクト期間に想定しているのは次の三つの分野であり、その策定を支援してほしい。
  - ① 産業廃棄物管理
  - ② 有害廃棄物管理
  - ③ 大気汚染防止
- ・ 要請書には 5 名のローカルコンサルタントが同上作成を支援するとあるが、この 5 名は全員 GDEP 内の職員。JICA で給与などを支払う必要ない（経費支援は必要だが）。
- ・ 成果 2 のガイドラインについては EIA のセクター別ガイドラインがもっとも重要である。
- ・ （当方より本件については EIA 部に一般ガイドライン+セクター別技術資料という形を提案していると説明）。JICA 提案で OK。
- ・ 成果 3 の研修計画については実技、パイロット的活動を含むということで 20 という数にはかかわらない。研修はあくまで最終的なマネジメントを見据えたものが大事で、例えば、モニタリングのためのモニタリングのようなことは避けてほしい。
- ・ 機材供与は当方提案の携帯型機器類及びその研修で OK。
- ・ パイロット案の一つであるが、新しい Prakas で企業の自主努力を引き出すための 24 時間連続 Self Monitoring を促進している。このモニタリング機器をネットワークを通じて GDEP に接続することで現場の検査作業の負荷を減らしたい。パイロットとして石炭火力発電所のオーナーと話を進めており、既に排ガス監視機材の設置などが進みつつあるが、GDEP 内の機器にデータ接続するためには同上機材のシンガポールの業者に来てもらわねばならない。1,000 ドル超の費用負担が必要だがプロジェクト研修のパイロットとして扱えないか？ その他には染色工場の排水の連続監視を進める予定である。
- ・ EIA の啓発活動推進については是非取り入れてもらいたい。
- ・ EIA レポートのレビューの質を改善したい（当方より改善策として次の三つを提案）。
- ・ ガイドラインの策定とセクター別技術資料の準備
- ・ パイロットで実際の EIA（ローカルコンサルに発注）を C/P と JICA 専門家が入って経験する。これによりコンサルタントのレポートの裏が見えてくる。
- ・ 育った C/P にトレーナーとして地方政府職員の研修講師をさせる（これにより自らの知識経験が整理されて生かせるようになる）。最初の研修は JICA で費用負担してもよい。
- ・ （GD より）大変良い提案。地方職員の研修は 2 回目以降は GDEP で予算をつける。
- ・ （当方より）GDEP のパフォーマンス指標は何か？ PDM で変な指標を入れると後々面倒になる。PDM に政府内部の指標を入れ、またそれに合わせて上位目標、プロジェクト目標も調整すれば一番円滑で無駄な努力が避けられる。（GD より）全く同意する。現在の政府文書を調べて何がよいか連絡する。

10 環境省環境保護総局局長（2回目）

日 時 2016年12月1日 8:30am～

場 所 Ministry of Environment

面談者 Mr. Heng Nareth Director-General

General Directorate of Environmental Protection

PDM、PO 案の策定にあたっての疑問点を議論するために二度目の面談を行ったもの。以下先方のコメント。

- ・ 法案作成が外国人に難しい、できないのは承知している。あくまで求めるのは中味の部分。例えば日本の法規制の紹介、説明をしてくれれば、それをベースに GDEP のチームが文章作成を進める。その過程で中味の疑問点などが出れば、都度アドバイスしてもらえればよい。またドラフトしたものをレビューして気づいた点を教えてほしい。
- ・ 大気汚染防止の Sub Decree は 2000 年のものを固定発生源と移動体発生源の二つに分けることを計画している。カンボジアにとっては大気汚染は水質汚濁と同じ、あるいはそれ以上に重要である点を理解してほしい。河川の汚れた水は飲まなくてもよいが、汚れた大気は病人、子供含めて全員が強制的に呼吸せざるを得ない。
- ・ 水質汚濁の Sub Decree 1999 年については、現在 Sewage にかかわる部分を分けてほぼ策定が済んでいる。次は工場排水についてであるが、この部分を日本で支援してくれるなら、これもありがたい。Sub-Decree に伴う Prakas, Guideline 類についても支援があればありがたい。
- ・ 企業による排水、排ガスの連続監視については現在対応する Praka の策定を進めている（ということで現状は自主的な話ですが、近く規制になるようです。この点前回の話では聞き漏らしていたかもしれません）。前回要望したのは発電所からの監視データの受け部分の工事で 1,000 ドル程度の支援（最大でも 2,000 ドル）である。染色工場に限らず排水監視の工場は何処でもよいが（Prakas でリストされている）、まだ候補はない。この部分の話をプロジェクトが支援してくれるにしても、PDM など公式な書類に書き込むのが難しいのは承知している。

11 農林水産省 農業総局

日 時 2016年11月28日 16:00～

場 所 General Directorate of Agriculture

面談者 Dr. Hean Vanhan Director-General

Dr. Ok Savin Imprest Administrator

内容：

- ・ 当方より環境省とあらたな技術協力プロジェクトを開始することと、そのために EIA 関連のライン省庁との協力が必要ということで訪問の趣旨を説明。
- ・ 農業総局のメインの業務は作物保護、すなわち農薬や殺虫剤に関連する内容である。農業分野の EIA に関連する業務は MAFF 内の Dept. of Planning が一元的に実施しているはずだ。灌漑プロジェクトについては最新の Decree により、小規模なものは MAFF、大規模なものは水資源省とデマケされている。
- ・ MAFF 関連で最新の EIA 関連のトピックで行けば Economic Land Concession に関するこ

とであろう。

- ・ プロジェクトで EIA の啓発活動をするのは賛成。できる範囲で協力したい。
- ・ 農業総局では農薬関連の業務を行っており、この分野では環境省の有害物質部門といろいろ協働できる余地はあるだろう。

## 12 鉱山・エネルギー省 鉱物資源総局

日 時 2016 年 11 月 29 日 8 : 30am～

場 所 General Department of Mineral Resources

面談者 Mr. Ung Dipola Deputy Director general

Mr. Hong Bona Deputy Director, department of Construction  
Material Resources

内容 :

- ・ 現在 鉱物資源総局で管轄するプロジェクト概数は次のとおり。
  - 川砂採取プロジェクト 30
  - 海砂採取プロジェクト 10
  - 石材採掘プロジェクト 200
  - 金属鉱山プロジェクト 3 (ただしすべて F/S 段階)
- ・ 採掘面積が1ヘクタール以上のプロジェクトは地方のDOEとEPAを締結して事業開始、10～40ヘクタールのものはIEEを実施、40ヘクタール以上はフルのEIA実施としている。
- ・ EIA 抜きで始まった事業は1年以内にEIA報告がなければライセンスを停止する。なお採掘ライセンスは2年間。
- ・ 事業者がまず鉱区申し込みをすると内部スタッフによる事前の現地環境審査を行い住民問題などを確認する。
- ・ 金属鉱山については探鉱段階のライセンス(2年間)と開発段階のライセンスに分かれる。
- ・ 小規模鉱山(Family Mining)については大変管理が難しい。金採掘で水銀を使用している。
- ・ JICA プロジェクトで EIA の啓発活動をするのはよい。是非協力したい。第一段階で鉱物資源総局のスタッフにトレーニングを行い、第二段階で民間を呼びセミナーとしたい。環境省からの一方的な情報伝達でなく、双方向で民間からも手続き等の問題提起もできる場としたい。
- ・ 環境省スタッフの能力向上でパイロット的に EIA 実習するなら石材採掘案件を考えてほしい。一緒に参加したい。

## 13 工業手工芸省 工業総局

日 時 2016 年 11 月 29 日 10 : 30am～

場 所 General Department of Industry

面談者 Mr. Ouch Many Director

Mr. Sok Chea Deputy Director

Department of technique science and technology (DTST)

内容：

- ・ 工業手工芸省内での EIA 関連部局は本部 (DTST) である。人員は 40 名で六つの Office に分かれている
  - ① Science & Technology
  - ② Technology Transfer
  - ③ Training
  - ④ Raw Material
  - ⑤ Industrial Safety
  - ⑥ Industry & Environment
- ・ この中の Industry & Environment office が EIA を所管している。また産業廃棄物についても担当である。人員は 7 名。産業廃棄物の所管については 2014 年の Law on Administration of factory and handicraft に明記されている。現在、この分野の Prakas を策定中である (環境省が産業廃棄物管理の Sub-Decree を計画しているなら相談、調整すべし)。
- ・ 外国投資プロジェクトの認可については CDC が一元的に行っており、MIH として詳細はわからない。MIH の事業認可は次の二段階で行われる。
  - ① 工場設置の認可
  - ② 製造活動開始の認可製造開始の認可前には DTST の職員が現地及び書面上で環境上の問題がないか確認している。
- ・ (当方より、SEZ における工場の管理についてはどう考えているか? と議論を仕掛けたところ最初はピンときていなかったが、工業団地特有の各種問題の話を進めると猛烈な食いつきとなり、「どうすればよいのか」と真剣にアドバイスを求められる事態に。最初「忙しいから面談は 1 時間以内」と断られていたが、30 分延長することになった)。
- ・ プロジェクトで EIA 啓発活動を行うことは賛成。MIH としても協力したい。

#### 14 工業手工芸省 カンボジア標準研究所

日 時 2016 年 11 月 29 日 14 : 30am ~

場 所 Institute of Standard of Cambodia

面談者 Mr. Thara NOU Deputy Director General

Mr. Khem Vireak Deputy Director General

内容：

- ・ ISC はカンボジア国内で唯一国家標準・基準を定める機関である。環境省が環境基準を定めるなら次のプロセスが必要。
  1. 環境省大臣から MIH 大臣へのレター送付。環境基準案を添付
  2. 技術委員会で審査
  3. 最低 2 カ月間かけて Public Hearing
  4. 国家標準審議会で決定
  5. 国家基準

となる。

かなりの期間が必要であることは当然である。

- ・（当方より）名前の問題もあるだろう。環境基準（Ambient）は結局環境行政の達成目標値（Target value）であり、排出基準は法規制による上限値（Regulatory upper limit）である。呼び方を Standard でなく変えればいいのかもかもしれない。（先方）そのとおりだが、ISC としては環境省がレターを出して国家基準とすることを薦める。
- ・（当方の質問）環境基準などを定めた場合、その測定法も定義しなければならないが、ISC はそれもかかわるのか？（先方）測定法についてはかかわらない。（→測定法を定めることの意味が今ひとつよく認識できていない様子なので、少し問題提起しておく。（当方より）例えば水質基準で COD 値を定めた場合、日本では過マンガン酸法だが、他は重クロム酸法である。二つの方法では同じ検体でも大きく異なる値がでる。測定法が決まらねば基準数値の意味があやふやになる。（先方）政府の一般的な分析法あるいは JIS や Standard Method ということでよいのではないか？（当方）分析法を決めればよいという話ではない。大気の基準で一度 NGO が工場境界線で所謂グラブ・サンプリングを行い、基準値を大幅越えということが大きく騒いだ事件が他国であった。しかし、一般環境基準の定義ではサンプリングは人が実際に居住している場所でなければならず 1 年間の平均値である。濃度の高そうな場所で高そうな時期の値は基準と比較すべきでない。分析法だけでなく、採取法、場所、値の計算法（平均値）まで定めねばならない。（先方）難しい問題である。今すぐ ISC が何かできるかわからない。（当方）多分当面は環境省が環境基準（名前を変えても）を測定法と共に定め、将来また ISC と話をするのでよいのではないか？
- ・（当方より）民間ラボの乱立状況ではどこかが精度管理する、あるいはラボの認証をする仕組みが必要でないか？（先方）ISC では現在 ISO9000 と 14000 の認証を行っている。ISO17025 については現状 ISC がカンボジア国内で唯一認証を受けている。他ラボの認証を行うのはまだかなり先の話になるだろう。

## 15 カンボジア開発評議会

日 時 2016 年 11 月 30 日 14 : 00am～

場 所 Council for the Development of Cambodia

面談者 Mr. Seng Sochinda Director, Environmental Assessment Department  
Assistant to Prime Minister

内容 :

- ・ 本 Department の人員は 6 名。年間予算は把握していない。上司からの命でそのたびに。
- ・ 任務としては次のとおりである。
  - 新規投資案件、あるいは拡張案件に関して調査を他省庁と協力しながら行う。
  - 操業中の工場のインスペクション（単独で行う）。今年は 20～30 工場（実はこの工場立ち入り検査に省庁間重複の問題あり。CDC、MIH、環境省、地方の DOE 等がそれぞれ何の連携、情報交換もなく行っている。酷いケースならこうした検査を何度も（政府側が変わりながら）受けることになる。よって工場側はウンザリして受け入れたくない。CDC は税控除の恩典を握っているのをそれを武器に立ち入るとのこと）。
  - 投資家と環境省との間の連絡調整
  - 公害汚染を引き起こした工場への罰則適用
- ・ EIA は本来案件認可前に行うべきものであるが、CDC では FDI（外国直接投資）を遅延さ

せないことを優先しており、認可後に EIA を行う、あるいは当 Dept.が調査を行うことになった（この辺は相当上の判断である様子）。環境省とのデマケに問題あるのも理解している。その経緯は 2009 年に環境省が問題を起こした（詳細不明）ので、CDC としてダブルチェックのために当 Dept.を設置したものである。

- ・ CDC としては今後の外国投資がより付加価値の高い重工業に向かうことを予期している。
- ・ カンボジアにおける EIA の最大の問題はやりっ放しで事後のモニタリングが欠如していることである。

本 Dept.のスタッフも環境、EIA の訓練を受けているわけではない。JICA の環境省能力向上研修に参加できる余地があれば是非参加させてほしい。EIA 啓発活動も賛成する（ここで厚さ 5cm くらいの報告書 2 冊を示して、「これが一案件の EIA 報告書だ。とても読み切ってレビューできるような実力はない。なんとかしてくれ」と嘆願）。

## 16 プノンペン SEZ 運営会社

日 時 2016 年 12 月 2 日 9 : 00am ~

場 所 JICA 事務所 7F 会議室

面談者 上松裕士氏 CEO、長岡奨 Senior manager Phnom Penh SEZ Plc.

内容 :

- ・ 現在入居企業は 81 社、うち非製造業が 5 社。日系は 45 社である。稼働している工場は 60 社。タイの自動車関連産業の進出を期待しているが、なかなかない。
- ・ 工業団地開発に伴う EIA 取得の経緯について下記の説明を受ける。
  - 2006 年 会社設立
  - 2007 年 インフラ工事開始 フェーズ 1 で 140 ヘクタール、2008 年 8 月完成  
この時点で環境省より EIA を受けるよう指示。民間コンサル 2 社から見積もりをとるが 2 社とも高いので保留
  - 2010 年 ISO14000 取得、中央廃水処理施設も設置
  - 2013 年 総選挙がありフンセン首相への批判票多く、環境大臣（評判悪い）交代。  
新大臣のもと再見積をとる。
  - 2015 年 EIA 開始
  - 2016 年 12 月 1 日、EIA 承認
- ・ EIA 承認前に、環境省よりレターあり。環境社会基金に寄付することを条件に承認すること。法的根拠が明確でないので各種調査していたところ最近になって SubDecree が承認された。一般論であるがカンボジア政府は押せばわかる（一方的にならない）。
- ・ 現在困っている主な点は二つ。
  - 非有害産廃の処理。民間と個別企業が契約してるが収集などのサービスが悪い。日系の光和商事、村田産業がゴミ関係で進出してきている。
  - EPA の中で EMP を作成することになっているが、その手順など不明である。環境省が見本など開示してくれないので手探り状態である。
- ・ （当方より）タイの事例をみると現実の環境問題の有無とは別に、工業団地は住民運動、プロの NGO のターゲットになりやすい。今は大丈夫でもより多くの工場が稼働しだしたところで問題になる恐れもある。未然防止には周辺コミュニティとの一体感の醸成が効果



的であろう（タイにおけるエコ工業タウンプログラムなど）。環境省と各種協力（例えば廃水の連続監視のパイロット等）で関係を深め、官民一体でそうした住民対策を進めるのがよいだろう。

#### 17 Oxfam

日 時 2016年12月2日 14:30am～

場 所 Oxfam ビル 2F 会議室

面談者 Mr. Thira Ouk Project Officer – Extractive Industries  
Oxfam Cambodia

内容：

- ・ 鉱山・石油関連の EIA ガイドラインを支援した経緯について下記説明を受ける。
- ・ 当初は GDEP の EIA 部から EIA 法作成についての支援要請だった。ただ法案策定は承認まで時間がかかるので Oxfam としては法案策定支援はしなくなかった。そうした状況で環境省の大臣が変わり、新大臣となったところで新たにガイドライン作成を支援するという MOU を結んだ。鉱山、石油については環境省からの要望。なお石油は陸上限定で Offshore は含んでいない。
- ・ 二つのガイドライン作成に Oxfam は 2 名の米国コンサルタントを起用（契約はそれぞれ 3MM）。まずはコンサルタントが GDEP 職員の研修を行い、その結果を受けて GDEP がガイドラインドラフトを進めるはずだったが、進捗がよくないので結局コンサルタントがドラフト策定。しかしながら、ドラフトはカンボジアの状況をよく反映していないとのクレームが出た。そこで二つのガイドライン作成にそれぞれ技術チームを編成、各チームは EIA 部職員 3 名＋現地 NGO 3 名＋Oxfam 1 名の構成。毎週のようにコンサルテーション会議を行い、1 ページごとに作業を進めた。結局 1 年間を要した。
- ・ 他ドナーでは USAID が森林分野の支援、SIDA が SEA に関する研修などを行っている。

#### 18 シアヌークビル郡 環境部

日 時 2016年12月5日 13:00am～

場 所 シアヌークビル郡 環境部会議室

面談者 Mr. Samuth Sothearith Director  
Department of Environment, Preah Sihanouk Province

内容：

- ・ 本 Dept. は職員数 23 名、年間予算は 20m riel=約 USD5000。
- ・ ADB の EIA 研修には職員が 1 名参加した。
- ・ 所長自身も環境省本部の EIA 研修に参加した。講師は民間コンサルタントだった。環境省本部で数日間講義中心の研修であった。
- ・ 今までいろいろな EIA 関連研修に参加したが、いまだに物事が明確になっていない。それぞれの研修が有益であったことは確かだが、自分たちで EIA 関連業務ができるようになるには更に何が必要なのか、今までの研修に何が欠けていたのかは明確でない。JICA で研修をするなら、是非役に立つものにしてほしい。多くの研修では講義のみが多いが、必要なのは実経験である。

- 例えば環境省本省の EIA 部と当 Dept.の人員の短期交換プログラムで OJT すれば互いに資するところ大であろう。
- 当 Dept.の職員が真摯に努力するのは間違いない。一例であるが、当 Dept.では保護エリアに不法移住した住民への対応で、裁判所からの退去命令が下されるまでの手続きをしたことがある。
- 当方より現状でのプロジェクトでの研修計画などを説明。最終年度には環境省職員が講師となって地方部局向けの研修を計画している。
- 現在 ADB がシアヌークビルの下水プロジェクトで F/S を進めている。

なお面談に先立ち、シアヌークビル周辺のポイントとして下記を視察。

#### 火力発電所

中国企業が建設運営していると思われる。石炭ヤードを屋内にするなどそれなりの配慮が感じられる。GD と連続監視装置について協議しているところと思われる。



#### 工業団地

同じく中国による開発団地。結構な数の工場が建設されているが、ほとんど人影がなく、本格稼働はまだ先と思われる。中央廃水処理の設備は見当たらない。雨水排水（工場からの一般廃水と合流している疑いあり）は、近辺の湿地帯に放流されている様子。

## 19 国連開発計画

日 時 2016年12月6日 3:30am～

場 所 UNDP 会議室

面談者 Ms. Moeko Saito Jensen Policy Specialist  
UNDP, Cambodia

内容：

- ・ Environment Code については現在の最終ドラフトに対するコメント締め切りを12月12日、その後環境省において12月末までに最終リバイスし、その後法律専門家会議を経て閣僚委員会で承認し、4月の国会で成立という予定である。
- ・ Code の中には多くの下部 legislation やガイドライン類が必要となっているが、UNDP では環境大臣とも協議のうえ実施に向けた継続支援を行う（予算も確保されている）。
- ・ 現在、UNDP は Environmental & Governance Reform Project として環境分野での支援を行っている。これは4コンポーネントに分かれている。
  - 環境省の組織能力向上。2023年までの7年間の行動計画の策定（来年にコンサルタント入）と自然保護総局の能力向上で（既にスタート。カナダコンサルタントが現地入しており、現在キャパシティーアセスメント中）1年半の支援を予定。
  - NCSD（持続可能な開発国家会議）への支援。大臣レベルの各省庁調整会議で2015年から開始している。事務局は100人レベルの体制である。
  - Environment Code 策定。前述のように2017年より実施に向けた支援となる。
  - Integrated EcoSystem Mapping。天然資源に関する情報をマッピングするもので環境省内の GDKIS が C/P 組織である。
- ・ 環境分野の他ドナーの動きとしては ADB が EIA 関連支援と NESAP 策定支援、EU は天然資源管理で漁業の専門家を送ってきている。ほかには韓国に本部がある GGGI も支援を行っている。

## 20 プノンペン都環境部

日 時 2016年12月7日 14:30am～

場 所 プノンペン都環境部会議室

面談者 Mr. Chhoeun Sothun Acting Director  
Mr. Tes Norearith, Head of EIA office  
Mr. Khim Nora, Chief office waste management  
Phnom Penh Environmental Department

内容：

- ・ プノンペン都環境部は総員65名（うち6名は女性）。年間予算は1,300mriels=US\$310,000（ただし、人件費込み）。
- ・ 七つの Office がある。
  - ① Admin
  - ② Planning & Legal affair
  - ③ EIA
  - ④ Pollution Control

⑤ Natural Resource Conservation

⑥ Waste Management

⑦ Environmental Education.

組織図的には 2017 年以降、完全に市役所の内部組織となる。

これに加えて 12 の Kan（区）事務所がある。

- 毎年 10～14 件の EIA レポートがある。セクターは雑多である。すべて投資額 200 万ドル以上であるので、同部としてはコンサルテーション会議を行い、情報収集して環境省にあげるまでが役割。同部で EIA レビューまでをするケースはほとんどなく、同業務に関する問題意識はあまりない。

## 21 カンボジア工科大学

日 時 2016 年 12 月 8 日 14 : 30am～

場 所 Institute of Technology of Cambodia

面談者 Dr. Hul Seingheng

Dr. Fidero KUOK, Head of Dept. of Environmental Engineering

Institute of Technology of Cambodia

内容 :

- 面談者は 2 名ともマレーシアで修士、その後日本東工大で学位を得ている。現在金沢大学と JICA SATREP で支援を受けている。
- (当方より) GDEP と環境問題についての協力関係構築のアイデア、また具体的には PM 研究について説明。
- 環境省との協力は問題ない。つい先だっても GD の Nareth さんとフィリピン出張で一緒だったところ。また PM 問題については CIT で調査を行い学会発表している。
- (当方より) 金額的に大きな支援はできないが、学生が動くのを支援する程度のことは可能でないかと考えている。
- その後、学内に設置されて島津製の AAS 2 台と GC/MS を見学。島津はカンボジアに代理店なくベトナムの代理店が対応。しかし、技術力及び対応スピードに大きな問題あり。機材の保守に四苦八苦している、同じ機材、例えば GC-MS なら米国系の Agilent 社なら現地代理店がしっかりしているとのこと。





GC-MS

## 22 米国国際開発庁

日時 2016年12月10日 8:30am～

場所 米国大使館内 USAID 事務所

面談者 Ms. Sandra Stajka Director of Food Security and Environment  
Mr. Menglim Kim Project Management Specialist – Environment/Forestry  
US Agency for International Development, Cambodia

内容：

- ・（内田職員より）Environment Code の内容、進み方に関する懸念について説明。当初大臣からの意向でバラバラだった環境各分野の法令を Unified したいという意向で始まった Code 作成であるが、多くのステークホルダーの意見を単純に全部取り入れただけになっていないか？ 入れたものを削るのは相当難しい。また下部法令がどうなるかも不明確な感がする。スケジュール的にも4月国会承認というのは可能か？
- ・（当方より）現在計画中の GDEP との技術協力について考え方、概要を説明。カンボジア側のリソースが不足している状況で多くの課題を優先度なしですべて対応してもらうのは現実的でない。分厚い資料作成で知識を詰め込みするのではなく、実務に役立つ能力向上としたい。情報公開による汚染源対策も提言していきたい。
- ・（先方）投入リソースと期間はどの程度を想定しているか？ 情報公開による対策は賛同するが、政治的に難しい局面があるかもしれない。環境省からは USEPA との Twining を要望されているが、そのような余地はあるか？
- ・（当方）3年間で約2億円。専門家は短期シャトルで7～10名程度と想定している。JICA プロジェクトの主眼は EIA と水分野にある。他の分野、例えば廃棄物、有害物質、大気などで EPA が支援されるなら相乗効果となろうし、専門家チームにとっても良い刺激になるだろう。個人的には賛成である。

### 23 E&A コンサルタント

日 時 2016年12月9日 15:00am～

場 所 E&A コンサルタント 会議室

面談者 Mr. Ham Kimkong、 Managing Director

Mr. Hay Samchan、 Program Manager

E&A Consultant

内容：

- ・ 社員数：正社員 25 名＋臨時職員、外部専門家
- ・ (当方より) 本訪問、主旨説明。JICA で GDEP の能力向上支援を行う。その一環で EIA そのものを経験するため EIA 業務をローカルコンサルに発注する可能性がある。そのようなケースでは EIA を GDEP 職員あるいは JICA 専門家と合同で行うことになる。対応は可能か？ また別途水質汚染源の調査及びそれらの GIS 化業務を発注する可能性がある。技術的に対応可能か？
- ・ (先方) 共に対応可能である。EIA 業務は環境省で標準価格表がある。小規模 EIA なら 3 万～5 万ドルである。また GDEP の EIA 部のスタッフに EIA コンサルタント業界出身者が結構いる。

### 24 アジア開発銀行

聞き取り対象：Mr. Iain M. Watson

Environmental Safeguards and Monitoring Specialist

Greater Mekong Sub region –Core Environmental Program

GMS Environment Operations Center

Asian Development Bank, 23rd Floor, The Offices at Central World

999/9 Rama I Road, Pathumwan Bangkok 10330 Thailand

アジア開発銀行の大メコン河流域地帯 環境コアプログラムの所在はバンコクのため、訪問ではなくメール・ベースでの聞き取り調査を実施した。下記はその内容。

内容：

(当方質問)

- ① Is there any plan to provide further support to MOE in area of EIA and pollution control? (This information will be used to avoid any duplication of donor supports)
- ② What is the lesson learn from the EIA training you have provided. (This information will be used to fine tuning our project design).

(先方回答)

- ① Planned EIA support from the ADB Core Environment Program is almost complete. We have delivered a series of three multi-province EIA report review and one EIA project compliance monitoring training during 2015-2016. We will additional support SEA conduct in early 2017 and may include one additional provincial EIA report review training. We do not currently plan to support pollution control beyond completion of an ongoing Industrial Pollution Project System exercise which will help identify pollution hot spots.

- ② Provincial Dept of Environment capacity is still quite low.(ii) There is very little actual experience with EIA document review, or with implementation and follow-up. The Provinces only have responsibility for review of projects less than \$2 million, but even with these ... if they are remotely difficult or controversial ... they are sent to Phnom Penh for review.(iii) A big problem with the Cambodian EIA system is that EIA almost always takes place after a project has been constructed, or during its construction. This makes EIA review problematic, as it is often not possible to require changes to project design.(iv) Provincial DoE officers often feel that they do not have the technical experience to review EIA studies. As a consequence, they often end up asking the Ministry in Phnom Penh to intervene. (v) The problem discussed in (iv) can be partly dealt with by encouraging Provincial officers to work in teams when they undertake EIA review. Our training was primarily case study based, and this worked well. We would suggest that any future training be focused on real cases.(vi) Private national consulting firms have more direct experience with EIA than the Provincial officers do. While recognizing possible conflict of interest problems, it might be useful to consider using private consultants in capacity building. (vii) It is very useful to engage line Ministry staff in EIA training (i.e. Ministries responsible for overseeing infrastructure development).(viii) Project proponents tend to see EIA as a regulatory hurdle, rather than as a way in which environmental concerns can be identified and built in to project design. It may possibly be worth undertaking "EIA awareness" training with some of the main local infrastructure investors".





### 3. 関連法規制英訳資料



関連法規英訳資料一覧

(但し英訳は公式なものではなく、正式版はクメール語資料を参照)

Law 環境法 1996

Sub Decree 27 水質汚染管理

Sub Decree 36 固形廃棄物管理

Sub Decree 42 大気汚染騒音管理

Sub-Decree 72 EIA 手続き

Sub Decree 111 投資法改定の実施

Sub Decree 113 都市固形廃棄物管理

Sub Decree 135 環境省組織役割

Sub Decree 575 工業手工芸省組織役割

Prakas EIA 地方分権化

Prakas 215 EIA コンサルタント登録

Prakas 376 EIA 報告書作成ガイドライン 2009

Prakas 445 環境省 EIA 部組織役割

Joint Prakas 1428 環境関連一般サービス料金等

Decision 13 EIA 調整 WG 構成役割改訂

Preah Reach Kram/NS-RKM-1296/36

Enacted on November 18, 1996

## **LAW ON ENVIRONMENTAL PROTECTION AND NATURAL RESOURCE MANAGEMENT**

### CHAPTER I: GENERAL PROVISIONS

#### ARTICLE 1:

This law has an objective:

- to protect and upgrade the environment quality and public health by means of prevention, reduction and control of pollution.
- to assess the environmental impacts of all proposed projects prior to the issuance of decision by the Royal Government;
- to ensure the rational and sustainable preservation, development, management and the use of the natural resources of the Kingdom of Cambodia.
- to encourage and provide possibility to public to participate in the protection of environment and the management of the natural resources.
- to suppress any acts which may affect to environment.

### CHAPTER II: NATIONAL AND REGIONAL ENVIRONMENTAL PLANS

#### ARTICLE 2:

The National and Regional Environmental Plans shall be decided by the Royal Government and the Ministry of Environment in collaboration with concerned ministries and institutions.

#### ARTICLE 3:

A National Environmental Plan, is a plan for environmental protection and sustainable natural resource management for the implementation throughout the Kingdom of Cambodia.

The National Environmental Plan shall:

- determine on main environmental issues and which of the natural resource management that are related to socio- economic development.
- set up measures for ensuring the environmental management.

#### ARTICLE 4:

Regional Environmental Plans, shall be in conformity with the National Environmental Plan.

The Regional Environmental Plan shall:

- determine on main environmental issues and which of the natural resources management that are related to socio-economic development of each region;
- set up measures for ensuring the environmental management of such region.

#### ARTICLE 5:

National and Regional Environmental Plans shall be reviewed and revised at least once every five years.

**PRAKAS (DECLARATION)  
ON POWER DELEGATION OF DECIDE MAKING INSTEAD OF  
MINISTRY FOR INVESTMENT PROJECT TO THE  
MUNICIPAL-PROVINCIAL OF ENVIRONMENT**

**Senior Minister –Minister of Ministry of Environment**

- Has seen the Constitution of the Kingdom of Cambodia;
- Has seen the Royal Decree No. NS.RKT 0704/124 dated 15 July 2004 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
- Has seen Preah Reach Kram No 02 NS.94 dated 20 July 1994, to allow using the Law on the Establishment and Implementation of the Council of Ministers;
- Has seen Preah Reach Kram No NS.RKM 0196.21 dated 24 January 1996, announcing to use the Law on the Establishment of the Ministry of Environment;
- Has seen Preah Reach Kram No NS.RKM 1296.36 dated 24 December 1996, announcing to use the Law on the Environmental Protection and Natural Resources Management;
- Have seen the Sub-decree N 57 ANKR.BK, dated on 25 September 1997 on Organizations and Functions of Ministry of Environment;
- Have seen the Sub-decree N 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 ANKR.BK, dated on 9 February 2005 on the Establishment of the Sub-committee on 24 Provincial Investment;

**Hereby Decides and Orders**

**Article1**

The Municipal-Provincial Department of Environment shall be tasked to review, and comment on the IEIA or Full EIA report of private individuals or private companies, joint-venture companies, public companies or ministries/government agencies as mentioned in this annex, which the investment capital is under US\$ 2.000.000 (two millions Dollar United State).

**Article 2**

The Municipal-Provincial Department of Environment shall have to follow up, monitor and take appropriate measures to ensure that Project's Owner will follow the Environmental Management Plan (EMP) during project construction, operation and closure as stated in the environmental impact assessment report approved.

**Article 3**

The Municipal-Provincial Department of Environment shall have to establish a technical group whom composition of Director, Deputy-Director of Provincial Department, all Office Chiefs and technical official to review and comment on the environmental impact assessment report before submit to line departments and relevant stakeholders meeting.

**Article 4**

The Municipal-Provincial Department of Environment shall develop the report and attach with a copy document profile of investment project to Ministry of Environment, while the department has accepted this document profile of the project, which required the environmental impact assessment report and to be approved by the sub-committee of Municipal-Provincial Investment.

**Article 5**

The Municipal-Provincial Department of Environment shall develop the report to Ministry of Environment about the implemented activities of case by case and attached with the copy document profile of the project related to the environmental impact assessment or environmental management plan.

**Article 6**

The Municipal-Provincial Department of Environment shall be tasked to take action of law for the project approved and on going with the investment capital is less than 2 millions Dollar United State, who violates or not obey any article of the sub-decree N 72 ANKR BK dated 11 August 1999 on the Environmental Impact Assessment Process.

**Article 7**

In case of the project owner commits a violation of the article 6, and the department is incapable or incompetent to identify the violation of the law. The Municipal-Provincial Department of Environment must inform and submit urgent the violation profile to Ministry of Environment for get comment.

**Article 8**

The Municipal-Provincial Department of Environment shall carry out strictly the sub-decree N 72 ANKR BK dated 11 August 1999 on the Environmental Impact Assessment Process.

Unofficial translation by Mr. DANH Serey, EIA Department

**Article 9**

The Director of the Municipal-Provincial Department of Environment shall be responsible in front of the Minister of Ministry of Environment for the power delegation implementation as mentioned in the declaration.

**Article 10**

The technical department of Ministry of Environment shall nominate technical officials to strengthen and build capacity to the Municipal-Provincial Department of Environment officials to carry out its obligation strictly and efficiently.

**Article 11**

The technical department of Ministry of Environment shall nominate technical officials to control and audit on project implemented activities of each Municipal-Provincial to ensure efficiency of environmental protection.

**Article 12**

Technical General Department, Administrative General Department, Inspector General Department, Director of Concerned department under Ministry of Environment, Director of Concerned Municipal-Provincial Department of Environment shall comply with this Declaration from the date of its signature.

**Senior Minister-Minister of  
Ministry of Environment**

**DR. MOK MARETH  
BIOLOGY**

**CC:**

- Cabinet of Samdech Prime Minister
- Council of Ministers
- Council for Development of Cambodia
- Concerned Ministries
- Concerned Provincial and Municipal Halls
- As mentioned in the article 3
- Document recording government activity
- Documentation-Chronicle

**List of the Projects for provincial level required an IEIA or EIA**

No.	Type and activities of the projects	Size / Capacity
<b>1</b>	<b>Industrial</b>	
1.1	Food processing and caned	≥ 500 Tones/year
1.2	All fruit drinks manufacturing	≥ 1,500 Litres /day
1.3	Fruit manufacturing	≥ 500 ones/year
1.4	Orange Juice manufacturing	All sizes
1.5	Wine manufacturing	All sizes
1.6	Alcohol and Beer brewery	All sizes
1.7	Water supply	≥ 10,000 Users
1.8	Tobacco manufacturing	≥ 10,000 Boxes/day
1.9	Tobacco leave processing	≥ 350 Tones/ year
1.10	Sugar refinery	≥ 3,000 Tones /year
1.11	Rice mill and cereal grains	≥ 3,000 Tones /year
1.12	Fish, soy bean, chili, tomato sources	≥ 500,000 Litres/year
1.13	Textile and dyeing factory	All sizes
1.14	Garments, washing, printing, dyeing	All sizes
1.15	Leather tanning, and glue	All sizes
1.16	Sponge- rubber factory	All sizes
1.17	Plywood	≥ 100,000m <sup>3</sup> /year(log)
1.18	Artificial wood	≥ 1,000 m <sup>3</sup> /year (log)
1.19	Saw mill	≥ 50,000m <sup>3</sup> /year (log)
1.20	Paper factory	All sizes
1.21	Pulp and paper processing	All sizes
1.22	Tire factory	≥ 500 Tones /year
1.23	Rubber factory	≥ 1,000 Tones /year
1.24	Battery industry	All sizes
1.25	Chemical production industries	All sizes
1.26	Chemical fertilizer plants	≥ 10,000 Tones /year
1.27	Pesticide industry	All sizes
1.28	Painting manufacturing	All sizes
1.29	Liquid, powder, solid soaps manufacturing	All sizes
1.30	Fuel stations	≥ 20,000 Litres
1.31	Glass and bottle factory	All sizes
1.32	Bricks, roofing tile manufacturing	150,000 piece /month
1.33	Flooring tile manufacturing	90,000 piece /month
1.34	Calcium carbide plants	All sizes
1.35	Producing of construction materials(Cement)	900 tones/month
1.36	Cow oil and motor oil manufacturing	All sizes



Unofficial translation by Mr. DANH Serey, EIA Department

1.37	Mechanical industries	All sizes
1.38	Mechanical storage factory	All sizes
1.39	Mechanical and shipyard enterprise	All sizes
1.40	Manufacturing of harms, barbed wires, nets	≥ 300 Tones/month
1.41	All kind of smelting	All sizes
1.42	Cotton manufacturing	≥ 15 Tones/month
1.43	Animal's food processing	≥ 10,000 Tones/year
2.	AGRICULTURE	
2.1	Logging	≥ 5,000 Hectares to 900 Hectares
2.2	Land covered by forest	≥ 500 Hectares to 900 Hectares
2.3	Agriculture and agro-industrial land	≤ 9,000 Hectares
2.4	Irrigation systems	≥ 5,000 Hectares
2.5	Drainage systems	≥ 5,000 Hectares
2.6	Fishing ports	All sizes
3.	TOURISM	
3.1	Tourism areas (exclude protected area)	≥ 50 Hectares
4.	INFRASTRUCTURE	
4.1	Urbanization development	All sizes
4.2	Restaurants	≥ 500 Seats
4.3	Hotels	≤ 100 Rooms

### CHAPTER III: ENVIRONMENTAL IMPACT ASSESSMENT

#### ARTICLE 6:

An environmental impacts assessment shall be carried out on every project and activity of either private or public and shall be examined and evaluated by the Ministry of Environment before it is submitted to the Royal Government for decision.

This assessment shall also be applicable for those existing activities and those which are being under process and which their environmental impacts have yet not been assessed.

Procedure for the environmental impact assessment shall be determined by Sub-decree following a proposal of the Ministry of Environment.

Nature and size of the proposed projects as well as the existing activities and activities under process of both private and public which are subject to assessment of their environmental impacts, shall be determined by Sub-decree following a proposal of the Ministry of Environment.

#### ARTICLE 7:

Every Investment Project Application and proposed project which are submitted by the State, shall enclose with them a preliminary Environmental Impact Assessment or Environmental Impact Assessment as stated the article 6 of this law. The Ministry of Environment shall consider and make recommendations on the preliminary Environmental Impact Assessment or Environmental Impact Assessment to relevant competent bodies within a period as determined in the Law on Investment of the Kingdom of Cambodia.

### CHAPTER IV: NATURAL RESOURCES MANAGEMENT

#### ARTICLE 8:

Natural resources of the Kingdom of Cambodia which primarily consist of land, water, airspace, air, geology, ecological systems, minerals, energy, petroleum and gas, rocks and sand, gems and stones, forests and forest sub-products, wildlife, fish and aquatic resources, shall be preserved, developed and managed to use in a rational and sustainable manner.

Natural resource protected zones consists primarily of National Parks, wildlife sanctuaries, landscape protected areas, multiple use areas, shall be determined by Royal Decree.

#### ARTICLE 9:

The Ministry of Environment in collaboration with the concerned ministries, shall carry out a study to assess the environmental impacts on natural resources and give recommendations to concerned ministries to ensure that the natural resources as stated in the article 8, are preserved, developed and managed to use in a rational and sustainable manner.

#### ARTICLE 10:

Before issuing a decision or undertaking activities related to the preservation, development, or management to use of natural resources, the concerned ministries shall have consultation with the Ministry of Environment on the sustenance of natural resources.

**ARTICLE 11:**

The Ministry of Environment shall immediately inform the concerned ministries, after finding out that natural resources are not preserved, developed and managed to use in a rational and sustainable manner.

**CHAPTER V: ENVIRONMENTAL PROTECTION**

**ARTICLE 12:**

The Ministry of Environment shall collaborate with the concerned ministries to establish an inventory list in which will indicate of:

- the sources, types, and quantities of pollutants and wastes which are imported, generated, transported, recycled, treated, stored, disposed, or released into the airspace, water, land or on land surface,
- the sources, types, and quantities of all toxic and hazardous substances which are imported, produced, transported, stored, used, generated, treated, recycled, disposed, or released into airspace, water, land or on land surface,
- the sources, types and extent of disturbances by the noise and vibrations .

**ARTICLE 13:**

The prevention, reduction and control of airspace, water and land pollution, noise and vibration disturbances and as well as wastes, hazardous and toxic substances, shall be determined by Sub-decree following a proposal of the Ministry of Environment.

**CHAPTER VI: MONITORING, RECORD KEEPING, AND INSPECTION**

**ARTICLE 14:**

The Ministry of Environment shall collaborate with the concerned ministries to require the owners or responsible of the factories, pollution sources, industrial zones or those zones which have natural resource development activities to:

- install or use of monitoring equipment,
- provide samples;
- prepare or keep files and submit records and reports for examination.

**ARTICLE 15:**

In order to carry out its duty and take responsibility on the National Protected Areas, the Ministry of Environment, in collaboration with the concerned ministries, may enter to inspect on site in the areas, premises, buildings, or any means of transportation or place, etc...in case when it is found out by the Ministry of Environment that these sources cause affects to quality of the environment.

Inspectors of the Ministry of Environment and officials of concerned ministries which are collaborating, shall present their identity cards and mission orders, before conducting an inspection.

During the inspection, when found out that there is any criminal offence, the inspectors shall report it immediately to the competent institution to take action according to the law.

## CHAPTER VII: PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

### ARTICLE 16:

The Ministry of Environment shall, following proposals of the public, provide information on its activities, and shall encourage participation of the public in the environmental protection and natural resource management.

### ARTICLE 17:

Procedure for participation of the public and access to information pertaining to the environmental protection and management of the natural resources, shall be determined by a Sub-decree following a proposal of the Ministry of Environment.

### ARTICLE 18:

Information related to environmental protection and natural resource management shall be mutually disseminated between the Ministry of Environment and other ministries.

## CHAPTER VIII: ENVIRONMENT ENDOWMENT FUND

### ARTICLE 19:

A special account of the Treasury shall be created as an Environment Endowment Fund which will be managed by the Ministry of Environment in accordance with the Finance Law, in the environmental protection projects and preservation of natural resources in the Kingdom of Cambodia.

The Environment Endowment Fund which comes from contributions from the Royal Government, grants from international organizations, donations from charity persons and non-governmental organizations and other lawful incomes, shall be included in the National Budget which will be provided to the above special account.

## CHAPTER IX: PENALTIES

### ARTICLE 20:

Any person who violates the rule of the Ministry of Environment as stated in the article 14 of this law, this Ministry shall issue a written order requiring such person to:

- correct his/he/its offending activities immediately or within a specified period; or
- stop his/her/its activities, until the offence is corrected; or
- clean up immediately the pollution.

### ARTICLE 21:

Any person who refuses to allow access or obstructs the inspection officials from entering to examine or carry out an inspection inside the premise as provided for in the para.1 of the article 15 of this law, shall be subject to an administrative fine in cash from 500,000 (five hundred thousand) to 1,000,000 (one million) riels.

In case of repeated offenses, shall be penalized a fine of 1,000,000 (one million) riels to 5,000,000 (five million) riels or shall be punished to imprisonment from 1 month to 3 months or to both punishments.

The Khmer version is the official version of this document.

Any person who violate the article 20 of this law, shall be subject to administrative fine in cash of 1000,000 (one million) riels to 10,000,000 (ten million) riels. In case of repeated offenses, shall be penalized a fine from 21,00,000 (twenty one million) riels to 30,000,000 (thirty million) riels or shall be subject to punishment to imprisonment from 1 (one) month to 1 (one) year, or to both punishments.

ARTICLE 22:

If the commission of an offence causes harm to physical body or human life, private or public property, environment or natural resources of the State, shall be subject to a fine penalty of 10,000,000 (ten million) to 50,000,000 (fifty million) riels or shall be subject to punishment of 1 (one) year to 5 (five) years in prison or to both punishments.

Any person who commits offence shall additionally be liable for repairing damage or compensation.

ARTICLE 23:

In case of an offence which causes serious dangers to the society, the court may consider on the circumstance of the gravity of the offence to combine with any of the offenses above to pronounce a sentence.

ARTICLE 24:

Any official of the environmental inspection official or agent who is negligent, lack of attention or who disobeys the ministry's regulations or conspires with the offender or facilitate the commission of such offence, shall be subject to administrative sanction or to prosecution before the court.

ARTICLE 25:

The Ministry of Environment shall comply with the provisions of the article 20 above, for any person who violates the Sub-decree and

In case of recalcitrant, the provision of the article 21 of this law, shall be applied.

## CHAPTER X: TRANSITIONAL PROVISIONS

ARTICLE 26:

From the time after this law is entering into force until 31 December 2001, those activities which are actually being underway, the Royal Government may postpone the enforcement of the Sub-decree which is stated in the article 13 of this law to later date, following the proposals of the Ministry of Environment.

When making decision on this extension, shall:

- consider making a balance between the nature and the extent of possible danger to human's health, environment and natural resources which may result from such extension,
- Examine on the possibility of the means, technique and finance of the activities which are being underway.

The Khmer version is the official version of this document.

## CHAPTER II: FINAL PROVISIONS

### **ARTICLE 27:**

Those provisions which are contrary to this law shall be hereby nullified.

**Kingdom of Cambodia**  
**Nation Religion King**

ROYAL GOVERNMENT

*Council of Ministers*

No : 27 ANRK.BK Phnom Penh, April 06, 1999

**SUB-DECREE**  
**on**  
**WATER POLLUTION CONTRL**

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- Has seen the Constitution of the Kingdom of Cambodia (1993);
- Has seen the Royal Decree No. NS.RKT 1198.72 dated 30 November, 1998 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
- Has seen Preah Reach Kram No. 02 /NS/94 dated 20 July 1994, announcing to allow using the Law on the Establishment and Implementation of the Council of Ministers;
- Has seen Preah Reach Kram No. NS.RKM 0194/21 dated 24 January 1996, announcing to use the Law on the Establishment of the Ministry of Environment;
- Has seen Preah Reach Kram No. NS.RKM 1296/36 dated 24 December 1996, Announcing to use the Law on the Environmental Protection and Natural Resources Management;
- Has received an approval from meeting of the council ministers on March 12, 1999.

**Decision**

**CHAPTER 1**

**General provisions**

**Article 1 :** The purpose of this sub-decree is to regulate the water pollution control in order to prevent and reduce the water pollution of the public water areas so that the protection of human health and the conservation of bio-diversity should be ensured.

**Article 2 :** This sub-decree applies to all sources of pollution and all activities that cause pollution of the public water areas.

**Article 3 :** Technical terms used in this sub-decree shall have the meaning ascribed there to :

- a. Public water areas refers to water areas that are for public use such as : tonle, stung ( rivers ), stream, gully, lake, pond, well, sea, peam ( river mouth ) and include canal irrigation system and other waterways that are for public use and ground water;
- b. Source of pollution refers to any type of places such as dwelling house, public administrative building, premise, transport facilities, business areas or service places from which effluent, pollutants or hazardous substances are directly or indirectly discharged into public water areas or public drainage systems;
- c. Wastewater refers to water discharged from any source of pollution into public water areas or public drainage systems either it is treated or untreated;

- d. Sewage refers to a contaminated water discharged from dwellings and public building.
- e. Solid waste refers to disable used substances or objects that are disposed of from pollution source;
- f. Garbage refers to disable use substances or objects that are disposed of from dwellings and public buildings;
- g. Pollutant refers to solid or liquid or gaseous substances or all kind of wastes that cause any changes of component or characteristic of water such as physical, chemical or biological when it is intentionally or unintentionally released into the water ( public water areas );
- h. Pollution load refers to the load or the content of pollutant and heat containing in wastewater released from any sources of pollution into public water areas or public drainage systems;
- i. Hazardous substances refers to any substances that cause danger to living organisms, damage or break down any objects or building or adversely impact and damage the environment. The type of hazardous substances are listed in the Annex 1 of this sub -decree.

## CHAPTER 2

### Provisions on waste and hazardous discharge

**Article 4 :** Standards for effluent discharge from any sources of pollution shall be specified in the annex 2 of this sub-decree.

**Article 5 :** In the necessary cases or in response to the requirement of each area for the purpose of human health protection and the conservation of bio-diversity, the Ministry of Environment shall set up separated standard for effluent discharge for sources of pollution, that are located around the public water area.

The separated standard for effluent discharge as mentioned in the first paragraph of the article 5 of this sub-decree shall be specified by the Prakas of the Ministry of Environment.

**Article 6 :** The discharge of waste water from any sources of pollution that is not consistent with the standards for effluent discharge as mentioned in the article 4 and article 5 of this sub-decree shall be strictly prohibited.

**Article 7 :** In order to ensure the human health protection and bio-diversity conservation, the Ministry of Environment shall establish the standard of pollution load contained in liquid waste that could be allowed to be released from any sources of pollution into designated protected public water areas

The pollution load standard as mentioned in the paragraph 1 of the article 7 of this sub-decree shall be stated by the Prakas of the Ministry of Environment.

**Article 8:** The disposal of solid waste or any garbage or hazardous substances into public water areas or into public drainage system shall be strictly prohibited.

The storage or disposal of solid waste or any garbage and hazardous substances that lead to the pollution of water of the public water areas shall be strictly prohibited.

**Article 9:** The discharge of sewage from dwelling and public buildings in to public water areas without passing through public sewerage systems or other treatment systems shall be strictly prohibited.



**CHAPTER 3**  
**Effluent discharge permit**

**Article 10:** The discharge or transport of wastewater from any sources of pollution to other places for any purpose is subject to prior permit from the Ministry of Environment. The application for this permit shall be copied to the concerned ministries or agencies.

**Article 11:** The types of any sources of pollution that shall be required to have a permit from the Ministry of Environment before discharging or transporting their effluent to other places as mentioned in the article 10 of this sub-decree shall be listed in the annex 3 of this sub-decree and are classified into two following categories :

- a. The sources of pollution of category I that are subject to the prior permit from the Ministry of Environment when the amount of their effluent exceed ten cubic meter per day ( 10 M<sup>3</sup> /day ) but not including the amount of water volume used for cooling the engine.
- b. The sources of pollution of category II that shall be necessarily required to apply for the permission from the Ministry of Environment.

**Article 12:** Permit requirement for discharge or transportation of effluent to other places as stipulated in the article 10 of this sub-decree shall apply to either the new sources of pollution project or to existing sources of pollution except any new project of pollution source that environmental impact assessment report of which has been approved may be exempt from the requirement of permit for discharge or transportation of effluent to other places.

**Article 13:** The owner or responsible person of the pollution source as mentioned in the article 11 of this sub-decree that intend to release or transport his/her effluent to other place shall be apply for permit to the Ministry of Environment :

- Forty days ( 40 days ), before the beginning of the functioning, for the new source of pollution located in Phnom Penh, and sixty days (60 days) for the new source of pollution located in provinces and cities.

- Within thirty days (30 days), after being required by the Ministry of Environment, for existing source of pollution located in Phnom Penh, and forty days (40 days) for the new source of pollution located in provinces and cities.

**Article 14:** The effluent discharge or transportation permit from pollution source to other places could be provided if the application form meets the required technical guidelines determined by the Ministry of Environment.

**Article 15:** The owner or person responsible for the source of pollution that is holder of permit from the Ministry of Environment for discharge or transportation of effluent to other places and that have intention to modify the effluent discharge system shall reapply for the new permit to the Ministry of Environment within thirty days (30 days ) before beginning the modification.

**Article 16:** Person that take on lease or ownership of source of pollution from the previous owner or the previous responsible person who already obtained the discharge or transportation permit from the Ministry of Environment shall continue to comply with criteria points described in the application form that was submitted to the Ministry of Environment.

The new owner or responsible person shall inform the Ministry of Environment about the lease or such possession within thirty days ( 30 days ) after taking on lease or ownership.

**Article 17:** The permit of the discharge or transportation of effluent that is provided to the owner or responsible person of pollution source could be revoked temporarily or definitively by the Ministry of Environment after consultation with other concerned ministries or agencies, if they violate seriously the article 14, 15 and 16 of this sub-decree.

#### **CHAPTER 4** **Monitoring of the pollution** **sources**

**Article 18:** The monitoring on the discharge or transportation of effluent from any sources of pollution is the responsibility of the Ministry of Environment.

**Article 19:** The Ministry of Environment shall take sample at every discharge point of pollution sources. The owner or responsible person of pollution sources shall collaborate with and facilitate the environmental official to take sample while carrying out their technical task.

**Article 20:** The analysis of effluent samples taken from any pollution sources during the monitoring or inspection shall be done in the Laboratory of the Ministry of Environment.

**Article 21:** The owner or responsible person of pollution sources shall bear the cost of the analysis of his/her own wastewater sample following the tariff determined by the Ministry of Environment and the Ministry of Economy and Finance. This income shall be included into the national budget in order to allocate to the Environmental Endowment Fund Account.

**Article 22:** The owner or responsible person of pollution sources may ask to have his/her effluent sample tested in other public or private laboratories which are recognized formally and such laboratories carry out the same analytical method those used in the Ministry of Environment.

**Article 23:** The owner or responsible person of the pollution sources as stipulated in the article 11 of this sub-decree shall :

- a. be responsible for determining the method of the treatment and the discharge of their effluent so that it responds to the effluent standard as stipulated in the article 4 and article 5 of this sub-decree as well as the standard of pollution load as stipulated in the article 7 of this sub-decree;
- b. have enough facilities and means to prevent the pollution of the public water area when there is eventual danger caused from his/her pollution source;
- c. hold the responsibility for installing an equipment for measurement of flow, concentration and amount of pollutant contained in his/her effluent and also keep the result for record keeping.

**Article 24:** Even if it is found out that the discharge of effluent from any pollution source do not respond to the effluent standard as stipulated in the article 4 and article 5 or is not in consistence with the pollution load standard as stipulated in the article 7 of this sub-decree, the Ministry of Environment shall:

- a. issue a written order requiring the owner or responsible person of such pollution source to correct the violation activities immediately within a specified time period, if that activity has not caused a harmful impact to human health or an adverse effect to the water quality yet;
- b. issue a written order requiring the owner or responsible person of such pollution source to stop his/her activities temporarily until the violation is corrected, if that activities cause an adverse impact to human health and water quality.

**CHATER 5**  
**Water Pollution Monitoring**  
**in Public Water Areas**

**Article 25:** The water quality standards of public water areas for the purpose of the conservation of the bio-diversity is stipulated in the Annex 4 of this sub-decree.

The water quality standards of public water areas for the purpose of the protection of the public health is stipulated in the Annex 5 of this sub-decree.

**Article 26:** The Ministry of Environment shall regularly control and monitor the situation of the water pollution at public water areas throughout the Kingdom of Cambodia in order to take measure to prevent and reduce the water pollution in public water areas.

**Article 27:** The Ministry of Environment shall manage data relating result of the water quality testing and to assess the status of the quality of public water areas throughout the Kingdom of Cambodia.

**Article 28:** The Ministry of Environment shall disseminate publicly the status of the water quality and the situation of the pollution of public water areas of the Kingdom of Cambodia.

**Article 29:** Even if it is found that any public water areas is suffering of pollution which could threaten human life or bio-diversity the Ministry of Environment shall immediately notify the public about this danger and shall take measure to prevent the water pollution and to restore the water quality of such public water areas.

**CHATER 6**  
**Inspection Procedure**

**Article 30:** The Ministry of Environment's inspectors, while conducting environmental inspection, shall complied with the following procedures:

- a. To present his / her identity card and mission letter while entering into the premise or any site of point source of pollution for conducting inspection or taking sample or for checking record;
- b. Primary record and report of the inspection or sample taking shall be done at the site of inspection with participating from any witness if necessary;
- c. The inspectors may ask question and require the owner of the source of pollution to provide them with information and other relevant documents which are used for report making and for evidence;
- d. One copy of record or report shall be given to the owner or the responsible person of the source of pollution and one copy to the representatives of concerned ministries ( who collaborate with ) and other one copy shall be kept at the Ministry of Environment.

**Article 31:** Where if there is complaint or report that any source of pollution discharges effluent containing substance which cause danger to animal or human health or public property or causes pollution to any public water area, the Ministry of Environment, in collaboration with concerned ministries, may enter the site of this source of pollution and conduct inspection and take sample for testing.

**Article 32:** In the case of serious accident or imminent danger resulting from pollution at public water area, the Ministry of Environment shall make urgent inspection on the above problem and shall inform the concerned ministries and local authority.

**Article 33:** In the case of clear offense that cause water pollution, the inspector of the Ministry of Environment shall:

- A. take statement, collect and detain evidence of such offense and make an administrative fine, if the offense has not contaminated seriously water, human health, animal, plants or public properties yet;
- B. collect and detain evidence of such offense for making statement and forward the case file to the competent agency, if this violation causes serious pollution of water or injure to human health, animal, plants or public properties.

#### **CHAPTER 7** **Penalty**

**Article 34:** Violations of this Sub-decree shall be fined and punished according to the articles 20, 21, 22, 23 and the article 25 of the chapter 9 of the Law on Environmental Protection and Natural Resource Management.

**Article 35:** The Ministry of Environment's official is responsible for making a report of prosecution for any person who violate any article of this sub-decree. The Ministry of Environment shall take legal action against any offense of this sub-decree.

**Article 36:** Any environmental inspection official or agent who is negligent, fails to pay attention to, or fails to comply with the Ministry's regulations, or conspires with a violator or facilitates the commission of a violation, shall be subject to administrative sanction or face prosecution before the court.

#### **CHAPTER 8** **Final provisions**

**Article 37:** Any provision contrary to this sub-decree shall be annulled.

**Article 38:** The minister in charge of the cabinet of the council of Ministers, Minister of Environment and concerned institutions shall implement this Sub-decree according to their duty.

**Article 39:** This sub-decree shall be in force from the date of its signature.

#### **Annex 1** **Type of the hazardous substances**

1. Organophalogen compounds and substances which may form such compounds in the aquatic environment.
2. Organophosphorous compounds
3. Organofin compounds
4. Substances that possess carcinogenic (cancer causing) properties in or via the aquatic environment.
5. Mercury and its compounds.
6. Cadmium and its compounds.
7. Persistent mineral oil and hydrocarbons of petroleum origin.
8. Persistent synthetic compounds which may float, remain in suspension or sink and which may interfere with any use of waters.
9. Radio activated substances

10. Metals and their compounds

Zinc (Zn)	Selenium (Se)	Tin (Sn)	Vanadium (V)
Copper (Cu)	Arsenic (As)	Barium (Ba)	Cobalt (Co)
Nickel (Ni)	Antimony (Sb)	Beryllium (Be)	Tellurium (Te)
Lead (Pb)	Titanium (Ti)	Uranium (U)	Silver (Ag)

1. Toxic or persistent organic compounds of silicon.
2. Inorganic compounds of phosphorous and elemental phosphorous.
3. Non-persistent mineral oils and hydrocarbons of petroleum origin.
4. Cyanides and fluorides

15. Substances which may have an adverse effect on the oxygen balance, particularly ammonia, and nitrites ----- etc.

Annex 2  
Effluent standard for pollution sources  
discharging wastewater to public water areas or sewer

N <sup>o</sup>	Parameters	Unit	Allowable limits for pollutant substance discharging to	
			Protected public water area	Public water area and sewer
1	Temperature	°C	< 45	< 45
2	pH		6 - 9	5 - 9
3	BOD <sub>5</sub> ( 5 days at 200 C )	mg/l	< 30	< 80
4	COD	mg/l	< 50	< 100
5	Total Suspended Solids	mg/l	< 50	< 80
6	Total Dissolved Solids	mg/l	< 1000	< 2000
7	Grease and Oil	mg/l	< 5.0	< 15
8	Detergents	mg/l	< 5.0	< 15
9	Phenols	mg/l	< 0.1	< 1.2
10	Nitrate (NO <sub>3</sub> )	mg/l	< 10	< 20
11	Chlorine ( free )	mg/l	< 1.0	< 2.0
12	Chloride ( ion )	mg/l	< 500	< 700
13	Sulphate ( as SO <sub>4</sub> )	mg/l	< 300	< 500
14	Sulphide ( as Sulphur )	mg/l	< 0.2	< 1.0



15	Phosphate ( PO <sub>4</sub> )	mg/l	< 3.0	< 6.0
16	Cyanide ( CN )	mg/l	< 0.2	< 1.5
17	Barium ( Ba )	mg/l	< 4.0	< 7.0
18	Arsenic ( As )	mg/l	< 0.10	< 1.0
19	Tin ( Sn )	mg/l	< 2.0	< 8.0
20	Iron ( Fe )	mg/l	< 1.0	< 20
21	Boron ( B )	mg/l	< 1.0	< 5.0
22	Manganese ( Mn )	mg/l	< 1.0	< 5.0
23	Cadmium ( Cd )	mg/l	< 0.1	< 0.5
24	Chromium ( Cr ) <sup>+3</sup>	mg/l	< 0.2	< 1.0
25	Chromium ( Cr ) <sup>+6</sup>	mg/l	< 0.05	< 0.5
26	Copper ( Cu )	mg/l	< 0.2	< 1.0
27	Lead ( Pb )	mg/l	< 0.1	< 1.0
28	Mercury ( Hg )	mg/l	< 0.002	< 0.05
29	Nickel ( Ni )	mg/l	< 0.2	< 1.0
30	Selenium ( Se )	mg/l	< 0.05	< 0.5
31	Silver ( Ag )	mg/l	< 0.1	< 0.5
32	Zinc ( Zn )	mg/l	< 1.0	< 3.0
33	Molybdenum ( Mo )	mg/l	< 0.1	< 1.0
34	Ammonia ( NH <sub>3</sub> )	mg/l	< 5.0	< 7.0
35	DO	mg/l	> 2.0	> 1.0
36	Polychlorinated Byphehyl	mg/l	< 0.003	< 0.003
37	Calcium	mg/l	< 150	< 200
38	Magnesium	mg/l	< 150	< 200
39	Carbon tetrachloride	mg/l	< 3	< 3
40	Hexachloro benzene	mg/l	< 2	< 2
41	DTT	mg/l	< 1.3	< 1.3
42	Endrin	mg/l	< 0.01	< 0.01
43	Dieldrin	mg/l	< 0.01	< 0.01
44	Aldrin	mg/l	< 0.01	< 0.01

45	Isodrin	mg/l	<0.01	<0.01
46	Perchloro ethylene	mg/l	<2.5	<2.5
47	Hexachloro butadiene	mg/l	<3	<3
48	Chloroform	mg/l	<1	<1
49	1,2 Dichloro ethylene	mg/l	<2.5	<2.5
50	Trichloro ethylene	mg/l	<1	<1
51	Trichloro benzene	mg/l	<2	<2
52	Hexachloro cyclohexene	mg/l	<2	<2

**Remark:** The Ministry of Environment and the Ministry of Agriculture, Forestry and Fishery shall collaborate to set up the standard of pesticides which discharged from pollution sources.

### Annex 3

Type of pollution sources required having a permission from Ministry of Environment before discharging or transporting their wastewater

Nº	Type of pollution sources	Category
1	Canned food and meat manufacturing	
2	Canned vegetable and fruit manufacturing	
3	Aquatic production processing	
4	Frozen manufacturing	
5	Flour manufacturing	
6	Sugar manufacturing	
7	Pure drinking water manufacturing	
8	Brick manufacturing	
9	Soft drink manufacturing and brewery	
10	Wine and alcohol manufacturing	
11	Feed mill manufacturing	
12	Oil and fat manufacturing	
13	Yeast manufacturing	
14	Cake and sweet manufacturing	
15	Cigarette manufacturing	

16	Garment manufacturing without chemical washing	I
17	Hotel	I
18	Restaurant	I
19	Animal farm	I
20	Slaughter – house	I
21	Garage and car cleaning	I
22	Business center	I
23	Hospital and clinic	I
24	Plastic manufacturing	I
25	Sewage treatment plant	I
26	Gelatin and Glue manufacturing	I
27	Natural resin manufacturing	I
28	Glass manufacturing	I
29	Cement manufacturing	I
30	Macadam quarrying	I
31	Gravel quarrying	I
32	Wood processing	I
33	Fertilizer manufacturing	I
34	Mixed concrete manufacturing	I
35	Ship carrying liquid substances	II
36	Acetylene derivative manufacturing	II
37	Leather manufacturing	II
38	Soap and detergent manufacturing	II
39	Oil store house and filling station	II
40	Landfill site	II
41	Textile or synthetic textile	II
42	Garment manufacturing with using chemical wash	II
43	Pulp and paper manufacturing	II
44	Printing house	II
45	Mining and coal washing	II



46	Battery manufacturing	II
47	Inorganic pigment manufacturing	II
48	Electronic manufacturing	II
49	Coal tar product manufacturing	II
50	Film product manufacturing	II
51	Chemical organic substance manufacturing	II
52	Pharmaceutical manufacturing	II
53	Solvent ( for cleaning ) manufacturing	II
54	Pesticide manufacturing	II
55	Oil refining factory	II
56	Iron and steel industry	II
57	Non-ferrous metals manufacturing	II
58	Metal product manufacturing	II
59	Plating factory	II
60	Incinerator or waste recycling plant	II
61	Night soil treatment plant	II
62	Waste oil treatment plant	II
63	Industrial waste treatment plant	II
64	Laboratory and Research center	II
65	Power plant	II
66	Wood processing manufacturing	II
67	Shrimp farm	II

#### **Annex 4**

#### **Water Quality Standard in public water areas for bio-diversity conservation**

##### **1- River**

No	Parameter	Unit	Standard Value
1	pH	mg/l	6.5 - 8.5
2	BOD <sub>5</sub>	mg/l	1 - 10
3	Suspended Solid	mg/l	25 - 100
4	Dissolved Oxygen	mg/l	2.0 - 7.5
5	Coliform	MPN/100ml	< 5000

11

**2- Lakes and Reservoirs**

No	Parameter	Unit	Standard Value
1	pH	mg/l	6.5 – 8.5
2	COD	mg/l	1 – 8
3	Suspended Solid	mg/l	1 – 15
4	Dissolved Oxygen	mg/l	2.0 - 7.5
5	Coliform	MPN/100ml	< 1000
6	Total Nitrogen	mg/l	1.0 – 0.6
7	Total Phosphorus	mg/l	0.005 – 0.05

**3- Coastal water**

No	Parameter	Unit	Standard Value
1	pH	mg/l	7.0 – 8.3
2	COD	mg/l	2 – 8
4	Dissolved Oxygen	mg/l	2 - 7.5
5	Coliform	MPN/100ml	< 1000
5	Oil content	mg/l	0
6	Total Nitrogen	mg/l	1– 1.0
7	Total Phosphorus	mg/l	0.02 – 0.09

**Annex 5**  
Water Quality Standard in public water areas  
for public health protection

No	Parameter	Unit	Standard Value
1	Carbon tetrachloride	g/l	< 12
2	Hexachloro-benzene	g/l	< 0.03
3	DDT	g/l	< 10
4	Endrin	g/l	< 0.01
5	Dieldrin	g/l	< 0.01
6	Aldrin	g/l	< 0.005
7	Isodrin	g/l	< 0.005
8	Perchloroethylene	g/l	< 10
9	Hexachlorobutadiene	g/l	< 0.1

10	Chloroform	◇g/l	< 12
11	1,2 Trichloroethylene	◇g/l	< 10
12	Trichloroethylene	◇g/l	< 10
13	Trichlorobenzene	◇g/l	< 0.4
14	Hexachloroethylene	◇g/l	< 0.05
15	Benzene	◇g/l	< 10
16	Tetrachloroethylene	◇g/l	< 10
17	Cadmium	◇g/l	< 1
18	Total mercury	◇g/l	< 0.5
19	Organic mercury	◇g/l	0
20	Lead	◇g/l	< 10
21	Chromium, valent 6	◇g/l	< 50
22	Arsenic	◇g/l	< 10
23	Selenium	◇g/l	< 10
24	Polychlorobiohenyl	◇g/l	0
25	Cyanide	◇g/l	< 0.005

Kingdom of Cambodia  
Nation Religion King

ROYAL GOVERNMENT

Council of Ministers

Phnom Penh, April 27, 1999

No: 36 ANRK.BK

SUB-DECREE

on

SOLID WASTE MANAGEMENT

\*\*\*\*\*

- Has seen the Constitution of the Kingdom of Cambodia (1993);
- Has seen the Royal Decree No. NS.RKT 1198.72 dated 30 November, 1998 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
- Has seen Preah Reach Kram No.02 /NS/94 dated 20 July 1994, announcing to allow using the Law on the Establishment and Implementation of the Council of Ministers;
- Has seen Preah Reach Kram No. NS.RKM 0194/21 dated 24 January 1996, announcing to use the Law on the Establishment of the Ministry of Environment;
- Has seen Preah Reach Kram No. NS.RKM 1296/36 dated 24 December 1996, Announcing to use the Law on the Environment Protection and Natural Resources Management;
- Has received an approval from meeting of the council ministers on April 02, 1999.

## CHAPTER 1

### General provisions

- Article 1: The purpose of this sub-decree is to regulate the solid waste management with proper technical manner and safe way in order to ensure the protection of human health and the conservation of bio-diversity.
- Article 2: This sub-decree applies to all activities related to disposal, storage, collection, transport, recycling, dumping of garbage and hazardous waste.
- Article 3: Technical term used in this sub-decree shall have the meaning ascribed there to :
- a- Solid waste refers to hard objects, hard substances, products or refuse which are useless, disposed of;
  - b- Household waste is the part of solid waste which does not contain toxin or hazardous substance, and is discarded from dwellings, public buildings, factory, market, hotel, business building, restaurant, transport, recreation site,.....etc;
  - c- Hazardous waste refers to radioactivity substances, explosive substances, toxic substances, inflammable substances, pathogenic substances, irritating substances, corrosive substances, oxidizing substances, or other chemical substances which may cause the danger to human (health) and animal or damage plants, public property and the environment. The hazardous waste may be generated from dwelling houses, industries, agricultural activities, business and service activities, mining.....etc. The type of hazardous waste is listed in the Annex of this sub-decree.

## CHAPTER 2

### Household waste management

- Article 4: The Ministry of Environment shall establish guidelines on disposal, collection, transport, storage, recycling, minimizing, and dumping of household waste in provinces and cities in order to ensure the management of household waste with safe way.
- The authorities of the provinces and cities shall establish the waste management plan in their province and city for short, medium and long- term.
- Article 5: The collection, transport, recycling, minimizing and dumping of waste in the provinces and cities is the responsibility of the authorities of province and cities.
- The Implementation as mentioned in the first paragraph of the article 5 shall comply with the guideline on the sound management of waste specified by the Prakas (declaration) of the Ministry of Environment
- Article 6: The Ministry of Environment shall monitor the implementation in disposal, collection, transport, storage, recycling, minimizing and dumping of the household waste in the provinces and cities.
- Article 7: The disposal of waste in public sites or anywhere that is not allowed by the authorities shall be strictly prohibited.
- Article 8: The domestic investment in construction of landfill, incinerator, storage sites or recycling plant for household waste shall be subject to prior approval from the Ministry of Environment.
- Article 9: The exportation of the household waste from the Kingdom of Cambodia to abroad could not be conducted unless there are approval from the Ministry of Environment, and export license from the Ministry of Trade, and permit from the import country.
- Article 10: The importation of the household waste from abroad to the Kingdom of Cambodia shall be strictly prohibited.



## CHAPTER 3 Hazardous waste management

- Article 11: The Ministry of Environment shall establish guidelines on the management of hazardous waste to ensure the safe management.
- Article 12: The Ministry of Environment shall issue Prakas on the standard of quantity of toxin or hazardous substances contained in the hazardous waste which could be allowed to be disposal in order to ensure the human health and environment quality protection, and bio-diversity conservation.
- Article 13: The owner of the hazardous waste shall be responsible for temporary storage of his/her waste in proper technique and in safe manner.
- Article 14: The owner of the hazardous waste shall make quarterly report on his/her waste and forward it to the Ministry of Environment.  
The report include:
  - Type and amount of the waste,
  - Temporary storage method, and
  - Treatment or elimination method.
- Article 15: The storage, transportation and disposal of the hazardous waste shall be performed separately from the household waste, which will be stipulated by the Prakas of the Ministry of Environment.  
The disposal of hazardous waste into public sites, public drainage systems, public waste area, and rural area and forest area shall be strictly prohibited.
- Article 16: The collection, transportation, storage and disposal of the hazardous waste from dwelling houses, markets, clinics, hospitals, hotels, restaurants, and public buildings are competence of the local authorities.  
  
The implementation of the first paragraph of the article 16 shall be in accordance with the Prakas of the Ministry of Environment on the guidelines on the environmentally sound management of hazardous waste.
- Article 17: The transportation or construction of storage place or landfill of hazardous waste from factories and manufacturing site shall be subject to permit from the Ministry of Environment.

Article 18: The owner or responsible person of storage place or landfill of the hazardous waste shall make quarterly report on the hazardous waste which is transported for disposal of or for storage and forward this report to the Ministry of Environment. The report shall include as follows:

- Type and amount of the waste,
- Sources of the waste,
- Packing and transport facility, and
- Process and management of the waste inside his/her location and forward this form to the Ministry of Environment.

Article 19: The investment of the treatment or incineration of the hazardous waste shall have prior approval from the Ministry of Environment.

Article 20: The exportation of the hazardous waste from the Kingdom of Cambodia to abroad could be conducted if there are an agreement from the Ministry of Environment, export license from the Ministry of Trade, and permit from the import country.

The exportation of the hazardous shall be consistent with the provisions and principals of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 1989 which come into force on May 05, 1992.

Article 21: The importation of hazardous waste from abroad into the Kingdom of Cambodia is strictly prohibited.



## CHAPTER 4

### Monitoring and inspection of hazardous waste management

Article 22: The monitoring of packing, storage, transport, recycling, incinerating, treatment, and disposal of the hazardous waste is the responsibility of the Ministry of Environment

Article 23: The Ministry of Environment shall take sample of the hazardous waste at every point enumerated in the article 22 of this sub-decree.

The owner or person responsible for the site mentioned in the paragraph one of article 23 of this sub-decree shall collaborate and facilitate the environmental official who come to take the waste sample so that they can carry out their technical task.

Article 24: The sample of the hazardous waste which were taken during the monitoring or inspection shall be analysed in the Laboratory of the Ministry of Environment.

The owner or person who responsible for the site stipulated in the paragraph 1 of the article 23 of this sub-decree can request to test his/her waste sample at other public or private laboratories which are recognized formally and those laboratories must use the same testing method as used in the laboratory of the Ministry of Environment.

The owner or person responsible for the point or site stipulated in the paragraph 1 of the article 23 of this sub-decree shall pay analysts fee of his/her owner waste sample following the list of testing cost determined by the Minister of Environment and the Ministry of Economic and Finance.

These incomes shall be incorporated into the national budget for allocating the Environment Endowment Fund.

Article 25: In the case of finding out that there are an illegal disposal or dumping of the hazardous waste without a permit from the competent institution. The Ministry of Environment in collaboration with concerned ministries, shall conduct the inspection at the places in complying with procedures as follows:

- a- To present his / her identity card and mission letter while, entering into the premise or any site of point source of pollution for conducting inspection and taking sample.
- b- To make, at the site of inspection, the primary record and report of the inspection or sample taking with the presence

of witness if necessary;

c- To inquire and require the owner or responsible person of the place to provide them with information and other relevant documents for taking statement or report and for evidence;

d- To collect and detain evidence of the offence.

Article 26: In case if there are complaint or report that there is storage or disposal of the hazardous waste which causes danger to animal or human health or public property or contaminate the environment, the Ministry of Environment shall make urgent inspection and inform concerned ministries and local authority.

## CHAPTER 5 Penalty

Article 27: Violations of this Sub-Degree shall be fined and punished according to article 20, 21, 22, 23 and article 25 of the chapter 9 of the Law on Environment Protection and Natural Resource Management.

Article 28: Any environmental inspection official or agent who is negligent fails to pay attention or conspires with a violator or facilitates the commission of a violation shall be subject to administrative sanction or face prosecution before the court.

Article 29: The report making and the prosecution for any person who violates or fails to abide by any article of this sub-decree is the responsibility of the Ministry of Environment's official.

## CHAPTER 6 Final Provisions

Article 30: Any provision contrary to this sub-decree shall be considered null.

Article 31: The minister in charge of the cabinet of the council of Ministers, concerned ministers and institutions shall collaborate with the Ministry of Environment and implement this Sub- decree according to their duty.

Article 32: This Sub-decree shall be in force from the date of its signature.

## Annex

### Type on the hazardous waste

1. Fibrous and clothing wastes from textile and garment industry;
2. Paper wastes from paper-mill industry;
3. Sludge waste from factory waste water treatment and product manufacturing processes;
4. Combustion residues from coal-fired power plants;
5. Plastics waste from production or use of plasticizers;
6. PCB waste from use of PCB contained in discarded air conditioners, TVs and microwaves;
7. Rubber waste from production or use of resins and latex;
8. Oil waste from oil refinery, use of lubrication oils, washing oils;
9. Acid waste;
10. Alkalis waste;
11. Metal waste and their compounds

Zinc (Zn)	Selenium (Se)	Tin (Sn)	Vanadium (V)
Copper (Cu)	Arsenic (As)	Barium (Ba)	Cobalt (Co)
Nickel (Ni)	Antimony (Sb)	Beryllium (Be)	Tellurium (Te)
Lead (Pb)	Titanium (Ti)	Uranium (U)	Silver (Ag)

12. Soot and dust waste from incineration facilities, treating exhaust gas;
13. Wastes from used or discarded electricity lamp;
14. Wastes from production or use of battery;
15. Wastes from production and use of paints, lacquers and pigments;
16. Wastes from production and use of inks and dyes;
17. Explosive wastes;
18. Infectious diseases wastes;
19. Agriculture drugs wastes;
20. Ask wastes from incinerators;
21. Wastes from expired products;
22. Wastes from production and use of film;
23. Waste from treatment of polluted soil;
24. Waste from production of drugs and medicines, and expired drugs;
25. Inorganic fluorine wastes;
26. Cyanide wastes;
27. Asbestos wastes;
28. Phenols wastes;
29. Ethers wastes;
30. Wastes from production and use of solvents;
31. Wastes from production and use of dioxin and furin;
32. Radioactive waste;

(unofficial translation)

Ministry of Environment  
No: 83

Kingdom of Cambodia  
Nation Religion King

Phnom Penh, 10 April, 2001

**Prakas**  
**Minister of Environment**

- Having seen...
- Having seen...
- Having seen...

Hereby Decides

- Article 1: Licenses Sa Rom Trading Co Ltd, #122 Aeo, Street 430, Sangkat Toul Tum Puong, Khan Chamkarmon, represented by the company's director Mr. Yu Sa Rom, male, aged 29, Cambodian, holder of ID# 024215PP of 07 Sept 1992, to construct an **industrial solid waste dump** which is located in Phum Chambok, Khan Kombol, Srok Angsnuol, Kandal Province.
- Article 2: The company shall comply with the law on environmental protection and natural resource management, and the sub-decree on the environmental impact assessment process.
- Article 3: The company shall comply with the approved environmental management plan of the environmental impact assessment.
- Article 4: The company shall seek advice from the Ministry of Environment when it changes the location or constructs a new division.
- Article 5: The company shall be obliged to donate environmental fund to the Ministry of Environment until it ceases its operation.
- Article 6: Sa Rom Trading Co Ltd shall implement this Prakas.
- Article 7: This Prakas shall enter into force from the date on which it is signed  
Minister  
Signed and Sealed  
Mak Mareth  
PhD (Biology)

CC:

- CDC
- Ministry of Industry, Mine and Energy
- Ministry of Land Management, Urbanisation and Construction
- Kandal Province Hall
- Kandal Environmental Office "co-implementation"
- File-chronicle

(unofficial translation)

Kingdom of Cambodia  
Nation Religion King

Ministry of Environment  
No: 156

Phnom Penh, 3 July, 2001

**Prakas**  
**Minister of Environment**

- Having seen...
- Having seen...
- Having seen...

Hereby Decides

- Article 1: Licenses Sa Rom Trading Co Ltd, #122 Aeo, Street 430, Sangkat Toul Tum Puong, Khan Chamkarmon, represented by the company's director Mr. Yu Sa Rom, male, aged 29, Cambodian, holder of ID# 024215PP of 07 Sept 1992, to construct an industrial solid waste dump and operate waste collection and transportation business, as well as to monopolize the storage of industrial waste in Phnom Penh and Kandal Province.
- Article 2: In constructing the industrial waste dump, the company shall be required to draw a plan and conduct plausibility study, and to report the environmental impact assessment by outlining the clear environmental preventive measures subject to the prior approval from the authority concerned and land industry.
- Article 3: The company shall comply with the instructions from the institution in charge during the course of construction.
- Article 4: During the operation of the industrial waste collection and transportation business, the company shall ensure public safety and the quality of the environment around the waste dump, and shall write a monthly report about the quantity of the collected waste and the waste storage, to the Ministry of Environment.
- Article 5: Declares that the company shall be licensed to legally carry out this waste collection business for a period of 10 years, effective from the date of signing on this Prakas.
- Article 6: Upon receiving the license, the company shall commence the construction process and business operation process immediately. In case the company fails to commence construction within 1 year upon reception of the license, this license shall be automatically confiscated.
- Article 7: In case the company breaks the law or seriously breaks any article stipulated above, this license shall be confiscated.

Article 8: Director of General of the Technical Department, Director of the Environmental pollution Control of the Ministry of Environment, Phnom Penh Municipal Environmental Office, Kandal Environmental Office, and Director of Sarom Trading Company shall implement this Prakas.

Article 9: This Prakas Shall come into force from the date on which it is signed.

Minister of Environment

Signed and Sealed

Mok Mareth  
PhD (Biology)

CC:

- Council of Ministers
- King's Affairs Bulletin
- MOC
- Ministry of Industry, Mine and Energy
- Ministry of Public Work and Transport
- Ministry of Land Management, Urbanisation and Construction
- Phnom Penh Municipality
- Kandal Province Hall "for information"
- Phnom Penh Environmental office
- Kandal Environmental Office "co-implementation"
- File-chronicle



Kingdom of Cambodia  
Nation Religion King

**Ministry of Environment**

No: 148

Phnom Penh, 20 August 2002

Prakas  
on

Collecting and Transporting Industrial Solid Waste in Phnom Penh

**Minister of Environment**

- Having seen....
- Having seen....
- Having seen....
- 

Hereby Decides

- 12 -

- Article 1: License Sarom Trading Co Ltd, at#122AEo, Street 430, Sangkat Toul Tum Puong, Khan Chamkarmon, to operate its solid waste dumping site, which is located in Phum Kob Ambel, Khum Komboul, Srok Angnuol, Kandal Province.
- Article 2: License Sarom Trading Co Ltd, at#122AEo, Street 430, Sangkat Toul Tum Puong, Khan Chamkarmon, and Municipal Waste Control Excise, located at Municipal Office for Public Work and Transport, to collect and transport industrial solid waste of enterprises/factories in Phnom Penh to dump at Sarom Trading's dumping site.
- Article 3: The types of industrial solid waste inquired to be dump at Sarom Trading's dumping site are specified in Annex 1 of this Prakas.
- Article 4: The companies specified in article 1 and 2 and the owners of enterprises/factories that use the service of the two company shall implement the fee principle agreed upon at the 11 July 2002 meeting, of which the details are giving in Annex 2 of this Prakas.
- The principle of service fees is subject to review every six months providing the service provider of service consumer lodges a request to the Ministry of Environment.
- Article 5: The companies providing collecting and transporting service shall ensure that the means to collect and transport the solid waste from factories to Sarom Trading's dumping site do not cause harm to the public safety and environment. In addition, the collection and transportation methods shall fulfil the technical requirement determined by the institution in charge.
- Article 6: In case the service provided by two companies does not meet demands of the enterprises/factories, or fails to provide service for a certain reason, owners of factories can lodge a request to the Ministry of Environment to collect and transport the solid waste specified in Annex 1 to dump at Sarom Trading's dumping site on a temporary or permanent basis, as proved by the Ministry of Environment.
- Article 7: The collection and transportation of the solid waste specified in Article 3 to be dumped at Sarom Trading's dumping shall require the factory owner's seeking approval from the Ministry of Environment.

The collecting and transporting companies and the Sarom Trading's dumping site shall forward a monthly report to the Ministry of Environment stating:

- a. the types and volume of solid waste collected or dumped
- b. the original source of solid waste
- c. the methods of wrapping and transporting or storing



- Article 8: Sarom Trading Company shall be responsible for properly managing its own dumping site so as to protect the public safety and the surrounding environment, and shall implement the instructions from the officials in charge.
- Article 9: The Ministry of Environment shall confiscate the licence from the two companies should they break the law or seriously breach any article in the Prakas.
- Article 10: Any decision contradictory to this Prakas shall be considered invalid.
- Article 11: Director General of the Technical Department, Director of the Environmental Pollution Control of the Ministry of Environment, Phnom Penh Municipal Environmental Office, Kandal Environment Office, and Director of Sarom Trading Company, and Director of Municipal Waste Control Excise shall implement this Prakas.
- Article 12: This Prakas shall come into force from the date on which it is signed.

Minister of Environment

Signed and Sealed

Mok Mareth  
PhD (Biology)

CC:

- Council of Ministers
- Ministry of Interior
- Ministry of Industry, Mine and Energy
- Phnom Penh Municipality
- Kandal Province Hall
- Royal Gazette
- Kandal Environmental Office "co-implementation"
- File-chornicle

**ANNEX 1**  
**TYPES OF INDUSTRIAL SOLID WASTE REQUIRED TO BE DUMPED AT**  
**SAROM**  
**TRADING'S DUMPING SITE**

1. Semi-dry muddy waste removed from effluent treatment pool
2. Coloured fibres and pieces of fabrics
3. Plastic waste containing Polyvinyl Chloride
4. Rubber waste and vulcanized rubber containing Polymer-Butilim
5. Batteries and battery waste
6. Ashes left over after the burning of medical waste
7. Lighting waste and electrical devices
8. Paint waste, lacquer and packaged materials
9. Insecticide waste used in agriculture and in packaged materials (must be placed in a rubber tub before being dumped)
10. Waste resulted from production and utilization of printing ink
11. Expired goods or goods that do not meet required standard
12. Negatives
13. Expired medicine and waste resulted from production of medicine
14. Waste containing Asbestos substance

## ANNEX 2

### TRANSPORTATION FEES AND DUMPING FEES AT SAROM TRADING' DEMPING SITE

1. The fee for transporting ONE cubic meter of semi-dry muddy waste from the factory to the dumping site is 10 USD (10 USD/m<sup>3</sup>). This fee also INCLUDES the labor employed to load the waste onto and unload the waste from the vehicle. The fee shall be settled once a month.
2. The fee for dumping ONE cubic meter of mud waste at Sarom Trading's dumping site is 3 USD (3 USD/m<sup>3</sup>). The fee will be charged EACH TIME the waste is dumped.
3. Monthly fees for transporting the solid waste by a vehicle of 5m<sup>3</sup> capacity are as follows:
  - 60 USD for 4 to 6 time of transporting/month
  - 72 USD for 8 to 10 time of transporting/month
  - 90 USD for 12 times for transporting/month
  - 150 USD per month if the transportation takes place ONCE a day
  - 270 USD per month if the transportation takes place TWICE a day
  - 240 USD per month if the transportation takes place THRICE a day

4. The fee for dumping ONE cubic meter of solid waste specified in points 2, 3,4 and 7 of ANNEX 1 is 1 USD (USD/m<sup>3</sup>). The fee will be charged EACH TIME the waste is dumped.
5. The fee for dumping solid waste, which are not specified in points 1 & 4 of ANNEX 2, shall be determined by the agreement the waste owner and the dumping site owner.

***Kingdom of Cambodia***  
***Nation Religion King***

ROYAL GOVERNMENT  
***Council of Ministers***  
No : 42 ANRK.BK

Phnom Penh, July 10 2000

**SUB-DECREE**

**on**

**AIR POLLUTION AND NOISE DISTURBANCE**

-----

- Has seen the Constitution of the Kingdom of Cambodia (1993);
- Has seen the Royal Decree No. NS.RKT 1198.72 dated 30 November, 1998 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
- Has seen Preah Reach Kram No. 02 /NS/94 dated 20 July 1994, announcing to allow using the Law on the Establishment and Implementation of the Council of Ministers;
- Has seen Preah Reach Kram No. NS.RKM 0194/21 dated 24 January 1996, announcing to use the Law on the Establishment of the Ministry of Environment;
- Has seen Preah Reach Kram No. NS.RKM 1296/36 dated 24 December 1996, Announcing to use the Law on the Environmental Protection and Natural Resources Management;
- Has received an approval from meeting of the council ministers on Jun 09 2000.

**Decision**

**CHAPTER I**  
**General Provisions**

**Article 1:** This sub-decree has a purpose to protect the environment quality and public health from air pollutants and noise pollution through monitoring, curb and mitigation activities.

**Article 2:** This sub-decree applies to all movable sources and immovable sources of air and noise pollution.

**Article 3:** Technical terms use in this sub-decree shall have the meaning ascribed there to:

A- “Source of pollution” is divided into two terms:

- Movable source refers to emission source without permanent location such as aircraft, ship, vehicle port transportation service...etc
- Immovable sources refers to emission sources with permanent location such as factory, enterprise, warehouse, construction site, incinerator...etc.

B- “Pollutant” refers to smoke, dust, ash particle substance, gas, vapour, fog, odour, radio-active substance...etc.

“Flammable substance” refers to fuel oil, coal, natural gas and might be caught flammable reaction.

## **CHAPTER 2**

### **Provisions on emission of air and noise pollution**

**Article 4:** Air quality standard shall be specified in the Annex-1 of this sub-decree.

The standard of maximum quality of hazardous substance allowing in the air shall be specified in the Annex-2 of this sub-decree.

**Article 5:** The standard of maximum into the atmosphere shall be specified in the Annex-3 of this sub-decree.

This standard of smoke emission from movable source shall be specified in the Annex-4 of the sub-decree.

**Article 6:** In the necessary cases, the standards were stipulated in the Article 4 and Article 5 of this sub-decree shall be recognized and changed every 5 years, based on the proposal of the Ministry of Environment.

**Article 7:** The standard for noise emission from various sources like vehicle, manufacturing place and the standard for maximum noise emission for public and residential areas shall be specified in the Annex 5, Annex 6 and Annex7 of this sub-decree.

**Article 8:** The emission of pollutants into the atmosphere exceeds the standard which stipulated in the Annex 3 and Annex 4 of this sub-decree be strictly prohibited.

**Article 9:** Noise emission exceeds the standard which stipulated in the Annex 5, Annex 6 and Annex 7 of this sub-decree shall be strictly prohibited.

**Article 10:** The importation and production of flammable substances containing S, Pb, C<sub>6</sub>H<sub>6</sub>, Hydro-carbon shall be complied with the standard which stipulated in the Annex 8 of this sub-decree.

**Article 11:** The importation, utilization, vehicle and its spare-part production in Cambodia which emitted pollutants and noise exceeding the standard as stipulated in the Annex 4 and Annex 5 of this sub-decree shall be strictly prohibited.

**Article 12:** the discharge or leakage of various flammable substance, fuel-oil, radio-active or chemical substance into the atmosphere, water and oil shall be strictly prohibited.

### **CHAPTER 3** **Asking for permission**

**Article 13:** The emission of pollutants and noise from immovable source into the atmosphere shall be asked for a permission from the Ministry of Environment and shall be sent the application from copy to concerned ministries and agencies.

**Article 14:** The asking of an import permission of flammable substances shall be attached the analytical result which emphasized the quantity of pollutant, S, Pb, C<sub>6</sub>H<sub>6</sub>, Hydro-carbon from original source of importation or production.

**Article 15:** The asking for discharge permission as stipulated in the Article 13 of the sub-decree shall be carried out for new project and ongoing activities, except projects that have the Environment Impact Assessment's report

**Article 16:** The master or person who responsible for pollution source as stipulate in the Article 13 and Article 14 of this sub-decree shall be applied for permission from the Ministry of Environment:

- 40 days before the project commencement in Phnom Penh
- 60 days before the project commencement in town or province.

## **CHAPTER 4**

### **Pollution Source Monitoring**

- Article 17:** The monitoring of flammable substance's quantity, air pollutant emission and noise causing from immovable sources is the responsibility of the Ministry of Environment.
- Article 18:** The monitoring of smoke and noise emission from movable source is the responsibility of the Ministry of Environment in collaboration with line ministries and institution. The monitoring procedure shall be determined by joint declaration among line ministries.
- Article 19:** Ministry of Environment shall be prepared technical guidelines on pollution source monitoring, sampling point, air and noise analysis.
- Article 20:** Ministry of Environment shall be taken sample at all emission points of pollution source. The master of person who responsible for pollution source shall collaborate the staff of environment who conduct a sampling to fulfill their technical duty.
- Article 21:** During conducting Environment inspection or controlling in the sources of pollution the Ministry of Environment inspectors can analyses the sources in place or can take them to the environmental laboratory for annualizing.
- Article 22:** The owner or responsible person of pollution sources shall bear the cost of the cost of the analyses of his/her own sample following the tariff determined by the Ministry of Environment and the Ministry of Economic and finance. This income shall be include into the National budget in order to allocate to the Environmental Endowment Fund Account.
- Article 23:** The owner or responsible person of the pollution sources may ask to have his/her pollution sample tested in other public or private laboratories which are recognized formally and such laboratories carry out of the same analytical method those used in the Ministry of Environment laboratory.
- Article 24:** The owner or responsible person of pollution source shall:
- Responsible for installing or equipping any equipment to purify toxic substances and to reduce noise and vibration in order to respond to Air pollution standard as stipulated in the Annexes:
  - Responsible for installing the equipment for measurement of amount of pollutant contained in his/her pollution sources and keep

the result for record keeping. The result must send to the Ministry of Environment every 3 months.

- Have at least an environmental compromising and prepare environmental protection plan in their institution. Environmentalist shall listed and recognized from the Ministry of Environment and have the capability as required by the Ministry of Environment.

**Article 25:** Even if it is found out that the discharge of toxic substances and noise from any pollution source do not respond to the standard as stipulated in the Article 5 and 7 of this sub-decree, the Ministry of Environment shall:

**a-** Issue a written order requiring the owner or responsible person of such pollution source to correct the violation activities immediately within a specifies time period.

**b-** Issue are written order requiring the owner of responsible person of such pollution source to stop his/her activities temporarily until the violation is corrected if the violation activities cause an adverse impact to human health and air quality.

## **CHATER 5**

### **Air Pollution Monitoring**

**Article 26:** The Ministry of Environment shall regularly control and monitor the situation of the air quality through out the Kingdom of Cambodia in order to take measure to prevent and reduce the pollution.

**Article 27:** The Ministry of Environment shall manage data relating result of the air quality testing and to assess the status of the air quality and shall disseminate publicly the status of air quality and the situation of the pollution of the Kingdom of Cambodia.

**Article 28:** Even if it is found that any area is suffering of pollution which could threaten human life or environmental quality. The Ministry of Environment shall immediately notify the public about the danger and investigate to find out the sources of pollution and shall take measure to prevent air pollution and to restore the air quality.



## **CHATER 6**

### **Inspection Procedure**

**Article 29:** The Ministry of Environment's inspectors, while conducting environmental inspection, shall complied with the following procedures:

- a- To present his / her identity card and mission letter while entering into the premise or any site of pollution for conducting inspection or taking sample or for checking record;
- b- Primary record and report of the inspection or sample taking shall be done at the site of inspection with participating from any witness if necessary;
- c- The inspectors may ask question and require the owner or responsible person of the source of pollution to provide the information and other relevant documents which are used for report making and for evidence;
- d- One copy of record or report shall be given to the owner or the responsible person of the source of pollution and one copy to the representatives of concerned ministries ( who collaborate with ) and other one copy shall be kept at the Ministry of Environment.

**Article 30:** Where if there is complaint or report that any source of pollution discharges contaminant into human health or public property. The Ministry of Environment in collaboration with concerned ministries, may enter the site of this source of pollution and conduct inspection and take sample for testing.

**Article 31:** In the case of serious accident or imminent danger resulting from air pollution at public water area, the Ministry of Environment shall make urgent inspection on the above problem and shall inform the concerned ministries and local authority.

**Article 32:** In the case of clear offense that cause air pollution, the inspector of the Ministry of Environment shall:

- a- Take statement, collect and detain evidence of such offense and make an administrative fine, if the offense has not contaminated seriously or effect human health, public properties and environmental quality.

- b- Collect and detain evidence of such offense for making statement and forward the case file to the competent agency, if this offense causes serious pollution or affect to human health or public properties and environmental quality.

## **CHAPTER 7**

### **Penalty**

**Article 33:** Violations of this Sub-decree shall be fined and punished according to the articles 20, 21, 22, 23 and the article 25 of the chapter 9 of the Law on Environmental Protection and Natural Resource Management.

**Article 34:** The Ministry of Environment's official is responsible for making a report of prosecution for any person who violate any article of this sub-decree. The Ministry of Environment shall take legal action against any offense of this sub-decree.

**Article 35:** Any environmental inspection official or agent who is negligent, fails to pay attention to, fails to comply with the Ministry's regulations, or conspires with a violator or facilitates the commission of a violation, shall be subject to administrative sanction or face prosecution before the court.

## **CHAPTER 8**

### **Final provisions**

**Article 36:** Any provision contrary to this sub-decree shall be annulled.

**Article 37:** The minister in charge of the cabinet of the council of Ministers, Ministries and concerned institutions shall co-operate with Ministry of Environment and to implement this sub-decree according to their duty .

**Article 39:** This sub-decree shall be in force from the date of its signature.

## **ANNEX 1**

### Ambient Air Quality Standard

<b>N°</b>	<b>Parameter</b>	<b>1 Hour Average mg/m<sup>3</sup></b>	<b>8 Hour Average mg/m<sup>3</sup></b>	<b>24 Hour Average mg/m<sup>3</sup></b>	<b>1 Year Average mg/m<sup>3</sup></b>
1	Carbon monoxide (CO)	40	20	-	-
2	Nitrogen dioxide (NO <sub>2</sub> )	0.3	-	0.1	-
3	Sulfur dioxide (SO <sub>2</sub> )	0.5	-	0.3	0.1
4	O zone (O <sub>2</sub> )	0.2	-	-	-
5	Lead (Pb)	-	-	0.005	-
6	Total Suspended Particulate (TSP)	-	-	0.33	0.1

Remark: This standard applied to evaluation of ambient air quality and to monitoring of air pollution status.

Standard method of analysis of ambient air quality are specified in guideline of ministry of environment.

### ANNEX 2

Maximum allowable concentration of hazardous  
substance in ambient air

N <sup>o</sup>	Name of Chemical Substance	Formula	Maximum level
1	Aniline	C <sub>6</sub> H <sub>5</sub> NH <sub>2</sub>	0.03
2	Ammonia	NH <sub>3</sub>	0.2
3	Acetic Acid	CH <sub>3</sub> COOH	0.2
4	Sulfuric Acid	H <sub>2</sub> SO <sub>4</sub>	0.3
5	Nitric Acid	HNO <sub>3</sub>	0.4
6	Ben Zene	C <sub>6</sub> H <sub>6</sub>	1
7	Ben Zidine	NH <sub>2</sub> C <sub>6</sub> H <sub>4</sub> C <sub>6</sub> H <sub>4</sub> NH <sub>2</sub>	Non
8	Carbondisulfide	CS <sub>2</sub>	0.02
9	Chloroform	CHCl <sub>3</sub>	0.01
10	Carbontetrachloride	CCl <sub>4</sub>	3
11	Particle containing Asbestos	-	Non
12	DDT	C <sub>8</sub> H <sub>11</sub> Cl <sub>4</sub>	0.5
13	Formaldehyde	HCOH	0.012
14	Hydrogen Arsenic	AsH <sub>3</sub>	0.002
15	Hydrogen Cyanide	HCN	0.01
16	Hydrogen Fluoride	HF	0.002
17	Hydrogen Sulfide	H <sub>2</sub> S	0.001
18	Phenol	C <sub>6</sub> H <sub>5</sub> OH	0.01
19	Styrene	C <sub>6</sub> H <sub>5</sub> CH=CH <sub>2</sub>	0.003
20	Tetra Chloroethylene	C <sub>2</sub> Cl <sub>4</sub>	0.1
21	Tetraethyle Lead	Pb(C <sub>2</sub> H <sub>5</sub> ) <sub>4</sub>	0.005
22	Tri Chloroethylene	ClCH=CCL <sub>2</sub>	0.2
23	Toluene	C <sub>6</sub> H <sub>5</sub> CH <sub>3</sub>	0.4
24	Vinyl Chloride	ClCH=CH <sub>2</sub>	0.05
25	Arsenic (Compound organic)	As	0.00001
26	Cadmium (Metal Compound and oxide)	Cd Cr	0.003 0.0015
27	Chromium (Compound & Metal)	Ni	0.0002
28	Nickel (Compound & Metal )	Hg	0.0001
29	Mercury (Compound & Metal)		5
30	Petrol		

Remark: This standard applied to control of hazardous substance that permitted in ambient air.

### ANNEX 3

Maximum allowable standard of pollution substance

for immobile sources in ambient air

N <sub>o</sub>	Parameters	Maximum level of discharge
1	Particulate in smoke of :	
	Incinerator	0.4g/m <sup>3</sup>
	Heating metal	400mg/m <sup>3</sup>
	Bad stone , Lime , cement manufacturing	400mg/m <sup>3</sup>
	Asphalt concrete plant	500mg/m <sup>3</sup>
	Other sources	
2	Dust :	
	Containing silica (Sio <sub>2</sub> )	100mg/m <sup>3</sup>
	Containing asbestos	27ug/m <sup>3</sup>
	Chemical inorganic substance	
3	Aluminum Al	(dust)300mg/m <sup>3</sup> ;(Al)50mg/m <sup>3</sup>
4	Ammonia NH <sub>3</sub>	100mg/m <sup>3</sup>
5	Antimony Sb	25mg/m <sup>3</sup>
6	Arsenic As	20ug/m <sup>3</sup>
7	Beryllium Be	10mg/m <sup>3</sup>
8	Chloride Cl	20mg/m <sup>3</sup>
9	Hydrogen chlorideHCl	200mg/m <sup>3</sup>
11	Hydrogen sulfide H <sub>2</sub> S	2mg/m <sup>3</sup>
12	Cadmium Cd	1mg/m <sup>3</sup>
13	Copper Cu	(dust)300mg/m <sup>3</sup> ;(Cu)20mg/m <sup>3</sup>
14	Lead Pb	(dust)100mg/m <sup>3</sup> ;(Cu )20mg/m <sup>3</sup>
15	Zinc Zn	30mg/m <sup>3</sup>
16	Mercury Hg	0.1mg/m <sup>3</sup>
17	Carbon monoxide CO	1000mg/m <sup>3</sup>
18	Sulfur dioxide SO <sub>2</sub>	500mg/m <sup>3</sup>
19	Nitrogen oxide NO <sub>x</sub> (all category)	1000mg/m <sup>3</sup>
20	Nitrogen oxide NO <sub>x</sub> (emittedHNO <sub>3</sub> product )	2000mg/m <sup>3</sup>
21	Sulfuric Acid H <sub>2</sub> SO <sub>4</sub>	35mg/m <sup>3</sup>
22	Acetic Acid HNO <sub>3</sub>	70mg/m <sup>3</sup>
23	Sulfur trioxide SO <sub>3</sub>	35mg/m <sup>3</sup>
24	Phosphoric Acid H <sub>3</sub> PO <sub>4</sub>	3mg/m <sup>3</sup>
	Chemical organic substance	
25	Acetylene tetra bromide CHBr <sub>2</sub> CHBr <sub>2</sub>	14mg/m <sup>3</sup>
26	Acrolein CH <sub>2</sub> =CHCHO	1.2mg/m <sup>3</sup>
27	Aniline C <sub>6</sub> H <sub>6</sub> NH <sub>2</sub>	19mg/m <sup>3</sup>
28	Benzidine NH <sub>2</sub> C <sub>6</sub> H <sub>4</sub> C <sub>6</sub> H <sub>4</sub> NH <sub>2</sub>	None
29	Benzene C <sub>6</sub> H <sub>6</sub>	80mg/m <sup>3</sup>

30	Chloro benzyl	$C_6H_5CH_2Cl$	$5mg/m^3$
31	Butyl amine	$CH_3(CH_2)_2CH_2NH_2$	$15mg/m^3$
32	Cresol (o-,m-,p-)	$CH_3C_6H_4OH$	$22mg/m^3$
33	Chloro benzene	$C_6H_5Cl$	$350mg/m^3$
34	Chloroform	$CHCl_3$	$240mg/m^3$
35	Chloropicrin	$CCl_3NO_2$	$0.7mg/m^3$
36	0-dichlorobenzene	$C_6H_4Cl_2$	$300mg/m^3$
37	1,1-dichloro ethane	$CHCl_2CH_3$	$400mg/m^3$
38	Di methyl sulfate	$(CH_3)_2SO_4$	$0.5mg/m^3$
39	Di methyl hydrazine	$(NH_3)NNH_2$	$1mg/m^3$
40	Di nitro benzene	$(o-,m-,p-)C_6H_4(NO_2)_2$	$1mg/m^3$
41	Ethylene di amine	$NH_2CH_2-CH_2NH_2$	$30mg/m^3$
42	Ethylene Chlorohydrin	$CH_2ClCH_2OH$	$16mg/m^3$
43	Ethylene oxide	$CH_2OCH_2$	$20mg/m^3$
44	Formaldehyde	$HCHO$	$6mg/m^3$
45	Methyl Acrylate	$CH_2=CHCOOCH_3$	$35mg/m^3$
46	Methanol	$CH_3OH$	$260mg/m^3$
47	Methyl Bromide	$CH_3Br$	$80mg/m^3$
48	Monomethylaniline	$C_6H_5NHCH_3$	$9mg/m^3$
49	Nitro Benzene	$C_6H_5NO_2$	$5mg/m^3$
50	Nitroglycerine	$C_3H_5(NO_2)_3$	$5mg/m^3$
51	Nitrotoluene	$NO_2C_6H_4CH_3$	$30mg/m^3$
52	Phenol	$C_6H_5OH$	$19mg/m^3$
53	Phenylhydrazine	$C_6H_5NHNH_2$	$22mg/m^3$
54	Pyridine	$C_5H_5N$	$30mg/m^3$
55	Pyrene	$C_{16}H_{10}$	$15mg/m^3$
56	Quinone	$C_6H_4O_2$	$0.4mg/m^3$
57	Styrene	$C_6H_5CH=CH_2$	$420mg/m^3$
58	1,1,2,2-tetrachloroethane	$Cl_2HCCHCl_2$	$35mg/m^3$
59	Tetrachloromethane	$CCl_4$	$65mg/m^3$
60	Toluene	$C_6H_5CH_3$	$750mg/m^3$
61	Tetranitromethane	$C(NO_2)_4$	$8mg/m^3$
62	Toluidine	$CH_3C_6H_4NH_2$	$22mg/m^3$
63	Toluidine-2,4-D-isocyanate	$CH_3C_6H_3(NCO)_2$	$0.7mg/m^3$
64	Trichloro ethylene	$ClCH=CCl_2$	$110mg/m^3$
65	Xylidine	$(CH_3)_2C_6H_3NH_2$	$50mg/m^3$
66	Vinylchloride	$CH_2=CHCl$	$150mg/m^3$

Remark: This standard is applied to control of pollution substance for immobile sources to atmosphere.

## ANNEX 4

### Gas emission standard of mobile sources

N°	Kind of Vehicle	Kind of fuel	Level of emission				
			CO(%)		HC(ppm)		Dark fume %
			A	B	A	B	-
1	Motorecycle contain 2chapter combustion	Petrol	4.5	4	10000	3000	-
2	Motorecycle contain 4 chapter combustion	Petrol	4.5	4	10000	2400	-
3	All kind of vehicles	Petrol	4.5	4	10000	800	-
4	All kind of vehicles	Diesel	-	-	-	-	50

**Remark:** This Standard applied to control of noise emission of mobile sources into atmosphere.

A : Refer to all kind of vehicles used over 5 years as from year produce.

B : Refer to all kind of vehicles are new importation in first 5 years as from year produced.

## ANNEX 5

Vehicle of noise in public and residential  
area maximum permitted noise level

N°	Category of vehicle	Maximum noise level permitted (dB(A))
1	Motorcycles, cylinder capacity (CC) of the engine does not exceed 125cm <sup>3</sup>	85
2	Motorcycles, CC of the engine exceeds 125cm	90
3	Motorize tricycles	90
4	Cars, taxi, passenger vehicle for the carriage of not more than 12 passengers	80
5	Passenger vehicle constructed for carriage of more than 12 passengers	85
6	Truck permitted maximum weight does not exceed 3.5 tones	85
7	Truck permitted maximum weight does not exceed 3.5 tones	88
8	Truck engine is more than 150 KW	89
9	Tractor or any other truck not elsewhere classified of described in this column of the table	91

Remark: This standard is applied to control of noise emission standard for all kind of vehicle when operating on the public road.



## ANNEX 6

Maximum permitted noise level in public  
and residential area (dB(A))

N°	Area	Period of time		
		From 6h AM to 18h	From 18h to 22h	from 22h to 6hAM
1	Quiet areas - Hospitals - Libraries - School - Kindergarten	45	40	35
2	Residential area: - Hotels - Administration offices - House	60	50	45
3	Commercial and service areas and mix	70	65	50
4	Small industrial factories intermingling in residential areas	75	70	50

Remark: This standard is applied to control of noise level of any source of activity that emitted noise into the public and residential areas.

## ANNEX 7

Noise control standard in workplace  
factory industry of location

<b>Noise Level (dB(A))</b>	<b>Maximum period of time (Hour)</b>	<b>Level</b>
75	32	Support ear prevention equipment to worker in place has 80 (dB(A)) over noise
80	16	
85	8	
90	4	
95	2	
100	1	
105	0.5	
110	0.25	
115	0.125	

Remark: This standard applied to control of noise level in location of  
Workplace, industries, factories

## ANNEX 8

Sulfur, lead, Benzene, and Aromatic Hydrocarbons standard permitted to fuel  
and other combustion substances

N°	Combustion Substance	Sulfur (S)	Lead (Pb)	Benzene	Aromatic Hydrocarbons
1	Fuel Oil	1.0%			
2	Diesel	0.2%			
3	Petrol	-	0.15g/l	3.5%	50%
4	Coal	1.5%			

**Remark:** This standard applied to control of Sulfur, lead, Benzene, and Aromatic Hydrocarbons that permitted to fuel and coal

**Sub-decree on Environmental Impact Assessment Process** \*

*Kingdom of Cambodia*

**Nation Religion King**

**ROYAL GOVERNMENT**

*Council of Ministers*

**No: 72 ANRK.BK Phnom Penh, August 11, 1999**

Sub-Decree

on

Environmental Impact Assessment Process

-----

The Royal Government of Cambodia (RGC)

- has seen the Constitution of the Kingdom of Cambodia (1993);
- has seen the Royal Decree No. NS.RKT 1198.72 dated 30 November, 1993 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
- has seen Preah Reach Kram No NS.RKM 02 NS.94 dated 20 July 1994, to allow using the Law on the Establishment and Implementation of the Council of Ministers;
- has seen Preah Reach Kram No NS.RKM 0196.2 dated 24 January 1996, announcing to use the Law on the Establishment of the Ministry of Environment;
- has seen Preah Reach Kram No NS.RKM 1296.36 dated 24 December 1996, announcing to use the Law on the Environmental Protection and Natural Resources Management;
- has received an approval from the meeting of the Council of Ministers on 23 July 1999.

**and has made a decision as the following:**

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1:

The main objectives of this sub-decree are:

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\* <http://www-mkb.slu.se/sida/Tools%20for%20Sida/Cambodia%20041217.pdf>

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

ARTICLE 2:

This sub-decree hereby applies to every proposed and ongoing project(s) and activities, either by private, joint-venture or state government, ministry institutions of which are described in the annex of this sub-decree, except a special case, where a project will be approved by the Royal Government.

CHAPTER II  
INSTITUTIONAL RESPONSIBILITIES

ARTICLE 3:

The MoE has responsibilities as following:

- a/ scrutinize and review the report of the Environmental Impact Assessment in collaboration with other concerned ministries;
- b/ follow up, monitor and take appropriate measures to ensure a Project Owner will follow the Environmental Management Plan (EMP) while project construction is taking place and accede to their EIA report's approval.

ARTICLE 4:

Institutions and ministries who are responsible for proposed project, shall have the right to examine and approve any project(s) that stated in the annex of this sub-decree, after the MoE has reviewed and commented on their EIA report.

ARTICLE 5:

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

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

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

CHAPTER III  
EIA IS NEEDED FOR PROPOSED PROJECT(S)

ARTICLE 6:

A Project Owner must conduct Initial Environmental Impact Assessment (IEIA) in order to comply with the EIA requirement as stated in the annex of this sub-decree.

ARTICLE 7:

A Project Owner must apply to the MoE for reviewing their IEIA report and report of pre-feasibility study .

ARTICLE 8:

A Project Owner must apply to the MoE for reviewing their full report of EIA report and pre-feasibility study, in case a project tends to cause a serious impact to the natural resources, ecosystem, health and public welfare.

ARTICLE 9:

A Project Owner must apply to the Provincial/Urban Environmental Office (PEO) for reviewing their EIA report and pre-feasibility study report as described in Article 7 and Article 8, if their project takes at provincial level.

ARTICLE 10:

A guideline for preparing a report of IEIA and EIA will be determined by the Prakas of the MoE.

ARTICLE 11:

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

ARTICLE 12:

A Project Owner must contribute a donation to the Environmental Endowment Fund as described in Article 19 of Chapter 8 of the law on Environmental Protection and Natural Resources Management.

ARTICLE 13:

Environmental Application Form (EAF) must be completed by a Project Owner and must be submitted to the MoE if project(s) existed at ministry's level. If project(s) existed at provincial/urban level, then the EAF must be submitted to PEO.

CHAPTER 4  
PROCEDURES OF EIA PROCESS FOR REVIEWING  
PROPOSED PROJECT(S)

ARTICLE 14:

A Project Owner must prepare a report, as described in Article 7, and must submit it to the MoE and forward a copy to the Project Approval Ministry/Institution.

ARTICLE 15:

The MoE will review EIA report, as described in Article 14 and will provide findings and recommendations back to the Project Owner and to the Project Approval Ministry/Institution within 30 work-days, commencing from the date of registration of their IEIA report and pre-feasibility study report.

ARTICLE 16:

When a project is requested to submit a full report of EIA, as described in Article 8, the Project Owner/Responsible Person shall submit it to the MoE along with their application for project's investment with the Project Approval Ministry/Institution.

ARTICLE 17:

The MoE will review the report, as described in Article 16 and will provide findings and recommendations

back to the Project Owner and to Project Approval Ministry/Institution within 30 work-days, commencing from the date of the receipt of their EIA report and pre-feasibility study report.

ARTICLE 18:

If the MoE fails to respond its findings and recommendations as described in Article 15 and 17, the Project Approval Ministry/Institution will assume that the revised IEIA or EIA report has complied with the criteria of this sub-decree.

ARTICLE 19:

In capacity as the Project Approval Ministry/Institution and Project Owner, the Project Owner must carry out all the procedures as described in Charter 3 and 4 of this sub-decree.

ARTICLE 20:

The Project Owner must acknowledge the findings and recommendations of their IEIA or/and EIA report(s) in which have been approved by the MoE, before they can proceed their project's implementation.

CHAPTER 5  
PROCEDURES OF EIA PROCESS FOR REVIEWING  
EXISTING PROJECT(S)

ARTICLE 21:

At least within a year of the promulgation of this sub-decree, all Existing Project Owner/Responsible Person must compile their IEIA report and must submit it to the MoE for a review and approval on their existing/ongoing activity of which previously allowed by the Project Approval Ministry/Institution.

ARTICLE 22:

Project Owner/Responsible Person must compile a full report of EIA within 6 months in accordance to the requirement in Charter 3 and 4 of this sub-decree and must submit it to the MoE, after the MoE reviewed their existing/ongoing activity is needed to submit a full report of EIA.

ARTICLE 23:

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

ARTICLE 24:



At least within two years of the promulgation of this sub-decree, Project Owner/Responsible Person must compile IEIA report and must submit it to PEO for a review and approval on their existing/ongoing activity of which previously allowed by the Provincial/urban Project Approval Office in that province.

ARTICLE 25:

Project Owner/Responsible Person must compile a full report of EIA within 6 months in accordance to the requirement in Charter 3 and 4 of this sub-decree and must submit it to the PEO, after the PEO reviewed their existing/ongoing activity is needed to submit a full report of EIA.

ARTICLE 26:

Project Owner/Responsible Person must carry out the EMP as stated in the EIA for period of 6 calendar months, commencing from the date of the PEO confirmation of their EIA report duly fulfilled the criteria of this sub-decree.

CHAPTER 6  
CONDITIONS FOR APPROVING PROJECT(S)

ARTICLE 27:

The Project Approval Ministry/Institution shall provide some guidelines to Project Owner/Responsible Person on the EMP, in which is described in the EIA' guidelines prepared and approved by the MoE.

ARTICLE 28:

The MoE must co-operate with other line ministries/institutions to halt all existing/ongoing activities of Project Owner/Responsible Person, which failed to accomplish the EMP, stated in the approval of their EIA report.

CHAPTER 7  
PENALTIES

ARTICLE 29:

A Project Owner/Responsible Person, who fails to submit their EIA report or provides false information or mis-conduct the EMP, as described in their EIA report, or violates any provisions in this sub-decree, will be offended by Cambodian law, as stated in Article 20/21/22/23 and 25 of Charter 5 of the Law on Environmental Protection and Natural Resources Management.

ARTICLE 30:

The MoE duly has a responsibility to compile a report and complaint against any Project Owner/Responsible Person who has been dis-respected or mis-conducted of any articles described in this sub-decree.

ARTICLE 31:

Any environment official, who has neglected, lacked vigilance or dis-respected the MoE's regulations, or conspires with perpetrator or assist this perpetrating activity, must be subject to administrative offense or faced prosecution in front of the court of law.

CHAPTER 8  
FINAL PROVISIONS

ARTICLE 32:

Any provisions that are contrary to this sub-decree, shall be considered null.

ARTICLE 33:

The minister in charge of the Council of Ministers, ministries, concerned institutions shall collaborate with the MoE and must be responsible for this sub-decree in relation of their individual roles and responsibilities.

ARTICLE 34:

This sub-decree shall be in effect from the date of the signature below.

Phnom Penh on 11 August 1999

Prime Minister

(Signed with Seal of RGC stamp)

HUN SEN

has reported to Samdech Prime Minister

by the Minister of Environment

Dr. Mok Mareth

- cc: - Cabinet of King
- General Secretariat of Senate
  - General Secretariat of Parliament
  - Ministry of Royal Palace
  - General Secretariat of Constitution
  - Cabinet of Prime Minister
  - General Secretariat of Council of Ministers
  - As stated in Article 33 for "action"
  - Record and documentation.

Annex of Sub-Decree No 72 ANRK. BK. Date 11, August 1999

List of the Projects Required an IEIA or EIA

No.	Type and activities of the projects	Size / Capacity
A		Industrial
I		Foods, Drinks, Tobacco
1.	Food processing and caned	≥ 500 Tones/year
2.	All fruit drinks manufacturing	≥ 1,500 Litres / day
3.	Fruit manufacturing	≥ 500 ones/year
4.	Orange Juice manufacturing	All sizes
5.	Wine manufacturing	All sizes
6.	Alcohol and Beer brewery	All sizes
7.	Water supply	≥ 10,000 Users
8.	Tobacco manufacturing	≥ 10,000 Boxes/day
9.	Tobacco leave processing	≥ 350 Tones/ year
10.	Sugar refinery	≥ 3,000 Tones / year
11.	Rice mill and cereal grains	≥ 3,000 Tones / year
12.	Fish, soy bean, chili, tomato sources	≥ 500,000 Litres/ year
II.		Leather tanning, Garment and Textile
1.	Textile and dyeing factory	All sizes
2.	Garments, washing, printing, dyeing	All sizes
3.	Leather tanning, and glue	All sizes
4.	Sponge- rubber factory	All sizes
III.		Wooden production

1.	Plywood	$\geq 100,000\text{m}^3/\text{year}(\text{log})$
2.	Artificial wood	$\geq 1,000\text{m}^3/\text{year}(\text{log})$
3.	Saw mill	$\geq 50,000\text{m}^3/\text{year}(\text{log})$
IV.		Paper
1.	Paper factory	All sizes
2.	Pulp and paper processing	All sizes
V.		Plastic, Rubber and Chemical
1.	Plastic factory	All sizes
2.	Tire factory	$\geq 500\text{ Tones /year}$
3.	Rubber factory	$\geq 1,000\text{ Tones /year}$
4.	Battery industry	All sizes
5.	Chemical production industries	All sizes
6.	Chemical fertilizer plants	$\geq 10,000\text{ Tones /year}$
7.	Pesticide industry	All sizes
8.	Painting manufacturing	All sizes
9.	Fuel chemical	All sizes
10.	Liquid, powder, solid soaps manufacturing	All sizes

VI		Mining production other than metal
1.	Cement industry	All sizes
2.	Oil refinery	All sizes
3.	Gas factory	All sizes
4.	Construction of oil and gas pipeline	$\geq 2\text{ Kilometers}$
5.	Oil and gas separation and storage facilities	$\geq 1,000,000\text{ Litres}$
6.	Fuel stations	$\geq 20,000\text{ Litres}$
7.	Mining	All sizes
8.	Glass and bottle factory	All sizes
9.	Bricks, roofing tile manufacturing	150,000 piece /month
10.	Flooring tile manufacturing	90,000 piece /month
11.	Calcium carbide plants	All sizes
12.	Producing of construction materials(Cement)	900 tones/month
13.	Cow oil and motor oil manufacturing	All sizes
14.	Petroleum study research	All sizes
VII		Metal industries

1.	Mechanical industries	All sizes
2.	Mechanical storage factory	All sizes
3.	Mechanical and shipyard enterprise	All sizes
VIII		Metal Processing Industrials
1.	Manufacturing of harms, barbed wires, nets	$\geq 300$ Tones/month
2.	Steel mill, Irons, Aluminum	All sizes
3.	All kind of smelting	All sizes
IX		Other Industries
1.	Waste processing, burning	All sizes
2.	Waste water treatment plants	All sizes
3.	Power plants	$\geq 5$ MW
4.	Hydropower	$\geq 1$ MW
5.	Cotton manufacturing	$\geq 15$ Tones/month
6.	Animal's food processing	$\geq 10,000$ Tones/year
B.		AGRICULTURE
1.	Concession forest	$\geq 10,000$ Hectares
2.	Logging	$\geq 500$ Hectares
3.	Land covered by forest	$\geq 500$ Hectares
4.	Agriculture and agro-industrial land	$\geq 10,000$ Hectares
5.	Flooded and coastal forests	All sizes
6.	Irrigation systems	$\geq 5,000$ Hectares
7.	Drainage systems	$\geq 5,000$ Hectares
8.	Fishing ports	All sizes
C.		TOURISM
1.	Tourism areas	$\geq 50$ Hectares
2.	Goal field	$\geq 18$ Holes

D.		INFRASTRUCTURE
1.	Urbanization development	All sizes
2.	Industrial zones	All sizes
3.	Construction of bridge-roads	$\geq 30$ Tones weight
4.	Buildings	Height $\geq 12$ m or floor $\geq 8,000$ m <sup>2</sup>
5.	Restaurants	$\geq 500$ Seats
6.	Hotels	$\geq 60$ Rooms

7.	Hotel adjacent to coastal area	$\geq 40$ Rooms
8.	National road construction	$\geq 100$ Kilometers
9.	Railway construction	All sizes
10.	Port construction	All sizes
11.	Air port construction	All sizes
12.	Dredging	$\geq 50,000 \text{ m}^3$
13.	Dumping site	$\geq 200,000$ people

Source: GoC, 1999

Kingdom of Cambodia  
NATION RELIGION KING

**SUB-DECREE  
ON THE IMPLEMENTATION OF THE LAW ON THE AMENDEMENT  
TO THE LAW ON INVESTMENT OF THE KINGDOM OF CAMBODIA  
No 111 ANK/BK DATED SEPTEMBER 27, 2005**

**The Royal Government of Cambodia**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Decree NS/RKT/0704/124 dated July 15, 2004 on the formation of the Royal Government of Cambodia
- Having seen the Royal Kram No. 02/NS/94 dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. 03/NS/94 dated August 5, 1994 regarding the Law on Investment of the Kingdom of Cambodia and Royal Kram No. NS/RKM/0303/009 dated March 24, 2003 promulgating the Amendment to the Law on Investment of the Kingdom of Cambodia
- Having seen the Royal Kram No. NS/RKM/0297/03 dated February 24, 1997 promulgating the Law on Taxation and the Royal Kram No. NS/RKM/0303/010 dated March 31, 2003 promulgating the Amendment to the Law on Taxation
- Having seen the Sub-Decree No. 88/ANK/BK dated December 29, 1997 on the implementation of the Law on Investment of the Kingdom of Cambodia and the amended Sub-Decree No. 53/ANK/BK dated June 11, 1999 regarding the amendment to the Sub-Decree on the implementation of the Law on Investment of the Kingdom of Cambodia and No. 130/ANK/BK dated December 26, 2001 regarding the amendment to the Sub-Decree No 53/ANK/BK dated June 11, 1999
- Having seen the Sub-Decree No. 70/ANK/BK dated July 27, 2001 on the Organizations and Functioning of the Council for the Development of Cambodia and the amending Sub-Decree No. 112/ANK/BK dated November 12, 2002 and No. 35/ANK/BK dated August 04, 2004 on the amendment on the Sub-Decree No 70/ANK/BK dated July 27, 2001
- With the approval of the Council of Ministers during the Cabinet Meeting of September 02, 2005

**IT IS HEREBY DECIDED**

**CHAPTER 1  
GENERAL PROVISIONS**

**Article 1: Coverage of the Sub-Decree**

- 1.1 Objective: This Sub-Decree supplements and governs the application and implementation of the Law on Investment and is intended to encourage and regulate investments in the Kingdom of Cambodia by Cambodian entities and foreign entities.

## Unofficial Translation

2.1 Application: This Sub-Decree applies to every QIP registered at the Council and provincial/municipal investment sub-committee.

### Article 2: Scope of Investment

Investment Activity: This Sub-Decree applies to all investment activities other than those activities set out in the Negative List in Schedule 1, Part 1 of this Sub-decree as provided in Article 7 of the Law on Investment]

### Article 3: Foreign and Cambodian Investment

3.1 Foreign and Cambodian Investment: The Royal Government welcomes investments in all economic activities from Cambodian Entities and Foreign Entities, subject only to the restrictions set out in Article 2 of this Sub-Decree.

3.2 Use of Nominees: An individual or legal entity controlled by Cambodian citizens must not act for, or represent, either directly or indirectly, a Foreign Entity for the purpose of avoiding the effects of the provisions of this Sub-Decree, which restrict or prohibit the activities of Foreign Entities or Foreign nationals.

### Article 4: Definitions

As used in this Sub-Decree, the following terms shall have the meaning as defined hereunder:

**"Applicant"** means a person or a group of persons who submit an Investment Proposal to the Council or to the Provincial/ Municipal Investment Sub-committee.

**"Cambodian Investor"** means an Investor who is a Cambodian citizen or who is a Cambodian Entity.

**"Cambodian Legal Entity"** means a company which is registered in, and whose place of business is in, the Kingdom of Cambodia and 51 percent or more of its shares are held by Persons of Cambodian nationality.

**"Certificate of Compliance"** means the **certificate of obligation satisfaction** required to be lodged under Article 14.2 New or Article 24 New of the Law on Investment, and issued under Article 18.2 of this Sub-Decree.

**"Conditional Registration Certificate"** means the document issued by the Council or the provincial/municipal Investment Sub-committee as set out in paragraph 3 of Article 7 New of Law on Investment and Article 6.3 of this Sub-Decree.

**"Construction Materials"** means construction items including fixtures in or on a facility that is fully transformed and utilized in the construction of facilities to be used by a QIP to carry out its Investment Activity during the initial construction phase or expansion.

**"Council"** means the Council for the Development of Cambodia established by Article 3 of the Law on Investment.

**"Council Sub-Decree"** means the Sub-Decree No. 70/ANK/BK dated July 27, 2001 on the Organization and Functioning of the Council for the Development of Cambodia and its subsequent amendments No. 112/ANK/BK dated November 12, 2002 and No. 35/ANK/BK dated August 4, 2004.

**"Customs Duties"** means taxes on foreign trade as listed in the customs tariffs imposed on goods when importing into or exporting out of the customs territory.

**"Domestic QIP"** means a QIP that does not aim at export.

**"Export QIP"** means a QIP that sells or transfers a proportion of its product to a purchaser or transferee outside the Kingdom of Cambodia.



## Unofficial Translation

**"Financial Management Law"** means the annual Financial Management Law.

**"Final Registration Certificate"** means the document issued by the Council or the provincial/municipal Investment Sub-committee as set out in paragraph 7 of Article 7 New of the Law on Investment and Article 7.3 of this Sub-Decree.

**"Foreign Legal Entity"** means an entity which is not a Cambodian Entity or which is not created in compliance with Cambodian laws.

**"Investment Activity"** means the business activity to be carried out in Cambodia under a QIP.

**"Investment Capital"** means the value of the investment indicated in USD currency excluding the value of land and working capital.

**"Investment Guarantees"** means the guarantees set out in Chapter 4 of the Law on Investment as provided for in this Sub-Decree, which are available to an Investor who complies with all the requirements of this Sub-Decree.

**"Investment Incentives"** means the incentives set out in Chapter 5 of the Law on Investment and as provided for in this Sub-Decree, which are available to an Investor who complies with all the requirements of this Sub-Decree.

**"Investment Proposal"** means a proposal submitted to the Council or provincial/municipal Investment Sub-committee by any person for the purpose of establishing a QIP.

**"Investor"** means the person who carries out QIP.

**"Law on Investment"** means the Law on Investment promulgated by Royal Kram No. 03/NS/94 dated August 5, 1994 and which is amended by the Law on the Amendment to Law on Investment of the Kingdom of Cambodia promulgated by Royal Kram No. NS/RKM/0303/009 dated March 24, 2003.

**"Law on Taxation"** means the Law promulgated by the Royal Kram No. NS/RKM/0297/03 dated February 24, 1997 and which is amended by Law on the Amendment to Law on Taxation promulgated by Royal Kram No. NS/RKM/0303/010 dated March 31, 2003.

**"Machine Parts"** means parts of Production Equipments with a working life of less than 2 years including spares of such parts and equipments.

**"Negative List"** means the list of Investment Projects as set out in Schedule 1 of this Sub-Decree.

**"Person"** means natural or legal person.

**"Production Equipment"** means any machinery and tool used in the substantial transformation of Production Inputs which is not itself transformed or consumed within 2 (two) years of its importation, including information technology equipment or any motor vehicle.

**"Production Inputs"** means goods, including raw materials, semi finished products, and accessories serving production that is fully transformed or utilized in the production process of the QIP no later than 2 (two) years after importation.

It does not include office equipments and furnitures, petroleum products, vehicles, and spare parts for vehicles.

**"Production Outputs"** means goods which are produced from Production Inputs that have been transformed.

**"Professional Service"** includes, but is not limited to, legal, financial, accounting, auditing, tax consulting, architecture, engineering, information technology services, advertising, and management services.

**"Provincial/municipal Investment Sub-committee"** means the sub-committee of the provinces or municipalities established by Sub-decree to review and approve investment projects with an investment capital of less than USD2,000,000 (two million US dollars) at the provincial and municipal level.

## Unofficial Translation

**"Qualified Investment Project" or "QIP"** means an investment project for which a Final Registration Certificate has been issued.

**"Supporting Industry QIP"** means a QIP in which one hundred percent of the product is used to supply the export industry instead of usually imported raw materials and accessories.

**"Working Day"** means a calendar day which is officially a working day of the Royal Government of Cambodia.

## CHAPTER 2

### INVESTMENT PROPOSALS AND REGISTRATION CERTIFICATES

#### Article 5: Application for Conditional Registration Certificate

- 5.1 Application and Fee: Any person who wishes to obtain the Investment Incentives and Guarantees or only the Investment Guarantees shall submit to the Council or the Provincial/Municipal Investment Sub-committee an Investment Proposal on a completed Application Form duly signed by or on behalf of the Applicant with appropriate Power of Attorney along with the payment of the Application Fee in the amount of 7,000,000 (seven million) Riels, representing the administration fees for securing the approvals, authorizations, licenses, or registrations from all relevant ministries and entities including stamp duty.
- 5.2 Application Form: The Application Form for an Investment Proposal is set out in Schedule 2 of this Sub-Decree.
- 5.3 Evidence of authority to act: If an Investment Proposal is signed by a person on behalf of the Applicant, documentary evidence of that person's authority to so act must be submitted to the Council or the Provincial/Municipal Investment Sub-committee with the Investment Proposal.
- 5.4 Multi-activity Projects: If a person proposes to invest and carry out more than one Investment Activity, which, if registered, would be carried out as a QIP, the person must submit a separate Investment Proposal for each Investment Activity.
- 5.5 Election for Exemption from Tax on Profit: An Applicant who wishes to become entitled to the exemption from the Tax on Profit under Article 14.1 of the Law on Investment in accordance with Article 15 of this Sub-Decree on receiving a Final Registration Certificate, must make an election in writing to that effect in the Investment Proposal.
- 5.6 Election precluding other Fiscal Allowances: In making the election under Sub-Article 5.5, the Applicant acknowledges that the election to utilize the tax holiday provided under Article 14.1 of the Law on Investment disqualifies the Investor from claiming any investment allowance otherwise available to the Investor under the Law on Taxation in respect of the QIP.
- 5.7 Election for Investment Guarantees only: An Applicant, who wishes to receive only the benefit of the Investment Guarantees, may make a written election in the Application Form as long as the Applicant is a non-QIP but falls under the Investment Guarantees of the Law on Investment. In this case, the Council and the Provincial/Municipal Investment Sub-committee shall issue a specific license to the Applicant.

#### Article 6: Registration of Investment Proposal or its refusal

- 6.1 Registration Process: The Council or Provincial/Municipal Investment Sub-Committee must, within 3 Working Days of the submission of an Investment Proposal under Article 5.1:
- (a) if neither paragraph (b) nor (c) applies, register the Investment Proposal and notify the Applicant in accordance with Sub-Article 6.3; or

## Unofficial Translation

- (b) refuse the Investment Proposal and notify the Applicant in accordance with Sub-Article 6.6 if the Investment Proposal is made in respect of an Investment Activity which:
    - (i) is included in the Negative List; or
    - (ii) previously has been, or is currently, carried on by the Investor or any other person and which has already received Investment Incentives under the Law on Investment
  - (c) refuse the investment proposal and notify the Applicant in accordance with Sub-Article 6.6 if the Investment Proposal does not contain all the information required under Sub-Article 5.1.
  - (d) the Council or the Provincial/Municipal Investment Sub-committee has the right to postpone the registration of specific Investment Projects related to the national interest or are environmentally sensitive which required to be processed through the one-stop mechanism of the Council and the Provincial/Municipal Investment Sub-committee who shall notify the specific grounds to the applicant within 3 (three) Working Days of the submission of the Investment Proposal.
- 6.2 Amendment of Investment Proposal: If the Investment Proposal made to the Council does not conform to Article 5 of this Sub-Decree, the Council or the Provincial/Municipal Investment Sub-committee may, by written notice within 3 Working Days of the Investment Proposal's submission to the Council or the Provincial/Municipal Investment Sub-Committee, require the Applicant to amend the Investment Proposal made to it and to resubmit the Investment Proposal to the Council and the Provincial/Municipal Investment Sub-committee.
- 6.3 Issuance of Conditional Registration Certificate: If the Council or the Provincial/Municipal Investment Sub-committee registers an Investment Proposal under Sub-Article 6.1(a), it must issue to the Applicant, within 3 Working Days of the submission of the Investment Proposal, a Conditional Registration Certificate, in the form set out in Schedule 3, containing the following:
- (a) a list of all the necessary approvals, authorizations, licenses, permits or registrations which are required for the QIP to be lawfully undertaken and The ministries, departments, authorities, entities of the provinces/municipalities or agencies of the Royal Government responsible for issuing those documents upon the Applicant meeting the criteria required for the issuing of those documents.
  - (b) the election made by the Applicant pursuant to Sub-Article 5.5, 5.6 or 5.7.
  - (c) the Investment Incentives and Guarantees to which the investment project will be entitled if the Final Registration Certificate is issued, including the Tax on Profit exemption period under Article 14.1 of the Law on Investment.
  - (d) the election made by the Applicant pursuant to Article 5.7, and the subsequent non-entitlement to the Investment Incentives.
  - (e) recognition of the statutes of the legal entity which will undertake the QIP.
- 6.4 Default on the issuance of Conditional Registration Certificate: If the Council or the Provincial/Municipal Investment Sub-committee fails to issue a Conditional Registration Certificate under Sub-Article 6.3 or fails to issue Letter of Non-Compliance under Sub-Article 6.6 within 3 Working Days, the Investment Proposal is deemed to be registered and the Council or the Provincial/Municipal Investment Sub-committee must issue a Conditional Registration Certificate to the Applicant immediately.
- 6.5 Information to accompany Conditional Registration Certificate: The Council or the Provincial/Municipal Investment Sub-committee must issue with the Conditional Registration Certificate the investment guidelines and assessment criteria for each of the approvals, authorizations, licenses, permits or registrations referred to in Sub-Article 6.3(a).
- 6.6 Letter of Non-Compliance: If the Council or the Provincial/Municipal Investment Sub-committee refuses an Investment Proposal under Sub-Article 6.1(b), it must issue to the Applicant a Letter of Non-Compliance containing:

- (a) the reason why the Investment Proposal was not acceptable; and
- (b) the additional information required to enable the Council or the Provincial/Municipal Investment Sub-committee to register an amended Investment Proposal.

**Article 7: Issuance of Final Registration Certificate**

- 7.1 Council or the Provincial/Municipal Investment Sub-committee to assist with the various types approvals, authorizations: After issuing the Conditional Registration Certificate in accordance with Sub-Article 6.3, the Council or the Provincial/Municipal Investment Sub-committee must, on behalf of the Applicant, assist with the issuance of the approvals, authorizations, licenses, permits or registrations referred to in Sub-Article 6.3(a) by the relevant ministries, departments, authorities, entities of the provinces/municipalities or agencies of the Royal Government.
- 7.2 Payment of Deposit: An Investor shall not be required to make payment of any deposit to guarantee his or her investment except for the case of an infrastructure concession as required in the concession contract.
- 7.3 Issuance of Final Registration Certificate: When the holder of a Conditional Registration Certificate obtains all of the approvals, authorizations, licenses, permits or registrations referred to in Sub-Article 6.3(a), the Council or the Provincial/Municipal Investment Sub-committee must issue a Final Registration Certificate.
- 7.4 Period to issue Final Registration Certificate: If the holder of a Conditional Registration Certificate has not obtained all of the approvals, authorizations, licenses, permits or registrations referred to in Sub-Article 6.3(a) within 28 Working Days of the date of issuance of the Conditional Registration Certificate, the Council or the Provincial/Municipal Investment Sub-committee must issue a Final Registration Certificate.
- 7.5 Application for other approvals from relevant institutions: A Final Registration Certificate issued by the Council or the Provincial/Municipal Investment Sub-committee under Sub-Article 7.4 does not negate the obligation of the Applicant to obtain and receive all of the approvals, authorizations, licenses, permits or registrations required for the proposed QIP to operate lawfully.
- 7.6 Commencement of QIP: A QIP commences on the date of issuance of the Final Registration Certificate for that QIP and this commences the Trigger Period for the Tax on Profit Exemption period under Article 14.1 of the Law on Investment and Sub-Article 15.1 of this Sub-Decree.
- 7.7 Obligation to ask for other approvals: A QIP shall file written applications in accordance with applicable procedures to the Council or the Provincial/Municipal Investment Sub-committee for its approval of any changes of address, head office, place of business, company name, shares, and any other changes to the Investment Proposal and to the statute of the Investor within 10 (ten) Working Days prior to such changes so that the Council or the Provincial/Municipal Investment Sub-committee can decide on the issues no later than 10 (ten) Working Days.

**Article 8: Revocation or Cancellation of Final Registration Certificate**

- 8.1 Revocation of Final Registration Certificate: A Final Registration Certificate shall be revoked from the date it was issued by the Council or Provincial/Municipal Investment Sub-Committee if an Investor:
  - (a) obtained a Final Registration Certificate or a Certificate of Compliance through fraud or misrepresentation; or
  - (b) does not commence an Investment Activity within six (6) months of the receipt of all the documents referred to in Sub-Article 7.3 except for the case of concession contracts in which such period is specified by agreement in the contract.
- 8.2 Cancellation of Final Registration Certificate: If an Investor applies to the Council or the Provincial/Municipal Investment Sub-committee for a Final Registration Certificate to be cancelled under Article 21 New of the Law on Investment, the Council or the Provincial/Municipal Investment Sub-

## Unofficial Translation

committee must cancel that Final Registration Certificate only if and when the Investor has fully complied with Articles 22 New and 23 New of the Law on Investment.

- 8.3 Notification of revocation of Final Registration Certificate: If the Council or the Provincial/Municipal Investment Sub-committee revokes a Final Registration Certificate in accordance with this Article, the Council or the Provincial/Municipal Investment Sub-committee must notify the Investor in writing of the revocation.
- 8.4 Appeals: An Investor whose Final Registration Certificate is revoked by the Council or the Provincial/Municipal Investment Sub-committee under this Article may appeal in writing to Co-Chairmen of the Council within 20 Working Days of the date or receipt of the written notification of revocation from the Council or the Provincial/Municipal Investment Sub-committee under Sub-Article 8.3.
- 8.5 Loss of Investment Incentives: A QIP whose Final Registration Certificate is revoked or cancelled is not entitled to claim, on and from the date of the revocation or cancellation, any of the Investment Incentives set out in the Final Registration Certificate.

## CHAPTER 3 ACQUISITIONS AND MERGERS OF QIPs

### Article 9: Merger of QIPs

- 9.1 If two or more Investors, or an Investor and any other Person, agree to merge to form a new entity, and the new entity wishes to carry out the Investor's QIP and be entitled to the Investment Incentives and Guarantees specified in the QIP's Final Registration Certificate, the new entity must apply in writing to the Council or the Provincial/Municipal Investment Sub-committee to be registered as an Investor and for the QIP's Final Registration Certificate to be transferred to the new entity within 10 Working Days prior to the merging and transfer of the Final Registration Certificate.
- 9.2 The Council or the Provincial/Municipal Investment Sub-committee must consider the application made under Sub-Article 9.1 and must provide the new entity with a written approval or refusal of the registration and the transfer of the Final Registration Certificate within 10 (ten) Working Days of the receipt of the application.

### Article 10: Acquisition of a QIP by unregistered Person

- 10.1 If an unregistered Person purchases the ownership of a QIP and it wishes to carry out the Investor's QIP and be entitled to the Investment Incentives and Guarantees specified in the QIP's Final Registration Certificate, the purchaser must apply in writing to the Council or the Provincial/Municipal Investment Sub-committee to be registered as an Investor and for the QIP's Final Registration Certificate to be transferred to the new entity within 10 (ten) Working Days prior to the transfer of the Final Registration Certificate.
- 10.2 The Council or the Provincial/Municipal Investment Sub-committee must examine the application made under Sub-Article 10.1 and must provide the purchasing entity with a written approval or refusal of the registration and the transfer of the Final Registration Certificate within 10 (ten) Working Days of the receipt of the application.
- 10.3 If a transfer of shares in an Investor results in control of the Investor being acquired by the transferee, the Investor must apply to the Council or the Provincial/Municipal Investment Sub-committee for the transfer and provide the name and address of the transferee within 10 (ten) Working Days prior to the transfer in order that the Council or the Provincial/Municipal Investment Sub-committee can decide on the issue no later than 10 (ten) days.
- 10.4 For the purpose of Sub-Article 10.3, "control" means holding at least 20% of the shares in the Investor.

**Article 11: Acquisition of a QIP by another Investor**

- 11.1 If a registered Investor purchases the ownership of a QIP and it wishes to be entitled to the Investment Incentives and Guarantees of a QIP carried on by that Investor, the purchasing Investor must apply in writing to the Council or the Provincial/Municipal Investment Sub-committee for the acquisition within 10 (ten) Working Days prior to the acquisition in order to receive that entitlement.
- 11.2 The Council or the Provincial/Municipal Investment Sub-committee must consider the application made under Sub-Article 11.1 and must provide the purchasing Investor with written approval or refusal of the registration and the transfer of the Final Registration Certificate within 10 (ten) Working Days of the receipt of the application.

**Article 12: Failure to register or to apply for approval**

If a new Person or a purchasing Investor fails to apply to the Council or the Provincial/Municipal Investment Sub-committee for registration in accordance with Article 9 or 10, or a purchasing Investor fails to apply to the Council or the Provincial/Municipal Investment Sub-committee in accordance with Article 11, the new Person or the purchasing Investor is not entitled to any of the QIP's Investment Incentives and Guarantees.

**CHAPTER 4  
JOINT VENTURES**

**Article 13: Joint Ventures**

A QIP may be in the form of a joint venture. A joint venture may be formed between Cambodian Entities, between Cambodian Entities and Foreign Entities and between Foreign Entities themselves and may include a joint venture with institutions of the Royal Government. There are no limitations based on nationality or the share-holding proportions of each shareholder, other than if the joint venture owns, or intends to own, land, or an interest in land in the Kingdom of Cambodia. In such case, the maximum combined share-holding of all persons who are not Cambodian Entities must not exceed 49 (forty nine) percent.

**CHAPTERS 5  
TAXATION**

**Article 14: General Principles**

- 14.1 Liability for taxes: Investors are liable to, and must comply with the provisions of the Financial Management Law, the Law on Taxation, and the Law on Investment and related regulations.
- 14.2 Natural resources: The tax rate of the Tax on Profit, which profit derived from a contract sharing of oil and natural gas exploitation or from natural resources related activities including, but not limited to, timber, ore, gold and precious stones, shall be determined in accordance with Article 20.2 of the Law on Amendment to Law on Taxation.
- 14.3 Limitations: A full or partial exemption from taxes and customs duties shall only apply to the payment of any liability for the Tax on Profits and the payment of Customs Duty as provided in this Sub-Decree. These exemptions do not include the following:
- (a) tax on salary and withholding tax as stated in Articles 25 New and 26 New of the Law on Taxation, and Additional Profit Tax on the distribution of dividend and

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- (b) **Value Added Tax**, specific tax on certain merchandises and services, duties and taxes to be paid at the time of import, and any other taxes as specified in the laws in force.

### Article 15: Tax on Profit

- 15.1 Period of exemption from the Tax on Profit: In accordance with Article 14.1 of the Law on Investment, the profit tax exemption period, which is Trigger Period plus 3-year Period plus Priority Period, shall be determined in accordance with this Article.
- 15.2 Trigger Period: For Article 14.1 of the Law on Investment, the trigger period of the profit tax exemption period is the period commencing on the issuance of the Final Registration Certificate and ending on the last day of the taxation year immediately preceding the earlier of:
- (a) if the QIP derives a profit, the taxation year that the profit is first derived; and
  - (b) if the QIP derives income from the Investment Activity in respect of the sale of goods or services, the third taxation year after the taxation year in which the income is first derived.
- For the purpose of this Sub-Article and Article 14.1 of the Law on Investment, profit refers to the taxable profit calculated under the provisions of the Law on Taxation regardless of the provisions of ` carry forward of losses under Article 17 of the Law on Taxation.
- 15.3 Three Years: This immediately commences from the taxation year immediately following the Trigger Period and the 2 immediately succeeding years.
- 15.4 Priority Period: The Priority Period determined under the Financial Management Law commences immediately after the third taxation year of the three year period provided under Sub-Article 15.3
- 15.5 Prepayment of the Tax on Profit for QIPs registered after the promulgation of Law on the Amendment to Law on Investment: The prepayment of the Tax on Profit does not apply to a QIP granted an exemption from the Tax on Profit as provided in Article 14.1 of the Law on Investment.
- 15.6 Prepayment of the Tax on Profit for QIPs approved before the promulgation of Law on the Amendment to the Law on Investment: A QIP which is subject to Article 24 (2) New of the Law on Investment shall make monthly prepayments of Tax on Profit at the rate of 1% of turnover inclusive of all taxes, except Value Added Tax derived in the previous month, in accordance with Article 28 New of the Law on Taxation. The QIP's turnover realized during the exemption period determined by the Law on the Amendment to the Law on Investment of the Kingdom of Cambodia shall be exempt from prepayment of the Tax on Profit.
- 15.7 In accordance with Article 24 New of the Law on Taxation, **a QIP shall not be subject to the minimum tax.**

### Article 16: **Customs Duty Exemption on Production Equipments, Construction Materials, and Production Inputs**

- 16.1 Exemption for Production Equipments and Construction Materials-**Domestic QIP:**  
In accordance with Article 14.5 of the Law on Investment, **Production Equipments and Construction Materials imported by a domestic QIP are exempt from Customs Duty.** In the case where a QIP has a capability to directly export any portion of its manufactured products or has supplied for export industry, **the quantity of Production Inputs that were taxed at the time of import and later used to produce goods that are, directly or indirectly, exported shall be entitled to duty exemption** after a review of the quarterly report.
- 16.2 Customs Duty Exemptions for Production Equipments, Construction Materials, and Production Inputs - **Export QIP:**  
In accordance with Article 14.6 of the Law on Investment, Production Equipments, Construction Materials, and Production Inputs imported by the Export QIP are exempt from Customs Duty. However, for the Export QIP which operates under the custom bounded warehouse mechanism, the customs duty



## Unofficial Translation

exemption shall be in compliance with the Customs laws and regulations in force applicable to the mechanism. The processed Production Inputs that have not been exported shall be subject to the payment of customs duties and taxes applicable at the time of import after review of the quarterly report.

- 16.3 Customs Duty Exemptions for Production Equipments, Construction Materials, and Production Inputs – Supporting Industry QIP:  
In accordance with Article 14.7 of the Law on Investment, Production Equipments, Construction Materials, and Production Inputs imported by a Supporting Industry QIP are exempt from Customs Duty. However, in the case where the Supporting Industry QIP failed to supply 100% of its manufactured products to the export industry or directly export its products, then the QIP shall pay the customs duties and taxes on Production Inputs for the quantity that has not been supplied to the export industry or directly exported after review of the quarterly report.
- 16.4 Procedure for Customs Duty Exemption: The Council must:
- (a) establish an inter-institution mechanism comprising members from the Council, and the Ministry of Economy and Finance to review the grant of incentives on the import and use of Production Equipments, Construction Materials and Production Inputs by a QIP for each investment purpose.
  - (b) prepare a detailed Guideline on procedure for a QIP to be entitled to Customs Duty exemption.
- 16.5 Transfer or sale of Production Equipments, Construction Materials, and Production Inputs:
- If any Production Equipments, Construction Materials, or Production Inputs in respect of which Customs Duty taxes were exempted on their importation are sold or used in a way unrelated to the QIP purpose, the Investor shall immediately:
- (a) pay Customs Duty taxes within 28 (twenty eight) Working Days in the amount calculated under the Customs Law and Regulations in force if the transfer or sale is done with a prior authorization from the Council.
  - (b) pay Customs Duty, taxes, and penalties within 28 (twenty eight) Working Days in the amount calculated under the Customs Law and Regulations in force if the transfer or sale is done without prior authorization from the Council.
  - (c) be subject to a temporary suspension of import authorization, and an examination of the Customs Duty exemption application submitted under the Law on Investment, including other Customs penalties in the case of omission or delay in payment of Customs Duty, Taxes, penalties as defined in paragraphs (a) and (b) of this Article 16.5
- 16.6 The transfer or sale of Production Equipments or Construction Materials and Production Inputs to another Investor:  
An Investor or his/her representative may apply in writing to the Council for approval on the transfer or sale by a QIP of Production Equipments, Construction Materials, or Production Inputs which were imported with Customs Duty exemption, to another Investor to be used in a QIP.

## CHAPTER 6 REPORTING OBLIGATIONS AND CERTIFICATES OF COMPLIANCE

### Article 17: Reporting Obligations

- 17.1 Taxation Reporting Obligations: As mentioned in Article 104 New of the Law on Taxation, from the date of issuance of its Final Registration Certificate, a QIP shall submit monthly and annual tax declarations and shall pay all taxes as imposed by each taxation regulation to the Tax Department, along with a Certificate of Compliance for the taxation year.



## Unofficial Translation

- 17.2 Customs Duty Exemption Reporting Obligation: All Production Equipments and construction materials imported by a QIP are subject to all customs clearance formalities. Within 30 (thirty) working days of import, a QIP must submit to the Council and the Tax Department the certified copies of customs clearance documents, including the valuation documents of those goods issued by the government appointed agency.

### Article 18: Compliance Certificate

- 18.1 Compliance Certificate: In each taxation year, a QIP may not claim, and is not entitled to, any of the Investment Incentives unless a QIP is issued with a Compliance Certificate.
- 18.2 Automatic Issuance: Subject to a revocation of the Council under Sub-Article 18.4 and 18.5, the Council shall issue the Compliance Certificate to a QIP within 90 (ninety) Working Days after the end of each financial year.
- 18.3 Failure to Issue: If the Council failed to issue the Compliance Certificate under Sub-Article 18.2, it is deemed to have been issued but is subject to revocation under Sub-Article 18.4 and 18.5.
- 18.4 Review Powers: The Council may review any QIP holding a Compliance Certificate to determine whether the QIP has provided all information required to be lodged under Sub-Article 18.6.
- 18.5 Loss of Investment Incentives: The Council may revoke a QIP's Compliance Certificate if it is satisfied, after reasonable review under Sub-Article 18.4 that the QIP has failed to provide all information required to be lodged under this Article. The QIP loses its entitlement to all Investment Incentives from the date of revocation of the Compliance Certificate.
- 18.6 Information to be delivered: Every Investor who carries a QIP must lodge with the Council:
- (a) an annual financial statement, consisting of a balance sheet, a profit and loss account, cash flow statement and remark no later than the 31st of March of the following year;
  - (b) a Certificate of Tax Obligation Satisfaction from the Tax Department certifying that the Investor has:
    - (i) properly complied with and filed the monthly tax returns on time except in the case where such tax returns of that year is required by the Law on Taxation.
    - (ii) paid all taxes, levies, interest, and surcharges determined for the period of taxation audited by the Tax Department.
  - (c) quarterly report on the effective import of Production Equipments and Production Inputs for the production, and quarterly report on the effective export of the QIP's finished products and annual inventory list of immovable properties.
  - (d) investment information sheet in **CIB 01S** form.

## CHAPTER 7 OWNERSHIP AND LAND USE

### Article 19: Ownership

- 19.1 Ownership: The Land Ownership serving the Investment Activity is to be vested in a Cambodian natural person or legal entity in compliance with the Law in force.
- 19.2 Registration of Ownership: To register land Ownership, the Investor shall complete all forms or formalities for registration with the cadastral office under the jurisdiction of which the immovable property is located.

## Unofficial Translation

- 19.3 Ownership Rights: Under the Constitution of the Kingdom of Cambodia, the foreign natural person or legal entity may not own land in the Kingdom of Cambodia.

### **Article 20: Use of Land**

- 20.1 Cambodian Legal Entity: In addition to the Ownership Rights, the Cambodian Investor is entitled to use land in various forms, including concession, lease, transfer, and as securities.
- 20.2 Foreign Legal Entity: A Foreign Legal Entity may use the land in various forms, including concession, long term lease for 15 (fifteen) years or more, and renewable short term lease. Land Use rights include the rights on buildings, arrangements, or improvements made by the lessee for a duration specified in the contract, provided that the uses are exercised in compliance with the law in force.
- 20.3 Lease of State Land: Any natural or legal entity who leased any piece of land from the State shall act in compliance with regulations regarding the management of the State property.
- 20.4 Sub-Lease: Any natural or legal entity who leased any piece of land from the State may sub-lease such land to a third party only if he/she obtained express prior approval or authorization from the competent authority.

## **CHAPTERS 8 LABOR FORCE**

### **Article 21: Use of Labor Force**

The Council has the duty to advise and help facilitate the investor with regard to obtaining, for the foreign spouse accompanying the investor, a visa, the right to stay and appropriate travel permit in compliance with the immigration law and its regulations.

For the recruitment by the investor of foreign staff and management experts, technical staff, skilled workers who are not available among Cambodians citizens, the Council shall help facilitate the investor to obtain the right to recruit those foreign employees to work as needed, in accordance with the Labor law, Immigration law and relevant regulations in force.

## **CHAPTER 9 PENALTIES**

### **Article 22: Penalties**

If the Investor fails to perform any obligation imposed by this Sub-Decree or the Law on Investment, the Investor shall be subject to penalties defined in Article 8.1, Article 12 or Article 18.5 of this Sub-Decree or other Laws regarding the omission or failure to perform obligations.

## **CHAPTER 10 TRANSITIONAL PROVISIONS**

### **Article 22: Recognition as QIP of Investment Project Approved Prior to the Amendment to the Law on Investment**

- 23.1 Any Invest Project approved under the Law on Investment of the Kingdom of Cambodia promulgated by Royal Kram No. 03/NS/94 dated August 05, 1994 and whose activity is undergoing before the date of entry into force of this Sub-Decree will be recognized as a QIP after the Investor has submitted a written proposal to the Council to have it deemed as a QIP and after satisfying all obligations defined in the Law on Investment and this Sub-decree.

The Council shall issue to the investor a Certificate of Recognition for the above Investment Project as QIP no later than 3 (three) Working Days.

## Unofficial Translation

For the Investment Project that has been approved but failed to perform any Investment Activity or started an Investment Activity for a period of time but later postponed the Activity without any notice of such postponement or termination to the Council, such Investment Project shall be subject to further regularization of documents in order to obtain QIP's entitlement before recommencement of the Investment Project.

### 23.2 Incentives for Investment Projects Approved Prior to the Adoption of the Amendment to the Law on Investment.

Investment Project which was approved prior to the adoption of the Amendment to the Law on Investment and has been recognized as QIP entitled to the profit tax rate of 9% before the promulgation of the Amendment to the Law on Investment of the Kingdom of Cambodia, is entitled to such 9% rate for a transitional period of not more than 5 (five) years starting from the fiscal year after the promulgation of the Amendment to the Law on Investment of the Kingdom of Cambodia and this Sub-decree only if the Investor has fulfilled all obligations stipulated in Chapter 6 of this Sub-Decree.

Investment Project which was approved prior to the adoption of the Amendment to the Law on Investment and has been recognized as a QIP and provided with Investment Incentives in writing by the Council may still be entitled to incentives in the form of profit tax and Customs Duties exemption on the import of Production Equipment, Construction Materials, and Production Inputs only if the Investor has fulfilled all obligations stipulated in Chapter 6 of this Sub-Decree.

## CHAPTER 11

### FINAL PROVISIONS

#### Article 24: Abrogation

The Sub-Decree No 88/ANK/BK dated December 29, 1997 on the Implementation of the Law on Investment of Cambodia, Amendment Sub-Decree No 53/ANK/BK dated June 11, 1999 on the Amendment to Sub-Decree on the Implementation of Law on Investment of Cambodia, Sub-Decree No 130/ANK/BK dated December 26, 2001 on the Amendment to Sub-Decree No 53/ANK/BK dated June 11, 1999, and any other regulation in contrary to this Sub-Decree shall be abrogated.

#### Article 25:

The Minister in charge of the Office of the Council of Ministers, the Minister of Economy and Finance, the Council for the Development of Cambodia, Ministers of all ministries, heads of all institutions, and provincial/municipal governors shall effectively implement this Sub-decree within their respective functions commencing from the date of signature.

Phnom Penh, .....2005

**PRIME MINISTER**

**HUN SEN**

#### CC:

- Ministry of Royal Palace;
- General Secretariat of Constitutional Council;
- General Secretariat of the Senate;
- General Secretariat of the National Assembly;
- Cabinet of Samdech Prime Minister;
- General Secretariat of the Royal Government;
- As defined in Article 25;
- Archives - Chronicle

**ANNEX I**

of the Sub-Decree No 111 ANK/BK date on September 27, 2005 on the Implementation of the Law on the Amendment to the Law on Investment of the Kingdom of Cambodia

**Negative List (Article 6.1)**

**Section 1: Investment Activities Prohibited by the Relevant Law and Sub-Decrees:**

1. Production/processing of psychotropic substances and narcotic substances;
2. Production of poisonous chemicals, agriculture pesticide/insecticide and other goods by using chemical substances, prohibited by international regulations or the World Health Organization, that affect the public health and environment;
3. Processing and production of electricity power by using any waste imported from a foreign country;
4. Forestry exploitation business prohibited by Forestry Law;
5. Investment activities prohibited by law. **(Cancelled by Sub-Decree # 34 (RGC) of April 23, 2007)**

**Section 2: Investment Activities Not Eligible for Incentives**

1. All kinds of commercial activity, import, export, wholesale, retails, including duty free shops;
2. Any transportation services by waterway, by road, by air except investment in railway sector;
3. Restaurants, karaoke parlors, bars, nightclubs, massage parlor, fitness that are located outside of international standard hotel. However, though it is located in the international standard hotel if the Investor leased the above locations to a non-QIP third party lessee to conduct business, such investor shall not be entitled to profit tax exemption as granted to the Investor under the Amendment to the Law on Investment;
4. Tourism service provider, tourism agent, tourism information and tourism advertisement;
5. Casino and gambling business and service of any kind;
6. Currency and Financial business and services, including bank, financial institution, insurance company, and all kind of financial intermediation;
7. Activity related to newspaper and media, including radio, television, press, magazine, movie, video production or reproduction, theatre, studio, and related activities;
8. Professional services;
9. Living Modified Organisms LMOs that causes danger to biodiversity, human health and environment;
10. Production and processing of wood products which using wood from natural forest with a legal domestic supplying source as raw materials;
11. Production of tobacco products;
12. Production of food products and beverages with the investment capital less than USD500, 000 (five hundred thousand);
13. Production of product for textile industry with the investment capital less than USD500, 000 (five hundred Thousand);
14. Production of garments, textiles, footwear, hats with the investment capital less than USD500, 000 (five hundred thousand);
15. Production of furniture and fixture, which not using natural wood with the investment capital less than USD500, 000 (five hundred thousand);
16. Production of paper and paper products with the investment capital less than USD 500, 000 (five hundred thousand);
17. Production of chemicals, cement, agriculture fertilizer, petrochemicals with the investment capital less than USD1, 000,000 (one million);
18. Production of rubber products and plastic product with the investment capital less than USD500, 000 (five hundred thousand);
19. Production of leather products and other related products with the investment capital less than USD300, 000 (three hundred thousand);
20. Production of all kinds of metal products with the investment capital less than USD300, 000; (three hundred thousand);
21. Production of electrical and electronic appliances and office materials with the investment capital less than USD300, 000 (three hundred thousand);
22. Production of toys and sporting goods with the investment capital less than USD300, 000 (three hundred thousand);
23. Production of motor vehicles, parts and accessories with the investment capital less than USD300, 000 (three hundred thousand);

## Unofficial Translation

24. Clean water supplies with the investment capital less than USD500, 000 (five hundred thousand);
  25. Supporting industry, which has its entire production (100%) supplying export industry with the investment capital less than USD100, 000 (one hundred thousand);
  26. International trade exhibition center and convention halls with the investment capital less than USD8, 000,000 (eight million)
  27. Construction of modern market or trade center with the investment capital less than USD2, 000,000 (two million) with size less than 10,000 (ten thousand) square meters and has inadequate space for car park;
  28. Production of animal feed with the investment capital less than USD200, 000 (two hundred thousand);
  29. Production of ceramic products with the investment capital less than USD300, 000; (three hundred thousand);
  30. Training and educational institutes that provide training for skill development, technology, or poly technology that serve industrial, agricultural, tourism, infrastructure, environment, engineering, sciences, and other services with the investment capital less than USD4, 000,000 (four million);
  31. Hotel below 3-star grade
  32. Complex tourism center with hotel containing less than 100 rooms or tourist inns of less than 30 housing and tourist estates (resort) less than a minimum length of ten (10) hectares;
  33. Natural Tourism and creation of natural tourism site with the size less than 1,000 (one thousand)hectares of land with the investment capital less than USD1, 000,000 (one million);
  34. Complex resort, including hotel, theme park, sport facilities, zoo with less than 50 (fifty) hectares;
  35. Car parking;
  36. Warehouses facilities;
  37. Polyclinic having less than 50(fifty) patient beds with no modern equipment, laboratories, surgical operation, x-ray, emergency, pharmacy room, lift elevator (for up to 3 story building), apply no ambulances, morgue, with the investment capital less than USD1, 000,000 (one million);
  38. Production of modern medicines with the investment capital less than USD1, 000,000 (one million);
  39. Production of traditional medicines with the investment capital less than USD500, 000(five hundred thousand);
  40. Agricultural production:
    - 40.1 Paddy farming less than 1000 (one thousand) hectares
    - 40.2 All kinds of cash crops less than 500 (five hundred) hectares
    - 40.3 Vegetables less than 50 (fifty) hectares
  41. Livestock production
    - 41.1 Cattle husbandry less than 1,000 (one thousand) heads;
    - 41.2 Dairy farm less than 100 (hundred) cows;
    - 41.3 Poultry farm less than 10,000 (ten thousand) heads;
  42. Aquatic production:
    - 42.1 Fresh water aquaculture farm less than 5 (five) hectares;
    - 42.2 Sea water aquaculture farm less than 10 (ten) hectares;
  43. Timber plantation, tree plantation, and wild animal farm:
    - 43.1 Timber plantation less than 1,000 (one thousand) hectares;
    - 43.2 Tree plantation less than 200 (two hundred) hectares;
    - 43.3 Wild mammal husbandry less than 100 ( one hundred) heads;
    - 43.4 Wild bird husbandry less than 500 (five hundred) heads;
    - 43.5 Wild reptile husbandry less than 1,000 (one thousand) heads
- The Ministry of Agriculture, Forestry and Fisheries shall define the definitions of each category in paragraph 43 above.
44. Freezing and processing of aquatic products and cereals and crops products for exports:
    - 44.1 [freezing and processing of aquatic product](#) for export with the investment capital less than USD 500,000 (five hundred thousand);
    - 44.2 [processing of any kind of cereals](#) and crops products for export with the investment capital less than USD 500,000 ( five hundred thousand);
  45. Provision of value added services of all kinds of telecommunication services
  46. Real estate development.

### **Section 3: Investment Activities with specific characteristics which shall be Eligible for Custom Duties Exemption, but not Eligible for the Profit Tax Exemption**

1. Telecommunication basic services;
2. Exploration of gas, oil and all kinds of mining, including supply bases for gas and oil activities.

**ANNEX 2**

of the Sub-Decree No 111 ANK/BK date on September 27, 2005 On the Implementation of the Law on the Amendment to the Law on Investment of the Kingdom of Cambodia

**Application for Investment Proposal in the Kingdom of Cambodia (Article 5.2)**

**I- Structure of the person:**

a. General Information

- Name of the person (natural or legal person) .....
- Address: - Location of the person's Office:..... Tel:.....  
 Fax:.....E-mail:.....
- Name of Parent Person: .....Address:.....  
 .....Tel:.....Fax:.....  
 Website:.....E-mail:.....
- Type of the Company (please tick ✓ in the box )
  - Corporation  Partnership
  - Foreign Commercial Company

Note: Corporation would include: Private limited Company, Public limited Company and Single Member Private Limited
- Registered Capital:.....of which, foreign.....%, domestic.....%
- Specifications of certification of money deposited at bank 25% .....

b. Composition of the Person

Shareholder

Family Name & First Name	Nationality	ID Card or Passport No. & Date	Address	Percentage of Share
1.....				
2.....				
3.....				
4.....				

Composition of Members of Board of Directors (including third party)

Family Name & First Name	Nationality	ID Card or Passport No. & Date	Address	Position in the Company	Authorized Person to sign documents
1.....					
2.....					
3.....					
4.....					

**II. Investment Application:**

**a. General Information**

- Investment Activity:.....
- Investment sector: (please tick ✓ in the box )
  - Agriculture Agro-industry     Civil engineering     Energy     Finance     Industry
  - Mines  Tourism     Transportation     Telecommunication     Clean Water     Industrial Zone
  - Others
- Applicant:
  - Name.....Address.....
  - Position in the Company.....Tel:.....Fax:.....
  - Authorizing Letter (If no position within the Company): No:.....dated.....
- Total Capital Investment:.....of which, capital on:
  - Construction/site preparation.....m<sup>2</sup> Price:.....USD Existing construction  New Building
  - Production Equipment (Machinery, Production equipment, other materials) worth of:.....USD (accompanied by attached list as described in the Annex)
  - Office materials worth of (USD):.....
  - Others worth of (USD):.....
- Land (area in m<sup>2</sup>):.....Price.....USD
- Source of Capital Investment: Own capital:.....Long-term bank loan:.....  
Short-term bank loan:.....
- Location of Investment: Land lot No:.....Street.....Village.....Commune/Sangkat.....  
District:.....Province/Town:.....Area:.....m<sup>2</sup>
- Plan to implement the project:
  - Start to construct:.....Expected completion date.....
  - Time to equip with machinery .....Start production.....
- Product Information:

Types of Products	Unit	Annual Production Capacity				Market	
		First year		Full Capacity		Domestic in %	Export in %
		Quantity	Value	Quantity	Value		

- Labor Force Requirement

Type of Labor	Starting Period		Full Capacity	
	Local	Foreign	Local	Foreign
- Management				
- Engineer				
- Technician				
- Advisor				
- Administrative personnel				
- Skilled workers				
- Non-skilled workers				
Total				

- Annual Production inputs (raw materials) needed: *to fill in the form attached in the Annex*

- Energy and Water Needed:

- Annual coal or firewood:.....m<sup>3</sup>/year, Gas:.....tons/year
- Oil:.....tons/liters/year
- Electricity (Assembly power):.....MW, Annual need.....KWH
- Water Consumption:.....m<sup>3</sup>/year

**b. Selection:**  Exemption on tax on profits and Investment Guarantees

Special Depreciation and Investment Guarantees

Investment Guarantees (not asking for incentives)

*(Among the three options, Investor is only allowed to choose one)*

**c. Information on Environment:**

- Mode of transport of raw materials and finished products into and out of the investment area:

.....  
 .....  
 .....  
 .....

Estimates of volume:

Liquid waste:.....m<sup>3</sup>/month    Hard waste:.....m<sup>3</sup> or tons/month

Emitted gas:...../day

Table of estimation of concentration in:

*the process of sewage discharge*



- pH:.....
- Nitrate Nitrogen.....
- Phenol (C<sub>6</sub>H<sub>5</sub>OH).....
- Turbidity.....
- Total number of hard substances dissolved in water.....
- Total hard substance silted in water.....
- *Evaporation of gas molecules in air*
  - Carbon Monoxide.....
  - Sulfur Oxide.....
  - Lead.....
  - Ammonia (NH<sub>3</sub>).....
  - Heavy Metal.....
  - Oil and Grease.....
  - Conductivity.....
  - Nitrogen Dioxide.....
  - Ozone.....
- Place used as disposal area for hard and liquid waste, and to gas emission  
.....  
.....  
.....  
.....
- Sources of increasing noise and vibration  
.....  
.....  
.....  
.....
- Residing Conditions of employees, workers
  - Supply of clean water:.....
  - Health, safety:.....
  - Sanitation:.....
  - Management of hard waste:.....

**d- Information on Taxes**

To fill in the Form attached in the Annex.

**e- Information on Memorandum and Articles of Association**

Herewith attached the company's statute, photos, copies of passports or identities card of the shareholders

**III. Assurance: Being the Project Owner, I would like to assure that**

- The project is not included in the negative list mentioned in the Annex I, section 1 of the Sub-Decree on the Implementation of the Law on Amendment to the Law on the Investment of the Kingdom of Cambodia.
- The above information is correct and not intended to falsify.

Made in.....Date.....Month.....Year.....

Signature

**ANNEX 2-1**

of the Sub -Decree No 111 ANK/BK date on September 27, 2005 on the implementation of the law on the Amendment to the law on investment of the Kingdom of Cambodia

***List of Production Equipments Needed  
For Investment Project.....***

No.	List of Item	Unit	Quantity	Unit Price (USD)	Total Value (USD)	Source	
						Local	Import
	1	2	3	4	5	6	7
	Total						

**ANNEX 2-2**

of the Sub-Decree No 111 ANK/BK date on September 27, 2005 On the Implementation of the Law on the Amendment to the Law on Investment of the Kingdom of Cambodia

*List of Production Inputs Needed  
For Investment Project.....*

No.	List of Item	Unit	Unit Price (USD)	Annual Needs				Other
				Local		Import		
				Quantity	Total Value (USD)	Quantity	Total Value (USD)	
	1	2	3	4	5	6	7	8
	Total							

**ANNEX 3**

of the Sub-Decree No 111 ANK/BK date on September 27, 2005 On the Implementation of the Law  
on  
the Amendment to the Law on Investment of the Kingdom of Cambodia

**(Article 6.3)**

*Conditional Registration is according to the Law on Investment and the Sub-Decree on the Implementation of the Law on the Amendment to the Law on Investment of the Kingdom of Cambodia.*

*Name of Investor.....*

*Address of Investor.....*

*Details of Qualified Investment Project.....*  
.....

*Name, address and contact details of Investor's representative in Cambodia.....*  
.....

*Approvals, authorisations, clearances, licences, permits or registrations required for the QIP to be lawfully undertaken and the ministries, departments, authorities or agencies of the Royal Government responsible for their issue, upon the Applicant meeting the criteria for their respective Ministry etc.*

Approval, etc.

Ministry

Criteria

(insert)

*Election made by Investor under Article 5.5 of the Sub-Decree on the implementation of the law on the amendment to the law on investment of the Kingdom of Cambodia.*  
.....

*Election made by Investor under Article 5.7 of the Sub-Decree on the implementation of the law on the amendment to the law on investment of the Kingdom of Cambodia.*  
.....

*Investment Incentives and Guarantees which the QIP will be entitled to if the Final Registration Certificate is issued, including the Tax on Profit exemption period under Article 14.1 of the Law on the amendment to the law on investment of the Kingdom of Cambodia.*  
.....

*Memorandum and Articles of association of the Investor, which will undertake the QIP*  
.....  
.....

**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

**ROYAL GOVERNMENT OF CAMBODIA  
No. 113 ANKr.BK**

**SUB-DECREE**

**On**

**Urban Solid Waste Garbage Management**

\*\*\*\*\*

**Royal Government of Cambodia**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Preah Reach Kret (Royal Decree) No. NS/RKT/0913/903 dated September 24th, 2013 on the Appointment of the Royal Government of Kingdom of Cambodia
- Having seen Preah Reach Kram No. 02/NS/94 dated July 20th, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers
- Having seen Preah Reach Kram No. NS/RKM/0196/08 dated January 24th, 1996, promulgating the Law on the Establishment of the Ministry of Interior
- Having seen Preah Reach Kram No. NS/RKM/0196/21 dated January 24th, 1996, promulgating the Law on the Establishment of the Ministry of Environment
- Having seen Preah Reach Kram No. NS/RKM/1296/36 dated December 24th, 1996, promulgating the Law on the Environmental Protection and Natural Resource Management
- Having seen Preah Reach Kram No. NS/RKM/0301/05 dated March 19th, 2001, promulgating the Law on the Administrative Management of the Communes and Sangkats
- Having seen Preah Reach Kram No. NS/RKM/0508/017 dated May 24th, 2008, promulgating the Law on the Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans
- Having seen Sub-decree No. 16 ANKr dated December 20th, 1993 on the Organization and Functioning of the Ministry of Interior
- Having seen Sub-decree No. 55 ANKr.BK dated May 04th, 2015 on the Organization and Functioning of the Ministry of Environment
- Pursuant to the needs of the Minister of the Ministry of Interior and the Minister of the Ministry of Environment

**HEREBY DECIDE**  
**Chapter 1**  
**General Provision**

**Article 1**

The objective of this sub-decree is to improve management on urban solid waste/garbage in efficiency, transparency and accountability in order to ensure aesthetics, public health protection and environment.

**Article 2**

The goals of this sub-decree are as follows:

- Strengthen the responsibilities of the ministries, institutions, specialized entities, sub-national administrations and the relevant stakeholders on the urban solid waste/garbage management;
- Delegate function on urban solid waste/garbage management to the capital/municipal and district administration and delegate the function on urban solid waste/garbage management from the capital administration to Khan administration;
- Set essential measures to improve efficiency and safety on urban solid waste/garbage management; and
- Enhance public awareness and participation of the people in preparing and implementing measures on the urban solid waste/garbage management.

**Article 3**

The scope of this sub-decree is to implement on the separation, storage, cleaning, collection, transportation, processing, and managing on the urban solid waste/garbage storage landfill in the Kingdom of Cambodia.

This sub-decree does not cover on the implementation of industrial solid wastes and hazardous wastes management.

**Article 4**

Terms which are used in this sub-decree are given meaning as defined in glossary which is annex 1 of this sub-decree.

## **Chapter 2**

### **Responsible Institutions**

#### **Article 5**

The Ministry of Environment has roles to lead and enforce the operation on urban solid waste/garbage management and has responsibilities as follows:

- Prepare policies, national strategic plans, regulations and technical guidelines relating to urban solid waste/garbage management through cooperation with the ministries, institutions and relevant stakeholders;
- Provide technical guidance and capacity building to the sub-national administration on the works of urban solid waste/garbage management;
- Lead on coordination with the development partners, public or private sectors in financial resource, mean and material mobilization for supporting to the sub-national administration on the works of urban solid waste/garbage management;
- Support and cooperate with the relevant ministries, institutions and the sub-national administration in improving formal and informal education and dissemination about urban solid waste/garbage management for environmental safety, about the program on reducing, reusing and recycling (3R: Reduce, Reuse, Recycle) and about the enhancement on utilization of products which are processed from urban solid waste/garbage; and
- Monitor, review and evaluate on environmental works relevant to urban solid waste/garbage management

#### **Article 6**

The Ministry of Interior has roles to enforce the operation on urban solid waste/garbage management and has responsibilities as follows:

- Support and cooperate with the Ministry of Environment and the relevant stakeholders in capacity building and sharing experiences on urban solid waste/garbage management to the sub-national administration;
- Coordinate and mobilize the supports to the sub-national administration in improving efficiency on urban solid waste/garbage management; and
- Provide interventions in monitoring, reviewing and evaluating on the implementation of urban solid waste/garbage management.



**Article 7**

The provincial administration shall provide support and coordination as well as enforce the operation on the works of urban solid waste/garbage management which are implemented by the municipal/district administration and has responsibilities as follows:

- Prepare essential regulations for guidance and enforcement on the implementation of law and regulation measures relevant to urban solid waste/garbage management;
- Instruct to the municipal/district administration in preparing annual management plan and activity and budget plan for urban solid waste/garbage management;
- Push and support on the establishment of services on cleaning, collection and transportation and services on urban solid waste/garbage storage landfill;
- Mobilize resources, means and material for supporting to the municipal/district administration on the works of urban solid waste/garbage management;
- Support and push on all forms of educations and disseminations to the publics about the benefits of urban solid waste/garbage separation, about the program on reducing, reusing and recycling and the enhancement on utilization of products which are processed from urban solid waste/garbage;
- Coordinate with the municipal/district administration in joint preparing and utilizing on urban solid waste/garbage management service; and
- Monitor, review and evaluate on the implementation of the municipal/district administration on the works of urban solid waste/garbage management.

**Article 8**

The capital/provincial Department of Environment shall fulfill works as a secretary of the capital/provincial administration on the works of urban solid waste/garbage management and has responsibilities as follows:

- Enhance awareness to people on environmental sanitation through education and dissemination about storage, cleaning, separating, reducing, reusing, recycling, and about the participation on utilization of urban solid waste/garbage management service;
- Participate in preparing plan on urban solid waste/garbage management of the sub-national administration;
- Participate in providing technical comments on the proposal or project on urban solid waste/garbage management service;
- Monitor, review and evaluate on the environmental works relating to the processes on urban solid waste/garbage management service and the activities on urban solid waste/garbage recycling;

- Enforce the implementation of set law and regulation measures and participate in the implementation of transactional fine measures on offenses relevant to urban solid waste/garbage; and
- Prepare semester and annual reports about the situation and process on urban solid waste/garbage management.

**Article 9**

The capital/municipal/district administration has role to manage urban solid waste/garbage located in its own territory and has responsibilities as follows:

- Prepare annual management plan and activity and budget plan for urban solid waste/garbage management in its own territory;
- Prepare and implement measures for urban solid waste/garbage management through devising a warrant or other regulations;
- Establish, manage and arrange services on cleaning, collection, transportation and service on urban solid waste/garbage storage landfill in its own territory;
- Provide guidance to people about the environmental sanitation and utilization of services on cleaning, collection, transportation and services on urban solid waste/garbage storage landfill which are prepared in the community; and
- Educate and disseminate about management on urban solid waste/garbage for environmental safety, about the program on reducing, reusing and recycling and about the enhancement on utilization of products which are processed from urban solid waste/garbage.

**Article 10**

Each capital/municipal/district administration is able to request for establishing exact entity or office under supervision of its administration for responsible on these works in accordance with set principles and procedures in order to ensure for efficiency and clear responsibilities on urban solid waste/garbage management.

**Article 11**

The capital administration shall delegate some functions or all functions in management on urban solid waste/garbage to khan or/and sangkat administration.

The municipal/district administration is able to delegate some functions in management on urban solid waste/garbage to commune/sangkat administration in its territory.

**Article 12**

The khan administration shall be responsible for implementation on the received functions and fulfilling tasks to support and coordinate on the processes of cleaning, collection, transportation, storage services of urban solid waste/garbage in the city and it has responsibilities as follows:

- Arrange for implementation on the received functions in urban solid waste/garbage management;
- Participate and cooperate on implementation of the programs on urban solid waste/garbage management; and
- Participate in monitoring on implementation of cleaning, collection and transportation services and services on urban solid waste/garbage storage landfill in its territory.

**Article 13**

The commune/sangkat administration shall be responsible for implementation on the delegated functions and fulfilling tasks to support and coordinate on the processes of cleaning, collection, transportation service and service on of urban solid waste/garbage storage landfill in its territory and it has responsibilities as follows:

- Arrange for implementation on urban solid waste/garbage management as per delegation;
- Participate in educating and disseminating widely about the utilization on cleaning, collection and storage service of urban solid waste/garbage in its territory;
- Participate in providing comments on the preparation of the programs on cleaning, collection and transportation of urban solid waste/garbage in its territory;
- Participate in monitoring on the implementation of cleaning, collection and transportation services and services on urban solid waste/garbage storage landfill in its territory;
- Participate in solving problems relevant to the works on cleaning, collection, transportation services and services on urban solid waste/garbage storage landfill in its territory; and
- Participate in cooperation to enforce the implementation of law and regulation measures relevant to urban solid waste/garbage.

**Article 14**

If necessary, the minister of Ministry of Interior, the minister of Ministry of Environment, the minister of Ministry of Economy and Finance are able to set out the regulations for guidance on the implementation of urban solid waste/garbage management.

**Chapter 3**  
**Separation, Packaging, Storage, and Disposal**  
**of Urban Solid Waste/Garbage**

**Article 15**

The urban solid waste/garbage owners shall separate and package the reusable or recyclable garbage/solid wastes from disposed garbage/solid wastes following the guidance of the capital/municipal/district/khan administration.

**Article 16**

The urban solid waste/garbage owners shall be responsible for packaging by using bag or putting in own dustbin of the urban solid waste/garbage which have been produced thoroughly no leaking, no sewage leaking or no stinking emissions in the period of storage waiting for disposal in accordance with the guidance of the capital/municipal/district/khan administration.

**Article 17**

The urban solid waste/garbage owners shall be responsible for keeping of package or dustbin contained of their garbage/solid wastes in the fence or compound of house, building or on their location and they shall dispose at the time defined by the capital/municipal/district/khan administration.

The capital/municipal/district/khan administration shall take measures to strictly control on the practice of disposing of package or dustbin contained urban solid waste/garbage to roadside or public areas waiting for collection and transportation at the defined time.

**Article 18**

The urban solid waste/garbage owners who use the services on urban solid waste/garbage management shall pay on service fee on cleaning, collection, transportation and service fee on urban solid waste/garbage storage landfill which have been defined by the capital/municipal/district/khan administration.

**Article 19**

The capital/municipal/district/khan administration shall prepare warrants or regulations in order to advise on the implementation of cleaning, separating, packaging, storage and disposal of urban solid waste/garbage in its territory responding to the actual situation of each urban area and shall ensure high efficiency on urban solid waste/garbage management and enhance aesthetics, sanitation and environment in the urban areas.

The above warrants or regulations shall be prepared in compliance with set policies, national strategic plans, regulations and technical guidelines.

The capital/municipal/district/khan administration shall disseminate about the warrants or regulations stipulated in above paragraphs widely to the people in its territory in order to ensure for participating in responsible practice.

## **Chapter 4**

### **General Measures on Urban Solid Waste/Garbage Management**

#### **Article 20**

Strictly prohibit on disposal or burning of the urban solid waste/garbage at the roadside, public area, field, sewage system or public water source or in private land ownership.

The capital/municipal/district/khan administration shall take measures on prohibition on the disposal or burning of urban solid waste/garbage at the roadside, public area, field, sewage system or public water source or in private land ownership.

#### **Article 21**

The person or entity that use the public area for own program celebrating or processing shall be responsible for payment on service fee on cleaning, collection and transportation of the urban solid waste/garbage which have been produced during the ceremony to the local collection service provider in accordance with the fee defined by the capital/municipal/district/khan administration.

#### **Article 22**

The capital/municipal/district/khan administration shall arrange to have public dustbins and prepare to have the services on cleaning, collection and transportation of the urban solid waste/garbage which are produced from goods selling along the roadside and public area located in its territory.

The owners or the managers of the market, business location, service location, company, factory, enterprise, handicraft, entertainment center shall arrange to have dustbins in the location or compound for disposal of urban solid waste/garbage of their customers or staffs.

#### **Article 23**

The owners or the contractors of demolition, reparation or construction site of house or building shall be responsible for garbage/solid wastes which are discharged from their sites as follows:

- Proper storage which does not impact on public order and environment; and
- Clean, collect and transport by themselves to urban solid waste/garbage storage landfill or use the services on cleaning, collection transportation and services on urban solid waste/garbage storage landfill which exist in the community and shall pay for fee as defined by the capital/municipal/district/khan administration

**Article 24**

The capital/municipal/district/khan administration shall determine appropriate place for temporary storage of urban solid waste/garbage as necessary in order to ensure for efficient collection and transportation.

The capital/municipal/district/khan administration shall determine time which allows for discharging of the urban solid waste/garbage to the temporary garbage storage area and shall take measure on prohibition of discharging of garbage/solid wastes to the temporary garbage storage area in wrong time permitted.

**Article 25**

The owners or the managers of the locations or residential Borey shall arrange appropriate sites for storage of urban solid waste/garbage in their managing compound waiting for transporting which do not cause impacts to aesthetics, public order, safety and public health.

**Article 26**

The capital/municipal/district/khan administration shall take measures immediately on the case of delay in collection of the urban solid waste/garbage resulting from inactive providers of cleaning, collection and transportation services by using all possible means in cleaning, collection and transportation of the urban solid waste/garbage in order to resolve issue.

The expenses on the above operations are the direct responsibility of the providers of the services on cleaning, collection and transportation of the garbage/solid wastes in that urban.

**Article 27**

The businesses on pumping, transportation and disposal of sludge from Septic reservoir shall be approved by the capital/municipal/district/khan administration after receiving technical comments from the capital/provincial department of environment.

**Article 28**

The Ministry of Environment shall provide guidance on management techniques separately for the hazardous waste types which are produced at home, institution or public building, commercial center and tourism service with consultation with the sub-national administration.

The list on hazardous wastes which are produced at home, public institution or building, commercial center and tourism service is defined in annex 2 of this sub-decree.

**Article 29**

The industrial solid wastes and hazardous wastes which are produced from production activities of the factory, mining and from other sources beside the locations or sources stipulated in the article 28 of this sub-decree shall be managed by the Ministry of Environment which are defined by the separated provisions.

## **Chapter 5**

### **Urban Solid Waste/Garbage Management Service**

**Article 30**

The capital/municipal/district/khan administration shall be responsible for the management works on the services on cleaning, collection and transportation and the services on urban solid waste/garbage storage landfill which are located in its territory in efficiency, transparency, accountability and environmental safety.

**Article 31**

In the urban solid waste/garbage management, the capital/municipal/district administration is able to:

- A. Organize and operate by its administration on some functions or all functions of the services on cleaning, collection, transportation and the services on urban solid waste/garbage storage landfill in its territory.
- B. Cooperate with other sub-national administrations which have administrative boundaries nearby to provide services together.
- C. Provide authority to conduct services on cleaning or/and collection or/and transportation or/and services on urban solid waste/garbage storage landfill to the private sectors who are responsible for implementation.
- D. Partly or fully delegate functions on urban solid waste/garbage management to sangkat, commune and khan administration or provide authority to community to implement one or some sub-functions of the functions on urban solid waste/garbage management.

**Article 32**

Provide authority to conduct services on cleaning or/and collection or/and transportation of urban solid waste/garbage shall have period not exceeding 10 years per one time of contract and shall implement in accordance with set methodologies and procurement procedures.

**Article 33**

According to the maximum service fee defined by the inter-ministry prakas between the Ministry of Interior, Ministry of Environment and Ministry of Economy and Finance, the capital/municipal/district administration shall set the service fees on cleaning, collection, transportation and service fees on urban solid waste/garbage storage landfill for the implementation in its local community by respecting the below principles:

- Shall consult with the people and the relevant stakeholders in its territory;
- Ensure for efficiency and quality of urban solid waste/garbage management;
- Set service fees based on types of business, location, income level, quantity of urban solid waste/garbage which are discharged; and
- Shall be reviewed and approved by its councils.

**Article 34**

The capital/municipal/district administration shall define appropriate, transparent and efficient measures and procedures for collection, management and payment on service fees on urban solid waste/garbage management in its territory by consultation with khan/commune/sangkat administrations, institutions and the relevant stakeholders.

The revenue collected from the services on urban solid waste/garbage management is the direct revenue of the capital/municipal/district administration.

The capital/municipal/district administration is able to use its budget or budget from other sources for additional support for expenses on urban solid waste/garbage management service providing in its territory.

**Article 35**

In case there is a request from the community, organization or people for approval on collection of urban solid waste/garbage for using in any useful purpose, the capital/municipal/district administration by consultation with the capital/provincial department of environment is able to:

- A. Review for approval on collection and transportation of urban solid waste/garbage for processing to produce compost fertilizer, gas if those activities on garbage/solid waste



collection do not impact on urban solid waste/garbage management plan and do not have negative impacts on living of the surrounding areas and environment.

- B. Provide approval on collection and transportation of garbage, rubble and soil wastes discharged from the construction activities of road, building or house which do not mix with the urban solid waste/garbage and do not contain or mix with the hazardous wastes in order to fill in pit of community, organization or private land ownership.

## **Chapter 6**

### **Management Measures on Urban Solid Waste/Garbage Storage Landfill**

#### **Article 36**

The capital/municipal/district administration shall determine the areas for the project for preparation on urban solid waste/garbage storage landfill in accordance with the actual geographical situation in its territory. For the municipal/district administration, the determination of area for the project for preparation on urban solid waste/garbage storage landfill shall be agreed by the provincial administration.

Every request proposal on the establishment of urban solid waste/garbage storage landfill shall be requested for reviewing and decision from the Ministry of Environment on the techniques for landfill preparation, environmental protection measure during operation and shutting down the using of landfill and the period of using the urban solid waste/garbage storage landfill.

#### **Article 37**

The owners or the managers of urban solid waste/garbage storage landfill shall operate their landfill following the technical conditions and environmental protection measures as defined by the Ministry of Environment.

In case there is environmental pollution resulting from the operation on landfill, the landfill's owners or the managers shall conduct measures to prohibit immediately and shall provide information immediately to the capital/municipal/district/khan administration and the capital/provincial department of environment.

#### **Article 38**

The Ministry of Environment and the capital/provincial administration shall conduct monitoring regularly on the implementation of the urban solid waste/garbage storage landfill's owner about protection and minimization measures of impacts on the environment resulting from the landfill management processes.

## **Chapter 7**

### **Penalties**

#### **Article 39**

Failure to comply with the determination of the capital/municipal/district/khan administration in separating and packaging of the urban solid waste/garbage which are reused or recycled as stipulated in the article 15 of this sub-decree shall receive transitional fine in cash as follows:

- 10,000 (Ten Thousand) Riel for house
- 100,000 (One Hundred Thousand) Riel for business location, service location, handicraft location, apartment building and residential Borey.
- 200,000 (Two Hundred Thousand) Riel for factory, enterprise, company

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 40**

The person who brings package or bin contained urban solid waste/garbage to place along roadside or public areas in wrong time permitted for discharging as defined by the capital/municipal/district/khan administration as stipulated in the article 17 of this sub-decree shall receive transitional fine in cash as follows:

- 20,000 (Twenty Thousand) Riel for house
- 150,000 (One Hundred Fifty Thousand) Riel for business location, service location, handicraft location, apartment building and residential Borey.
- 400,000 (Four Hundred Thousand) Riel for factory, enterprise, company

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 41**

Any persons who use the services on urban solid waste/garbage management and do not pay for the service fee on cleaning, collection, transportation or the service fee on urban solid waste/garbage storage landfill which has been prepared or set by the capital/municipal/district/khan administration as stipulated in the article 18 of this sub-decree shall receive transitional fine in cash double times of the service fee on urban solid waste/garbage which has to pay per month.

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 42**

The person who disposes the urban solid waste/garbage at the public area, roadside, field, land ownership or the area where the capital/municipal/district/khan administration prohibits on disposal of the urban solid waste/garbage as stipulated in the article 20 of this sub-decree shall receive transitional fine in cash and punishment as follows:

- 20,000 (Twenty Thousand) Riel for passengers, tourists and have to collect, clean and put in the public dustbin.
- 50,000 (Fifty Thousand) Riel for vendors along the street or on the public area and have to collect, package and put in the location determined by the authority.
- 150,000 (One Hundred Fifty Thousand) Riel for vendors at home, restaurant, entertainment place and put in the location determined by the authority.
- 200,000 (Two Hundred Thousand) Riel for markets, businesses, services, handicrafts and have to be responsible for collecting, cleaning and transporting to the landfill.
- 400,000 (Four Hundred Thousand) Riel for factories, enterprises, companies and have to be responsible for collecting, cleaning and transporting to the landfill.

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 43**

The person who burns the urban solid waste/garbage at the public area, roadside, field, land ownership or the area where the capital or khan/municipal/district administration prohibits as stipulated in the article 20 of this sub-decree shall receive transitional fine in cash and punishment as follows:

- 50,000 (Fifty Thousand) Riel for passengers, tourists and have to collect and clean
- 100,000 (One Hundred Thousand) Riel for house owners, vendors along the street or on the public area and have to collect and clean.
- 200,000 (Two Hundred Thousand) Riel for markets, restaurants, entertainment places businesses, services, handicrafts and have to be responsible for collecting, cleaning and transporting to the landfill.
- 1,000,000 (One Million) Riel for factories, enterprises, companies and have to be responsible for collecting, cleaning and transporting to the landfill.

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 44**

The person who escapes from the responsibility on the urban solid waste/garbage which were produced in its ceremonies celebrated along the roadside or on the public area as stipulated in

the article 21 of this sub-decree shall receive transitional fine in cash in addition to service fee on cleaning, collection and transportation as follows:

- 200,000 (Two Hundred Thousand) Riel for ceremony of wedding, shop inauguration and feast except funeral ceremony.
- 600,000 (Six Hundred Thousand) Riel for meeting
- 2,000,000 (Two Million) Riel for public concert

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 45**

The owners or the managers of the market, business location, service location, company, factory, enterprise, handicraft, entertainment center who do not arrange to have dustbins in the location or compound for disposing of the urban solid waste/garbage of their customers or staffs as stipulated in the paragraph 2 of the article 22 of this sub-decree shall receive transitional fine in cash of 400,000 (Four Hundred Thousand) Riel.

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 46**

The owners of the building construction site who keep the urban solid waste/garbage from the construction works or construction material incorrectly as determined by the capital/municipal/district/khan administration or the storage which impacts on public order, aesthetics or environment as stipulated in the article 23 of this sub-decree shall receive transitional fine in cash and punishment as follows:

- 400,000 (Four Hundred Thousand) Riel for the construction site of house and have to be responsible for collecting, cleaning and transporting to the landfill.
- 800,000 (Eight Hundred Thousand) Riel for the construction site of big building, residential Borey and have to be responsible for collecting, cleaning and transporting to the landfill.

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 47**

The person who operates business on mud pumping from sewage system or from Septic reservoir without the approval letter from the capital/municipal/district/khan administration or

transports to dispose on wrong area where the competent authorities have set as stipulated in the article 27 of this sub-decree shall receive transitional fine in cash as follows:

- 400,000 (Four Hundred Thousand) Riel for household business
- 1,000,000 (One Million) Riel for firm business

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 48**

The person who storage, package or collect and transport the urban solid waste/garbage mixed with the industrial solid wastes, medical wastes or hazardous wastes shall receive transitional fine in cash as follows:

- 500,000 (Five Hundred Thousand) Riel for business, handicraft, hospital, maternity
- 800,000 (Eight Hundred Thousand) Riel for factory, enterprise, company
- 1,000,000 (One Million) Riel for the company of providing services on collection and transportation of urban solid waste/garbage.

In case of recidivism, they shall receive transitional fine in cash double times of the previous transitional fine in cash.

#### **Article 49**

Any person who fail to pay for the transitional fine in cash during 30 (Thirty) days from the date of receiving fine receipt, the amount of this fine will be increased twice times. If it is more than 60 (Sixty) days, the amount of this fine will be increased three times. If exceeding 90 (Ninety) days, the capital/municipal/district/khan administration shall prepare documents to file a complaint to the capital/provincial court.

#### **Article 50**

The person who is not satisfied with the transitional fine decision of the competent officials of the capital/municipality/district/khan has right to complain to the governor of capital/municipality/district/khan.

The governor of capital/municipality/district/khan shall decide on the complaint not longer than 15 (Fifteen) days from the date of receiving complaint.

The person who is not satisfied with the decision of the governor of capital/municipality/district/khan has right to complain to the court following the set procedures.

**Article 51**

The capital/municipal/district/khan administration shall be responsible for preparing mechanisms for the effective implementation of transitional fine measures.

The procedures on management, arrangement and utilization on revenue received from these transitional fines shall be defined by Prakas of the inter-ministries between the Ministry of Interior, Ministry of Environment and Ministry of Economy and Finance.

## **Chapter 8 Transitional Provisions**

**Article 52**

The capital/provincial/municipal/district administration shall review on the implementation of the previous contract and discuss and consult with the relevant ministries, institutions and the service providers as well as the other relevant stakeholders in order to review and revise on the contract on providing services on garbage/solid wastes which are implementing in its territory in 12 (Twelve) days after this sub-decree comes into force.

**Article 53**

The Ministry of Interior, Ministry of Environment and Ministry of Economy and Finance shall create an inter-ministry working group to discuss and coordinate with the sub-national administration in transferring the implementation and the responsibilities on urban solid waste/garbage management from the provincial administration to the municipal/district administration and delegate the implementation and the responsibilities on urban solid waste/garbage management from the capital administration to the khan administration.

## **Chapter 9 Final Provisions**

**Article 54**

Any provision that are contradicted to this sub-decree shall be abrogated.

**Article 55**

Minister In charge of Council of Ministers, Minister of Ministry of Interior, Minister of Ministry of Economy and Finance, Minister of Ministry of Environment, Ministers of all Ministries and chief of relevant institutions, councils and governing committees of sub-national administration

shall be in charge of implementing this sub-decree in accordance with own roles from the date of signature onwards.

Phnom Penh, August 27<sup>th</sup>, 2015  
Prime Minister  
Signature and Stamp  
Samdech Akka Moha Sena Padei Techo Hun Sen

To  
Samdech Akka Moha Sena Padei Techo Hun Sen  
Prime Minister of Kingdom of Cambodia  
Signature

Deputy Prime Minister, Minister of Ministry of Interior  
Signature  
Samdech Kralahom Sar Kheng

Minister of Ministry of Environment  
Signature  
Say Sam Al

CC:

- Ministry of Royal Palace
- General Secretariat of Constitution Council
- General Secretariat of Senate
- General Secretariat of Assembly
- General Secretariat of Royal Government
- Cabinet of Prime Minister
- Cabinet of Samdech, his/her Excellency, Deputy Prime Minister
- As Article 55
- Royal Office
- Archive

## Annex 1 Glossary

1. **Garbage:** refers to commodities, materials, products which are left or produced from the activities and daily livelihoods of the people which do not contain of toxic substances or hazardous wastes.
2. **Urban Solid Waste:** refers to the solid wastes which are left or produced from the activities of business or services which do not contain of toxic substances or hazardous wastes.
3. **Industrial Solid Waste:** refers to the solid wastes which are left or produced from the activities of production of factory or enterprise which do not contain of toxic substances or hazardous wastes.
4. **Hazardous Waste:** refers to solid, liquid, gas material, radioactive substance, explosive substance, flammable substance, infectious substance or causing irritation, rust, oxidation, poisoning, cancer or other chemical toxic substances causing harm to human, animal or damage to plant, public property and environment. The hazardous waste sources are from house, market, super market, entertainment place, public building, educational institution, business activities, service, handicraft, factory, agricultural activities and mining business.
5. **Resource Derivation:** refers to activities on selection or use of garbage/solid waste to produce compost, to recycle, to derivate energy or other benefits.
6. **Recycle:** refer to activities or breaking or converting processes of garbage/solid waste to be raw material for reproduction.
7. **Reuse:** refers to the selection of garbage/solid waste which can be reused by just cleaning or repairing by keeping the original form.
8. **Separation:** refers to the division into types of garbage/solid waste at the source for the purposes of resource derivation or safety in disposing at the landfill.
9. **Landfill:** refers to the area where the authority has determined or prepared in accordance with the environmental safety measure for disposal of urban solid waste/garbage.
10. **Treatment:** refers to activities or measures for the purpose to improve management on urban solid waste/garbage including:
  - A. Reduction on size or quantity of garbage/solid waste before bringing to dispose at landfill such as breaking, crushing, melting or burning in incinerator.
  - B. Removal or demolition of toxins, hazardous substances, infectious agents which consist in garbage/solid waste before bringing to dispose at landfill.
11. **Urban Area:** refers to cities, district towns, downtown markets and houses including resort, entertainment center, tourism areas.



12. **Location:** refers to places for production, business, service, public administrative building, commercial center.
13. **Septic Reservoir:** refers to tank stored initial toilet wastes.
14. **Transitional fine:** refers to requiring the perpetrator who violates the regulations stipulated in this sub-decree to pay a fine following the level of sanction committed.
15. **Urban Solid Waste/Garbage Management Service:** refers to the services on collection, transportation and the services on urban solid waste/garbage storage landfill.

**Annex 2**  
**The hazardous wastes produced at home, public building or institution,  
commercial center and tourism service**

The hazardous wastes produced at home, public building or institution, commercial center and tourism service include:

1. Wastes of batteries or all types of rechargeable batteries
2. Wastes of electric and electronic equipment
3. Wastes of bottles or cans stained with chemical substances or agricultural poisons
4. Wastes of all types of vehicle tires
5. Wastes of oils
6. Wastes of paint, colored dye and packaging material
7. Wastes of printing ink
8. Wastes which are Abestos compounds

**HKINGDOM OF CAMBODIA  
NATION RELIGION KING**

**ROYAL GOVERNMENT OF CAMBODIA  
No. 135 ANKr.BK**

**SUB-DECREE  
On**

**ORGANIZATION AND FUNCTIONING OF THE MINISTRY OF ENVIRONMENT**

**ROYAL GOVERNMENT OF CAMBODIA**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Preah Reach Kret (Royal Decree) No. NS/RKT/0913/903 dated September 24th, 2013 on the Appointment of the Royal Government of Kingdom of Cambodia;
- Having seen Preah Reach Kret No. NS/RKT/1213/1393 dated December 21st, 2013 on the Revision and Addition of the Composition of the Royal Government of Kingdom of Cambodia;
- Having seen Preah Reach Kram No. 02/NS/94 dated July 20th, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Preah Reach Kram No. NS/RKT/0196/21 dated January 24th, 1996, promulgating the Law on the Establishment of the Ministry of Environment;
- Having seen Preah Reach Kret No.20 ANKr.BK dated April 30<sup>th</sup>, 1996 on the organization and functioning of the Ministry and General Secretariat
- Referring to requirement of the Minister of the Ministry of Environment

**HEREBY DECIDE**

**Chapter 1**

**General Provision**

**Article 1**

This sub-decree determines mission, organization and functioning of the Ministry of Environment and entities under the supervision of the ministry.

**Chapter 2**

**Mission and Organization**

**Article 2**

The Ministry of Environment is missioned by the Royal Government of Cambodia to lead and manage the environmental protection, biodiversity conservation, appropriate and sustainable usage of the natural resources, and sustainable living for long term benefits for every Cambodian citizen and generation in the Kingdom of Cambodia.

### **Article 3**

The Ministry of Environment is a secretary of the Royal Government of Cambodia having roles and responsibilities as follows:

- Prepare vision, policies and strategic plans and determine priority of sustainable development in cooperation with the relevant ministries and institutions.
- Establish and implement regulations relating to the environmental protection, biodiversity conservation, appropriate and sustainable utilization of the natural resources and sustainable living.
- Coordinate with the relevant ministries and institutions in implementation of policies, strategic plans, programs relevant to environmental sector.
- Provide recommendations to the relevant ministries and institutions to ensure the conservation, development and utilization of the natural resources are in appropriate way and sustainability.
- Manage the environmental data and lead the coordination on the environmental education and extension as well as manage vital events relevant to the environmental sector.
- Raise public awareness about the environmental protection, biodiversity conservation, appropriate and sustainable utilization of the natural resources and sustainable living through information dissemination and other awareness raising activities.
- Encourage public participation in environmental protection, biodiversity conservation, appropriate and sustainable utilization of the natural resources and sustainable living through public consultation in any decision making processes.
- Produce and disseminate information about activities relating to the environmental protection and natural resources to the publics.
- Manage and coordinate the environmental protection including water, air and soil quality management, noise and vibration management, and radiation and electromagnetic emission management.
- Prepare and implement regulations and procedures for the strategic environmental assessment and the review of environmental impact assessment of the public and private investment projects.
- Manage and coordinate the works on protection and conservation of biodiversity and the utilization of natural resource in natural protected areas in appropriation and sustainability.
- Collect, analyze and manage data of the environment and natural resources.
- Prepare report about the situation of the environment in the Kingdom of Cambodia regularly
- Submit proposal to the Royal Government of Cambodia about the participation in any agreement, convention and international protocol relating to the environmental protection, biodiversity conservation and sustainable development as well as implement all relevant skill works for the basic for the Government to implement duties and responsibilities under those agreements, conventions and protocols.
- Push and encourage the investment on environmental protection, biodiversity conservation, appropriate and sustainable utilization of the natural resources and sustainable living.
- Mobilize and manage resources for the environmental protection, biodiversity conservation, appropriate and sustainable utilization of the natural resources and sustainable living.

- Cooperate with other countries in the region and in the world, national and international organizations, and local communities in order to ensure environmental protection, biodiversity conservation, appropriate and sustainable utilization of the natural resources and sustainable living.
- Perform other tasks as assigned by the Government

**Article 4**

The structures of the Ministry of Environment are as follows:

**A. Central Level**

- General Department of Knowledge and Environmental Information
- General Department of Environmental Protection
- General Department of Administration for Natural Protection and Conservation
- General Department of Local Community
- General Department of Administration and Finance
- General Inspectorate
- Department of Internal Audit
- Cabinet of Minister

**B. Sub-national Level**

**C. Public Institutions Under Supervision**

Organizational structure of the Ministry of Environment is attached in the annex of this sub-decree.

### **Chapter 3**

#### **General Department of Knowledge and Environmental Information**

**Article 5**

The General Department of Knowledge and Environmental Information is a secretary of the Ministry of Environment in managing the environmental data and leading the coordination on the works of environmental education and dissemination as well as managing vital events. This General Department has roles and duties as follows:

- Prepare draft on policies, strategies, regulations, plans and programs relating to the environmental education and information dissemination.
- Manage works relating to administration, planning, accounting, finance, and officials and staffs either civil servants or non-civil servants of the General Department.
- Collect, analyze, compile and manage information and data on environment and natural resource including specialization data system.
- Produce and disseminate information about activities relating to environmental protection, biodiversity conservation, appropriate and sustainable utilization of the natural resources and sustainable living.
- Prepare report regularly about the situation of the environment in Cambodia
- Enhance education and awareness about environment to the publics
- Organize and manage events publicly and environmental dissemination activities

- Encourage to have environmentally friendly activities
- Prepare and manage environmental information dissemination system
- Coordinate with other entities under the supervision of the ministry in order to strengthen cooperation and increase effectiveness of the environmental data management and environmental education and dissemination.
- Prepare monthly, quarterly, semester, nine-month, and annual reports
- Perform other tasks as assigned by the minister.

The General Department of Knowledge and Environmental Information is led by one General Director and some Deputy General Directors depend on the necessary.

The General Department of Knowledge and Environmental Information has some subordinate Departments as follows:

- Department of Administration, Planning and Finance
- Department of Geographical Information Service
- Department of Environmental Education
- Department of Information and Environmental Dissemination
- Department of Award and Incentive

Each Department is led by one Director and some Deputy Directors depend on the necessary.

**Article 6**

The Department of Administration, Planning and Finance has roles and duties as follows:

- Manage administrative works and coordinate on works of the General Department
- Manage and run documents of the General Department
- Submit proposal and coordinate public procurement works of the General Department
- Manage inventory lists of property, equipment and office material of the General Department
- Manage the Government officials and staffs either civil servants or non-civil servants and capacity building of the General Department
- Coordinate on strategic plan preparation, activity plan, budget plan and monitoring and evaluation plan of the General Department
- Manage finance and accounting of the General Department
- Manage protocol works of the General Department
- Manage social affairs of the General Department
- Prepare meeting minutes of the General Department
- Prepare monthly, quarterly, semester, nine-month and annual reports of the Department and General Department of Knowledge and Environmental Information.
- Perform other tasks as assigned by General Director.

**Article 7**

The Department of Geographical Information Service has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department’s staffs, manage finance, inspect internal works, and manage other administration works relating to the roles and duties of the department.
- Develop database management system of geographical information about the quality of environment, natural resource and biodiversity.
- Collect, analyze, compile and manage of the geographical information and information on the quality of environment, natural resource and biodiversity as well as other information relevant to the environment.
- Produce and provide service on geographical information including map in order to support the environmental protection works and natural resource and biodiversity conservation
- Provide support on research study and analysis about the changes of the natural resource, ecological system, biodiversity and climate change through the geographical information system.
- Coordinate on determination and compilation of indicators for monitoring on situation of the natural resources and environmental quality.
- Prepare report regularly about the situation of the environment in Cambodia
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director.

**Article 8**

The Department of Environmental Education has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department’s staffs, manage finance, inspect internal works, and manage other administration works relating to the roles and duties of the department.
- Coordinate and strengthen the implementation of national environmental education policies including formal and informal education in order to achieve the education for sustainable development.
- Enhance environmental education mainstreaming into educational program in each level including formal and informal education.
- Enhance competition on environment such as art contest, competition on environmentally friendly school and other environmental activities.
- Coordinate the environmental education governance with the relevant stakeholders
- Build and strengthen capacity on environmental education skills for national and sub national level
- Develop and manage the operation of resource center to improve the awareness and the study about the environment.
- Coordinate on producing documents and material about the environmental education.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

#### **Article 9**

The Department of Information and Environmental Dissemination has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administration works relating to the roles and duties of the department.
- Develop and manage the environmental information dissemination system through website, email and other social networks of the ministry.
- Update information relevant to environmental sector such as policy, regulation, plan, activity and achievement of the ministry as well as working activities of the ministry' leader through media system.
- Cooperate and coordinate in preparing dissemination material and publication such as environmental magazine, newsletter, and poster.
- Coordinate in preparing speech, statement, press release on the environment of the ministry
- Coordinate in providing environmental information to journalist and other media system
- Coordinate in preparing and producing annual environmental documents about the achievements on environmental management including annual environmental progress report and working calendar
- Organize and manage gallery and library of the ministry
- Prepare plan and manage event and other environmental campaigns including environment day, biodiversity day and wet land day.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

#### **Article 10**

The Department of Award and Incentive has roles and responsibilities as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administration works relating to the roles and duties of the department.
- Establish program to push good practice in green operation or environmental friendly
- Disseminate publicly on standards and other principle guidelines about good practice in green operation or environmental friendly to other target economic sector and general public.
- Coordinate in preparing criteria for quality assessment on good practice in green operation or environmental friendly.
- Cooperate with other entities under the supervision of the ministry in compiling statistic and monitoring operation relevant to good practice in green operation or environmental friendly.
- Provide technical supports on good practice in green operation or environmental friendly to people in public sector, private sector, civil society in order to encourage them to get achievement which should be received incentive.



- Monitor, evaluate and suggest on incentive provision and encourage people in public sector, private sector, civil society who achieved in good practical implementation on green operation or environmental friendly.
- Cooperate and coordinate on preparing competition publicly on good practice in green operation or environmental friendly and provide environmental award.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

## **Chapter 4**

### **General Department of Environmental Protection**

#### **Article 11**

The General Department of Environmental Protection is a secretary of the Ministry of Environment in management and coordination on environmental protection and has the roles and duties as follows:

- Prepare policies and national strategic plans relevant to the environmental protection
- Prepare regulations and other principle guidelines relating to environmental protection, environmental quality standards and standards of waste or toxic emissions.
- Manage water, air and soil quality, manage noise and vibration, and manage hazardous substance emission such as radiation and electromagnetic.
- Prepare and implement regulations and other procedures for strategic environmental assessment and monitor on environmental impact assessment of the public and private investment projects.
- Review and comment on techniques relating to the environmental protection on each proposal and private and public investment projects.
- Manage administrative works, plan, accounting, finance and government officials and staffs either civil servants or non-civil servants of the general department.
- Manage justice police officials and justice police agents of the general department
- Collect, compile and manage data on sources of the environmental quality pollution and waste data and hazardous substances on environment.
- Manage cycle of air pollution substances, liquid wastes, solid wastes and hazardous wastes.
- Study, research and advise about the suitable technology for hazardous waste management and environmental hazardous substances to be safe.
- Study, research and assess about diffusion of the toxic substances from the wastes and environmental hazardous substances into the environment, level of environmental pollution and impact of health.
- Inspect, monitor, review and assess about the situation of the quality of environment, water, air, soil and provide technical advice to sub-national specialized entities.
- Provide public service relating to the environmental protection set forth under applicable regulations.

- Enforce the implementation of law and regulation through monitoring and inspection on location or mean of production, business or service relating to importing and exporting, crossing, creating, producing, using, processing, treatment and discarding or emitting of wastes and environmental hazardous substances.
- Review and comment on the whole processes of the environmental impact assessment and monitoring the environmental management plan.
- Comment and coordinate with the relevant institutions or entities and sub-national administration to inhibit or eliminate the environmental pollution, environmental quality rehabilitation and participate in environmental impact or damage assessment caused by the environmental pollution.
- Prepare preventative plan to respond immediately on the incident of the environmental pollutions.
- Provide laboratory service to support the environmental protection works and for general public
- Perform specialized works in accordance with other agreements, conventions and international protocols at either local or international level relating to the environmental protection of which Cambodia is a member and the Ministry of Environment is the national focal institution.
- Prepare national report about the situation of the environmental quality or situation of the environmental pollution, especially in the areas which are potential for development and susceptible for environmental pollution.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by the minister.

The General Department of Environmental Protection is led by one General Director and some Deputy General Director depends on the necessary.

The General Department of Environmental Protection has some subordinate departments as follows:

- Department of Administration, Planning and Finance
- Department of Air and Noise Quality Management
- Department of Water Quality Management
- Department of Solid Waste Management
- Department of Hazardous Substance Management
- Department of Environmental Impact Assessment
- Department of Law Enforcement and Inspection
- Laboratory

Each department and laboratory is led by one director and some deputy directors depend on the necessary.

#### **Article 12**

Department of Administration, Planning and Finance has roles and duties as follows:

- Manage Administrative unit and coordinate the General Department's works.

- Manage and run documents of the General Department
- Submit proposal and coordinate the public procurement works of the General Department
- Manage inventory list of property, equipment and office material of the General Department
- Manage the government officials and staffs either civil servants or non-civil servants and build capacity of the General Department
- Manage finance and accounting of the General Department
- Manage protocol works of the General Department
- Manage social affairs of the General Department
- Coordinate in preparing activity plan, budget plan and monitoring and evaluation plan of the General Department, prepare minute and write up report of the General Department
- Prepare monthly, quarterly, semester, nine-month and annual reports of the Department and General Department of Environmental Protection
- Perform other tasks as assigned by General Director

**Article 13**

Department of Air and Noise Quality Management has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administration works relating to the roles and duties of the department.
- Prepare regulations and principle guidelines relating to air quality protection, outdoor and indoor air quality standard, standard of smoke emission, gas vapor, particle, noise, vibration from movable and immovable sources and environmental pollution substance standard containing in fossil fuel.
- Inspect, monitor and evaluation on quality of outdoor air, indoor air, noise and vibration.
- Review mean of management or treatment equipment of smoke, vapor, gas, particle and noise or vibration by location or activities of production, business or service.
- Review and comment on the request for approval on smoke and noise emission
- Cooperate with relevant institutions and entities in preparing procedures and implement the inspection on emission of smoke, gas, particle and noise from vehicle sources.
- Cooperate with relevant institutions and entities to inspect fossil fuel quality which is produced in the country and imported from abroad.
- Disseminate and advise the operators of the location or activities of production, business or service about law, regulation, standard and technical guideline relating to indoor air quality protection and reduce interruption of noise and vibration.
- Study, research, assess and disseminate about new technologies for monitoring, inhibiting and inspecting about diffusion of air pollution substances, noise or vibration emission from movable and immovable sources.
- Study, research and disseminate about type, level and danger of air pollution substances with are diffused into outdoor and indoor air.

- Collect, compile, and manage data on sources of causing pollution on air, outdoor air quality, indoor air quality and toxic substances diffusing into the air.
- Prepare national report about the situation of outdoor and indoor air quality
- Perform tasks as the national focal institution of convention, protocol and international agreement which relate to protection and inspection of air pollution such as fog and smoke problem, atmosphere acid, ozone protection.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

**Article 14**

Department of Water Quality Management has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administration works relating to the roles and duties of the department.
- Prepare regulations and other principle guidelines relating to water quality protection, water quality standard of public water areas and standard of sewage water and liquid wastes disposal.
- Inspect, monitor and evaluate about the situation of water quality of public water areas.
- Review mean of management or treatment facilities of sewage water, liquid waste on-site or activities of production, business or service.
- Review and comment on the request for approval on sewage water and liquid waste disposal
- Disseminate and advise the operators of the location or activities of production, business or service about law, regulation, standard and technical guideline relating to water quality protection and reduce diffusion of toxic substances into public water areas.
- Prepare technical standard for construction of urban sewage water treatment station and participate in providing comments to the ministry on request for investment on the establishment of sewage water treatment plant.
- Study, research and disseminate about new technologies to inhibit the diffusion of toxic substances into the public water areas.
- Study, research and disseminate in public about type, level and danger of toxic substances which are diffused into public water areas and impact on health
- Collect, compile and manage data on sources of causing pollution to water, water quality of public water areas and toxic substances which are diffused into the public water areas.
- Prepare national report about the situation of water quality of the public water areas.
- Fulfill tasks as the national focal institution of convention, protocol and international agreement which relate to water quality management either in regional or global level.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

**Article 15**

Department of Solid Waste Management has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department’s staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare regulations and principle guidelines relating to solid waste management such as regulation about on-site classification, packaging, collection, transportation, processing, treatment and final disposal.
- Prepare principle guidelines and disseminate to the publics about the implementation of on-site solid waste classification program, participation in using collection and transportation service and implementation the principle of reduce, reuse and recycle through cooperation with the relevant sub-national administration.
- Inspect, monitor and evaluate about the operation of sub-national administration on the implementation of collection, cleaning, transportation, processing and disposal of solid waste.
- Disseminate and advise the operators of the location or activities of production, business or service about law, regulation and technical guideline relating to classification, packaging, collection, transportation, processing, treatment and disposal of solid waste.
- Prepare technical standards for the services of collection and transportation, processing, construction of incinerator or solid waste disposal dump.
- Provide comments to the ministry on request for investment on collection and transportation service, recycling factory, construction of incinerator and solid waste disposal dump.
- Review mean, solid waste management methodology or solid waste treatment facilities at the producing, storing or collecting locations, operational location of collection and transportation service, recycling location and solid waste dumping site.
- Review and comment on the request for approval letter on recycle waste purchasing, importing or exporting of recycle wastes.
- Collect, compile and manage data on urban solid wastes at provincial-capital such as total quantity produced and by type, collected amount, recycled amount, amount brought to the dumping site.
- Study, research and disseminate publicly about impacts on environment, health and society relating to issues of solid wastes.
- Prepare national report about the situation of urban solid waste management at provincial-capital
- Fulfill tasks as the national focal institution of convention, protocol and international agreement which relate to solid waste management either in regional or global levels.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

**Article 16**

Department of Hazardous Substance Management has roles and responsibilities as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department’s staffs, manage finance, inspect

internal works, and manage other administrative works relating to the roles and duties of the department.

- Prepare regulations and principle guidelines relating to the monitoring on the processes of management, processing, demolishing and disposal of hazardous substances including radiation, electromagnetic and hazardous wastes and determination on type and class of hazardous substances and hazardous wastes.
- Prepare technical guidelines for safe management on hazardous substances to ensure public health and environment.
- Prepare technical standard for the operation on services of collection and transportation, processing, treatment and hazardous waste storage areas.
- Review and comment on request for investment on services of collection and transportation, recycling, treatment and hazardous waste storage areas.
- Disseminate regulation, standard and technical guideline relating to hazardous substances and hazardous wastes.
- Monitor on locations, means or activities which relate to producing, using, importing, exporting, storing, transporting and distributing hazardous substances.
- Review on mean and methodology of hazardous waste management at the producing, storing or collecting location, collection and transportation service location, recycling service location, demolishing service location and final disposal area service.
- Review and comment on request for approval letter on importing, exporting and crossing of hazardous substances and hazardous wastes.
- Coordinate with the relevant institutions or entities in preparing responding activity plan and get the materials, means and resources ready to immediately respond to the incident of fire, exploding, dropping, leaking of hazardous substances and hazardous wastes.
- Collect, compile and manage information and data relating to hazardous substances and hazardous wastes.
- Study, research, write up report and disseminate in public about the level of toxic substance diffusion of hazardous substances or hazardous wastes into environment and the impacts on public health.
- Fulfill tasks as the national focal institution of convention, protocol and international agreement relating to management on hazardous substances and hazardous wastes either in regional or global level including Basel Convention, Stockkhom Convention, Minamata Convention.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

#### **Article 17**

Department of Environmental Impact Assessment has roles and responsibilities as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.

- Prepare regulations and principle guidelines relevant to the environmental and social impact assessment.
- Enforce the implementation of law and regulation relating to the environmental and social impact assessment and environmental protection contract through coordination and cooperation with the relevant ministries and institutions.
- Prepare and implement of internal rules for management on monitoring on the environmental and social impact assessment processes.
- Prepare documents about principle guidelines and criteria for assessing company which requests for registration as a consulting firm for the study and preparing environmental and social impact assessment report.
- Monitor, evaluate and comment on the request for registration as the consulting firm for the study and preparing environmental and social impact assessment report.
- Review and comment on each environmental and social impact assessment report of the public and private investment projects.
- Ensure for receiving information and push the public people to participate regularly in environmental and social impact assessment processes.
- Monitor and evaluate on project classification and project framework in order to determine whether to prepare full or initial environmental and social impact assessment report or environmental protection contract, set condition for environmental management plan and environmental protection contract with project donor including fees paid to environmental endowment Fund and social and environmental fund.
- Enforce the implementation on payment to the environmental endowment Fund and social and environmental fund.
- Coordinate with the relevant institutions and entities to inspect, monitor and strengthen the implementation of environmental management plan written in the social and environmental impact assessment report and environmental protection contract.
- Monitor and evaluate on the environmental inspection report of public and private investment projects.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

**Article 18**

Department of Law Enforcement and Inspection has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare procedures for inspection on environmental pollution offense and on site or production, business and other services activities relating to wastes disposal or toxic substances emission into the environment.

- Disseminate and advise to provincial and municipal department of environment about the procedures for inspection on environmental pollution offense and on site or production, business and other services activities relating to waste disposal or toxic substances emission into the environment.
- Cooperate with subordinate departments of General Department of Environmental Protection and provincial and municipal department of environment in preparing plan and program including determination of target location or production, business and other services activities which have to do inspection.
- Lead and coordinate in monitoring and inspection on site or production, business and other service activities or on environmental pollution offense activities as per plan or as necessary.
- Request for principles for administrative measures, transactional disciplinary measures or continue grievance procedures to court for the environmental pollution offense cases which are found during the inspection.
- Fulfill as complainant entity on behalf of the ministry for the complaints on environmental pollution offense to the court.
- Coordinate with law and court agencies including prosecutor and lawyer as necessary and as per each case.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

#### **Article 19**

Laboratory which has hierarchical status equal to department has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among laboratory's staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the laboratory
- Provide services on experiment and sample analysis to other entities of the Ministry of Environment as well as general customers
- Prepare procedures for managing and keeping samples and other substances
- Prepare procedures to receive and allocate income receiving from the experiment and sample analysis services.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

## **Chapter 5**

### **General Department of Administration for Natural Protection and Conservation**

#### **Article 20**

General Department of Administration for Natural Protection and Conservation is a secretary of the Ministry of Environment in management and coordination on the biodiversity conservation works and natural resource usage in appropriate and sustainable ways in the natural protected areas and has roles and duties as follows:



- Prepare policies and strategic plans relating to biodiversity conservation and natural resource usage in appropriate and sustainable ways.
- Prepare regulation relevant to natural protected area management
- Educate, train and disseminate about law and regulation relevant to natural protected area management
- Enforce the implementation of law and regulation relating to natural protected area management
- Manage on administrative work, plan, finance, accounting and officials of the General Department
- Manage on justice police officials and justice police agents of the General Department
- Lead the biodiversity management and conservation in the natural protected areas
- Ensure for management and using of resources in the natural protected areas sustainably.
- Lead the study, research and preparation of data on type of animals and plants which are rare, vulnerable, endangering and almost extinction in the natural protected areas.
- Participate in implementing activities on keeping custom and tradition and participate in improving livelihood of the ethnic minority communities living in the natural protected areas through natural protected areas community development including ecotourism activities
- Manage wetland areas and fresh water resources
- Manage marine resources and coastal areas
- Participate in management and conservation of heritage areas in the natural protected areas
- Review, monitor and evaluate on the economic activities in the natural protected areas
- Fulfill the technical works in accordance with the agreement, convention and international protocol either in regional or global level relating to natural protection and conservation which Cambodia is a member
- Study and determine each management area for conservation and development
- Rehabilitate, replant forest in erosional area and conserve forest in the natural protected areas in order to participate in reduction of forest erosion and forest destruction as well as climate change mitigation.
- Find technical supports and mobilize financial resource either in national or international level for the natural protected area management.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by the Minister

The General Department of Administration for Natural Protection and Conservation is led by one General Director and some Deputy General Director depend on the necessary.

The General Department of Administration for Natural Protective and Conservation has subordinate departments as follows:

- Department of Administration, Planning and Finance
- Department of Mainland Natural Protected Area Conservation (East of Mekong River)
- Department of Mainland Natural Protected Area Conservation (South of Tonle Sap)

- Department of Mainland Natural Protected Area Conservation (North of Mekong River)
- Department of Freshwater Wetland Conservation
- Department of Coastal and Marine Conservation
- Department of Law Enforcement and Inspection

Each department is led by one Director and some Deputy Directors depend on the necessary.

**Article 21**

Department of Administration, Planning and Finance has roles and duties as follows:

- Manage Administrative unit and coordinate the General Department’s works.
- Manage and run documents of the General Department
- Submit proposal and coordinate public procurement works of the General Department
- Manage inventory list of property, equipment and office material of the General Department
- Manage the government officials and staffs both civil servants and non-civil servants and build capacity of the officials of the General Department
- Coordinate in preparing activity plan, budget plan and monitoring and evaluation plan of the General Department
- Manage finance and accounting of the General Department
- Manage protocol works of the General Department
- Manage social affairs of the General Department
- Prepare minutes of meetings of the General Department
- Prepare monthly, quarterly, semester, nine-month and annual report of the Department and General Department of Administration for Natural Protection and Conservation
- Perform other tasks as assigned by General Director

**Article 22**

Department of Mainland Natural Protected Area Conservation in East of Mekong River is responsible for management on the natural protected areas in geography of Ratanakiri, Mondulakiri, Kratie, Stung Treng, Tboung Khmum, Preyveng and Svay Rieng provinces. It has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department’s staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare strategies, management plans, activity plans and technical guidelines for mainland natural protected area management in east of Mekong River.
- Determine border, determine area for management and prepare map for mainland natural protected area in east of Mekong River through cooperation with the relevant institutions, entities and other development partners.
- Study, research and prepare data on type of animals and plants which are rare, vulnerable, endangering and almost extinction in the mainland natural protected area in east of Mekong River

- Implement works on protection, conservation and rehabilitation of the natural resources sustainably in the mainland natural protected area in east of Mekong River
- Participate in improving livelihoods, keeping custom and tradition of the local communities which are living in the mainland natural protected area in east of Mekong River.
- Mobilize technical and financial assistances from other development partners to support on the mainland natural protected area conservation sustainably in east of Mekong River
- Coordinate on other project implementation in the mainland natural protected area in east of Mekong River
- Prepare management plan and take action to prevent forest fire in the mainland natural protected area in east of Mekong River
- Monitor and review on the implementation of regulation and technical guidelines for the mainland natural protected area management in east of Mekong River.
- Educate and disseminate to the publics in order to encourage the participation in keeping and protection the natural resources in the mainland natural protected area in east of Mekong River
- Take action to research, prevent and crack down on natural resources offense in the mainland natural protected area in east of Mekong River and prepare documents to submit to the court as justice police in accordance with the legal procedure.
- Prepare cases and solve the environmental and natural resource offenses in the mainland natural protected area in east of Mekong River in accordance with the procedures as the justice police in accordance with the procedure of the criminal law of Cambodia.
- Coordinate on implementation of agreement, convention and protocol relating to the mainland natural protected area in east of Mekong River
- Prepare monthly, quarterly, semester, nine-month and annual reports  
Perform other tasks as assigned by General Director

**Article 23**

Department of Mainland Natural Protected Area Conservation in North of Tonle Sap is responsible for management on the natural protected areas in geography of Preah Vihear, Oddar Meanchey, Banteay Meanchey, Siem Reap, Kampong Thom and Kampong Cham provinces. It has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare strategies, management plans, activity plans and technical guidelines for mainland natural protected area management in north of Tonle Sap.
- Determine border, determine area for management and prepare map for mainland natural protected area in north of Tonle Sap through cooperation with the relevant institutions, entities and other development partners.
- Study, research and prepare data on type of animals and plants which are rare, vulnerable, endangering and almost extinction in the mainland natural protected area in north of Tonle Sap

- Implement works on protection, conservation and rehabilitation on the natural resources sustainably in the mainland natural protected area in north of Tonle Sap
- Participate in improving livelihoods, keeping custom and tradition of the local communities which are living in the mainland natural protected area in north of Tonle Sap.
- Mobilize technical and financial assistances from other development partners to support on the mainland natural protected area conservation sustainably in north of Tonle Sap
- Coordinate on other project implementation in the mainland natural protected area in north of Tonle Sap
- Prepare management plan and take action to prevent forest fire in the mainland natural protected area in north of Tonle Sap.
- Monitor and review on the implementation of regulations and technical guidelines for the mainland natural protected area management in north of Tonle Sap
- Educate and disseminate to the publics in order to encourage the participation in keeping and protection the natural resources in the mainland natural protected area in north of Tonle Sap
- Take action to research, prevent and crack down natural resources offense in the mainland natural protected area in north of Tonle Sap and prepare documents to submit to the court as the justice police in accordance with the legal procedure.
- Prepare cases and solve the environmental and natural resource offenses in the mainland natural protected area in north of Tonle Sap in accordance with the procedures as the justice police in accordance with the procedure of the criminal law of Cambodia.
- Coordinate on implementation of agreement, convention and protocol relating to the mainland natural protected area in north of Tonle Sap
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

#### **Article 24**

Department of Mainland Natural Protected Area Conservation in South of Tonle Sap is responsible for management on the natural protected areas in geography of Battambang, Pailin, Pursat, Kampong Chhnang, Kampong Speu, Kandal, Takeo, Kep, Kampot, Preah Sihanouk, Koh Kong provinces and Phnom Penh city. It has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare strategies, management plans, activity plans and technical guidelines for mainland natural protected area management in south of Tonle Sap.
- Determine border, determine area for management and prepare map for mainland natural protected area in south of Tonle Sap through cooperation with the relevant institutions, entities and other development partners.

- Study, research and prepare data on type of animals and plants which are rare, vulnerable, endangering and almost extinction in the mainland natural protected area in south of Tonle Sap
- Implement works on protection, conservation and rehabilitation of the natural resources sustainably in the mainland natural protected area in south of Tonle Sap
- Participate in improving livelihoods, keeping custom and tradition of the local communities which are living in the mainland natural protected area in south of Tonle Sap.
- Mobilize technical and financial assistances from other development partners to support on the mainland natural protected area conservation sustainably in south of Tonle Sap
- Coordinate on other project implementation in the mainland natural protected area in south of Tonle Sap
- Prepare management plan and take action to prevent forest fire in the mainland natural protected area in south of Tonle Sap.
- Monitor and review on the implementation of regulations and technical guidelines for the mainland natural protected area management in south of Tonle Sap
- Educate and disseminate to the publics in order to encourage the participation in keeping and protection the natural resources in the mainland natural protected area in south of Tonle Sap
- Take action to research, prevent and crack down on natural resources offense in the mainland natural protected area in south of Tonle Sap and prepare documents to submit to the court as justice police in accordance with the legal procedure.
- Prepare cases and solve the environmental and natural resource offenses in the mainland natural protected area in south of Tonle Sap in accordance with the procedures as the justice police in accordance with the procedure of criminal law of Cambodia.
- Coordinate on implementation of agreement, convention and protocol relating to the mainland natural protected area in south of Tonle Sap
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

**Article 25**

Department of Freshwater Wetland Conservation has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare strategies, management plans, activity plans and technical guidelines for freshwater wetland area conservation and management.
- Determine border, determine area for management and prepare map for freshwater wetland area conservation through cooperation with the relevant institutions, entities and other development partners.
- Study, research and prepare data on type of animals and plants which are rare, vulnerable, endangering and almost extinction in the freshwater wetland conservation area.

- Implement works on protection, conservation and rehabilitation of the natural resources sustainably in the freshwater wetland area.
- Participate in improving livelihoods, keeping custom and tradition of the local communities which are living in the freshwater wetland area.
- Mobilize technical and financial assistances from other development partners to support on the freshwater wetland area conservation sustainably.
- Coordinate on other project implementation in freshwater wetland area.
- Prepare management plan and take action to prevent forest fire in freshwater wetland area
- Monitor and review on the implementation of regulations and technical guidelines for freshwater wetland area management.
- Educate and disseminate to the publics in order to encourage the participation in keeping and protection the natural resources in the freshwater wetland area.
- Coordinate and cooperate with the relevant institutions and entities in preparing and establishing of ecotourism followed other principle guidelines including appropriate natural resources usage in the freshwater wetland area.
- Take action to research, prevent and crack down on natural resources offense in the freshwater wetland area and prepare documents to submit to the court as the justice police in accordance with the legal procedure.
- Prepare cases and solve the environmental and natural resource offenses in freshwater wetland area in accordance with the procedures as the justice police in accordance with the procedure of criminal law of Cambodia.
- Coordinate on implementation of agreement, convention and protocol relevant to the freshwater wetland area.
- Prepare monthly, quarterly, semester, nine-month, and annual reports
- Perform other tasks as assigned by General Director

**Article 26**

Department of Coastal and Marine Conservation has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department’s staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare strategies, management plans, activity plans and technical guidelines for coastal and marine resource management.
- Study, research and prepare proposal for establishment Marine Park.
- Determine border, determine area for management and prepare map for coastal and marine resources through cooperation with the relevant institutions, entities and other development partners.
- Study, research and prepare the establishment of data and map about the use of coastal and marine resources
- Monitor and report about the situation and health of the sea and coastal area

- Implement works on protection, conservation and rehabilitation of the natural resources in the sea and coastal area sustainably.
- Mobilize technical and financial assistances from other development partners to support on the coastal and marine resources conservation and management sustainably.
- Participate in improving livelihoods, keeping custom and tradition of the local communities which are living in the coastal and marine area.
- Coordinate on implementation of other investment development projects in coastal and sea area.
- Monitor and review on the implementation of regulations and technical guidelines for natural management in coastal and sea area.
- Educate and disseminate to the publics in order to encourage the participation in keeping and protection the natural resources in the coastal and marine area.
- Coordinate on preparation and implementation of other principle guidelines for natural resource conservation and protection in coastal and sea area including appropriate and sustainable using of the natural resources.
- Take action to research, prevent and crack down on natural resources offense in the coastal and sea area and prepare documents to submit to the court as the justice police in accordance with the legal procedure.
- Prepare cases and solve the environmental and natural resource offenses in coastal and sea area in accordance with the procedures as the justice police in accordance with the legal procedure.
- Coordinate on implementation of agreement, convention and protocol relevant to the coastal and sea area.
- Prepare monthly, quarterly, semester, nine-month and annual reports

Perform other tasks as assigned by General Director

**Article 27**

Department of Law Enforcement and Inspection has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department's staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare procedures for inspection on natural resource offense or production, business and other service activities in the natural protected areas.
- Disseminate and advise to the relevant stakeholders about the procedures for inspection on the offenses of natural resource or production, business and other service activities in the natural protected areas.
- Cooperate with subordinate departments of the General Department of Administration for Natural Protection and Conservation, Provincial/ capital Department of Environment and other relevant entities to conduct inspection the location or production activities, business and other service or on the activities of natural resource offense as per plan or as necessary.

- Request for principle to take administrative measure, transactional fine or continue the grievance to court for the natural resource offense cases found during inspection.
- Fulfill as complainant entity on behalf of the ministry in case of the complaint on natural resource offense to be sent to the court.
- Coordinate with legal and court agencies including prosecutor and lawyer as necessary and as per each case.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

## **Chapter 6**

### **General Department of Local Community**

#### **Article 28**

The General Department of Local Community is a secretary of the Ministry of Environment in management and coordination on local community development and natural protected area community in order to participate in management, protection and conservation of natural resource, biodiversity and ecological system in the natural protected areas. It has roles and duties as follows:

- Prepare policies and strategic plans relating to works on local community development and natural protected area community.
- Prepare regulation relating to management and development of local community and natural protected area community
- Manage administrative works, planning, finance, accounting and officials of the General Department
- Lead the study, research, the establishment and management of local community
- Lead the study, research, establishment and management of natural heritage area
- Coordinate and cooperate with the relevant ministries, institutions and entities and private sector in managing ecotourism investment projects
- Coordinate and cooperate with the relevant ministries, institutions and entities and development partners in improving ecotourism activities in the local community and natural protected area community.
- Educate, train and disseminate about laws and regulations relating to management and development of local community and natural protected area community.
- Coordinate and lead the implementation of activities relating to livelihood improvement of the local community and natural protected area community including keeping tradition and custom of the ethnic minority community
- Find technical supports and mobilize financial resources either in national or in international levels for the local community development and natural heritage area management.
- Fulfill technical works in accordance with other agreements, conventions and international protocols either in regional or global levels relating to local community, ecotourism and protection and conservation of the natural heritage areas which Cambodia is a member.



- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by the Minister

The General Department of Local Community is led by one General Director and some Deputy General Directors depend on the necessary.

The General Department of Local Community has subordinate departments as follows:

- Department of Administration, Planning and Finance
- Department of Community Livelihood
- Department of Heritage Area
- Department of Ecotourism

Each department is led by one Director and some Deputy Directors depend on the necessary.

#### **Article 29**

Department of Administration, Planning and Finance has roles and duties as follows:

- Manage Administrative unit and coordinate the General Department’s works.
- Manage and run documents of the General Department
- Submit proposal and coordinate on public procurement works of the General Department
- Manage inventory list of property, equipment and office material of the General Department
- Manage the government officials and staffs both civil servants and non-civil servants and build capacity of the officials of the General Department
- Coordinate on preparing activity plan, budget plan and monitoring and evaluation plan of the General Department
- Manage finance and accounting of the General Department
- Manage protocol works of the General Department
- Manage social affairs of the General Department
- Prepare minutes of meetings of the General Department
- Prepare monthly, quarterly, semester, nine-month and annual reports of the Department and General Department of Local Community
- Perform other tasks as assigned by General Director

#### **Article 30**

Department of Community Livelihood has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department’s staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare strategies, management plans, activity plans and technical guidelines for natural protected area community management in accordance with the law.
- Study, research and prepare other data to manage the existing communities and prepare proposal to include new communities which located in or near the natural protected areas

- Determine border, determine area for management and prepare map for the natural protected area community through cooperation with the relevant institutions, entities and other development partners.
- Coordinate in preparing criteria, agreement, management plan and natural protected area community development program.
- Study, research and prepare the establishment of map and data on natural protected area community.
- Prepare training program about the natural resource management in the natural protected area community to officials in central and sub-national levels as well as the local community people.
- Monitor, evaluate and report about the situation of the natural protected area community
- Protect, conserve and rehabilitate natural resources sustainably in the natural protected area community through cooperation with the relevant institutions, entities and other development partners.
- Conduct activities in improving livelihoods of the natural protected area community including keeping custom and tradition of the ethnic minority communities.
- Mobilize technical and financial assistances from other development partners to support on the natural protected area community management efficiently.
- Participate in coordination on the implementation of other projects in the natural protected areas
- Push and encourage the participation from the communities in protection, conservation and rehabilitation of the natural resources including forest plating in the natural protected area community.
- Monitor and review the implementation of regulations and technical guidelines for natural protected area community management.
- Educate and disseminate to the publics to participate in keeping and protection the natural resources in the natural protected area community.
- Coordinate in preparing and implementation of principle guidelines for management, protection and conservation of resources in the natural protected area community including ecotourism activities.
- Provide other interventions for coordination on solving the conflict which occurred in the natural protected area community.
- Take action to research, prevent and crack down on natural resources offense in the natural protected area community and prepare documents to submit to the court as the justice police in accordance with the legal procedure.
- Coordinate on implementation of agreement, convention and protocol relevant to the natural protected area community.
- Prepare monthly, quarterly, semester, nine-month and annual reports

Perform other tasks as assigned by General Director

**Article 31**

Department of Heritage Area has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department’s staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.
- Prepare strategies, management plans, activity plans and technical guidelines for natural heritage area management in accordance with the principle of national and international law.
- Study, research and prepare proposal on natural heritage area establishment.
- Determine border, determine area for management and prepare map for the heritage area through cooperation with the relevant institutions, entities and other development partners.
- Study, research and prepare the establishment of map and data on the natural heritage area
- Monitor and report about the situation of the natural heritage area
- Protect, conserve and rehabilitate the resource in natural heritage area sustainably through cooperation with the relevant institutions, entities and other development partners.
- Participate in keeping custom and tradition and improving livelihoods of the ethnic minority communities which are living in and near natural heritage area.
- Mobilize technical and financial assistances from other development partners to support on the heritage area management sustainably.
- Coordinate on implementation of other projects in the natural heritage area
- Monitor and review the implementation of regulations and technical guidelines for natural heritage area management.
- Educate and disseminate to the publics to participate in keeping and protection the resources in the natural heritage area
- Coordinate, organize and implement the principle guidelines for natural heritage area conservation works including eco and cultural tourism activities.
- Take action to research, prevent and crack down on natural and cultural resources offense in the natural heritage area and prepare documents to submit to the court as the justice police in accordance with the legal procedure.
- Prepare cases and solve the cultural and natural resource offenses in the natural heritage area as the justice police in accordance with the legal procedure.
- Coordinate on implementation of agreement, convention and protocol relating to the natural heritage area.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

**Article 32**

Department of Ecotourism has roles and duties as follows:

- Prepare draft on policies, regulations, plan and budget, strengthen the cooperation with relevant stakeholders, build capacity among department’s staffs, manage finance, inspect internal works, and manage other administrative works relating to the roles and duties of the department.

- Prepare strategies, management plans, activity plans and technical guidelines for program management and ecotourism development projects.
- Coordinate on implementation of principle guidelines and other procedures for program management and ecotourism development projects.
- Study, organize, coordinate and manage the implementation on ecotourism development investment project and community ecotourism development project.
- Coordinate in preparing the establishment and monitoring on implementation of ecotourism package in order to attract national and international tourists to visit in the natural protected areas.
- Coordinate with the relevant entities, development partners and investors in preparing contract and other conditions for ecotourism development projects.
- Monitor and review the implementation of contract for ecotourism development investment project and ecotourism development project of the community in accordance with the regulations and other principle guidelines.
- Coordinate on conflict resolution and other irregularities occurring in relation with the program implementation and ecotourism development projects.
- Prepare mechanisms to collect revenue from ecotourism services in order to participate in supporting the natural protected area conservation activities.
- Mobilize technical and financial assistances from other development partners and private sectors to support on the ecotourism development sustainably.
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

## **Chapter 7**

### **General Department of Administration and Finance**

#### **Article 33**

The General Department of Administration and Finance is a secretary of the Ministry of Environment in leading, management and coordination on general administrative works, staffs, finance, public properties, and plan preparation. It has roles and duties as follows:

- Be responsible and coordinate on the administration, staff and general financial works
- Prepare the relevant administrative letters and regulation.
- Manage and develop human resources of the ministry
- Manage finance and accounting
- Manage and coordinate on public procurement works
- Manage material, equipment, property and property of the ministry
- Be responsible and coordinate in preparing short, medium and long-term plan and budge of the ministry in accordance with the policy and the Government's plan.
- Coordinate in preparing draft and compiling other regulation such as decision , Prakas, inter-ministry Prakas, sub-decree, royal decree, law and agreement relevant to the environment.

- Provide legal advice on the article, contract, agreement, grievance case, dispute case relating to the ministry
- Coordinate on implementation of public administration reform program and public finance reform program of the ministry.
- Manage protocol works of the ministry
- Regularly coordinate with other general departments to improve working efficiency of the ministry
- Manage archives of the ministry
- Manage social affairs for the staffs either civil servants and non-civil servants of the ministry
- Prepare monthly, quarterly, semester, nine-month and annual reports of the ministry
- Perform other tasks as assigned by the Minister

The General Department of Administration and Finance is led by one General Director and some Deputy General Directors depend on the necessary.

The General Department of Administration and Finance has subordinate departments as follows:

- Department of Administration
- Department of Human Resource
- Department of Planning and Budget
- Department of State Property Management
- Department of Finance and Accounting

Each department is led by one Director and some Deputy Directors depend on the necessary.

#### **Article 34**

Department of Administration has roles and duties as follows:

- Manage and coordinate the administrative works at central level and between central levels with the subordinate entities at the sub-national level.
- Manage and run other administrative documents
- Prepare, review and revise the general administrative letters
- Manage legislation works
- Coordinate in preparing draft and compiling other regulations such as decision, Prakas, inter-ministry Prakas, sub-decree, royal decree, law and agreement relating to the environment.
- Coordinate and cooperate with the relevant entities in preparing and disseminating existing regulations.
- Manage protocol works of the ministry
- Act as single window for the public services
- Prepare minutes of meetings and report of the ministry
- Manage archives of the ministry
- Prepare monthly, quarterly, semester, nine-month and annual reports of the department and general department of administration and finance

- Perform other tasks as assigned by General Director

### **Article 35**

Department of Human Resource has roles and duties as follows:

- Manage the government officials and staffs either civil servants or non-civil servants.
- Organize and manage information, data and statistic relating to the government officials and staffs either civil servants or non-civil servants through regular updating.
- Coordinate and prepare official identity card for staffs either civil servants or non-civil servants
- Coordinate in preparing management plan and training for official and staffs either civil servants or non-civil servants through regular and rigorous conduction of training need assessment for long term and short term courses
- Coordinate and manage training both in country and in abroad for the staffs either civil servants or non-civil servants as well as internships.
- Prepare regulations relating to the management of officials and staffs either civil servants or non-civil servants including recruitment, termination of employment, suspension without salary, retirement, promotion of position, promotion of grade, payroll arrangement, incentive, awarded decoration, penalty, duty transferring and other works.
- Coordinate and cooperate in implementing the procedure for recruitment, termination of employment, suspension without salary, retirement, promotion of position, promotion of grade, payroll arrangement, incentive, awarded decoration, penalty, duty transferring of the officials who are working at the sub-national level.
- Coordinate on request for awarded decorations and other incentive competition programs
- Coordinate and manage social affair for staffs either civil servants or non-civil servants of the General Department and the ministry
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

### **Article 36**

Department of Planning and Budget has roles and duties as follows:

- Prepare principle guidelines on procedure for producing policies, strategies and short, medium and long-term plans relevant to the environmental sector
- Produce and disseminate documents for the process of producing policies, strategies, plans and short, medium and long-term budget plans to other entities under the supervision of the ministry.
- Be responsible and coordinate with other entities under the supervision of the ministry in producing and proposing annual budget plan and short, medium and long-term budget plan in order to compile total budget plan of the ministry.
- Monitor, review and evaluate the implementation of budget plan for each period of national and sub-national level through comparing with the indicators
- Coordinate with the relevant entities under the supervision of the ministry in the process of submitting budget plan proposal

- Coordinate in preparing inputs for the process of producing national policies, strategies and plans.
- Coordinate on implementation of decentralization and deconcentration policy of the Royal Government.
- Coordinate in partnership, resource mobilization from development partners and implementation on budget financing from the development partners.
- Coordinate in preparing monitoring and evaluation framework including the establishment of target points and indicators for measuring achievement of the plan.
- Be responsible and cooperate in monitoring, reviewing and evaluation of the implementation on policies, strategies and plans relevant to the environmental sector.
- Prepare monthly, quarterly, semester, nine-month and annual reports of the Ministry of Environment for the Royal Government.
- Perform other tasks as assigned by General Director

**Article 37**

Department of State Property Management has roles and duties as follows:

- Disseminate regulations relating to state property management
- Submit proposal and coordinate on public procurement works of the ministry
- Prepare and manage inventory list on state property occupied by the ministry by based year and every year as well as clear out state property list.
- Manage and classify the utilization of all state properties, equipment, material and logistic of the ministry
- Coordinate in preparing annual plan on the demand of using state properties, equipment, material and logistic through cooperation with the entities under the supervision of the ministry.
- Manage inventory and the utilization, maintenance and repairing of vehicles as well as garage of the ministry
- Manage the construction, maintenance and repairing of infrastructure, building, equipment, material and other networks.
- Be responsible for security, order and sanitation in the building and in the ministry campus.
- Prepare monthly, quarterly, semester, nine-month and annual reports.
- Perform other tasks as assigned by General Director

**Article 38**

Department of Finance and Accounting has roles and duties as follows:

- Disseminate and enforce on the implementation of law, policy and circular of the Royal Government which relate to state finance and budget management, especially public finance reform program.
- Be responsible and cooperate with the relevant entities in the process of preparing annual credit plan
- Manage finance and accounting system of the ministry
- Manage revenue, expense and single window for public service income

- Manage advanced petty cash and expenses on mission inside and outside of the country.
- Review and monitor balance sheet of the ministry in order to ensure sustainability of the financial operation.
- Prepare payroll, allowance, remuneration and other incentive to the officials and staffs both civil servants and non-civil servants
- Manage all accounts of the ministry
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by General Director

## **Chapter 8**

### **General Inspectorate**

#### **Article 39**

General Inspectorate acts as a secretary of the minister on inspection and good governance works and has roles and duties as follows:

- Conduct regular inspection to all entities under the supervision of the ministry
- Receive complaint and information as well as conducting survey relating to illegal actions and violation of the laws and regulations caused by the individual and entities under the supervision of the ministry.
- Summon the relevant officers via entity to clarify and participate in cooperation in the process of inspection
- Report the results of the survey on illegal action and violation of the laws and provisions to the minister
- Request for approval from the minister to take action or to take actual solution to individual or entities found guilty
- Cooperate with the relevant stakeholders both national and sub-national level to fulfill the roles
- Prepare monthly, quarterly, semester, nine-month and annual reports
- Perform other tasks as assigned by the minister

The General Inspectorate is led by one General Inspector, some deputy general inspectors and inspectors depend on the necessary.

## **Chapter 9**

### **Department of Internal Audit**

#### **Article 40**

Department of Internal Audit is responsible for implementation of works in accordance with sub-decree No.40 ANKr.BK dated February 15<sup>th</sup>, 2005 on organization and functioning of the department of internal audit in the ministries, institutions and public enterprise.

The Department of internal audit is led by one director and some deputy directors depend on the necessary.



## **Chapter 10**

### **Cabinet of Minister**

#### **Article 41**

Cabinet of minister of the Ministry of Environment is responsible for missions defined in sub-decree No. 20 ANKr.BK dated April 30<sup>th</sup>, 1996 on organization and functioning of the Ministry and the State Secretariat.

## **Chapter 11**

### **Local Entity**

#### **Article 42**

In each province capital, there is one provincial municipal department of environment which is responsible for implementation and coordination on other activities of the ministry.

In each city, district, Khan, there is one city, district Khan office of environment which is responsible for implementation and coordination on activities of the ministry under the management of the provincial capital department of environment.

The organization and functioning of the provincial municipal department of environment and city, district, Khan Office of environment are defined by the Prakas of the Minister of the Ministry of Environment.

## **Chapter 12**

### **Public Institution under Supervision**

#### **Article 43**

Public institutions which are under the supervision of the ministry of environment are defined by separate sub-decree.

## **Chapter 13**

### **Financial Control Unit**

#### **Article 44**

Financial Control Unit was established by the Ministry of Economy and Finance in accordance with the condition of the regulation defined in sub-decree No. 81 ANKr.BK dated November 16<sup>th</sup>, 1995 on establishment of financial control institution for the Budget Expenses in the ministries.

## **Chapter 14**

### **Transitional Provisions**

#### **Article 45**

Any provision which has been implementing remains valid until replaced by new provision.

#### **Article 46**

The Government officials and all activities under the framework of previous entity of the ministry of environment were transferred and continued in accordance with this sub-decree.

## **Chapter 15**

### **Final Provisions**

#### **Article 47**

The organization and functioning of the department and other entities under the department is defined by Prakas of the minister of the Ministry of Environment.

#### **Article 48**

Sub-decree No. 55 ANKr.BK dated May 4th, 2015 on organization and functioning of the Ministry of Environment and any provision that are contrary to this sub-decree shall be abrogated.

#### **Article 49**

Minister In charge of Council of Ministers, Minister of Ministry of Economy and Finance, Minister of Ministry of Environment, Minister of Ministry of Civil Servant, Minister of all Ministries and head of all relevant institutions are in charge of implementing this sub-decree in accordance with own roles from the date of signature onwards.

Phnom Penh, July 5th, 2016

Prime Minister

Signature and Stamp

Samdach Akak Moha Sena Padey Techo Hun Sen

To

Samdach Akak Moha Sena Padey Techo Hun Sen, to Sign

Minister of Ministry of Environment

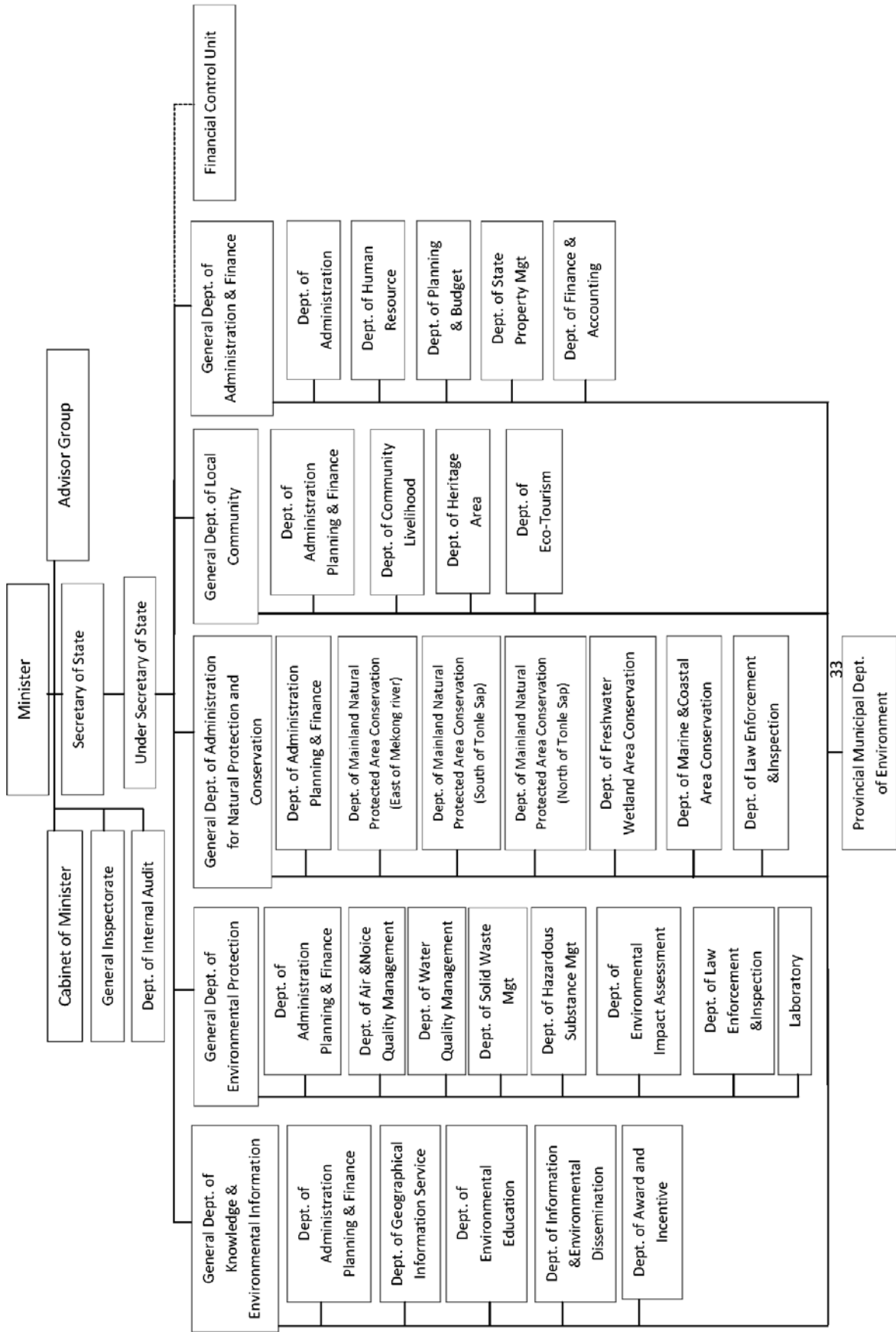
Signature

Say Sam Al

CC:

- Ministry of Royal Palace
- General Secretariat of Constitution Council
- General Secretariat of Senate
- General Secretariat of Assembly
- General Secretariat of Royal Government
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Ministers
- As Article 49
- Royal Office
- Archive

Organizational Structure of sub-decree 135 AN.Kr.BK dated 05 July 2016



**Kingdom of Cambodia**  
**Nation      Religion      King**

**Royal Government of Cambodia**  
**No. 575 ANKR-BK**

**SUB-DECREE**

**ON**

**THE ORGANIZATION AND FUNCTIONING OF  
THE MINISTRY OF INDUSTRY AND HANDICRAFTS**

**The Royal Government of Cambodia**

- Referring to the Constitution of the Kingdom of Cambodia
- Referring to Reach Kret NS/RKT/0913/903 dated September 24, 2013 on the Appointment of the Royal Government of Cambodia
- Referring to Reach Kret NS/RKT/1213/1393 dated December 21, 2013 on the Adjustment and Addition of the Composition of the Members of the Royal Government of Cambodia of the Kingdom of Cambodia
- Referring to Reach Kram No. 02/NS/RKM/94 dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers
- Referring to Reach Kram No. NS/RKT/1213/018 dated December 6, 2013 on the Implementation of the Law on the Establishment of the Ministry of Industry and Handicrafts
- Referring to Sub-Decree 20/ANK/BK of April 13, 1996 on the Organization and Functioning of Ministries and State Secretariats
- Pursuant to the necessity of the Royal Government of Cambodia

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**IT IS HEREBY DECIDED**

**CHAPTER I**  
**General Provisions**

**Article 1:** This sub-decree shall define the organization and functions of the Ministry of Industry and Handicrafts.

**Article 2:** This sub-decree has the following objectives.

- Set the mission and organization of the Ministry of Industry and Handicrafts
- Arrange the functions and responsibilities of units under the Ministry of Industry and Handicrafts
- Ensure the quality and efficiency of works in the field of industry and handicrafts

**Article 3:** This sub-decree cover the jurisdiction of works of all units of the Ministry of Industry and Handicrafts at both central and sub-national levels and it will be implemented for the industry and handicraft sector in the Kingdom of Cambodia.

## CHAPTER II

### Mission and Organization

**Article 4:** The Ministry of Industry and Handicrafts acts as the secretariat of the Royal Government of Cambodia to fulfill its mission in leading and managing the industry and handicraft sector in the Kingdom of Cambodia.

The mission must be carried out through the establishment and effective implementation of the policies, legal frameworks and other regulations relevant to the management of the industry and handicraft sector.

**Article 5:** The roles and responsibilities of the Ministry of Industry and Handicrafts are as follows.

- Define the policy, strategies and provide directions and make action plan on industry and handicraft sector for the Royal Government of Cambodia;
- Implement the policy, strategies, directions and development plans of the industry and handicraft sector;
- Lead and manage the industry and handicraft sector at national and sub-national levels;
- Prepare policies and development programs for developing small and medium enterprises and handicrafts;
- Implement researches, conduct experiments and develop technology for promoting the development of the industry and handicraft sector;
- Promote and support technological development, new creation and innovations and entrepreneurship in the industry and handicraft sector;
- Manage, evaluate, accredit and provide certificates for useful innovations, patterns and industrial drawings/models;
- Prepare and manage the dissemination of the technology;
- Prepare, manage and disseminate the industrial standards and quality assurance of the products;
- Serve as the technical parental agency of the public enterprises, and public administration institutions established in the industry and handicrafts;
- Prepare, manage and disseminate the works of metrology;
- Prepare, manage and implement the urban water supply policy for towns and urban areas; and
- Cooperate with other countries in the region, international institutions and organizations to promote the industry and handicraft sector.

**Article 6:** The Ministry of Industry and Handicrafts shall be organized as follows:

#### **I. Central Level:**

- a. Cabinet
- b. General Department of General Affairs
- c. General Department of Industry
- d. General Department of Small and Medium Enterprises

- e- Cambodian Standard Institute
- f. National Center of Metrology
- i. Secretariat
- j. Department Internal Audit

## **II. Sub-national Level:**

At sub-national level the provincial departments of industry and handicrafts and other technical offices of the national center and institute under the ministry represent the ministry in the municipality and provinces.

**Article 7:** The general department is managed by one general director with a number of deputy directors general as the assistants.

The institute or center is managed by a director in equivalent role as the general director who is assisted by a number of deputy directors in equivalent role as the deputy directors general.

The secretariat is managed by a chief in equivalent role of the director general with a number of deputies in equivalent role of deputy directors general as the assistants.

The department is managed by a director with a number of deputies as the assistants.

The provincial department of the ministry is managed by a director assisted by a number of deputies and officers under these deputies.

The organizational chart of the ministry is defined in the annex of this sub-decree.

**Article 8:** The functions and organization of the departments and other units under the general departments, institutes, centers, secretariat and the provincial departments must be defined by the declaration (Prakas) of the Minister of Industry and Handicrafts (hereafter called ‘the minister’).

## **CHAPTER 3**

### **Cabinet**

**Article 9:** The cabinet has the mission as defined in Sub-Decree No. 20 ANK/BK dated April 30, 1996 on the Establishment and Functions of the Ministries and Secretariats.

## **CHAPTER 4**

### **General Department of General Affairs**

**Article 10:** General Department of General Affairs serves as the secretariat of the ministry for the following roles.

- Manage the administration works, facilitate all units of the ministry at national level and facilitate the central units and provincial units and units under the technical management of the ministry;
- Prepare the information technology system to facilitate the work management of the ministry for both national and sub-national levels;
- Manage workshops and vehicles belonging to the state allocated for the ministry and prepare the expenditure program and allocation plans of fuels and spare parts;
- Receive from the national level and distribute further the supplies to all provincial units;
- Manage the civil servants and contract staffs of the ministry by cooperating with the Ministry of Public Function Services, and evaluate the training needs of the ministry;

- Prepare salaries, fees and social pension fund for all personnel under the ministry;
- Prepare and implement training policy for initial trainings and on-job-trainings by cooperating with the Ministry of Public Function Services, and/or develop human resource of the ministry by cooperating with other ministries or agencies;
- Prepare ministry's budget plan and follow up the budget implementation of the ministry;
- Compile, manage and coordinate all expenses of the ministry following the budget chapters including the public procurement;
- Collect revenues in accordance with the Annual Budget Law;
- Compile the requests, prepare expenditure program, manage the repairs and maintenance of the ministry's equipment;
- Manage mobile and immobile assets, equipment and inventories of the ministry;
- Prepare the draft and regulations of the industry and handicrafts;
- Research, collect, compile and disseminate all international regulations and treaties in the field of industry and handicrafts;
- Provide guideline and monitor the implementation of the international regulations and treaties on industry and handicrafts;
- Assist the management of ministry and all units under the ministry in legal affairs on industry and handicrafts;
- Represent the ministry in dispute resolution and in front of the courts;
- Prepare and follow up the implementation of the international cooperation plans in the field of industry and handicrafts made on bilateral or multilateral basis with international organizations and ASEAN by cooperating with the technical units of the ministry and other ministries and institutions, and ASEAN Secretariat; and
- Implement other tasks assigned by the minister.

**Article 11:** General Department of General Affairs has five departments under it.

- Department of Administration
- Department of Personnel
- Department of Accounting and Finance
- Department of Legal Affairs
- Department of Planning, Statistics, International Cooperation and ASEAN Affairs

General Department of General Affairs is responsible for the coordination with the provincial departments of industry and handicrafts in the provinces.

**Article 12:** Department of Administration supports General Department of General Affairs in the area of administration.

Department of Personnel supports General Department of General Affairs on personnel issues.

Department of Accounting and Finance supports General Department of General Affairs on accounting and finance.

Department of Legal Affairs supports General Department of General Affairs on legal works.

Department of Planning, Statistics, International Cooperation and ASEAN Affairs supports General Department of General Affairs on planning, statistics, international cooperation, and ASEAN affairs.

## CHAPTER 5

### General Department of Industry

**Article 13:** General Department of Industry is the secretariat of the ministry in the following tasks.

- Prepare policies, strategies, directions and plans for industry sector;
- Lead, manage, promote and develop industry sector;
- Support and promote the technological development, new creation and innovations in industry sector;
- Prepare, manage and disseminate the works on technological standards;
- Manage and implement the industrial certificates;
- Monitor and provide accreditation of industrial development;
- Implement the policy and plan on industrial property rights protection;
- Manage, assess, and issue the certificates for useful innovations, industrial models and patterns;
- Prepare, manage and development production and business of water supplies;
- Manage, coordinate, and promote the Cambodian product development; and
- Implement other tasks assigned by the minister.

**Article 14:** General Department of Industry has the following structure.

- Department of Industry
- Department of Industrial Science and Technology
- Department of Portable Water
- Department of Industrial Licenses
- Department of Industrial Properties
- National Productivity Center

**Article 15:** Department of Industry supports General Department of Industry on the industrial works.

Department of Industrial Science and Technology supports General Department of Industry on the industrial science and technology.

Department of Portable Water supports General Department of Industry in the field of clean water supply.

Department of License supports General Department of Industry on the licensing and the conformity evaluating units.

Department of Industrial Properties supports General Department of Industry in the area of industrial properties.

National Productivity Center supports General Department of Industry in the area of national productivity.

## CHAPTER 6

### General Department of Small, Medium Enterprises and Handicrafts

**Article 16:** General Department of Small, Medium Enterprises and Handicrafts serves as the secretariat of the ministry in the field of small, medium enterprises and handicraft in the following responsibilities.

- Prepare policy, strategies, directions and action plans for the ministry in the field of small, medium enterprises and handicrafts;
- Prepare, manage and promote the development of the small, medium enterprises and handicrafts;
- Support and promote entrepreneurship of small, medium enterprises and handicrafts;



- Cooperate with other countries, and international and national institutions to promote the development of SME and handicrafts;
- Monitor, evaluate and approve the private investment projects of SME and handicrafts directly or in cooperation with other relevant institutions;
- Register and monitor the SME and handicrafts;
- Make proposals, coordinate and monitor the implementation of the public investment projects relevant for the development of SME and handicrafts;
- Prepare the operating licenses for SME and handicrafts;
- Evaluate the specifications and quantities of the inputs or raw materials used by SME and handicrafts to ensure the technical standard requirements;
- Prepare list of products of SME and handicrafts;
- Provide various permits relevant for the production of SME and handicrafts; and
- Implement other tasks assigned by the minister.

**Article 17:** General Department of SME and Handicrafts has three departments under it as follows.

- Department of Small and Medium Enterprises
- Department of Handicrafts
- Department of Planning and SME Development Promotion

**Article 18:** Department of Small and Medium Enterprises is the secretariat of General Department of SME and Handicrafts in the field of small and medium enterprises.

Department of Handicrafts is the secretariat of General Department of SME and Handicrafts in the field of handicrafts.

Department of Planning and SME Development Promotion is the secretariat of General Department of SME and Handicrafts in field of planning and promotion of SMEs.

## CHAPTER 7

### Cambodian Standard Institute

**Article 19:** Cambodian Standard Institute is the secretariat of the ministry in the field of promotion of Cambodian standards and has the following responsibilities.

- Prepare national standards for products, goods, equipment and services for all sectors and operations and promote the recognition of those standards;
- Evaluate the conformity following the existing provisions in the laws and regulations relevant with Cambodian standards;
- Establish, operate and provide maintenance of the laboratories, library, tools and other equipment for standard and quality improvement;
- Certify the standard conformity for products, goods, substances, tools and equipment used in the country or for import or export based on the proposals of the requesters;
- Certify the safety standard conformity for products, goods, substances, tools and equipment used in the country or for export based on the proposals of the requesters;
- Certify the standard conformity of the production system or service providing system based on the proposals of the requesters;
- Register products, certify the technical standard conformity or order standard for products, goods, substances, tools and equipment used in the country or for import or export based on the proposals of the requesters;

- Prepare and manage standards and identify the targets which use chemical substances and/or chemical substance standard for industry;
- Suspend, withhold and eliminate the permits of the products using product standards or product standard conformity certificates or product registration certificate or standard production system certificates;
- Conduct researches on standardization;
- Provide education, trainings and consultancy to promote the standardization and quality;
- Accredite the units which issue the laboratory certificates on tools and equipment of the national and foreign institutions aligning to the goal of Cambodian Standard Institute;
- Cooperate with individuals, international organizations or foreign associations having similar organizational missions;
- Promote and encourage the implementation of standards and standardization aiming at utilizing it as the tool for economic growth, health, safety and public welfare;
- Cooperate with local authorities in the field of industry, trade and cooperate with other organizations to ensure standards;
- Analyze and provide physical, chemical, micro-biological and mechanical tests to ensure product quality and criteria; and
- Implement other tasks assigned by the minister.

**Article 20:** Cambodian Standard Institute has the following departments under it.

- Department of Information
- Department of Standard Development, Trainings and Consultancy
- Department of Standard Certification
- Department of Regulation
- Laboratory Center of Cambodian Industry

**Article 21:** Department of Information serves as the secretariat of Cambodian Standard Institute in the field of information.

Department of Standard Development, Trainings and Consultancy is the secretariat of Cambodia Standard Institute in the field of Cambodian standard development, trainings and consultancy.

Department of Certification is the secretariat of Cambodian Standard Institute in the licensing works.

Department of Regulation is the secretariat of Cambodian Standard Institute in regulatory works.

Laboratory Center of Cambodian Industry is the secretariat of Cambodian Standard Institute in the laboratory testing of product quality and criteria for industry and handicrafts.

## CHAPTER 8

### National Center for Metropology

**Article 22:** National Center for Metropology is the secretariat of the ministry in the following responsibilities.

- Prepare and implement the policy, strategies, and actions plan for the development of the metropology;
- Register the metropology, and its researches and development;
- Manage and maintain national standards, standard at lower level and operating standards;
- Evaluate the conformity and provide accreditation for operating standards of the entities;

- Test, analyze and approve the specific models of metrological tools, goods, molds and packaging;
- Calibrate the standards of metrology and standards of the metrological tools;
- Monitor, verify and certify the conformity of the weight and product measurements of the manufactured goods and goods in package following the detail specifications of the goods in package relevant to the metrology;
- Monitor, verify and certify the minimum and maximum capacities of weights and/or measurements of metrological tools allowed to be used or traded or used in other sectors following the official national metrological unit system;
- Prepare, coordinate and manage the establishment and utilization of the official national metrological unit system and other unit systems in the Kingdom of Cambodia;
- Provide production and maintenance licenses of metrology and licenses to use the logo of Cambodian metrology legally;
- Draft regulations and technical and administrative procedures for strengthening the metrology;
- Develop human resource, technology and information technology, and implement the individual and institutional capacity assessment of metrology sector;
- Cooperate with national and international organizations to harmonize the metrological works;
- Cooperate with other relevant ministries and institutions to follow up the illegal production, maintenance, deployment and commercialization of metrological tools, standards and national unit system;
- Prepare and manage metrological tools, standards, manufactured products and products in package produced in the countries and by import;
- Manage and implement the collections of fees, penalties and other service charges allowed by the laws; and
- Implement other tasks assigned by the minister.

**Article 23:** National Center for Metrology has the following department under it.

- Department of Metrological Sciences
- Department of Metrological Authentication
- Department of Metrological Industry
- Department of Metrological Legal Affairs

**Article 24:** Department of Metrological Sciences is the secretariat of National Center of Metrology in the area of metrology.

Department of Metrological Authentication is the secretariat of National Center of Metrology in the area of authentication of metrology.

Department of Metrological Industry is the secretariat of National Center of Metrology in the area of metrological industry.

Department of Metrological Legal Affairs is the secretariat of National Center of Metrology in the legal affairs.

## CHAPTER 9 General Secretariat

**Article 25:** General Secretariat is the secretariat of the ministry for the work of inspection and has the following responsibilities.

- Conduct regular inspection on the units under the ministry;
- Report to the minister the implementation of the functions of the units of which the audit were made and tools for improvements; and
- Implement other tasks assigned by the minister.

## **CHAPTER 10**

### **Department of Internal Audit**

**Article 26:** Department of Internal Audit is the secretariat of the ministry for the work of internal audit and has the following responsibilities.

- Carry out the internal audits to strengthen the internal system of the ministry;
- Assess the efficiency of the internal system operation of the units under the ministry for good governance;
- Report directly to the heads of the units and share with the National Audit Authority the results of the audit and coordinate the work with other competent institutions; and
- Implement the duties stipulated in Sub-Decree No. 40 ANK/BK dated February 15, 2005 on the Organization and Functions of the Internal Audit of the Institutions, Ministries and Public Enterprises.

## **CHAPTER 11**

### **Provincial Departments**

**Article 27:** In the municipality and the provinces, there are the departments of industry and handicrafts and their branches which are responsible for the implementation of the mission of the ministry.

The provincial departments of industry and handicrafts are the representatives of the ministry for the coordination of the sub-national units of the ministry and are the implementers of the tasks and duties of the ministry at sub-national level following the decision of the minister.

## **CHAPTER 12**

### **Financial Controller Unit**

**Article 28:** Financial Controller Unit is established by the Minister of Economy and Finance following Sub-Decree 81 ANK/BK dated November 16, 1995 on the Establishment of the Institution for Financial Control of the Expenditure of the Ministries.

## **CHAPTER 13**

### **Transitory Disposition**

**Article 29:** Prakas on the establishments or organizations and functions of the departments and units of the Ministry of Industry, Mines and Energy which serve in the field of industry and handicrafts remain valid till the replacements by the new Prakas by the minister.

## **CHAPTER 14**

### **Final Provision**

**Article 30:** This Sub-Decree will replace the followings sub-decrees namely:

- Sub-Decree No 183 ANK/BK dated December 31, 2010 on the Functions and Organization of the National Center of Metrology
- Sub-Decree No. 40 ANK/BK dated February 20, 2009 on the Upgrading of the National Laboratory of Cambodian Industry to the department under the General Department of Industry of the Ministry of Industry, Mines and Energy
- Sub-Decree No. 62 ANK/BK dated June 4, 2008 on the Functions and Organization of Cambodian Standard Institute
- Sub-Decree No. 43 ANK/BK dated May 30, 2003 on the Upgrading of the Office of Industrial Properties of the Department of Industrial Techniques to the Department of Industrial Properties under the General Department of Industry of the Ministry of Industry, Mines and Energy
- Sub-Decree 12 ANK/BK dated February 11, 2002 on the Upgrading of the ASEAN Office and Industrial Standard Office to the Department of Cooperation and ASEAN Affairs and Department of Industrial Standard of Cambodia of the Ministry of Industry, Mines and Energy
- Sub-Decree 35 ANK/BK dated April 26, 1999 on the Functions and Organization of the Ministry of Industry, Mines and Energy

**Article 31:** All regulations opposite to the stipulations in this sub-decree are invalid.

**Article 32:** The ministers in charge of Council of Ministers, Ministry of Economy and Finance, Ministry of Industry and Handicrafts, and all relevant ministries and institutions must implement this sub-decree from the date of its signature.

Phnom Penh, December 24, 2013

Signature and Stamp

Samdech Hun Sen

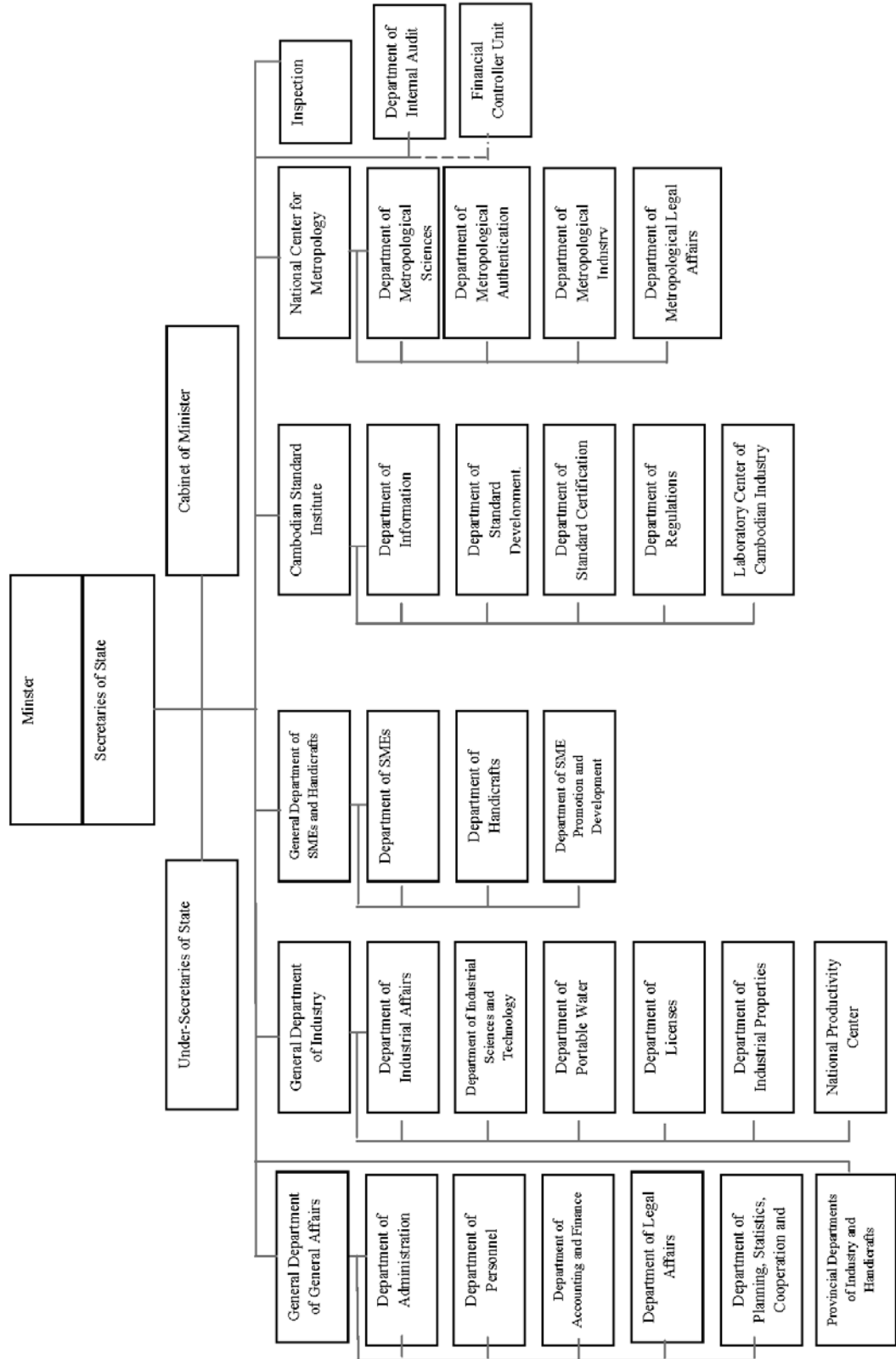
Prime Minister

CC:

- Royal Palace
- Secretariat of Constitutional Council
- Secretariat of Senate
- Secretariat of National Assembly
- Secretariat of Royal Government of Cambodia
- Cabinet Office of Prime Minister
- Cabinet Offices of Deputy Prime Ministers
- As stated in Article 32
- Royal Gazette
- Archive

Organizational Chart of Ministry of Industry and Handicrafts

As Annex to Sub-Decree No. 575 ANK/BK dated December 24, 2013



**PRAKAS (DECLARATION)  
ON POWER DELEGATION OF DECIDE MAKING INSTEAD OF  
MINISTRY FOR INVESTMENT PROJECT TO THE  
MUNICIPAL-PROVINCIAL OF ENVIRONMENT**

**Senior Minister –Minister of Ministry of Environment**

- Has seen the Constitution of the Kingdom of Cambodia;
- Has seen the Royal Decree No. NS.RKT 0704/124 dated 15 July 2004 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
- Has seen Preah Reach Kram No 02 NS.94 dated 20 July 1994, to allow using the Law on the Establishment and Implementation of the Council of Ministers;
- Has seen Preah Reach Kram No NS.RKM 0196.21 dated 24 January 1996, announcing to use the Law on the Establishment of the Ministry of Environment;
- Has seen Preah Reach Kram No NS.RKM 1296.36 dated 24 December 1996, announcing to use the Law on the Environmental Protection and Natural Resources Management;
- Have seen the Sub-decree N 57 ANKR.BK, dated on 25 September 1997 on Organizations and Functions of Ministry of Environment;
- Have seen the Sub-decree N 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 ANKR.BK, dated on 9 February 2005 on the Establishment of the Sub-committee on 24 Provincial Investment;

**Hereby Decides and Orders**

**Article1**

The Municipal-Provincial Department of Environment shall be tasked to review, and comment on the IEIA or Full EIA report of private individuals or private companies, joint-venture companies, public companies or ministries/government agencies as mentioned in this annex, which the investment capital is under US\$ 2.000.000 (two millions Dollar United State).

Unofficial translation by Mr. DANH Serey, EIA Department

**Article 2**

The Municipal-Provincial Department of Environment shall have to follow up, monitor and take appropriate measures to ensure that Project's Owner will follow the Environmental Management Plan (EMP) during project construction, operation and closure as stated in the environmental impact assessment report approved.

**Article 3**

The Municipal-Provincial Department of Environment shall have to establish a technical group whom composition of Director, Deputy-Director of Provincial Department, all Office Chiefs and technical official to review and comment on the environmental impact assessment report before submit to line departments and relevant stakeholders meeting.

**Article 4**

The Municipal-Provincial Department of Environment shall develop the report and attach with a copy document profile of investment project to Ministry of Environment, while the department has accepted this document profile of the project, which required the environmental impact assessment report and to be approved by the sub-committee of Municipal-Provincial Investment.

**Article 5**

The Municipal-Provincial Department of Environment shall develop the report to Ministry of Environment about the implemented activities of case by case and attached with the copy document profile of the project related to the environmental impact assessment or environmental management plan.

**Article 6**

The Municipal-Provincial Department of Environment shall be tasked to take action of law for the project approved and on going with the investment capital is less than 2 millions Dollar United State, who violates or not obey any article of the sub-decree N 72 ANKR BK dated 11 August 1999 on the Environmental Impact Assessment Process.

**Article 7**

In case of the project owner commits a violation of the article 6, and the department is incapable or incompetent to identify the violation of the law. The Municipal-Provincial Department of Environment must inform and submit urgent the violation profile to Ministry of Environment for get comment.

**Article 8**

The Municipal-Provincial Department of Environment shall carry out strictly the sub-decree N 72 ANKR BK dated 11 August 1999 on the Environmental Impact Assessment Process.



Unofficial translation by Mr. DANH Serey, EIA Department

**Article 9**

The Director of the Municipal-Provincial Department of Environment shall be responsible in front of the Minister of Ministry of Environment for the power delegation implementation as mentioned in the declaration.

**Article 10**

The technical department of Ministry of Environment shall nominate technical officials to strengthen and build capacity to the Municipal-Provincial Department of Environment officials to carry out its obligation strictly and efficiently.

**Article 11**

The technical department of Ministry of Environment shall nominate technical officials to control and audit on project implemented activities of each Municipal-Provincial to ensure efficiency of environmental protection.

**Article 12**

Technical General Department, Administrative General Department, Inspector General Department, Director of Concerned department under Ministry of Environment, Director of Concerned Municipal-Provincial Department of Environment shall comply with this Declaration from the date of its signature.

**Senior Minister-Minister of  
Ministry of Environment**

**DR. MOK MARETH  
BIOLOGY**

**CC:**

- Cabinet of Samdech Prime Minister
- Council of Ministers
- Council for Development of Cambodia
- Concerned Ministries
- Concerned Provincial and Municipal Halls
- As mentioned in the article 3
- Document recording government activity
- Documentation-Chronicle

**List of the Projects for provincial level required an IEIA or EIA**

No.	Type and activities of the projects	Size / Capacity
1	Industrial	
1.1	Food processing and caned	≥ 500 Tones/year
1.2	All fruit drinks manufacturing	≥ 1,500 Litres /day
1.3	Fruit manufacturing	≥ 500 ones/year
1.4	Orange Juice manufacturing	All sizes
1.5	Wine manufacturing	All sizes
1.6	Alcohol and Beer brewery	All sizes
1.7	Water supply	≥ 10,000 Users
1.8	Tobacco manufacturing	≥ 10,000 Boxes/day
1.9	Tobacco leave processing	≥ 350 Tones/ year
1.10	Sugar refinery	≥ 3,000 Tones /year
1.11	Rice mill and cereal grains	≥ 3,000 Tones /year
1.12	Fish, soy bean, chili, tomato sources	≥ 500,000 Litres/year
1.13	Textile and dyeing factory	All sizes
1.14	Garments, washing, printing, dyeing	All sizes
1.15	Leather tanning, and glue	All sizes
1.16	Sponge- rubber factory	All sizes
1.17	Plywood	≥ 100,000m <sup>3</sup> /year(log)
1.18	Artificial wood	≥ 1,000 m <sup>3</sup> /year (log)
1.19	Saw mill	≥ 50,000m <sup>3</sup> /year (log)
1.20	Paper factory	All sizes
1.21	Pulp and paper processing	All sizes
1.22	Tire factory	≥ 500 Tones /year
1.23	Rubber factory	≥ 1,000 Tones /year
1.24	Battery industry	All sizes
1.25	Chemical production industries	All sizes
1.26	Chemical fertilizer plants	≥ 10,000 Tones /year
1.27	Pesticide industry	All sizes
1.28	Painting manufacturing	All sizes
1.29	Liquid, powder, solid soaps manufacturing	All sizes
1.30	Fuel stations	≥ 20,000 Litres
1.31	Glass and bottle factory	All sizes
1.32	Bricks, roofing tile manufacturing	150,000 piece /month
1.33	Flooring tile manufacturing	90,000 piece /month
1.34	Calcium carbide plants	All sizes
1.35	Producing of construction materials(Cement)	900 tones/month
1.36	Cow oil and motor oil manufacturing	All sizes

**KINGDOM OF CAMBODIA**  
**NATION RELIGION KING**

MINISTRY OF ENVIRONMENT

No. 215 BRK.BST

**PRAKAS (Declaration)**  
**ON**  
**REGISTRATION OF THE CONSULTANT COMPANY FOR**  
**CONDUCTING AND PREPARING THE ENVIRONMENTAL**  
**AND SOCIAL IMPACT ASSESSMENT (ESIA) REPORTS**

**Minister of Ministry of Environment**

- Has seen the Constitution of the Kingdom of Cambodia,
- Has seen the Royal Decree No. NS.RKT 0913/903 dated 24 September 2013 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia,
- Has seen the Preah Reach Kram No. 02.NS.94 dated 20 July 1994, to allow using the Law on the Establishment and Implementation of the Council of Ministers,
- Has seen the Preah Reach Kram No. NS.RKM 0196.21 dated 24 January 1996, announcing to use the Law on the Establishment of the Ministry of Environment,
- Has seen the Preah Reach Kram No. NS.RKM 1296.36 dated 24 December 1996, announcing to use the Law on the Environmental Protection and Natural Resources Management,
- Has seen the Sub-decree No. 57 ANKR.BK dated on 11 September 1997 on Organizations and Functions of Ministry of Environment,
- Has seen the Sub-decree No. 72 ANKR.BK dated on 11 August 1999 on the Environmental Impact Assessment Process,
- Has seen the Declaration No. 346 BRK.SSR.BST dated on 30 December 2005 on Organizations and Functions of Department of Environmental Impact Assessment Monitoring and Review,
- Has seen the Prakas No. 376 BRK.BST dated on 02 September 2009 on the General Guideline for Conducting Initial and Full Environmental Impact Assessment Report,
- Has seen Necessity of Ministry of Environment,

**Hereby Decides and Orders**

**Article 1**

The purpose of Declaration is to determine the condition of Registration and Criteria of the Consultant Companies for conducting and preparing Environmental and Social Impact Assessment (ESIA) Report in Quality, Effectiveness and Transparency manner in order to ensure the goal of sustainable development.

**Article 2**

- The Consultant Company who wishes to conduct and prepare the Environmental and Social Impact Assessment (ESIA) Report shall apply for registration to be recognized by the Ministry of Environment (MoE).
- The Consultant Companies who were not registered to be recognized by Ministry of Environment (MoE), cannot permit to conduct and prepare the ESIA Report.

**Article 3**

The Consultant Company has to fulfill the following criteria as:

- Application Form 03 copies
- Commercial Registration certified by Ministry of Commerce 03 copies
- Certification of the company issued by local authority 03 copies
- Internal rule and regulation of the company 03 copies
- Organization chart of the company 03 copies
- Company profile 03 copies
- Other relevant documents and experiences

**Article 4**

The Consultant Company has to have Director, Technical Team leader, Technical specialist and Technical Assistant. In case there is change of the above member, the Consultant Company has to inform to MoE no longer than 30 (thirty) days.

**Article 5**

Director of the Consultant Company shall have the following qualifications:

- Have Bachelor Degree At least.
- Have at least 5 years experiences on general management or environmental and social management, and used to attend training course or seminar on ESIA.

**Article 6**

Technical Team Leader of the Consultant Company shall have the following qualifications:

- Have Master Degree or equivalence scientific field at least.
- Have experience related to General Environmental Management at least 5 (five) years.
- Have experience related to EIA work at least 5 (five) years.
- Have high technical capability on Survey, Analysis, and EIA or Specialize in Environment, Forestry, Fishery, and Construction .etc.

**Article 7**

Technical Specialist of the Consultant Company shall have the following qualifications:

- Have Bachelor Degree or equivalence in science.
- Have experience related to General Environmental Management at least 3 (three) years.
- Have experience with EIA work at least 3 (three) years.
- Have certificate of Training on EIA.
- Have high technical ability on Survey, Analysis, and EIA or Specialize on Environment, Forestry, Fishery, and Construction .etc.

**Article 8**

Technical Assistant of the Consultant Company shall have the following qualifications:

- Have Bachelor Degree or equivalence certificate of science.
- Have experience with Environmental work at least 1 (one) year.
- Have certificate of training on EIA.

- Have General knowledge of EIA Process, Regulations, and other technical aspects related to Environmental issues.

**Article 9**

The Consultant Company shall pay for registration fee to MoE. The registration fee shall be defined by the joint Prakas between MoE and Ministry of Economic and Finance.

**Article 10**

Ministry of Environment issues recognized certificate with a valid for 5 (five) years to the Consultant Company which complies all required the condition and criteria as stated in Article 3 to Article 9 in this Declaration.

**Article 11**

The Foreign Consultant Company has to cooperate with Local Consultant Company registered and recognized by MoE in order to conduct and prepare the ESIA Report.

**Article 12**

The Consultant Company who wishes to continue providing service in conducting and preparing the ESIA Report, shall re-apply for registration to MoE at least 3 (three) months before the expiration date of the certificate.

**Article 13**

The Consultant Company shall comply with its obligation, accordance with provision on guideline of conducting the ESIA Report and other relevant legal standard.

**Article 14**

The certificate approves to the Consultant Company, is suspended from 6 (six) months to 3 (three) years, in case:

- The consultant company mad mistake as a result of neglecting/error on conducting and preparing the ESIA Report.
- The consultant company had copied the data from the documents or other ESIA Report without reference.
- The consultant company fails to inform the MoE as stated in Article 4.

**Article 15**

The certificate approves the Consultant Company shall be cancelled in case:

- The consultant company violates the provision of Article 14.
- The consultant company commits intentional mistake by not showing Positive and Negative Impact of the actual survey.
- ESIA Report has no quality and/or serious fraudulent damaging national benefit.
- The consultant company was punished of criminal offence.

**Article 16**

The Consultant Company cannot re-apply for registration for 5 (five) years, after the approved certificate shall be cancelled.

**Article 17**

The Consultant Company shall take responsibility against the Laws and concerned authorities on conducting and preparing the ESIA Report.

**Article 18**

- The Consultant Company who registered earlier than effective of this Declaration shall re-apply for registration to MoE.
- In case the re-applied certificate is not issued, the Consultant Company described above, shall have 12 (twelve) months effective from the date of the declaration, shall complete the reminding ESIA Report.

**Article 19**

Any provision contradicts to this declaration shall be abrogated.

**Article 20**

Secretaries of state, Under-secretaries of state, General Director of administration and finance, General Director of technical, Royal Government of Cambodia Delegate in charge of Managing General Department of Defended Administration and Natural Conservation, General Secretary of Council for National Green Development, General Inspector, Director of Minister Cabinet, Team Leader of Technical reviewing and comment on EIA report, Director of Department, and concerned Municipal-Provincial Department of Environment shall comply with this Declaration from the date of this sign on.

CC:

- Council of Ministers
- Ministry of Economic and Finance
- All concerned Ministries/Institutions
- All Municipal and Provincial Hall
- As mentioned in the article 20
- Royal Gazette
- Documentation-Chronicle

Phnom Penh, 19 May 2014

Minister

(Stamp and Signature)

Say Sam Al

**KINGDOM OF CAMBODIA**  
**Nation Religion King**



MINISTRY of ENVIRONMENT  
N. 376 BRK.BST

Phnom Penh, 02 September 2009

**PRAKAS (DECLARATION)**  
**ON**  
**GENERAL GUIDELINES FOR DEVELOPING INITIAL AND**  
**FULL ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

**Senior Minister, Minister of Environment**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS.RKT 0908/1058 dated 25 September 2008 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
- Having seen Royal Kram No 02 NS.94 dated 20 July 1994, promulgating the Law on the Establishment and Implementation of the Council of Ministers;
- Having seen Royal Kram No NS.RKM 0196.21 dated 24 January 1996, promulgating the Law on the Establishment of the Ministry of Environment;
- Having seen Royal Kram No NS.RKM 1296.36 dated 24 December 1996, promulgating the Law on the Environmental Protection and Natural Resources Management;
- Having seen Royal Kram No NS.RKM 0208.007 dated 15 February 2008, promulgating the Law on Protected Area;
- Having seen the Sub-decree N 57 ANKR.BK, dated on 25 September 1997 on Organizations and Functioning of the Ministry of Environment;
- Having seen the Sub-decree N 72 ANKR.BK, dated on 11 August 1999 on the Environmental Impact Assessment Process;
- Having seen the Joint Declaration between Ministry of Environment and Ministry of Economic and Finance N 245 SHV.BST.BRK, dated on 20 October 2000 on cost for reviewing Environmental Impact Assessment Report and Project Operation Monitoring;
- Having seen the Prakas N 230 BRK.BST, dated on 29 July 2005 on Delegation of Authority to the Provincial Departments of Environment on matters related to investment projects on behalf of the Ministry of Environment;
- Having seen Prakas N 346 BRK.SSR.BST, dated on 30 December 2005 on Organization and Functioning of Department of Environmental Impact Assessment Monitoring and Review; and
- Referring to the need by the Ministry of Environment;

**Hereby Decides**

**Article 1**

The *Prakas* aims to provide general guidelines on the development of initial Environmental Impact Assessments (IEIA) and full Environmental Impact Assessment (EIA) and check lists as per Annex 1 and 2 to this *Prakas*.

**Article 2**

Private individuals or private companies, joint-venture companies, public companies or government ministries/agencies who are project owners must prepare and submit an IEIA or Full EIA report for their proposed projects and existing and on-going activities, as mentioned in Appendix of the Sub-decree N. 72 ANKR.BK, dated 11 August 1999 on the Process of Environmental Impact Assessment for review and approval by the Ministry of Environment save to special and urgent circumstances where decision is made by the Royal Government of Cambodia.

**Article 3**

Project owner as stipulated in Article 2 must develop and submit an IEIA or full EIA report for their proposed projects and existing and on-going activities, as mentioned in the Appendix of the *Prakas* N 230 BRK.BST, dated on 29 July 2005 on Delegation of Authority to the Provincial Departments of Environment on matters related to investment projects on behalf of the Ministry of Environment for review and approval by respective Provincial Department of Environment save to special and urgent circumstances where decision is made by the Royal Government of Cambodia.

**Article 4**

Project owners as stipulate in Article 2 and 3 above may use consulting services that will be responsible for developing an IEIA or full EIA report following the general guidelines provided in the present *prakas*.

**Article 5**

Project owner(s) with qualified professional capacity recognized by the Ministry of Environment may develop an IEIA or Full EIA report on its own.

**Article 6**

The consulting company as in Article 4 with sufficient and qualified professional capacity to develop an IEIA or Full EIA report shall register with the Ministry of Commerce and be recognized by the Ministry of Environment.

**Article 7**

The Department of Environmental Impact Assessment Monitoring and Review or concerned Provincial Departments of Environment shall make visit to and comment on the project site as stated in Article 2 and 3 above whether an IEIA or full EIA report is needed.

**Article 8**

The project owners as stated in Article 2 and 3 above shall submit an application form requesting for review and comment on IEIA or full EIA report to the Ministry of



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Environmental or Provincial Department of Environment with supporting documents as below:

A. For public projects

1. An IEIA or full EIA report in Khmer and English;
2. Evidence of payment for review service as per joint *parkas* between Ministry of Environment and Ministry of Economic and Finance;
3. Pre/feasibility study reports of the Project 03 copies
4. Maps, project layout, and approved project design 03 copies
5. Other supporting document if relevant.

B. Private project

1. An IEIA or Full EIA report in Khmer and English;
2. Evidence of payment for review service as per joint *parkas* between Ministry of Environment and Ministry of Economic and Finance;
3. Pre/feasibility study reports of the Project 03 copies
4. Company's statutory 03 copies
5. Certificate of Registration with the Ministry of Commerce 03 copies
6. Initial approval from the Council for Development of Cambodia or provincial Investment Sub-committee 03 copies
7. Permit from local authority (if applicable) 03 copies
8. Maps, project layout, and approved project design 03 copies
9. Evidence of ownership or rental of asset 03 copies
10. Copy of ID Card(s) or Passport of the company management or Director as physical individual 03 copies
11. Passport size photography of the members of the company management as stipulated in the company statutory or director as physical individual 03 copies
12. Other supporting documents if relevant.

The Project owner shall secure authenticity over the copied documents from B5 to B10 in this article with the municipal-provincial government office.

**Article 9**

The Department of Environmental Impact Assessment Monitoring and Review or concerned Provincial Departments of Environment shall review and comment on the IEIA or full EIA report following the general guidelines.

**Article 10**

Review and comments on IEIA or full EIA report shall be made within 30 (thirty) working days from the date of official receipt of the report by the Department of Environmental Impact Assessment Monitoring and Review or the concerned Provincial Department of Environment. The review procedure shall be applied in three steps with the ministerial level or three steps with provincial department.

**Article 11**

The review and clearance of IEIA or full EIA report at the ministerial level shall, from the date of official receipt, subject to the following:

- Visit and comments made by technical officials of Department of Environmental Impact Assessment Monitoring and Review at the project site (within 10 working days);
- Comments made by relevant departments of the Ministry of Environment (within 5 working days);
- Comments by the management of the Ministry of Environment (within 5 working days);
- Comments at multi-stakeholder meeting chaired by the Minister of Ministry of Environment with representation from relevant government ministries/ agencies, local authorities, non-governmental organizations, and other stakeholders concerned with the investment project (within 5 working days).

**Article 12**

The review and clearance of IEIA or full EIA report at the provincial level shall, from the date of official receipt, subject to the following:

- Visit and comments made by technical officials of Department of Environmental Impact Assessment Monitoring and Review at the project site (within 15 working days);
- Comments by the management of the provincial Department of Environment (within 5 working days);
- Comments at multi-stakeholder meeting chaired by the Director of provincial Department of Environment with representation from relevant provincial departments/agencies, local authorities, non-governmental organizations, and other stakeholders concerned with the investment project (within 5 working days).

**Article 13**

The Ministry of Environment or provincial Department of Environment shall, within 5 working days, make a formal notification to the applicant of the approval or request for revision on the IEIA or full EIA report in accordance with article 11 and 12 above.

Where request for revision is made, the second review shall be made by the Ministry of Environment or provincial Department of Environment within 30 working days upon official receipt of the revised report.

**Article 14**

The Department of Environmental Impact Assessment Monitoring and Review or provincial Department of Environment shall be responsible for follow-up, monitoring and taking appropriate measures to ensure compliance by the project owner of the Environmental Management Plan (EMP) during project construction, operation and closure as stated in the IEIA or EIA report approved by the Ministry of Environment or provincial Department of Environment.

**Article 15**

Project owner shall make payment to the Environmental Endowment Fund for the environmental protection following the environmental protection agreement entered to by the company.

**Article 16**

The Ministry of Environment shall revise or amend to the general guidelines as needed with three months prior notification.

Sector specific guidelines for IEIA or Full EIA report shall be developed by the Department of Environmental Impact Assessment Monitoring and Review and shall form *Prakas* by the Ministry of Environment.

**Article 17**

Any provision that contradicts this declaration shall be considered null and void.

**Article 18**

General Department of Technical Affairs, General Department of Administrative for Nature Conservation and Protection, General Inspectorate, Department General of Administration and Finance, Cabinet of the Senior Minister-Minister of Environment, Department of Environmental Impact Assessment Monitoring and Review, Concerned Departments of the Ministry of Environment and provincial Departments of Environment shall enforce this *Prakas* from the date it is hereby signed.

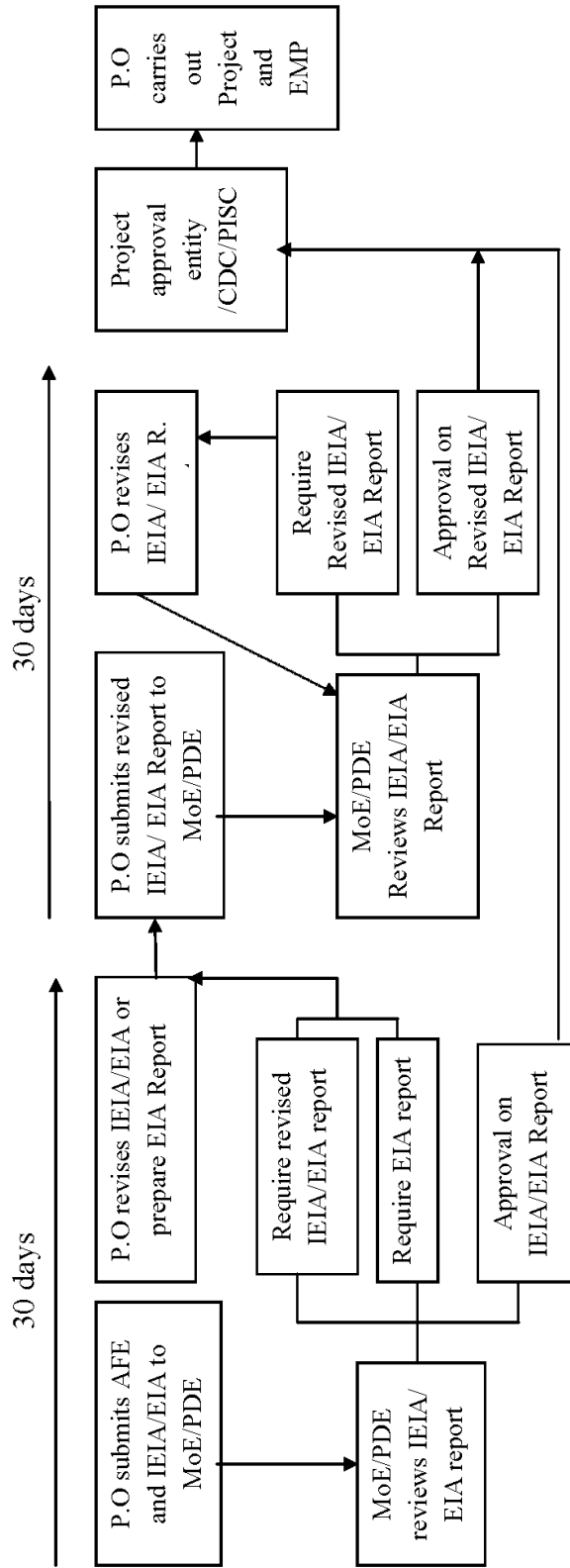
**Senior Minister, Minister of  
Ministry of Environment**

**Dr. MOK MARETH**

cc:

- Council of Ministers;
- Council for Development of Cambodia;
- All concerned Ministries/ Agencies;
- All Provincial Halls "for cooperation"
- As mentioned in the article 18 "for enforcement"
- File/ Archive.

**Process for EIA clearance for proposals with endorsement from project approval entity/ CDC or by provincial Investment Sub-committee**



**NOTE:** **IEIA:** Initial Environmental Impact Assessment **MoE:** Ministry of Environment **P.O:** Project Owner  
**EIA:** Full Environmental Impact Assessment **PISC:** Provincial Investment Sub-committee  
**CDC:** Council for Development of Cambodia **PDE:** Provincial Department of Environment  
**EMP:** Environmental Management Plan **AFE:** Application Form of Environment

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## **Annex 1: Environmental Impact Assessment**

### **1. The objective**

The general guidelines for EIA report development provide guidance for relevant stakeholders, including reviewers, project owners, consultant companies; decision makers/ project approval entity and other relevant stakeholders to implement the guidelines.

### **2. Definition**

- Initial Environmental Impact Assessment (IEIA) or Initial Environmental Examination/Evaluation (IEE) is the preliminary assessment of primarily secondary data of physical, biological and socio-economic environment and resources on the area within or in the surrounding the project site. It forms basis for identification, prediction and analysis of potential adverse environmental and social impacts by project activities, aiming to identify actions to minimize negative impacts and maximize positive impacts.
- Full Environmental Impact Assessment (FEIA) is the detailed assessment of physical, biological and socio-economic environment and resources, based mainly on primary data on the area within or in the surrounding the project site. It forms basis for identification, prediction and analysis of potential adverse environmental and social impacts by project activities, aiming to identify actions to minimize negative impacts and maximize positive impacts.
- Environmental Management Plan (EMP): is the plan for environmental management as stipulated in the IEIA or full EIA report developed by the project owner and approved by the Ministry of Environment.
- Public Participation: is the participation of all stakeholders concerned with the development project including ministries/institutions, local authorities, relevant departments, project owners, consulting companies, representatives of affected people and non-governmental Organizations concerned with the project area(s).

An IEIA shall meet the following criteria:

- All data presented are incomplete and mostly secondary in nature (secondary data);
- IEIA is not accurate but is acceptable;
- Endorsement over an IEIA report of an investment project aims to facilitate timely investments that comply with legislations in force.

### **3. Content of the General Guidelines**

#### **Executive Summary**

In this chapter, a summary of the whole report including project objectives, project activities, the existing environment resources, output of public consultation, scope of environmental and social impacts and mitigation measures, the environmental management plans, conclusions and recommendations to mitigate environmental impacts shall be provided.

### **Chapter 1: Introduction**

- Project overview: summary of project background, rationale for development of the project, and general situation on the project site;
- Objectives of the present EIA report;
- Methodologies and Scope of study: To describe the information and data need, and methodologies of data collection and data analysis. For full EIA report, the project owner shall provide for detailed methodologies as a separate chapter.

### **Chapter 2: Legal frameworks**

In this chapter, project owners shall provide a description of laws, sub-decrees and various policies related to project type to be implemented. All provisions of law and the regulation as described above have to be relevant to environmental protection, natural resource management, and the development project.

Environmental regulation and standards referred to in the project shall have clear reference.

### **Chapter 3: Project Description**

In this chapter shall provide detailed description as stipulated in the pre-feasibility study or feasibility study report or a master plan of the company including the following:

- Background and experiences of the project owners/company;
- Project site (attached with local administration map and project location);
- Project type/scope and schedule of project activities ( project pre-operation, operation and closure)
- Work plan: (1) sources and quantity of input to be used; (2) machinery requirements; (3) local and foreign work force requirements; (4) quantity of final products; (5) income and expenditure; (6) production chain of the project; and (7) Overall waste management plan etc;
- Activities program of the project.

### **Chapter 4: Description of Existing Environment**

The chapter provides description of the natural environment and socio-economic aspects (based on primary and secondary data) within and in the surrounding environment of the project location including:

#### **4.1 Natural Environment**

##### **4.1.1 Physical Resources**

- Soil: geology, soil formation/topology, soil types, soil erosion and sedimentation. For EIA, a detailed seismology and geology study (mine resources, if applicable) shall be provided;
- Climate: temperature, rainfall, wind speed and pattern, air pressure, wind direction and humidity;

- Air quality (ambient air quality in the project location), noise and vibration (noise and vibration level in the project location);
- Hydrology: Quality and quantity of surface and under-ground water (including an analysis of the water quality in the project area), flow and discharge.

#### **4.1.2 Biological Resources**

- Forest: area of forest land, forest cover types, and forest classification;
- Wildlife species, rare species, endangered and endemic species and their migratory pattern;
- Habitats;
- Biodiversity and ecological systems;
- Wetland systems (attached with relevant maps).

#### **4.2 Socio-economic aspects**

- Demography and settlement;
- Economic status: employment and income (primary and secondary);
- Land use;
- Water use;
- Energy use;
- Infrastructure;
- Education;
- Public health and well-being;
- Cultural heritages, historical monuments, ancient temples, pagodas, customs/ traditions, ethnic minority or indigenous people, etc; and
- Tourism destinations.

### **Chapter 5: Public participation**

The chapter describes in details public consultation with the following content:

#### 5.1 Introduction

#### 5.2 Public participation

- Dissemination by the project owner with local authorities and local communities of the development project;
- Feedback from relevant ministries/ agencies/ departments and relevant local authorities;
- Comments from relevant non-government organizations (NGOs);
- Consultation with affected local communities.

#### 5.3 Conclusions on results of the public consultation

### **Chapter 6: Environmental Impacts and Mitigation Measures**

The chapter describes both positive and negative environmental and socio-economic impacts arising from their project activities, including:

- 6.1. Description of the negative environmental and socio-economic impacts during the project pre-operation (the project design and construction), operation and closure with mitigation measures;
- 6.2. A summary of point 6.1 on the scope of negative environmental impacts and mitigation measures as in the check list provided in the Annex 2;
- 6.3 For EIA report, cumulative impacts should be provided; and
- 6.4. Description of the positive environmental and socio-economic impacts.

### **Chapter 7: Environmental Management Plan (EMP)**

As part of a project, the project owner shall make available sufficient fund and a unit/team with sufficient skills and expertise, equipment, methodology, and schedule for monitoring environmental quality in close collaboration with relevant ministries/agencies in order to implement measure to minimize adverse socio-economic and environmental impacts.

The EMP shall consist of:

- A summary of main negative environmental impacts and mitigation measures;
- Trainings to be provided;
- Environmental monitoring program for the construction, operation and closure periods illustrating the following:
  - Agency responsible for project monitoring;
  - Identified parameters to be monitored;
  - Monitoring methodology;
  - Environmental standards or guidelines to base for monitoring;
  - Schedule and cycle which be control;
  - Assessment of monitoring results;
  - Quarterly report to be submitted to Ministry of Environment and relevant ministries/ agencies.

### **Chapter 8: Economic Analysis and Environmental Value**

For EIA report, the project owners shall provide a description of the benefits of the project in relation to scope and value of environmental damage arising from the project activities.

### **Chapter 9: Conclusions and Recommendations**

The conclusion from environmental impact assessment study shall indicate adverse impacted mitigated with regards physical, biological and socio-economic aspects. It is important that the investment project recommend adverse environmental impacts



mitigation that can sustain positive environmental impacts and promote local livelihood with the development projects in the area.

The chapter shall provide project owner's assurance and responsibility for their environmental impact assessment reports with relevant recommendations for the development project.

**References**

**Annexes**

**Annexes 2: Check List for scoping of adverse environmental impacts  
and mitigation measures**

Environmental and Socio-Economic Aspects	Negative Impacts	Scope of Impacts			Mitigation Measure	Remark
		Small	Medium	Large		
<b>1. Negative impacts of pre-operation stage</b>						
<b>1.1. Negative impacts of pre-construction stage</b>						
A. Natural environment						
- Physical resources						
- Biological resources						
B. Socio-economic aspects						
<b>1.2. Negative impacts of construction stage</b>						
A. Natural environment						
- Physical resources						
- Biological resources						
B. Socio-economic resources						
<b>2. Negative impacts of operation stage</b>						
A. Natural environment						
- Physical resources						
- Biological resources						
B. Socio-economic aspects						
<b>3. Negative impacts of closure stage</b>						
A. Natural environment						
- Physical resources						
- Biological resources						
B. Socio-economic aspects						

**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

**MINISTRY OF ENVIRONMENT  
No. 445 BrK.B.St**

**PRAKAS  
ON  
ORGANIZATION AND FUNCTIONING OF DEPARTMENT OF ENVIRONMENTAL  
IMPACT ASSESSMENT OF GENERAL DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

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**Minister of the Ministry of Environment**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Preah Reach Kret (Royal Decree) No. NS/RKT/0913/903 dated September 24th, 2013 on the Appointment of the Royal Government of Kingdom of Cambodia
- Having seen Preah Reach Kret No. NS/RKT/1213/1393 dated December 21st, 2013 on the Revision and Addition of the Composition of the Royal Government of Kingdom of Cambodia
- Having seen Preah Reach Kram No. 02/NS/94 dated July 20th, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers
- Having seen Preah Reach Kram No. NS/RKM/0196/21 dated January 24th, 1996, promulgating the Law on the Establishment of the Ministry of Environment
- Having seen Sub-degree No. 20 ANKr.BK dated April 30th, 1996 on the Organization and Functioning of Ministry and General Secretariat
- Having seen Sub-degree No. 114 ANKr.BK dated July 7th, 2015 on the determination of organizational management and position in organizational management of ministries, national and sub-national institutions
- Having seen Sub-degree No. 55 ANKr.BK dated May 04th, 2015 on the Organization and Functioning of Ministry of Environment
- Having seen Sub-degree No. 59 ANKr.BK dated May 18th, 2015 on the Organization and Functioning of General Secretariat of National Council of Sustainable Development
- Letter No.2977 MS.NK dated November 23rd, 2015 of the Ministry of Civil Service

**HEREBY DECIDE**

**Article 1**

This Prakas defines the organization and functioning of the Department of Environmental Impact Assessment (EIA) of the General Department of Environmental Protection.

**Article 2**

Department of Environmental Impact Assessment has 10 offices as follows:

- Office of Administration, Planning and Finance

- Office of Legislation
- Office of Research and Training
- Office of Public Participation
- Office of Industrial and Health Projects Review
- Office of Mine and Energy Projects Review
- Office of Agriculture and Water Resource Projects Review
- Office of Infrastructure and Tourism Projects Review
- Office of Project Monitoring
- Office of Environmental and Social Fund

Each office of Department of Environmental Impact Assessment is led by one chief and 2 (two) to 4 (four) vice chiefs.

### **Article 3**

Office of Administration, Planning and Finance has roles and responsibilities as follows:

- Prepare in-and-out letters of the department
- Prepare and manage documents, stamp and other administrative documents of the department
- Prepare and manage documents of public/private development projects and consulting firms for the study and preparation of Environmental and Social Impact Assessment (ESIA) report.
- Prepare and manage mission letters inside and outside of the country
- Prepare and receive communication letters from the relevant ministries, institutions and stakeholders
- Prepare minute and report relating to meetings of the department
- Disseminate laws, sub-decree, Prakas, regulations and other information to all offices of the department
- Prepare internal rules, security protection, and manage registration list of officers and contracted staffs of the ministry.
- Prepare inventory list, manage and maintain vehicles, buildings, equipment, furniture and manage office supply materials in the department
- Be responsible for protocol works, public communications and arrange meetings, workshops and other training courses
- Prepare procedures to evaluate on the work performance achievement and respect the disciplines assigned to the government officials in the department as well as prepare report for the council of discipline of the department.
- Prepare documents for promotion of position, salary, letter/certificate of appreciation and other awards to the government officials who have good work performance.
- Prepare plan and manage revenue-expense budget of the department
- Prepare budget for missions inside and outside of the country
- Prepare and divide budget for incentive to the department's officials and for functioning of the department
- Prepare plan to collect and receive revenue from service provision fee for reviewing on the EIA report and monitoring on project implementation and other services in accordance to the Joined Prakas between Ministry of Environment and Ministry of Economy and Finance and fee for Environmental Endowment Fund in accordance to the Environmental Protection Contract
- Prepare and compile financial activities plan and public investment plan for the department
- Submit proposal on skill personnel requirement, prepare list and manage all public/private development projects and registered consulting firms statistic

- Prepare monthly, quarterly, semester, nine-month and annual reports about the department's activities and submit to the management
- Perform other works as assigned by the department director

#### **Article 4**

Office of Legislation has roles and responsibilities as follows:

- Develop and disseminate laws, sub-decree, Prakas, regulations and principle guidelines relevant to EIA process
- Prepare and apply internal measures to manage the review of EIA process
- Enforce the implementation of laws, sub-decree, Prakas, and regulations relevant to EIA and Environmental Protection Contract through coordinating and cooperating with the concerned ministries and institutions and local authorities
- Collect, compile and manage data on the development projects of which the EIA report and the Environmental Protection Contract have not been approved
- Review and comment on the request for approval on the Environmental Protection Contract of the development project attached with the Environmental Management Plan
- Prepare documents on principle guidelines and criteria to assess firm which request for registration as a consulting firm for studying and preparing of environmental and social impact assessment report
- Review, assess, and comment on the request for registration as the consulting firm for studying and preparing of the environmental and social impact assessment report
- Inspect the project site which is requested for closing, temporary suspension of operation, changing location, expanding of site, and expanding production chain
- Provide comment relevant to legal aspects to the department and other stakeholders on right and authority stipulated in law, sub-decree, Prakas, and other regulations relevant to EIA process.
- Participate in solving and answering all complaints from general publics and international and local organizations relevant to EIA process
- Monitor, research and propose for the intervention to suppress on illegal actions relating to the development project which has not prepared EIA report and the development project which has not followed the Environmental Management Plan and Environmental Protection Contract
- Impose transitional fine to the development project owners whose the project development activities cause negative impacts on the environment and society as stipulated in sub-decree on EIA process
- Prepare work plan and monthly, quarterly, semester, nine-month and annual reports and submit to the department director
- Perform other works as assigned by the department director

#### **Article 5**

Office of Research and Training has roles and responsibilities as follows:

- Review and research documents relevant to EIA
- Collect, compile and manage international EIA data
- Study, research and disseminate new findings and technologies relevant to EIA process
- Cooperate with national and international institutions in order to get consulting documents on EIA process

- Mobilize and find financial and technical assistances from development partners, donor countries, and private sectors to support on the capacity buildings, workshops, and meetings relating to the dissemination of EIA process
- Review and comment on the EIA process and the monitoring of Environmental Management Plan
- Prepare and manage EIA technical training course
- Prepare technical capacity building plan on EIA process to staffs of the EIA department and provincial-municipal departments as well as the relevant stakeholders
- Participate in reviewing and commenting on assessment criteria of consulting firm for studying and preparing of Environmental and Social Impact Assessment report
- Study and research documents relating to EIA of the development project as well as memorandum, provision of international and non-governmental organizations
- Manage and coordinate on cooperation project of the local and international organizations
- Prepare work plan and monthly, quarterly, semester, nine-month and annual reports and submit to the department director
- Perform other works as assigned by the department director

#### **Article 6**

Office of public participation has roles and responsibilities as follows:

- Initiate the preparation of regulations, procedures and principle guidelines for public participation
- Ensure for information acquisition and push on constant participation from the publics in project screening, project scoping, EIA report reviewing and project monitoring stages
- Monitor on consulting firm`s works in the stage of project development dissemination and ESIA report study and consultation at provincial- capital level
- Provide comment on public participation relevant to ESIA report
- Inspire and push the publics to provide comment on ESIA report
- Disseminate the monitoring and follow-up works of the development projects to the ministries, relevant institutions and the general publics to participate in providing comment
- Explain and clarify to the publics about the public consultation process
- Monitor, research and collect information relevant to EIA process through media system and other news
- Participate with relevant ministries, institutions, local authorities, and other relevant stakeholders in order to get information relevant to EIA process
- Participate in meetings, forums, and skill training courses relevant to public participation process
- Prepare, manage and upload data of the department in website and other social networks of the ministry
- Prepare work plan and monthly, quarterly, semester, nine-month and annual reports and submit to the department director
- Perform other works as assigned by the department director

#### **Article 7**

Office of Industrial and Health Projects Review has roles and responsibilities as follows:

- Prepare principle guidelines for producing ESIA report of industrial and health projects
- Classify industrial and health projects to determine whether to prepare full or initial ESIA report or environmental protection contract

- Review and assess on work conditions of the industrial and health projects
- Set criteria for Environmental Management Plan and Environmental Protection Contract with the industrial and health project owners including fee to be paid to the environmental endowment fund and environmental and social fund
- Review and comment on all ESIA reports of the industrial and health projects
- Review and comment on all ESIA reports which have been modified for the industrial and health projects
- Prepare Environmental Protection Contract and letter of approval on ESIA report of the industrial and health projects
- Assess risks of the Industrial and Health projects which cause serious negative impacts on the environment and society
- Cooperate with relevant ministries, institutions, and local authorities to check on actual location of the industrial and health projects
- Prepare work plan and monthly, quarterly, semester, nine-month and annual reports and submit to the department director
- Perform other works as assigned by the department director

#### **Article 8**

Office of Mines and Energy projects review has roles and responsibilities as follows:

- Prepare principle guidelines for producing ESIA report of mine and energy projects
- Classify mine and energy projects to determine whether to prepare full or initial ESIA report or environmental protection contract
- Review and assess on work conditions of mine and energy projects
- Set criteria for Environmental Management Plan and environmental protection contract with mine and energy project owners including fee to be paid to the environmental endowment fund and environmental and social fund
- Review and comment on all ESIA reports of the mine and energy projects
- Review and comment on all ESIA reports which have been modified for mine and energy project
- Prepare Environmental Protection Contract and letter of approval on ESIA report of mine and energy projects
- Assess risks of the mine and energy projects which cause serious negative impacts on the environment and society
- Cooperate with relevant ministries, institutions, and local authorities to check on actual location of the mine and energy projects
- Prepare work plan and monthly, quarterly, semester, nine-month and annual reports and submit to the department director
- Perform other works as assigned by the department director

#### **Article 9**

Office of Agriculture and Water Resource Projects Review has roles and responsibilities as follows:

- Prepare principle guidelines for producing ESIA report of agriculture and water resource projects
- Classify agriculture and water resource projects to determine whether to prepare full or initial ESIA report or environmental protection contract
- Review and assess on work conditions of agriculture and water resource projects
- Set criteria for Environmental Management Plan and environmental protection contract with agriculture and water resource project owners including fee to be paid to the environmental endowment fund and environmental and social fund

- Review and comment on all ESIA reports of the agriculture and water resource projects
- Review and comment on all ESIA reports which have been modified for agriculture and water resource projects
- Prepare Environmental Protection Contract and letter of approval on ESIA report of agriculture and water resource projects
- Assess risks of agriculture and water resource projects which cause serious negative impacts on the environment and society
- Cooperate with relevant ministries, institutions, and local authorities to check on actual location of the agriculture and water resource projects
- Prepare work plan and monthly, quarterly, semester, nine-month and annual reports and submit to the department director
- Perform other works as assigned by the department director

#### **Article 10**

Office of Infrastructure and Tourism Projects Review has roles and responsibilities as follows:

- Prepare principle guidelines for producing ESIA report of Infrastructure and Tourism Projects
- Classify Infrastructure and Tourism Projects to determine whether to prepare full or initial ESIA report or environmental protection contract
- Review and assess on work conditions of Infrastructure and Tourism Projects
- Set criteria for Environmental Management Plan and environmental protection contract with Infrastructure and Tourism Project owners including fee to be paid to the environmental endowment fund and environmental and social fund
- Review and comment on all ESIA reports of the Infrastructure and Tourism Projects
- Review and comment on all ESIA reports which have been modified for Infrastructure and Tourism Projects
- Prepare Environmental Protection Contract and letter of approval on ESIA report of Infrastructure and Tourism Projects
- Assess risks of Infrastructure and Tourism Projects which cause serious negative impacts on the environment and society
- Cooperate with relevant ministries, institutions, and local authorities to check on actual location of the Infrastructure and Tourism Projects
- Prepare work plan and monthly, quarterly, semester, nine-month and annual reports and submit to the department director
- Perform other works as assigned by the department director

#### **Article 11**

Office of Project Monitoring has roles and responsibilities as follows:

- Initiate to prepare regulations, procedures and principle guidelines on project monitoring
- Prepare general and sectoral principle guidelines for producing environmental monitoring report
- Monitor on development project in accordance to Environmental Protection Plan and Environmental Protection Contract
- Cooperate and coordinate with the relevant ministries and institutions and local authorities to inspect, monitor and strengthen the implementation of Environmental Protection Plan and Environmental Protection Contract
- Review and assess on the Environmental monitoring report for the operation of the development project



- Inspect, monitor and prepare clarification letter to the relevant ministries, institutions, local authorities and general publics relating to the development project which has not been followed the Full ESIA report, initial ESIA report, Environmental Management Plan and Environmental Protection Contract
- Participate in skill training course on project monitoring
- Prepare work plan and monthly, quarterly, semester, nine-month and annual reports and submit to the department director
- Perform other works as assigned by the department director

**Article 12**

Office of Environmental and Social Fund has roles and responsibilities as follows:

- Initiate to prepare regulations, procedures and principle guidelines on Environmental and Social Fund
- Prepare mechanism to use Environmental and Social Fund
- Prepare budget proposal on Environmental and Social Fund utilization which has been specified in ESIA report and Environmental Protection Contract
- Monitor, review and push on the implementation of Environmental and Social Fund
- Set criteria for the Environmental Management Plan and Environmental Protection Contract with the project owners including fee to be paid to the Environmental and Social Fund
- Push the project owner to prepare the Environmental and Social Fund management report every semester to submit to the department for review and comment
- Review and evaluate the implementation and utilization of the Environmental and Social Fund of the development project owner
- Cooperate with relevant ministries and institutions, local authorities, other stakeholders and project owners for division and utilization of the Environmental and Social Fund
- Submit request proposal to utilize the Environmental and Social Fund for the capacity building on EIA
- Participate in meetings, forums, and other skill training courses relevant to the Environmental and Social Fund
- Prepare work plan on Environmental and Social Fun and monthly, quarterly, semester, nine-month and annual reports and submit to the department director
- Perform other works as assigned by the department director

**Article 13**

Any provision that is contrary to this Prakas shall be abrogated.

**Article 14**

Secretary General of National Council for Sustainable Development, General Director of General Department of Administration and Finance, General Director of General Department of Environmental Knowledge and Information, General Director of General Department of Environmental Protection, General Director of General Department of Administration for Natural Protection and Conservation, General Inspector of General Inspectorate, Department of Internal Audit, Director of Cabinet, all Directors of Entities under the Ministry of Environment have to implement this Prakas from the date of signature onwards.

Phnom Penh, December 3rd, 2015

MINISTER

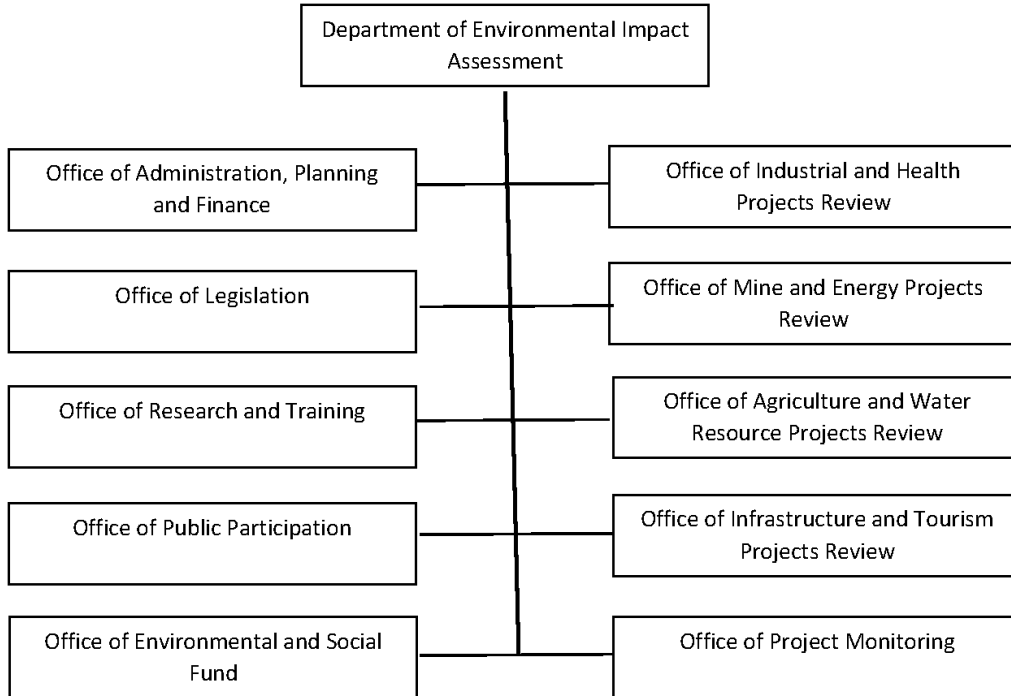
Signature and Stamp

SAY SAMAL

CC:

- Council of Ministers
- Ministry of Economy and Finance
- Ministry of Civil Service
- General Secretariat of Royal Government
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdech, his/her Excellency, Deputy Prime Minister
- All Municipal/ Provincial Halls
- As Article 14
- Royal Office
- Archive

**Organization Chart of the Department of Environmental Impact Assessment of the General  
Department of Environmental Protection**



**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

**(Logo)**  
**MINISTRY OF ECONOMY AND FINANCE**  
**No. 1428 SHV.BrK**

Phnom Penh, November 20<sup>th</sup>, 2014

**JOINT PRAKAS  
ON**

**Modification of Cluster of Public Services of the Annex List Attached to Joint  
Prakas No.999 SHV.BrK Dated December 28<sup>th</sup>, 2012 on the Provision of Public  
Services of the Ministry of Environment**

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**Minister of Ministry of Economy and Finance  
Minister of Ministry of Environment**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Preah Reach Kret (Royal Decree) No. NS/RKT/0913/903 dated September 24th, 2013 on the Appointment of the Royal Government of Kingdom of Cambodia
- Having seen Preah Reach Kram No. 02/NS/94 dated July 20th, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers
- Having seen Preah Reach Kram No. NS/RKM/0196/18 dated January 24th, 1996, promulgating the Law on the Establishment of the Ministry of Economy and Finance
- Having seen Preah Reach Kram No. NS/RKM/0196/21 dated January 24th, 1996, promulgating the Law on the Establishment of the Ministry of Environment
- Having seen Preah Reach Kram No. NS/RKM/0508/016 dated May 13rd, 2008, promulgating the Law on the Public Finance System
- Having seen Preah Reach Kram No. NS/RKM/1296/36 dated December 24th, 1996, promulgating the Law on the Environmental Protection and Natural Resource Management
- Having seen Sub-decree No. 488 ANKr.BK dated October 16th, 2013 on the Organization and Functioning of Ministry of Economy and Finance
- Having seen Sub-decree No. 57 ANKr.BK dated September 25th, 1997 on the Organization and Functioning of Ministry of Environment

- Having seen Sub-decree No. 72 ANKr.BK dated August 11st, 1999 on the Environmental Impact Assessment Process
- Having seen Sub-decree No. 82 ANKr.BK dated November 16th, 1995 on the General Regulations on Public Accounts
- Having seen Regulations No. 04 BB dated November 15th, 2006 of the Royal Government on Strengthening the Management of Non-Tax Revenue
- Having seen Joint Prakas No. 999 SHV.BrK dated December 28th , 2012 on the Provision of Public Services of the Ministry of Environment
- Having seen Prakas No. 272 SHV.BrK dated March 17th , 2011 of the Ministry of Economy and Finance on the Implementation of Payment Receipts
- Circular No. 005 SHV dated March 17th, 2011 of the Ministry of Economy and Finance on the Management of Payment Receipts
- Pursuant to the needs of the Ministry of Environment and Ministry of Economy and Finance

**HEREBY DECIDE**

**Article 1**

Have been modified cluster of the public services of the annex list attached to joint prakas No.999 SHV.BrK Dated December 28th, 2012 on the Provision of Public Services of the Ministry of Environment and replaced by cluster public services as stipulated in the annex list which are attached to this joint prakas

**Article 2**

Any provision that are contradicted to this joint prakas and annex list attached to joint prakas No.999 SHV.BrK Dated December 28th, 2012 on the Provision of Public Services of the Ministry of Environment shall be abrogated.

**Article 3**

Secretary General, Director of Cabinet, General Director, General Inspector, Department Director, and Chief of Relevant Entities under the supervision of the Ministry of Economy and Finance and the Ministry of Environment shall be in charge of effectively implementing this Joint Prakas from the date of January 1st , 2015 onwards.

Minister

Ministry of Economy and Finance  
Signature and Stamp

Aun Porn Moniroth, Ph.D.  
CC:

- General Secretariat of Senate

Minister

Ministry of Environment  
Signature and Stamp

Say Sam Al

- General Secretariat of Assembly
- Council of Ministers
- Cabinet of Samdech Akka Moha Sena Padei Techo Hun Sen Prime Minister
- National Audit Authority
- Relevant Ministries- Institutions
- Anti-Corruption Unit
- All Capital/Provincial Administrations
- Cambodia Chamber of Commerce  
“for informational purposes”
- As stipulated in Article 3 “for official purposes”
- Document–Archives

**Annex List Attached to Joint Prakas No.1428 SHV.BrK Dated November 20<sup>th</sup>, 2014 on  
Modification of Cluster of Public Services of the Annex List Attached to Joint Prakas No.999 SHV.BrK Dated  
December 28<sup>th</sup>, 2012 on the Provision of Public Services of the Ministry of Environment**

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
<b>I. Service fees and penalties on offenses relevant to natural protected area</b>				
1. Penalties on natural resource offenses				
1.1	Transitional fine (Natural resource offense, class no.1)	100,000 Riel - 10,000,000 Riel		
1.2	Double fine	200,000 Riel - 20,000,000 Riel		
1.3	Forfeiture in accordance with verdict or court judgment (Natural resource offense, class no. 2,3,4)	1,500,000 Riel- 250,000,000 Riel		
1.4	Money from auction of public bidding of objects seized from offenders as state property	Actual price		
2. Natural Protected Area Fund				
2.1	Budget of natural protected area fund receiving from investment projects developed in the natural protected area (calculated 1ha/year)	1\$		
2.2	Contribution to environmental endowment fund for environmental rehabilitation receiving from customers' volunteering from investment projects developed in the natural protected area	Project owner's volunteering		

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
<b>3. Royalty fee and premium (the natural protected areas managed by the ministry of environment)</b>				
3.1	Luxury Woods			
3.1.1	Seedling which has diameter of stump size is less than 15cm (calculated 1 tree)	10,000 Riel		
3.1.2	Log which has diameter of stump size is from 15-30 cm (calculated 1m <sup>3</sup> )	110.00\$		
	A. Kronhong type (calculated 1m <sup>3</sup> )	220.00\$		
	B. Neang Nuon type (calculated 1m <sup>3</sup> )	165.00\$		
	C. Beng type (calculated 1m <sup>3</sup> )	137.50\$		
3.1.3	Log which has diameter of stump size is greater than 30cm (calculated 1m <sup>3</sup> )	192.50\$		
	A. Kronhong type (calculated 1m <sup>3</sup> )	275.00\$		
	B. Neang Nuon type (calculated 1m <sup>3</sup> )	247.50\$		
	C. Beng type (calculated 1m <sup>3</sup> )	220.00\$		
3.2	Woods type no.1			
	- Seedling which has diameter of stump size is from 15cm-30cm (calculated 1 tree)	20,000 Riel		
	- Log which has diameter of stump size is greater than 30 cm (calculated 1m <sup>3</sup> )	82.50\$		
3.3	Woods type no.2			
	- Seedling which has diameter of stump size is from 15cm-30cm (calculated 1 tree)	17,000 Riel		
	- Log which has diameter of stump size is greater than 30 cm (calculated 1m <sup>3</sup> )	55.00\$		
3.4	Woods type no.3 and out of classification			
	- Seedling which has diameter of stump size	15,000 Riel		



No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
	is from 15cm-30cm (calculated 1 tree)			
	- Log which has diameter of stump size is greater than 30 cm (calculated 1m <sup>3</sup> )	27.50\$		
3.5	Mixed type tree (except luxury tree) which has diameter of stump size is less than 15cm (calculated 1 tree)	2,000 Riel		
3.6	Mixed firewood (used for energy and charcoal) (calculated 1 stere)	5,000 Riel		
4. Ecotourism Service (the natural protected areas are managed by the ministry of environment)				
4.1	Ticket price for tourists entering the natural protected area (Foreigner)	20,000 Riel	Immediately	1 day
4.2	Ticket price for tourists entering the natural protected area (Car with 5 seats)	10,000 Riel	Immediately	1 day
4.3	Ticket price for tourists entering the natural protected area (Van with 5-15 seats)	15,000 Riel	Immediately	1 day
4.4	Ticket price for tourists entering the natural protected area (Van with more than 15 seats)	20,000 Riel	Immediately	1 day
4.5	Ticket price for tourists entering the natural protected area (1 motorbike)	2,000 Riel	Immediately	1 day
5. The projects required for making contract on environmental protection				
5.1	Location for installing of cellular antenna mast in the natural protected area (1 year)	2,000,000 Riel	30 days	1 year
5.2	Location for all types of mineral study in the natural protected area	8,000,000 Riel	30 days	1 year
5.3	Request for location and temporary installation of machine for processing forest products/by products on the investment	8,000,000 Riel	30 days	1 year

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
	project site developed in sustainable using area of the natural protected area			
5.4	Location for filming for international production in the natural protected area	15,000,000 Riel	30 days	1 time
5.5	Location for filming for local production in the natural protected area	1,500,000 Riel	30 days	1 time
5.6	Location for documentary filming in the natural protected area	800,000 Riel	30 days	1 time
5.7	Location for Karaoke in the natural protected area	250,000 Riel	30 days	1 time
<b>6. Other service types in the natural protected area</b>				
6.1	Reviewing and revising on master plan for the works on agro-industrial crop cultivation in the natural protected area	8,000,000 Riel	30 days	Permanence
6.2	Preparing on investment contract developed in the natural protected area	8,000,000 Riel	60 days	Permanence
<b>II. Service fees relevant to reviewing the environmental impact assessment report and monitoring on the project implementation</b>				
<b>A. Industrial Sector</b>				
1	Cement factory (all sizes)	50,000,000 Riel	30 days	According to project's duration
2	Oil refinery factory (all sizes)	50,000,000 Riel	30 days	According to project's duration
3	Gas factory (all sizes)	50,000,000 Riel	30 days	According to project's duration
4	Mining (all sizes) except business on mining, stone, soil, sand, gravel for construction material	50,000,000 Riel	30 days	According to project's duration

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
5	Business on mining, stone, soil, sand, gravel for construction material (all sizes)	8,000,000 Riel	30 days	According to project's duration
6	Site of mixing concrete ( $\geq 900$ tones/month)	40,000,000 Riel	30 days	According to project's duration
7	Construction of oil and gas pipeline ( $\geq 2$ km)	40,000,000 Riel	30 days	According to project's duration
8	Fuel stations for distribution ( $\geq 1,000,000$ Liters)	40,000,000 Riel	30 days	According to project's duration
9	Research study on petroleum, drilling, testing on earthquake (all sizes)	40,000,000 Riel	30 days	According to project's duration
10	Hydropower plants ( $\geq 1$ MW)	40,000,000 Riel	30 days	According to project's duration
11	Chemical fertilizer plants ( $> 10,000$ tones/year)	30,000,000 Riel	30 days	According to project's duration
12	All types of painting manufacturing factory (all sizes)	30,000,000 Riel	30 days	According to project's duration
13	Chemical production factory (all sizes)	25,000,000 Riel	30 days	According to project's duration
14	Petroleum chemical production factory (all sizes)	25,000,000 Riel	30 days	According to project's duration
15	Wine manufacturing factory (all sizes)	15,000,000 Riel	30 days	According to project's duration
16	Alcohol and Beer brewery (all sizes)	15,000,000 Riel	30 days	According to project's duration
17	Tobacco manufacturing factory ( $\geq 10,000$ boxes/day)	15,000,000 Riel	30 days	According to project's duration
18	Sugar refinery factory ( $\geq 3,000$ tones/year)	15,000,000 Riel	30 days	According to project's duration

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
19	Fuel stations ( $\geq 20,000$ liters)	15,000,000 Riel	30 days	According to project's duration
20	All kinds of glass and bottle factory (all sizes)	15,000,000 Riel	30 days	According to project's duration
21	Bricks, roofing tile manufacturing site ( $\geq 150,000$ pieces/month)	15,000,000 Riel	30 days	According to project's duration
22	Flooring tile manufacturing site ( $\geq 90,000$ pieces/month)	15,000,000 Riel	30 days	According to project's duration
23	Calcium carbide plants (all sizes)	15,000,000 Riel	30 days	According to project's duration
24	Producing of construction materials (concrete) site ( $\geq 900$ tones/month)	15,000,000 Riel	30 days	According to project's duration
25	Cow oil and motor oil manufacturing factory (all types)	15,000,000 Riel	30 days	According to project's duration
26	Manufacturing of all kinds of metals, nails, barbed wires, nets ( $\geq 300$ tones/month)	15,000,000 Riel	30 days	According to project's duration
27	Manufacturing of iron refinery, steel, Aluminum factory (all sizes)	15,000,000 Riel	30 days	According to project's duration
28	All kinds of smelting factory (all sizes)	15,000,000 Riel	30 days	According to project's duration
29	Waste water treatment plants	15,000,000 Riel	30 days	According to project's duration
30	Power plants ( $\geq 5$ MW)	15,000,000 Riel	30 days	According to project's duration
31	Cotton manufacturing factory ( $\geq 15$ tones/month)	15,000,000 Riel	30 days	According to project's duration

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
32	Processing of pieces of plastic and products from plastic factory (all types)	15,000,000 Riel	30 days	According to project's duration
33	Natural diesel manufacturing factory (products from Jatropa) (all types)	15,000,000 Riel	30 days	According to project's duration
34	Manufacture and installing of machinery, industrial equipment & material and other relevant things factory (all types)	15,000,000 Riel	30 days	According to project's duration
35	Safe water treatment plants ( $\geq 10,000$ users)	8,000,000 Riel	30 days	According to project's duration
36	Plywood manufacturing factory ( $> 100,000\text{m}^3/\text{year}$ , log)	8,000,000 Riel	30 days	According to project's duration
37	Saw mill manufacturing factory ( $> 50,000\text{m}^3/\text{year}$ , log)	8,000,000 Riel	30 days	According to project's duration
38	Paper factory (all sizes)	8,000,000 Riel	30 days	According to project's duration
39	Pulp and paper processing factory (all sizes)	8,000,000 Riel	30 days	According to project's duration
40	Plastic factory (all sizes)	8,000,000 Riel	30 days	According to project's duration
41	All types of Tire factory ( $\geq 500$ tones/year)	8,000,000 Riel	30 days	According to project's duration
42	Rubber factory ( $> 1,000$ tones/year)	8,000,000 Riel	30 days	According to project's duration
43	Battery factory (all sizes)	8,000,000 Riel	30 days	According to project's duration
44	Pesticide manufacturing factory (all sizes)	8,000,000 Riel	30 days	According to project's duration

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
45	Detergent, solid soap, liquid soap manufacturing factory (all sizes)	8,000,000 Riel	30 days	According to project's duration
46	Mechanical manufacturing industry (all sizes)	8,000,000 Riel	30 days	According to project's duration
47	Mechanical installing factory (all sizes)	8,000,000 Riel	30 days	According to project's duration
48	Waste processing, burning factory (all sizes)	8,000,000 Riel	30 days	According to project's duration
49	Animal feed processing factory (>10,000 tones/year)	8,000,000 Riel	30 days	According to project's duration
50	Tobacco leave processing factory (≥ 350 tones/year)	6,500,000 Riel	30 days	According to project's duration
51	Textile and dyeing factory (all sizes)	6,500,000 Riel	30 days	According to project's duration
52	Garment, washing, printing, dyeing factory (all sizes)	6,500,000 Riel	30 days	According to project's duration
53	Leather, tanning, glue manufacturing factory (all sizes)	6,500,000 Riel	30 days	According to project's duration
54	Sponge-rubber manufacturing factory (all sizes)	6,500,000 Riel	30 days	According to project's duration
55	Mechanical and shipyard repairing enterprise (all sizes)	6,500,000 Riel	30 days	According to project's duration
56	Food processing and canned factory (≥ 500 tones/year)	5,000,000 Riel	30 days	According to project's duration
57	All fruit drinks manufacturing factory (≥ 1,500 liters/day)	5,000,000 Riel	30 days	According to project's duration
58	Fruit confectionery manufacturing factory (≥	5,000,000 Riel	30 days	According to

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
	500 tones/year)			project's duration
59	Orange juice manufacturing factory (all sizes)	5,000,000 Riel	30 days	According to project's duration
60	Rice and cereal grain milling factory ( $\geq 3,000$ tones/year)	5,000,000 Riel	30 days	According to project's duration
61	Fish sauce, soy sauce, fermented soybean paste, chili sauce, tomato source manufacturing factory ( $\geq 500,000$ liters/year)	5,000,000 Riel	30 days	According to project's duration
62	Furniture manufacturing site ( $\geq 1,000$ m <sup>3</sup> /year, log)	5,000,000 Riel	30 days	According to project's duration
<b>B. Health Sector</b>				
1	Hospital (all sizes)	8,000,000 Riel	30 days	According to project's duration
2	Laboratory (all sizes)	8,000,000 Riel	30 days	According to project's duration
3	Dental equipment and material manufacturing factory (all sizes)	15,000,000 Riel	30 days	According to project's duration
4	Pharmaceutical manufacturing factory (all sizes)	15,000,000 Riel	30 days	According to project's duration
5	Ambulance installing factory (all sizes)	15,000,000 Riel	30 days	According to project's duration
<b>C. Agricultural Sector</b>				
1	Cattle raising farm ( $\geq 500$ heads)	3,000,000 Riel	30 days	According to project's duration
2	Pig raising farm ( $\geq 500$ heads)	3,000,000 Riel	30 days	According to project's duration
3	Crocodile raising farm ( $\geq 500$ heads)	3,000,000 Riel	30 days	According to project's duration

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
4	Fish, crab, shrimp aquaculture ( $\geq 10$ Hectares)	3,000,000 Riel	30 days	According to project's duration
5	Algae aquaculture ( $\geq 20$ Hectares)	3,000,000 Riel	30 days	According to project's duration
6	Flooded and coastal areas (all sizes)	3,600,000 Riel	30 days	According to project's duration
7	Irrigation systems ( $\geq 5,000$ Hectares)	2,000,000 Riel	30 days	According to project's duration
8	Drainage systems ( $\geq 5,000$ Hectares)	2,000,000 Riel	30 days	According to project's duration
9	Fishing ports (all sizes except household fishing ports)	2,000,000 Riel	30 days	According to project's duration
10	Poultry raising farm ( $\geq 10,000$ heads)	3,000,000 Riel	30 days	According to project's duration
11	Forest harvesting business ( $\geq 500$ Hectares) calculated per 1 hectare	8,000 Riel	30 days	According to project's duration
12	Land covered by forest ( $> 500$ Hectares) calculated per 1 hectare	8,000 Riel	30 days	According to project's duration
13	Rehabilitate and develop of agro-industrial crops ( $> 500$ Hectares) calculated per 1 hectare	5,000 Riel	30 days	According to project's duration
14	Land size for agricultural and industrial crops ( $\geq 10,000$ Hectares) calculated per 1 hectare	1,200 Riel	30 days	According to project's duration
15	Concession forest ( $\geq 10,000$ Hectares) calculated per 1 hectare	4,000 Riel	30 days	According to project's duration
D. Tourism Sector				



No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
1	Tourism areas (≥ 50 Hectares)	30,000,000 Riel	30 days	According to project's duration
2	Golf field (≥ 18 holes)	30,000,000 Riel	30 days	According to project's duration
3	Zoo establishment (≥ 10 Hectares)	15,000,000 Riel	30 days	According to project's duration
4	Floating restaurant (≥ 300 seats)	8,000,000 Riel	30 days	According to project's duration
<b>E. Infrastructure</b>				
1	Airport construction (all sizes)	50,000,000 Riel	30 days	According to project's duration
2	Urbanization development (all sizes)	40,000,000 Riel	30 days	According to project's duration
3	Stadium construction (all sizes)	40,000,000 Riel	30 days	According to project's duration
4	Industrial waste disposing landfill (all sizes)	30,000,000 Riel	30 days	According to project's duration
5	Industrial zone (all sizes)	30,000,000 Riel	30 days	According to project's duration
6	Building construction (height ≥ 12m or area 8,000m <sup>2</sup> )	10,000,000 Riel	30 days	According to project's duration
7	National road construction (≥ 100km)	8,000,000 Riel	30 days	According to project's duration
8	Railway construction (all sizes)	8,000,000 Riel	30 days	According to project's duration
9	Port construction (all sizes)	15,000,000 Riel	30 days	According to project's duration

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
10	Special economic zone (all sizes)	30,000,000 Riel	30 days	According to project's duration
11	Fiber optic network (all sizes)	30,000,000 Riel	30 days	According to project's duration
12	Electricity transmission network ( $\geq 115KV$ )	30,000,000 Riel	30 days	According to project's duration
13	Pillar and electric pole manufacturing factory (all sizes)	30,000,000 Riel	30 days	According to project's duration
14	Electric and electronic equipment and material manufacturing factory (all sizes)	30,000,000 Riel	30 days	According to project's duration
15	Mineral research study (all sizes)	30,000,000 Riel	30 days	According to project's duration
16	Steel H and other materials manufacturing factory (all sizes)	15,000,000 Riel	30 days	According to project's duration
17	Hotel construction ( $\geq 60$ rooms)	15,000,000 Riel	30 days	According to project's duration
18	Construction of hotel adjacent to coastal area ( $\geq 40$ rooms)	15,000,000 Riel	30 days	According to project's duration
19	Dredging ( $\geq 50,000m^3$ )	15,000,000 Riel	30 days	According to project's duration
20	Damping site ( $\geq 200,000$ people)	15,000,000 Riel	30 days	According to project's duration
21	Construction of hotel adjacent to riverside ( $\geq 40$ rooms)	15,000,000 Riel	30 days	According to project's duration
22	Road and railway repairing and expanding ( $\geq 50$ Km)	15,000,000 Riel	30 days	According to project's duration
23	Navigation ( $\geq 100$ Tones)	15,000,000 Riel	30 days	According to project's duration

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
24	Road construction in protected area (all sizes)	15,000,000 Riel	30 days	project's duration
25	Construction of bridge-road ( $\geq$ 30 Tones weight)	8,000,000 Riel	30 days	According to project's duration
26	Restaurant ( $\geq$ 500 seats)	8,000,000 Riel	30 days	According to project's duration
F. The projects required for making contract on environmental protection				
1	Raw material manufacturing factory for pharmaceutical producing (all sizes)	15,000,000 Riel	28 days	According to project's duration
2	Umbrella manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
3	Candy manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
4	Candy manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
5	Shoe manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
6	Sport material manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
7	Mattress manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
8	Bag, towel, net and cartoon manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
9	Package manufacturing factory for exportation (all sizes)	5,000,000 Riel	28 days	According to project's duration
10	Glove, sock, towel, hat manufacturing factory	5,000,000 Riel	28 days	According to project's duration

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
	(all sizes)			project's duration
11	Elastic cord of pants waist manufacturing factory for supply (all sizes)	5,000,000 Riel	28 days	According to project's duration
12	Cardboard box manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
13	Thread dragging and sided tape manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
14	Artificial hair manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
15	Door and glass design manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
16	Flooring sheet, wall sheet, fibro sheet and tile manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
17	Location for installing of cellular network (all sizes)	5,000,000 Riel	28 days	According to project's duration
18	All office materials manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
19	Zinc, door and steel construction manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
20	Badge clothing manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
21	Cassava flour manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
22	Ice tea drink manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
23	Tissue paper manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
24	All types of fish hook equipment manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
25	Coaster for shoe template manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
26	Acacia and Eucalyptus tree chopping factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
27	All types of raincoat manufacturing factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
28	Grain drying factory (all sizes)	5,000,000 Riel	28 days	According to project's duration
29	Cemetery area (≥5 hectares)	3,000,000 Riel	28 days	According to project's duration
<b>G. Type of other services</b>				
1	Contribute to environmental endowment fund for environmental rehabilitation receiving from customers' volunteering (outside the natural protected area)	Project owner's volunteering		
2	Registration of consulting firm for studying and preparing of social and environmental impact assessment report	20,000,000 Riel	28 days	5 years
3	Approval for the consulting firm for studying and preparing of social and environmental impact assessment report to conduct the research study	3,000,000 Riel	28 days	
4	Approval for changing firm's statutes for the firms of investment or development project	800,000 Riel	28 days	
5	Approval for changing firm's name for the	800,000 Riel	28 days	

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
6	firms of investment or development project Approval for expanding location of production chains on new location for the firms of investment or development project	5,000,000 Riel	28 days	
7	Approval for expanding location of production chains on existing location for the firms of investment or development project	3,000,000 Riel	28 days	
8	Approval for moving factory's location for the firms of investment or development project	5,000,000 Riel	28 days	
<b>III. Service fees relating to laboratory and penalty on offenses relevant to environmental pollution</b>				
A. Penalty on violation of law, sub-decree relevant to environmental pollution				
1	Transitional fine	1,000,000 Riel- 10,000,000 Riel		
2	Penalty for violation in case of recidivism	21,000,000 Riel- 30,000,000 Riel		
3	Penalty in accordance to verdict or court judgment	Actual price		
B. Service fees on laboratory				
1	Temperature	8,000 Riel	2 days	
2	PH	8,000 Riel	2 days	
3	Conductivity (EC)	8,000 Riel	2 days	
4	Turbidity	12,000 Riel	2 days	
5	Total Solid (TS)	20,000 Riel	3 days	
6	Total Dissolved Solid (TDS)	20,000 Riel	2 days	
7	Total Suspended Solid (TSS)	20,000 Riel	3 days	
8	Total Alkalinity (as CaCO3)	20,000 Riel	3 days	

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
9	Total Hardness	20,000 Riel	3 days	
10	Dissolved Oxygen (DO)	16,000 Riel	2 days	
11	BOD	68,000 Riel	10 days	
12	COD	40,000 Riel	5 days	
13	Oil and Grease	48,000 Riel	4 days	
14	Phenol	30,000 Riel	5 days	
15	Cyanide (CN <sup>-</sup> )	120,000 Riel	5 days	
16	Fluoride (F <sup>-</sup> )	28,000 Riel	3 days	
17	Detergent (MBAS)	60,000 Riel	7 days	
18	Nitrogen Organic	60,000 Riel	5 days	
19	Ammonia (NH <sub>3</sub> )	36,000 Riel	3 days	
20	Nitrite (NO <sub>2</sub> )	36,000 Riel	3 days	
21	Nitrate (NO <sub>3</sub> )	36,000 Riel	3 days	
22	Total Phosphorus (TP)	60,000 Riel	4 days	
23	Sulphate (SO <sub>4</sub> )	30,000 Riel	3 days	
24	Chloride (Cl <sup>-</sup> )	28,000 Riel	3 days	
25	Manganese (Mn)	60,000 Riel	5 days	
26	Magnesium (Mg)	60,000 Riel	5 days	
27	Aluminum	70,000 Riel	5 days	
28	Iron (Fe)	70,000 Riel	5 days	
29	Copper (Cu)	70,000 Riel	5 days	
30	Zinc (Zn)	70,000 Riel	5 days	
31	Cadmium (Cd)	90,000 Riel	5 days	
32	Selenium (Se)	80,000 Riel	5 days	
33	Mercury (Hg)	90,000 Riel	5 days	
34	Nickel (Ni)	80,000 Riel	5 days	

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
35	Chromium (C)	80,000 Riel	5 days	
36	Lead (Pb)	80,000 Riel	5 days	
37	Arsenic (As)	80,000 Riel	5 days	
38	Total Coli form	36,000 Riel	7 days	
39	Feecal Coliform	36,000 Riel	7 days	
40	Total Bacteria	36,000 Riel	5 days	
41	Pathogen Staphylococcus	40,000 Riel	7 days	
42	E-Coli	40,000 Riel	7 days	
43	Feecal Streptococcus	40,000 Riel	7 days	
44	Total nitrogen (TN)	36,000 Riel	4 days	
45	Thermo tolerant Coli form	28,000 Riel	7 days	
46	Barium (Ba)	60,000 Riel	5 days	
47	Beryllium (Be)	60,000 Riel	5 days	
48	Bismuth (Bi)	60,000 Riel	5 days	
49	Boron (B)	60,000 Riel	5 days	
50	Calcium (Ca)	52,000 Riel	5 days	
51	Cobalt (Co)	60,000 Riel	5 days	
52	Cesium (Cs)	72,000 Riel	5 days	
53	Gallium (Ga)	60,000 Riel	5 days	
54	Indium (In)	60,000 Riel	5 days	
55	Potassium (K)	52,000 Riel	5 days	
56	Lithium (Li)	52,000 Riel	5 days	
57	Molybdenum (Mo)	60,000 Riel	5 days	
58	Rubidium (b)	80,000 Riel	5 days	
59	Sodium (Na)	52,000 Riel	5 days	
60	Silver (Ag)	80,000 Riel	5 days	



No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
61	Strontium (S)	80,000 Riel	5 days	
62	Titanium (Ti)	80,000 Riel	5 days	
63	Vanadium (V)	80,000 Riel	5 days	
64	Uranium (U)	80,000 Riel	5 days	
65	Orthophosphate (PO4)	24,000 Riel	3 days	
66	Poliphosphate (PO4--)	24,000 Riel	4 days	
67	Carbondioxide (CO2)	24,000 Riel	3 days	
68	Salinity (NaCl)%	24,000 Riel	2 days	
69	Chromium (C3)	24,000 Riel	3 days	
70	Chromium Exavalend (C6)	24,000 Riel	4 days	
71	Sulphite (SO2)	28,000 Riel	5 days	
72	Sulfide (S)	28,000 Riel	4 days	
73	Brome (B)	40,000 Riel	5 days	
74	Iron (Fe+3)	40,000 Riel	5 days	
75	Iron (Fe+2)	40,000 Riel	5 days	
76	Color	28,000 Riel	3 days	
77	Chlorophyll, a	28,000 Riel	3 days	
78	Transparency	20,000 Riel	3 days	
79	Ammonium (NH4)	28,000 Riel	3 days	
80	Hydrogen Carbonate (HCO3)	20,000 Riel	3 days	
81	Silicon (SiO2)	60,000 Riel	5 days	
82	Chlorine (Cl-)	28,000 Riel	3 days	
83	NO <sub>2</sub> (Examine in 24 hours)	280,000 Riel	7 days	
84	SO <sub>2</sub> (Examine in 24 hours)	280,000 Riel	7 days	
85	TSP			
	Examine in 1 hour	100,000 Riel	5 days	

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
	Examine in 8 hours	200,000 Riel	5 days	
	Examine in 24 hours	480,000 Riel	5 days	
86	PM10			
	Examine in 1 hour	100,000 Riel	5 days	
	Examine in 8 hours	200,000 Riel	5 days	
	Examine in 24 hours	480,000 Riel	5 days	
87	PM2.5			
	Examine in 1 hour	100,000 Riel	5 days	
	Examine in 8 hours	200,000 Riel	5 days	
	Examine in 24 hours	480,000 Riel	5 days	
88	Noise	200,000 Riel	5 days	
	Examine in 8 hours	60,000 Riel	5 days	
	Examine in 24 hours	120,000 Riel	5 days	
89	Vibration	200,000 Riel	5 days	
	Examine in 8 hours	100,000 Riel	5 days	
	Examine in 24 hours	200,000 Riel	5 days	
<b>C. Types of other services</b>				
1	Provide approval letter for discharging liquid wastes from business location (as per request)		7 days	1 year
1.1	Volume more than 100m <sup>3</sup> /day	1,000,000 Riel	7 days	1 year
1.2	Volume from 50m <sup>3</sup> to less than 100m <sup>3</sup> /day	800,000 Riel	7 days	1 year
1.3	Volume less than 50m <sup>3</sup> /day	500,000 Riel	7 days	1 year
2	Provide approval letter for discharging solid wastes from business location (as per request)	500,000 Riel	7 days	1 year

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
3	Provide approval letter for purchasing of recyclable wastes (as per request)	1,000,000 Riel	7 days	1 year
4	Provide approval letter for exporting of recyclable wastes (scrap products) (as per request)		7 days	Per one time of exporting
4.1	Exported volume more than 1,000 Tones	1,000,000 Riel	7 days	Per one time of exporting
4.2	Exported volume from 500 tones to less than 1,000 tones	800,000 Riel	7 days	Per one time of exporting
4.3	Exported volume from 100 tones to less than 500 tones	500,000 Riel	7 days	Per one time of exporting
4.4	Exported volume from 50 tones to less than 100 tones	300,000 Riel	7 days	Per one time of exporting
4.5	Exported volume from 20 tones to less than 50 tones	150,000 Riel	7 days	Per one time of exporting
4.6	Exported volume less than 20 tones	80,000 Riel	7 days	Per one time of exporting
5	Provide approval letter for importing of cooling equipment			
5.1	Imported volume more than 100 sets	300,000 Riel	7 days	Per one time of importing
5.2	Imported volume from 50 sets to less than 100 sets	150,000 Riel	7 days	Per one time of importing
5.3	Imported volume from 01 sets to less than 50 sets	80,000 Riel	7 days	Per one time of importing
6	Provide approval letter for importing of substances for cool making			

No.	Descriptions	Service Fees Working Groups	Period of Service Provision (Working Day)	Validity
6.1	Imported volume more than 2 tones	400,000 Riel	7 days	Per one time of importing
6.2	Imported volume less than 2 tones	200,000 Riel	7 days	Per one time of importing
7	Provide approval letter for emission of air pollution substances and noise disturbances	1,000,000 Riel	7 days	1 year
8	Provide approval letter for operating business on mud waste pumping from Septic reservoir and liquid waste treatment reservoir			
8.1	Have pumping trucks more than 5 trucks	1,000,000 Riel	7 days	1 year
8.2	Have pumping trucks less than 5 trucks	400,000 Riel	7 days	1 year
9	Provide approval letter for annual importing of substances for cool making by limited volume (as principle letter for next year importation)	150,000 Riel	7 days	1 year
10	Provide approval letter for exporting and importing of genetically modified organisms (per one thing)	600,000 Riel	90 days	No limit
11	Analysis on genetically modified organisms (per one thing)	1,600,000 Riel	90 days	No limit

**Note:**

- The above table on service fees is not included on fiscal stamp which is separate burden of the customers
- For the projects relevant to state or/and humanitarian budget, the reviewing on the environmental impact assessment report and monitoring on project implementation have been provided for free of charge.

**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

**UNOFFICIAL  
TRANSLATION**

**MINISTRY OF ENVIRONMENT  
No. 013 នៃកម្រិត**

**DECISION  
ON  
COMPOSITION AND DUTY REVISION OF EIA COORDINATION WORKING GROUP**

.....  
**Minister of the Ministry of Environment**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Preah Reach Kret (Royal Decree) No. NS/RKT/0913/903 dated September 24<sup>th</sup>, 2013 on the Appointment of the Royal Government of Kingdom of Cambodia;
- Having seen Preah Reach Kret No. NS/RKT/1213/1393 dated December 21<sup>st</sup>, 2013 on the Revision and Addition of the Composition of the Royal Government of Kingdom of Cambodia;
- Having seen Preah Reach Kram No. 02/NS/94 dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Preah Reach Kram No. NS/RKT/0196/21 dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Environment;
- Having seen Preah Reach Kram No. 03 នៃកម្រិត/94 dated 05<sup>th</sup> August 1994 promulgating the Law on Investment in Cambodia;
- Having seen Preah Reach Kram No. 03 នៃកម្រិត/0303/009 dated 24<sup>th</sup> March 2003 promulgating the Law on Amendment of Law on Investment in Cambodia;
- Having seen Preah Reach Kram No. 03 នៃកម្រិត/1296/36 dated 24<sup>th</sup> December 1996 promulgating the Law on Environmental protection and Natural Management;
- Having seen Preah Reach Kram No. 03 នៃកម្រិត/0208/007 dated 15<sup>th</sup> February 2008 promulgating the Law on Natural Protected Area;
- Having seen Sub-decree No. នៃកម្រិត/0515/403 dated 09<sup>th</sup> May 2015 on EIA;
- Having seen Preah Reach Kret No. NS/RKT/0515/403 dated 09 May 2015 on the Organization and Functioning of National Council of Sustainable development;
- Having seen Sub-decree No. 59 ANKr.BK dated May 18, 2015 on the Organization and Functioning of General Secretariat of National Council of Sustainable Development;
- Having seen Sub-decree No. 55 ANKr.BK dated May 04, 2015 on the Organization and Functioning of Ministry of Environment;
- Having Prakas No. 376 នៃកម្រិត dated September 02, 2015 on the General Guideline for Preparing Initial and Full Environmental Impact Assessment;

- Referring to requirement of the Ministry of Environment;

## HEREBY DECIDE

### Article 1

The composition of EIA Coordination Working Group (EIACWG) shall be modified as follow:

1	H.E Tea Chup	Deputy Secretary of State	Director
2	H.E E Vuthy	Advisor Attached to the Ministry of Environment and Deputy General Manager of General Directorate of Administration and Finance	Deputy Director
3	H.E Sum Sokhamphou	Assistant Attached to the Ministry of Environment	Deputy Director
4	H.E. Chhoup Paris	Deputy General Secretary of General Secretariat of National Council for Sustainable Development	Member
5	Mr. Chhrin Sokha	Deputy General Director of General Directorate of Environmental Protection	Member
6	Mr. Ngoun Kong	Deputy General Director of General Directorate of Environmental Knowledge and Information	Member
7	Mr. Sok Kheng Norin	Deputy general Director of General Directorate of Administration for Nature Conservation and Protection	Member
8	Mr. Keo Vong Wathana	Deputy General Director of General Department of Administration and Finance	Member
9	Mr. Danj Serey	Director of Department of EIA	Member and Secretariat Manager
10	Mr. Phd. Kum Veasna	Expert of engineering System and Eco-Economy of General Directorate of Environmental Knowledge and Information	Member

### Article 2

EIACWG has duties as follow:

- examine and decide on EIACWG internal regulation
- examine and comment on reports of Environmental and Social Impact Assessment (ESIA) of proposed project and other existing and processing private or public development activities by depending on the result from examination and initial comment from Department of EIA
- decide on report of Initial Environmental and Social Impact Assessment (IESA)
- report to the Minister of the Ministry of Environment on result of the meeting of giving comment on reports of Environmental and Social Impact Assessment

### Article 3

Department of EIA is the Secretariat of EIACWG and has duties as follow:

- prepare internal regulation of EIACWG
- coordinate and provide administrative and technical protections in accordance with regulations in force.
- prepare meeting minutes of EIACWG of both the internal ministerial and Inter-Ministerial Skills
- prepare meeting reports of EIACWG of both the internal ministerial and Inter-Ministerial Skills for the Minister of the Ministry of Environment to examine and decide in compliance with the administrative procedure
- prepare inter-ministerial leadership level meeting led by the Minister of the Ministry of Environment to examine and decide on reports of Environmental and Social Impact Assessment (ESIA) and this meeting shall comprise of Director, Deputy Director of EIACWG, Skilled Officials and Ministerial leadership level, relevant Institutions, Municipal/ Provincial Governors or Deputy Governors and Municipal/ Provincial Department of Environment
- prepare comment letter on report of ESIA for project owners to modify

#### Article 4

Member of EIACWG shall participate in the meeting invited by the director.

In case the Director is absent, Deputy Director shall fulfill duties as the Acting Director via the transfer of authority.

EIACWG has rights to decide and approve on reports of ESIA with two third vote of the total numbers.

Internal meeting of EIACWG for examining and comment of reports of IESIA shall be participated by all the members and municipal/ provincial department of Environment

EIACWG and inter-ministerial skilled group for examining and commenting on reports of ESIA shall be participated by ministerial, relevant institutional skilled officials whose names are sent to the Ministry of Environment, Municipal/ Provincial Department of Environment, organization and civil society.

#### Article 5

Director of EIACWG with the approval from deputy director has rights to invite relevant Departments of the Ministry of Environment to participate in the meeting via their General Directorates. skilled officials who are invited to participate in this above mentioned don't have rights to participate in deciding and approving on the reports of ESIA.

#### Article 6

Any provisions that are contrary to this Prakas shall be abrogated.

#### Article 7

Secretary of State, Deputy Secretary of State, Director of Cabinet of Ministers, Delegate of the Royal Government of Cambodia in charge of General Director of Administration for

Nature Conservation and Protection, General Director of Administration and Finance, General Director of Environmental Protection, General Secretary of National Council for Sustainable Development, Inspector General, Director of Department of EIA and principal person shall implement this Decision from the date of signature onwards.

Done in Phnom Penh, Date: 08<sup>th</sup> July

2015

**MINISTER**

**SAY SAMAL**

CC:

- Office of the Council of Ministers
- Ministry of Economy and Finance
- Council of Development of Cambodia
- All Relevant Ministries and Institution
- All Municipal/ Provincial Halls
- All Municipal/ Provincial Department of Environment
- As Article 7
- Archive