



Lao People's Democratic Republic  
Peace Independence Democracy Unity Prosperity

Government

No. 21/PMO

Vientiane Capital, Date: 31/01/2019

Unofficial Translation

**DECREE  
ON THE ENVIRONMENTAL IMPACT ASSESSMENT**

- Pursuant to the Law on the Government of the Lao PDR (revised version), No. 4/NA, dated November 8, 2016;
- Pursuant to the Environmental Protection Law (revised version), No. 29/NA, dated December 18, 2012;
- Pursuant to the requested by the Minister of Natural Resource and Environment No. 6612/MONRE, dated December 28, 2018.

**THE GOVERNMENT OF LAO PDR ISSUES THIS DECREE**

**Part I  
General Provisions**

**Article 1 Purpose**

This Decree defines principles, regulations, and procedures on management, monitoring, and inspection of an Environmental Impact Assessment (EIA) so that the process will be implemented correctly, transparently, and consistently with the aims to prevent, reduce, and mitigate negative environmental impacts; to ensure

that the affected peoples are reasonably compensated, resettled, and assisted in improving their living conditions better than existing situation while making the management and utilization of natural resources most effective and ensuring protection of the national and people rights and interests and contribution to the national socio-economic development in a sustainable and green manner.

### **Article 2: Environmental Impact Assessment**

“Environmental Impact Assessment” (EIA) is a process of studying, surveying, analyzing and evaluating positive and negative impacts on social and natural environment caused by investment projects and activities both in short and long terms, including setting appropriate methods and measures to protect, avoid, and mitigate those impacts.

Results of the EIA is one of the Government’s condition for the review and approval of investment projects and activities.

### **Article 3 Explanation of Terms**

The terms used in this Decree have the following meanings:

1. Environment means any organic and inorganic features existing naturally or created by mankind and surrounding such as people, animals, plants, and others and has positive and negative interactions and impacts on livelihood, production, existence, and expansion of mankind and nature. Environment consists of social and natural environment.

2. Social environment means any organic and inorganic features created by mankind and has positive and negative interactions and impacts on livelihood, production, existence and expansion of mankind and nature.

3. Natural environment means any organic and inorganic features existing naturally and has positive and negative interactions and impacts on livelihood, production, existence and expansion of mankind and nature.

4. Environmental impact means positive and negative, direct and indirect, short-term and long-term impacts of investment projects and activities on the ecosystem, natural resources, climate change, natural heritages, cultural heritages, life, health, assets, livelihood, residence, and others.

5. Environmental rehabilitation means restoration and reversal of annihilable or degradable social and natural environment back to good status and to ample ecosystem. .

6. Environmental Management and Monitoring Plan (EMMP) means a plan that consolidates various key tasks of social and natural environment, identifying methods and preventive measures, mitigation, and remedy the social and natural environmental impacts as defined in the Initial Environmental Examination (IEE) and the Environmental and Social Impact Assessment (ESIA), and identification of organizational structures, responsibilities, timeframe, and sufficient budgets for implementing the EMMP.

7. Complex project means any large project with a large number of activities, many steps, complex technology, high risks that could create adverse impacts on local people health and livelihood, or has substantial impacts on the environment.

8. Cumulative impact means the environmental impact that subsequently occur, increase when added to other direct, indirect, short-term and/or long-term impacts of other investment projects and activities that occur from the past, present, and also other proposed projects in the future planned.

9. Cumulative impact assessment means any study, surveys, data analysis, and evaluation of potential environmental impacts generated from the existing and the proposed investment projects including the consideration of climate change related-issues which specific cumulative impact assessment report and EMMP are required.

10. Project owner means any individuals, legal entities, or national or foreign organizations receiving a permission to conduct study, surveys, designs, construction, and operations of

investment projects and activities in Lao PDR.

11. Affected persons mean individuals, legal entities or organizations that are permanently or temporarily, directly or indirectly, for a short or long terms, affected by investment projects and activities.

12. Stakeholders mean any individuals, legal entities, or organizations that are interested in, are involved with, received benefits, or are affected by the proposed investment projects and activities;

13. Direct impact means any impact that is directly generated by the operations of the proposed investment projects and other activities on life, human health, natural resources, ecosystem, assets loss, resettlements, and people livelihood.

14. Indirect impact means any impact that is indirectly generated by the operations of the proposed investment projects and other activities which is not considered as the direct impact such as impacts on the feeling, belief, tradition, loss of time and opportunity for making a living, climate change, and pollution.

15. Positive impact means any impact that increases conveniences and provides good opportunities to the affected peoples by the investment projects and activities, such as people livelihood that are better improved than existing condition, creation of job opportunity, and infrastructure, education facilities, and health care services are developed.

16. Negative impact means any negative impact on the environment and local people caused by the investment projects and activities such as environmental degradation, worst livelihood of the peoples than existing condition, damaged infrastructure.

#### **Article 4 Policy on Environmental Impact Assessment**

The State encourages and promotes individuals, legal entities, or public and private organizations that is developing any investment projects and activities in Lao PDR to invest and to use advanced technology and sciences in the environmental impacts assessment with an aim to protect the environment and

effectively utilize natural resources according to green-growth and sustainable principles.

The State encourages and promotes the environmental impact assessment through policy development, infrastructure provision, human resource development, awareness raising, information dissemination, training, and setting up other conditions to facilitate the implementation of the environmental impact assessment.

The State promotes public participation by providing relevant information and feedback on the EIA process.

#### **Article 5 Basic Principles Related to EIA**

The EIA will be carried out according to the following basic principles:

1. Compliance with regulations, socio-economic development plan, international treaties and agreements, which Lao PDR is a party member;
2. Centralized and unified management throughout the country;
3. Transparent, openness, fairness, and can be verified;
4. Ensure public participation;
5. Ensure that information are reliable, concise, scientific, and can be verified; and
6. Responsible for any damages resulted from the owner action.

#### **Article 6 Scope of Application**

This Decree applies to individuals, legal entities, and public and private organizations both national and foreigner, who are operating investment projects and activities in Lao PDR.

#### **Article 7 International Cooperation**

The State promotes cooperation with overseas, regional, and international regarding the environmental impact assessment through sharing of lessons learnt, information, sciences and

technology, training and technical capacity enhancement for the effective assessment, implementation of international treaties and agreements, which Lao PDR is a party member.

## **Part II**

### **Screening and Categorization of Investment Projects and Activities**

#### **Article 8 Screening of Investment Projects and Activities**

The screening of investment projects and activities is the first step of the EIA process with the aim to determine whether or not the proposed investment projects and activities will need to carry out the EIA process.

The screening of investment projects and activities has to be checked against the List of Investment Projects and Activities requiring for the EIA process.

In the case that the investment project or activity is not included in the list mentioned above, the natural resources and environment (NRE) sector agency will conduct a screening process, based on information of the investment project or activity, to determine whether or not such investment project or activity is necessary to carry out the EIA process.

#### **Article 9 Categorization of Investment Projects and Activities**

Investment projects and activities are categorized into two groups as follows:

1. Investment projects and activities that are expected to generate low or insignificant environmental and social impacts are required to prepare an Initial Environmental Examination (IEE); and
2. Investment projects and activities that are expected to generate significant or adverse environmental and social impacts are required to prepare an Environmental and Social Impact Assessment (ESIA). For the project with expected to cause health impacts is required to prepare a Health Impact Assessment (HIA).

MONRE coordinates with relevant ministries, organizations, and local administrations for the preparation of the categorization of EIA of the investment projects and activities.

### **Part III**

## **Types of Environmental Impact Assessment**

### **Article 10 Types of Environmental Impact Assessment**

Two types of Environmental Impact Assessment (EIA) are the followings:

1. Initial Environmental Examination (IEE); and
2. Environmental and Social Impact Assessment (ESIA).

### **Chapter 1**

## **Initial Environmental Examination (IEE)**

### **Article 11 Initial Environmental Examination**

The Initial Environmental Examination (IEE) is a process of studying, surveying and analyzing to evaluate potential low impacts and identify appropriate measures to prevent, avoid or reduce the impacts generated by the investment projects and activities, including the consideration of the issues related to climate change.

The investment projects and activities categorized as Group 1 have to carry out an IEE by preparing an IEE report and an EMMP that will be submitted to the Provincial Department of Natural resource and Environment (PONRE) for reviewing.

### **Article 12 IEE Report**

The IEE Report includes the followings:

1. Project description;
2. Selection of project alternatives;
3. Description of the environmental baseline data such as physical, biological, socio-economic data in the project area and in its proximity;

4. Assessment of environmental and disaster-related risks.

In the preparation of IEE report, the EMMP will also need to be prepared in accordance to the provisions in Article 23 of this Decree.

### **Article 13 IEE Report Preparation**

During the preparation of an IEE report, the project owner has to:

1. Prepare the report in Lao in accordance to the relevant laws and regulations and in parallel to the preparation of the feasibility study;

2. Coordinate with PONRE and relevant local administrations for the authorization on data collection and undertaking public consultation for the project;

3. Collect physical, biological and socio-economic data in the project area and its proximity including existing data, field data and then analyze the data. For field data collection, the location must be identified and the sample must be collected sufficiently and technically and taking into account the area context. The data must be reliable and the field data analysis need to be certified by the relevant parties.

4. Carry out analysis of at least 3 alternatives each of which will indicate key information such as project location, project size and production process as well as the description of environmental impacts, and comparison between the 3 alternatives and describe justification of the selected option. The alternative study must include the “no development” alternative that has to include the description of environmental conditions and its positive and negative aspects.

5. Study baseline information on health, gender, and ethnic sensitive issues that will be incorporated as a section of the IEE report;

6. Prepare a separate EMMP document of the IEE report;

7. Carry out public consultation by organizing a village consultation workshop, provide project related information, the



project affected peoples' reviews and other stakeholders on the results of the IEE study.

#### **Article 14 IEE Documentation**

The project owner who requests for approval of the project IEE must submit the following documents:

1. IEE report Approval Application form;
2. IEE report, EMMP including its executive summary;
3. Minutes of village consultation workshops
4. Prefeasibility study report;
5. Copy of the environmental service providers' license and the list of the IEE study team members and their brief CVs.

#### **Article 15 Checking the Application Form**

PONRE must check the application for approval of the IEE report including the supporting documents and notify the project owner in written document within 10 working days after receiving the application. If the IEE report including the supporting documents are properly done and sufficient, the project owner is required to make available an electronic copy plus at least 10 hard copies to PONRE.

#### **Article 16 IEE Report Review**

PONRE reviews the IEE report within 40 working days after the submission is made by project owner. This is not included the time taken by the project owner for revising the documents. Each revising of the IEE report is supposed to be done within 3 months. If not, PONRE will restart the review process from the beginning. In the case when the revising time is more than 6 months, the report is considered as rejected and the project owner has to restart the IEE study process.

The review of the IEE report is divided into 2 phases as the followings:

1. Collection of comments;
2. Final review.

### **Article 17 Collection of Comments**

The collection of comments has to be done within 30 working days after receiving the applications submitted by the project owner and the process has to follow the following steps:

1. PONRE appoints the provincial technical expert panel and provides the IEE report and EMMP to the technical expert panel, DONRE (District Office of Natural Resources and Environment) and all relevant sectors within 5 working days for reviewing and providing comments, and at the same time PONRE will post these documents on a website for public comments within 20 working days. If no input is provided within this time-frame, the documents are considered as accepted;

2. PONRE coordinates with the project owner to organize a district consultation workshop with relevant sectors so that critical comments on the IEE report and the EMMP can be summarized and forwarded to the project owner for revising the documents prior to the technical consultation workshop.

3. PONRE coordinates with the project owner, other relevant provincial departments, relevant district offices and village administrations to visit the project area and organizes a technical consultation workshop on the IEE report and the EMMP;

4. PONRE will compile, within 5 working days, comments from all parties, made by the workshop participants, website, the result of the technical consultation workshops, the result of the site visit, and the result of review made by the provincial technical expert panel, and provide those comments to the project owner for revising and resubmitting to PONRE for reviewing.

### **Article 18 Final Review**

The final review will be carried out through the following steps::

1. The provincial technical expert panel organizes a workshop to review the revised IEE report and the EMMP provided by PONRE and reports the results to PONRE within 5 working days after receiving the revised IEE report and the

EMMP. ;

2. PONRE, within 5 working days after receiving the provincial technical expert panel review report, will review and make decisions as the followings:

- If the IEE report and the EMMP are accurate and complete, PONRE will issue an ECC;
- If the IEE report and the EMMP are not complete, PONRE will recommend the project owner for improvement and resubmission of the IEE report and the EMMP;
- If the IEE report and the EMMP are not accurate, PONRE will reject the IEE report and the EMMP with written justification/reasons for rejection to the project owner; and
- If the impacts are considered significant, PONRE will request the project owner to conduct the ESIA process.

## **Chapter 2**

### **Environmental and Social Impact Assessment (ESIA)**

#### **Article 19 Environmental and Social Impact Assessment (ESIA)**

The Environmental and Social Impact Assessment (ESIA) is a process of data analysis to evaluate potential environmental and social impacts generated by investment projects or activities, including consideration on the issues related to climate change impacts which will be included in the ESIA report. In addition to the ESIA report, an EMMP also needs to be prepared.

For the Group 2 investment projects and activities, an ESIA including the ESIA report and the EMMP has to be prepared and submitted to MONRE for review.

The ESIA process consists of following steps:

1. Preparing a scoping report and TOR;
2. Reviewing the scoping report and TOR;
3. Preparing an ESIA report and EMMP;
4. Reviewing the ESIA report and EMMP.

#### **Article 20 Scoping Report and Terms of Reference (TOR)**

The scoping report is the collection of baseline information on the environment status of the project so that the key issues can be identified and prepared for the environmental impacts assessment process.

The TOR covers all tasks to be carried out in the environmental impact assessment process in accordance with the scoping report for the assessment.

The project owner is responsible for the preparation of the scoping report and TOR for the project ESIA in accordance with the regulations issued by MONRE. The development of the scope of report and the TOR has to be prepared by the environmental service providers authorized by MONRE.

#### **Article 21 Review of the Scoping Report and TOR**

MONRE will carry out the review and organize consultation workshop with relevant ministries and agencies as needed in order to approve the scoping report and TOR for the ESIA of the project within 15 working days after receiving documents from the project owner.

If the results of the review indicate that the scoping report and TOR are insufficient, the project owner will then be notified for improvement and resubmission of the scoping report and TOR.

#### **Article 22 Preparation of ESIA Report**

An ESIA report is the result of the studies on the environmental impacts generated by investment projects and activities which will include direct and indirect impacts on living organism, ecology, and the environment so that measures to prevent, mitigate and remedy the potential environmental impacts can be determined. The ESIA report has to provide clear information and be easy to understand including the methodology and data collection technique that have been applied in the ESIA process.

An ESIA report of an investment project is different from each other depending on type of the project, however it must

include project descriptions, alternatives, baseline information on the existing environment such as physical, biological, socio-economic, environmental information in the project area and its proximity, cumulative impacts, compensation, resettlement and occupations and restoration of people's livelihood, health impacts, gender, ethnicity as well as the appropriate methodology and measures to prevent, reduce, and mitigate properly the potential environmental impacts and disasters.

During the ESIA report preparation, the project owner has to:

1. Prepare the ESIA report in Lao in accordance to the relevant laws and regulations and the scoping report and TOR, and in parallel with the preparation of the feasibility study.
2. Carry out the ESIA process within 6 months after approving of the scoping report and TOR. The delay of the ESIA preparation may cause rejection of the approved scoping report and TOR. In this case, if the project owner intends to continue the assessment he/she has to develop a new scoping report and TOR and then submit them to MONRE for consideration.
3. Coordinate with the local Natural Resource and Environment (NRE) sector and relevant local administrations for the authorization of data collection and undertaking of public consultation process on the development project.
4. Collect detailed information on physical, biological, and socio-economic conditions in the project area and its proximity, cumulative impacts, compensation, resettlement and occupations and restoration of people's livelihood, health impacts, gender, and ethnicity. For the project that involves resettlement and occupations, as well as existing information, field data, and interview with peoples, and their analysis have to be included. During the field data collection, the location of the sample must be sufficiently identified and taken into account the appropriateness of the area context. The data source must be reliable and certified by the relevant parties.

5. Carry out analysis of at least 3 alternatives and each of which has to provide key information such as project location, project size and production process as well as description of the environmental impacts and comparison between the 3 alternatives and describe the justification of the selected option. The alternative study must present the “no development” option that has to include the description of the environmental conditions and its positive and negative aspects of this option.

6. Prepare separate EMMP document and attach any corresponding specific management plan as needed;

7. Conduct cumulative impacts assessment, trans-boundary impacts assessment, environmental and disaster risk assessment, gender assessment, ethnicity assessment separately and each part needs to have specific management and monitoring plan as needed.

For the hydropower project located on the Mekong River, it has to comply with the 1995 Agreement on the Cooperation for Sustainable Development of the Mekong River and the relevant regulations.

For a complex project, the ESIA report has to be prepared in Lao and English.

For a health risk associated project, the project owner has to prepare a separate health impact assessment (HIA) report in parallel with the preparation of ESIA report. The HIA report has to include a report on Health Management and Monitoring Plan in according to the relevant laws and regulations established by the Ministry of Public Health.

### **Article 23 Preparation of Environmental Management and Monitoring Plan (EMMP)**

An Environmental Management and Monitoring Plan (EMMP) must include the TOR; project activities; potential impacts; environmental and disaster risk; prevention, reduction, and mitigation measures; accidents or emergencies that may

occur; environmental rehabilitation; time frame; budget and implementing agencies; and monitoring plans of the project owner and the relevant state agencies. In addition, specific management plans that may be needed are as follows:

1. Emergency response plan;
2. Plans on biodiversity off-set, reforestation and rehabilitation, watershed forest protection, river basin management for the project causes impact on the forest land;
3. Compensation plan, resettlement and occupations plan and people's livelihood restoration plan, community development plan, and other specific management plans;
4. Construction and transportation plan, transport stations and rest areas, and others;
5. Environmental flow plan to support the downstream biodiversity, biomass removal plan, reservoir management plan, downstream development and management plan, fishery management plan and other specific management plans;
6. Mine closure plan, environmental rehabilitation and passive mine closure monitoring plan;
7. The EMMP preparation consist of 2 stages:
  - First is the preparation of an EMMP in parallel with an IEE report and an ESIA report;
  - Second is the preparation of an updated EMMP during construction, operations, and completion phases.

#### **Article 24 ESIA Documentation**

The project owner who request for approval of its project ESIA report has to submit the following documents:

1. ESIA report Approval Application form;
2. Scoping report and TOR for ESIA study;
3. ESIA report, EMMP and specific management plans and summary report;
4. Minutes of village consultation workshop;
5. Pre-Feasibility study report;
6. Copy of the environmental service provider's license and a list of the ESIA study team members and their brief CVs.

### **Article 25 Checking the Application Form**

MONRE must check the application for approval of the ESIA report including supporting documents and notify the project owner in written document within 10 working days after receiving the application. If the ESIA report including supporting documents are accurate and completed, the project owner is required to make available an electronic copy plus at least 15 hard copies to MONRE.

### **Article 26 ESIA Report Review**

MONRE reviews the ESIA report within 95 working days after receiving the documents from the project owner. This time frame does not include the time taken by the project owner for revising the report. The revising of the report shall be done within 6 months. If not, MONRE will restart the review process from the beginning. In the case that the revising time is more than 2 years, the report is considered as rejected and the project owner has to restart the ESIA study.

The review of the ESIA report is divided into 2 phases as the followings:

1. Collection of comments;
2. Final review.

### **Article 27 Collection of Comments**

The collection of comments must be done within 70 working days after receiving documents from the project owner and has to follow the following processes:

1. MONRE appoints technical expert panel at central level and provides them as well as PONRE, DONRE and other relevant sectors with the ESIA report and EMMP within 5 working days for review and comments and at the same time post the documents on a website for public comments within 50 working days. If there are no comments, the documents are considered as accepted;



2. MONRE in collaboration with the project owner will organize consultation workshop at district level to be attended by the representatives of relevant sectors to incorporate comments on the ESIA report and the EMMP. The comments will be forwarded to the project owner for revising before organizing the technical consultation workshop.

3. MONRE in collaboration with the project owner, PONRE, local relevant sectors and administrations visit the project area and organize a technical consultation workshop to incorporate comments on the ESIA report and the EMMP. The comments will be forwarded to the project owner for improvement the ESIA report and the EMMP before organizing the consultation workshop at provincial level;

4. MONRE in collaboration with the project owner, PONRE, local relevant sectors and administrations organizes a consultation workshop at provincial level to incorporate comments on the ESIA report and the EMMP.

5. MONRE forwards the comments collected from stakeholders, website, provincial consultation workshop, project visit, national technical expert panel's review result within 15 working days to the project owner for improvement the ESIA report and the EMMP and re-submission to MONRE.

#### **Article 28 Final Review**

Carry out the final review as follows:

1. The national technical expert panel organizes the workshop to review the improved ESIA report and EMMP provided by MONRE and report the result to MONRE within 10 working days after receiving the documents.

2. MONRE reviews the documents within 15 working days after receiving the national technical expert panel report and will make decisions as the followings:

- If the ESIA report and the EMMP are accurate and complete, MONRE will issue the ECC;
- If the ESIA report and the EMMP are not complete,

MONRE will recommend the project owner for improvement and resubmission of the ESIA report and the EMMP;

- If the ESIA report and the EMMP are not accurate, MONRE will reject the ESIA report and the EMMP with written justification/reasons for rejection to the project owner.

#### **Article 29 Review of EMMP**

The review of EMMP consists of 2 stages:

1. First, the review of EMMP is conducted in parallel to the review of IEE report as provided in Article 16, 17 and 18 or the review of ESIA report as provided in Article 26, 27 and 28 of this Decree;

2. Second, the review of the improved EMMP or the EMMP for construction and operations phases or completion phase. This review will be completed within 30 working days after receiving the EMMP from the project owner. The NRE sector agencies in collaboration with the project owner organize a consultation workshop and conduct a field visit as needed.

MONRE considers and approves the environmental rehabilitation plan.

#### **Article 30 Review of Complex Project ESIA Report**

MONRE reviews the ESIA report of a complex project as provided in Article 26, 27 and 28 of this Decree. The review will be done within 120 working days after receiving documents from the project owner. This does not include the time used by the project owner for improving the documents.

If deemed necessary, it is possible to engage international technical experts to review the ESIA report, EMMP and specific management plans. The cost for the expert services and other costs related to the expert is the responsibility of the project owner.

## **Chapter 3**

### **Technical Experts**

#### **Article 31 Technical Experts**

The technical expert means any qualified person who work on the ESIA in the agencies, organizations, public and private business unit, retired staff, and Lao citizen.

The technical expert panel are not permanent staffs and consists of:

1. Technical expert panel at national level appointed by MONRE Minister for each type of projects;
2. Technical expert panel at provincial level appointed by PONRE Director for each type of projects;

The technical expert panel at national and provincial levels have to be listed in the technical expert Register.

#### **Article 32 Technical Expert Qualification**

The technical experts have to meet the following qualification:

1. Being ethic, moral, and honest;
2. Has technical knowledge and capacity in specific area based on valid certificate;
3. Has technical experience at least 5 years;
4. Never subject to any deliberately punishment which related to their professionals;
5. Good health.

#### **Article 33 Technical Expert Register**

The technical expert Register is a register that include the name and brief CV of the technical experts.

MONRE appoints the technical experts through a selection process against the criteria provided in Article 32 of this Decree and the Register will be printed out. The Register will be updated

every 5 years or less if deemed necessary and it will be made available for the NRE sector for provincial and district levels.

#### **Article 34 Rights and Duties of Technical Expert Panel**

The technical expert panel have the rights and duties as the followings:

1. Review and provide comments on the IEE report or the ESIA report;
2. Attend the consultation workshop and the field visit to the investment projects and activities, as deemed necessary;
3. Be independent for the review;
4. Receive compensation as provided in regulations;
5. Provide written comments to the project owner of the IEE report or the ESIA report;
6. Be accountable to the comments provided;
7. Perform the duty with fairness, quickness, and objectivity;
8. Report the review result of the IEE report or the ESIA report;
9. Keep confidential of the review, except for the information that need to be made available to the relevant sectors according to the relevant laws and regulations;
10. Pay tax as provided by the relevant laws and regulations;
11. Exercise other rights and duties as defined by the relevant laws.

#### **Article 35 Budget for Technical Expert Panel**

The budget for the technical expert panel will be borne by the ECC issuance fees to be collected according to the laws or the financial support from investment projects.

## **Chapter 4**

### **Public Involvement**

#### **Article 36 Public Involvement**

The public involvement is a process of consultation, information provision, and public comments on investment projects and activities during development phase and review of the IEE report, the ESIA report, and the EMMP including the implementation of monitoring of environmental management in each phase of the investment projects and activities to ensure the transparency, fairness, and effectiveness.

The public involvement consists of the following phases:

1. Project preparation and planning Phases;
2. Project construction and operations Phases;
3. Project completion Phase.

The Natural Resources and Environment (NRE) sector agencies, the sector agencies responsible for investments, local administrations, and the project owner have a joint-responsibility to ensure and facilitate public involvement in the EIA process.

The project owner has to develop a public involvement plan for the assessment in each phase and the analysis of public involvement especially the issues related to the ethnicity, gender and vulnerability of the project affected peoples.

#### **Article 37 Public Involvement during Project Preparation and Planning Phases**

The public involvement during project preparation and planning phases is as follows:

1. During the preparation of an IEE report and an ESIA report:

- The project owner presents the public involvement plan, collection of baseline data in the project area and its proximity including population statistic, socio-economic status, and social and natural environment;

- The project owner in collaboration with NRE sector agencies presents the information to the people living in the project area and its proximity and other stakeholders on project development plan, environmental impacts and benefits from the investment projects and activities by organization of dissemination workshops and through other means both in Lao and ethnic language, as needed;

2. During the review of the IEE report and the ESIA report:

- PONRE in collaboration with project owner organizes workshops at district level, technical level and a field visit to discuss on the IEE report with participations of project affected peoples, village administration, DONRE, the sector agency responsible for the investment project, other relevant sectors at district and provincial levels, and other stakeholders by taking into consideration the context of the workshop at each level.

- MONRE in collaboration with project owner organizes workshops at district level, technical level, field visit and provincial level to discuss on the ESIA report with participations of project affected peoples, relevant local (relevant village and district) administrations, local NRE sector agencies, the sector agencies responsible for the investment project, other relevant central and local sectors and other stakeholders by taking into consideration the context of the workshop at each level.

### **Article 38 Public Involvement during Construction and Operation Phases**

The public involvement during construction and operation phases is as follows:

1. The project owner in collaboration with NRE sector agency, relevant local sectors and administration informs regularly the people living in and in the proximity of the project area on the progress of the implementation of project activities that may generate environmental impacts e.g. land clearance, explosion, transport, use and storage of hazardous materials and chemicals, and water release from a reservoir;

2. The project owner in collaboration with NRE sector agency, relevant local sectors and administration disseminates the environmental and social information such as the IEE report, the ESIA report, the EMMP, and reports on the implementation of project environmental plan through newspaper, TV programme, village communication system, radio program, website, on line, or other means;

3. The affected peoples and other stakeholders may provide comments on the implementation of investment projects and activities through various means: urgent telephone, on line, electronic, written comments or complaints, letter to the project owner or to relevant government and others.

#### **Article 39 Public Involvement during Completion Phase**

The project owner has to inform the affected peoples and stakeholders on the project closure and environmental rehabilitation and also give them the opportunity to comment on the achievements and pending issues on the EMMP implementation during the project completion. This is one of the condition for the NRE sector agency to consider issuance of the project completion certification.

### **Part IV**

#### **Environmental Compliance Certificate**

#### **Article 40 Environmental Compliance Certification**

The environmental compliance certification is an approval of an IEE report, an ESIA report including EMMP of investment projects and activities.

#### **Article 41 Environmental Compliance Certificate**

An Environmental Compliance Certificate (ECC) is a document certifying environmental acceptance for investment projects and activities.

The ECC is valid for the whole project lifetime but the EMMP has to be reviewed within 2 to 5 years depending on the categories of the investment projects and activities.

The NRE sector agency is assigned to certify and issue the ECC, the validation of the EMMP in coordination with the related sector and local administration.

For a concession project, in accordance to the Law on Investment Promotion, the ECC has to be issued before the concession agreement is signed. For an investment in the mining business, in accordance to the Law on Mining, the ECC has to be issued before the feasibility study report is approved.

For the projects and activities in the 'control' list according to the Law on Investment Promotion including those that are included in the EIA categorization in accordance to Article 9 of this Decree, the ECC has to be issued before the investment authorization is provided.

#### **Article 42 Conditions for ECC Issuance of an IEE Report**

The conditions for ECC issuance of an IEE report are as follows:

1. Completion of the IEE process with public involvement;
2. Sufficient, reliable, realistic information and they are disclosed to the project affected people and other stakeholders;
3. Agreement by related department and local administration as well as by most of the peoples affected by the investment projects and activities;
4. Endorsement of the agriculture and forestry sector agencies on the forest land area impacted, species, biodiversity and mitigation measures. In case of occurrence of forest land use change, an assessment of the benefits and losses is needed.
5. Provide budget sufficiently for the EMMP implementation.

#### **Article 43 Conditions for ECC Issuance of an ESIA Report**

The conditions for ECC issuance of an ESIA report are as



follows:

1. Completion of the ESIA process with public involvement;
2. Complete, reliable, and realistic information and they are disclosed to the project affected people and other stakeholders;
3. Agreement by related ministries and local administration as well as by most of the people affected by the investment projects and activities;
4. Endorsement of the agriculture and forestry sector agencies on the forest land area impacted, species, biodiversity and mitigation measures. In case of occurrence of forest land use change, an assessment of the benefits and losses is needed.
5. Endorsement of the Committee on Resettlement and Occupations and Restoration of people's Livelihood for the project that involve compensation, resettlement and occupations.
6. Endorsement of the public health sector on the health impact assessment where the health impacts exist.
7. Provide guarantee fund as bond for the environmental rehabilitation by investment projects and activities as defined by relevant laws and regulations;
8. Provide budget sufficiently for the EMMP implementation.

#### **Article 44 Conditions for Validity of an EMMP**

The conditions for validity of an EMMP are as follows:

1. For a general project, submit report on the previous EMMP implementation and has the EMMP for the follow-on period.
2. For a complex project:
  - During construction phase, submit report on the previous EMMP implementation and has the EMMP for the construction phase;
  - During operations phase, submit report on the implementation of EMMP for the construction phase and has the EMMP for the operations phase.

The EMMP for construction and operations phases shall be submitted to NRE sector agency at least 90 days before the certificate expires. The sector agencies considers validate the ECC before the expiration date.

**Article 45 Rejecting the ECC Issuance**

Based on the review of the EIA, the ECC will not be issued for the investment projects and activities if the following cases are observed:

1. More losses than benefits;
2. Cause significant damage to health, livelihood and assets such as large number of people to be resettled within an insufficient and inappropriate areas for resettlement and occupations;
3. Significant loss to the healthy ecosystem or changes and degradation of ecological services;
4. Significant impacts to the rare and endangered fauna and flora species;
5. Significant impacts to strategic, heritage, historic, cultural, tourism destination, traditional and scenic areas;
6. Cumulative impacts affecting the carrying capacity of ecosystem and environment.
7. Unlawful acts.

**Article 46 Suspension of ECC**

The investment projects and activities will be suspended if the following cases are observed:

1. Offend the environmental law and regulations but no serious environmental impacts;
2. Fail to comply with the ECC conditions;
3. Fail to comply with financial, environmental and other obligations provided by the laws and regulations;
4. No implementation of EMMP;
5. Hidden, concealed information or provide unreliable and non-existing environmental impact information;
6. No implementation of mitigation measures after

receiving the notification by NRE sector agency;

7. Significant impacts on people health, livelihood, assets and environment.

The suspension includes a timeframe for the project owner to improve and mitigate the problems.

After the ECC is declared ‘suspended’ and notified by the NRE sector agency, the concerned sector has to notify the project owner to stop the operations of the concerned investment projects and activities.

#### **Article 47 Withdrawal of ECC**

The ECC of investment projects and activities will be withdrawn if the following cases are observed:

1. Suspension conditions as provided in Article 46 of this Decree are not implemented;
2. No action within 2 years after obtaining the ECC;
3. Violations of the environmental laws and regulations causing environmental significant impacts.

After the ECC is declared ‘withdrawn’ and notified by the NRE sector agency, the concerned sector agency has to notify the project owner to stop the operations of the concerned investment projects and activities.

### **Part V**

#### **Technical Environmental Monitoring of Investment Projects and Activities**

##### **Article 48 Technical Environmental Monitoring of Investment Projects and Activities**

The technical environmental monitoring is technical aspect monitoring on the implementation of environmental activities of investment projects and activities such as environmental obligations, conditions provided in the ECC, the EMMP, compensation

plan, resettlement and occupations plan, and specific management plans.

**Article 49 Technical Environmental Monitoring Timeframe**

The technical environmental monitoring consists of 3 following phases:

1. Monitoring during construction phase is the monitoring on the implementation of environmental activities carried out during construction;
2. Monitoring during operations phase is the monitoring on the implementation of environmental activities carried out during operations;
3. Monitoring during completion phase is the monitoring on the implementation of environmental activities carried out during completion.

**Article 50 Responsibilities on Technical Environmental Monitoring**

The responsibilities on the technical environmental monitoring of investment projects and activities are:

1. The project owner;
2. The sector agency responsible for the investment project;
3. The NRE sector agency.

**Article 51 Technical Environmental Monitoring by the Project Owner**

The project owner is the first party responsible for monitoring regularly by itself to ensure effective implementation of the project environmental activities by establishing a monitoring system as follows:

1. Appoint qualified staff and establish an environmental management unit to deal with the implementation and monitoring the implementation of environmental activities and the coordination with all relevant government agencies;
2. Establish a social management unit for a project that involve compensation, resettlement and occupations;

3. Provide sufficiently standard field equipment especially equipment for sampling and the analysis of water, soil, air, and noise quality. For a complex project, installation of automatic equipment for the analysis of water, air and noise is required;
4. Report the monitoring result to the sector agency responsible for investment project and the NRE sector agency.

**Article 52 Technical Environmental Monitoring by the Sector Agency Responsible for Investment Project**

The sector agency responsible for the investment project is the second party responsible for monitoring the project environmental activities in cooperation with relevant sector and local administration entities under its own responsibilities as follows:

1. The sector agency responsible for the investment project at central level carries out the monitoring as deemed necessary;
2. The sector agency responsible for the investment project at provincial level carries out the monitoring 3-4 times per year during construction phase, 2-3 times per year during operation phase and 1-2 times per year during completion phase;
3. The sector agency responsible for the investment project at district level carries out the monitoring 4-6 times per year during construction phase, 3-4 times per year during operation phase and 2-4 times per year during completion phase in exception for the complex project.

The number of times for the technical environmental monitoring may be less or more depending on the project specific conditions and size.

The sector agency responsible for the investment project has to report the result of the monitoring to the NRE sector agency.

**Article 53 Technical Environmental Monitoring by the NRE Sector Agency**

The NRE sector agency is the third party in cooperation with relevant sector and local administration for monitoring the

project environmental activities including the environmental obligation, the ECC conditions, EMMP and specific management plans as well as provide recommendations, notifications and sanctions, and submit the monitoring report to the government as the followings:

1. MONRE is responsible at the policy level by issuing regulations, manual for the monitoring and practical monitoring as deemed necessary;
2. PONRE carries out the monitoring 3 times per year during construction phase, 2 times per year during operations phase, and 1 time per year during completion phase;
3. DONRE carries out the monitoring 3-4 times per year during construction phase, 2-3 times per year during operations phase, and 2-3 times per year during completion phase, except for the complex project.

In addition to the above monitoring arrangement and based on the project specific conditions and size, the number of times for monitoring may be increased or reduced and additional monitoring can be undertaken in case of emergencies or request from the public or by an ad hoc committee on environmental monitoring of investment projects and activities.

For a complex project, MONRE establishes an environmental management unit to be based in the field to carry out daily management and monitoring. The unit consists of representatives from the NRE sector agency, the sector agency responsible for the investment project, and other relevant sectors.

#### **Article 54 Monitoring Report by Project Owner**

The project owner reports regularly the results on monitoring of environmental activity implementation to the sector agency responsible for the investment project and the NRE sector agency (monthly, quarterly, semi-annually and annually) as provided in the ECC conditions. In the case of accidental risk, emergency or unfulfilled obligations that cause significant impacts, the reports

on these events must be reported immediately and the initial report has to be made in writing within the first 24 hours.

The report on monitoring results of project environmental activity implementation includes the followings:

1. Progress, offense or challenges in the fulfillment of environmental obligations, implementation of ECC conditions, EMMP, compensation plan, resettlement and occupations plan, and specific management plan;
2. Environmental quality values of water, air, and noise with graphic, chart and modelling in comparison with the baseline and national standard values;
3. Difficulties in the implementation of project environmental activities.

For a complex project, the measurement of the environmental value to be linked with the database of the NRE and other sectors.

#### **Article 55 Environmental Service Providers**

An IEE and an ESIA has to be carried out by the environmental service providers authorized by MONRE.

The service provider has to develop the IEE and ESIA with transparency, ethic, justice and morality and in accordance to the laws and regulations and are responsible for the information and results of the study.

In the case that the authorization is withdrawn for a period of 2 years, the service providers cannot carry out an IEE and an ESIA.

## **Part VI Rights and Duties of Project Affected Peoples and Project Owner**

#### **Article 56 Rights of Project Affected Peoples**

The rights of project affected people are as follows:

1. Receive and access to information on the benefits and environmental impacts from investment projects and activities;
2. Be fairly compensated, resettled and have job opportunity as provided by laws and regulations;
3. Be supported on health care through diagnosis and treatment;
4. Be supported through the promotion of culture, religion and belief conservation, and gender equality;
5. Participate in the field visit and consultation workshops to provide comment on the EIA;
6. Submit recommendations to project owner or complaints to concerned government organizations on the improper and unfair mitigation of environmental impact generated by the investment projects and activities;
7. Exercise other rights as defined by laws and regulations.

**Article 57 Obligations of Project Affected Peoples**

The obligations of project affected peoples are as follows:

1. Collaborate with and provide information to the project owner and concerned sector on the environment status in the project area and its proximity as well as the information on the land, structures, crops, assets and income;
2. Report on the potential environmental impacts generated by the investment projects and activities in writing, oral or through various means to each level of administration, the NRE sector agency, and other concerned sector aiming at mitigating these impacts.
3. Fulfil other obligations as defined by laws and regulations.

**Article 58 Rights of Project Owner in EIA Process**

In the EIA process, the rights of project owner are as follows:

1. Select the environmental service providers for the IEE or ESIA;



2. Collect information on environment related to the project;
3. Coordinate with the NRE sector agency, other sectors agencies, and administration at different levels on the EIA;
4. Follow-up and request for documents related to EIA process with the concerned sector and administration;
5. Participate in the field visit and consultation workshops at all levels and provide comment on the EIA process;
6. Complain to concerned government organizations to take corrective actions on the improper and unfair issues for the project owner;
7. Exercise other rights as defined by laws and regulations.

#### **Article 59 Obligations of Project Owner in EIA Process**

In the EIA process, the obligations of project owner are as follows:

1. Be accountable for the information in the IEE report, ESIA report, and the EMMP;
2. Be responsible for the cost of field visits, workshops at different levels, technical expert panel and hiring international technical experts, and the EMMP implementation;
3. Pay fees and other service fees as defined by laws and regulations;
4. Pay natural resources fees, ecological services and environment protection as defined by laws and regulations;
5. Deposit bond for the environmental rehabilitation as defined by laws and regulations;
6. Provide contribution to the Environment Protection Fund (EPF);
7. Improve the IEE report, ESIA report, and EMMP based on the recommendations of the NRE sector agency;
8. Fulfil environmental obligations under the EMMP, compensation plan, resettlement and occupations plan, and specific management plans;
9. Consider and implement the project affected people requests;

10. Rehabilitate the environment that is impacted by the project;

11. Fulfil other obligations as defined by laws and regulations.

For the unforeseen environmental impacts in the IEE report, ESIA report and EMMP, the project owner has to conduct additional study and implement mitigation of the impacts identified.

## **Part VII**

### **Hiring Contractors, Transferring and Changing of Investment Projects and Activities**

#### **Article 60 Hiring Contractors for Investment Projects and Activities**

The project owner having an intention to hire contractors for any components of the investment project or activities has to prepare the terms and conditions on the obligations and measures for the management and monitoring during the contracts to ensure that the contractors implement the obligations and measures accurately and fully.

In the case that the contractors do not comply with the terms of the contract duly signed, the project owner has to be accountable for the generation of environmental impacts.

#### **Article 61 Transferring of Investment Projects and Activities**

The project owner having an intention to transfer investment projects and activities to a new project owner, the new owner has responsibility to further exercise the rights and fulfil the environmental obligations as defined in the ECC conditions, IEE or ESIA report, and the EMMP as well as the specific management plans for the lifetime of the investment projects and activities.

If there is a transfer or change of company name, the project owner has to submit the intention to the NRE sector agency to change of project owner name or company name in the ECC.

### **Article 62 Change of Investment Projects and Activities**

The project owner having an intention to change scope of investment projects and activities such as additional new activities in the same area, extension of areas, change in technic, increase or reduce project size, the project owner has to prepare new IEE or ESIA reports as well as specific management plans.

## **Part VIII**

### **Information on Environmental Impact Assessment**

#### **Article 63 Provision of Environmental Information**

The provision of environmental information refers to the provision of physical, biological, socio-economic, environmental information and other information to facilitate the preparation and the review of IEE report, ESIA report, and EMMP including the monitoring of the environmental activities.

During the EIA process, the following information will be provided:

1. The NRE sector agency and the relevant sector agencies collaborate in the provision of information under their sectors to the project owners for the EIA;
2. The project owner provides sufficient information on the investment projects and activities and project EIA process to the NRE sector agency for review and certification;
3. The project owner has to establish a database to facilitate regular provision of information on the implementation results of EMMP and specific management plan in hard and soft copies to the NRE sector agency and other relevant parties for monitoring and evaluation;
4. The project affected peoples provide to the project owner and related sector information on the environment status in the project area and its proximity as well as information on land, infrastructure, crop, assets, and income.

#### **Article 64 Environmental Information Disclosure**

The environmental information disclosure refers to the disclosure of information on the IEE or ESIA reports and EMMP including the cost for implementation to the project affected peoples and other stakeholders and the existing and potential direct and indirect environmental impacts generated by the investment projects and activities.

The EIA must include the following informations:

1. The NRE sector agency and the project owner have to disclose and facilitate the access to information related to the project owner, environmental impacts, obligations and mitigation measures, IEE report, ESIA report, and EMMP as well as information on monitoring of the implementation measures and other information;

2. The disclosure of regular project information must be made in Lao and English through newspaper, TV programme, village communication system, radio programme, website, on line, and other means;

3. If the project owner does not intend to disclose any information described above, the project owner has to submit a request including the information not to be disclosed to the NRE sector agency. Within 25 working days, the NRE sector agency will review and consider whether the whole or part of information is confidential. If the information is confidential, it must be kept for a period agreed between the NRE sector agency and the project owner;

4. For a complex project, the owner has to establish an information center in the project area and relevant districts.

### **Part IX Prohibitions**

#### **Article 65 General Prohibitions**

Persons, legal entities, or organizations, both local and foreign, are prohibited for the following behaviors:

1. Carrying out the environmental services without any authorization by the NRE sector agency;
2. Counterfeiting the ECC, stamps, signature and EIA document;
3. Using the rights over responsibilities, using force and threaten the government officers;
4. Hidden, concealed information or provide unreliable and non-existing information;
5. Offering or being middleman to request, or receipt of bribes;
6. Refusing the collaboration for or offending the EIA process;
7. Defame or discredit state agencies and civil servants without any facts; and
8. Other behaviors that infringe regulations.

**Article 66 Prohibitions for Project Owners and Environmental Service Providers**

Project owners and environmental service providers are prohibited from these following behaviors:

1. The project owners carry out the environmental impact assessment by itself;
2. Providing services without license and certification;
3. Using stamp of an environmental service provider on the IEE or ESIA reports and EMMP that are not prepared by itself;
4. Offering bribes to officers or civil servants;
5. Collaborate with government officers and staff in order to gain benefits which are not allowed by laws;
6. Using force and threaten the government officers;
7. Defaming or discrediting state agencies and civil servants without any facts;
8. Producing counterfeit documents, signature and stamp, and providing false information;
9. Offending obligations and requisitions under ECC, avoiding the environmental obligations, natural resources fees,

- fees, and other services fees as defined by laws and regulations;
10. Refusing the collaboration for or offending the EIA process;
  11. The project owner develops and implements the investment projects and activities listed in the EIA category without ECC;
  12. Other unlawful acts.

**Article 67 Prohibitions for Officers or Civil Servants**

The NRE sector agencies officers or civil servants are prohibited from these following behaviors:

1. Study and prepare the IEE report, the ESIA report and the EMMP;
2. Being reckless or neglected of duties, and creating barriers in considering EIA documents;
3. Performing duties without fairness and with prejudice against persons, legal entities or organizations and communities that are involved in environmental activities;
4. Being agent, consultant to persons, legal entities or organizations;
5. Exploitation of power, position or mandate to request, require or receipt of bribes from investment project with certain duties for any personal gains;
6. Illegal issuance of ECC;
7. Producing counterfeit documents, signature and stamp;
8. Hidden, concealed information or provide unreliable information;
9. Assist foreign consultants, technical expert panel review the IEE report, the ESIA report, and the EMMP of the investment projects and activities that they are involved;
10. Disclosing confidential information without any authorization;
11. Destroying evidence and EIA report;
12. Other unlawful acts.

## **Part X**

### **Dispute Settlement**

#### **Article 68 Forms of Dispute Settlement**

Settlement of EIA disputes will be one of the following forms:

1. Conciliation of conflicting parties
2. Administrative settlement
3. Settlement by the Economic Dispute Resolution Committee
4. Lawsuits through people's courts
5. Settlement through Internationally Characterized Disputes

#### **Article 69 Conciliation of Conflicting Parties**

In case of the dispute with minor and low-cost impacts on the EIA, the conflicting parties will consult and conciliate together for settling the dispute.

#### **Article 70 Administrative Settlement**

In case of the dispute with minor and low-cost impacts on the EIA, the conflicting parties have rights to propose the concerned sector agencies to consider the settlement.

#### **Article 71 Settlement by the Economic Dispute Resolution Committee**

In case of the dispute is related to economic on the EIA, the conflicting parties have the rights to request the Economic Dispute Resolution Committee for considerations the settlement based on laws.

#### **Article 72 Lawsuits through People's Courts**

In case of the dispute resulted from implementing the EIA, the conflicting parties have the rights to take lawsuits through the people's courts for considerations based on laws.

### **Article 73 Settlement through Internationally Characterized Practices**

When there is dispute on implementing the EIA that involve international practices, the conflicting parties have the rights to request the domestic, and international Dispute Resolution Organizations to settle the dispute as agreed together or follow the implementation of treaties and international agreements that Lao PDR is the party member.

## **Part XI Management and Inspection**

### **Chapter 1 EIA Management**

#### **Article 74 EIA Management Organization**

The Government manages the EIA process with centralization and unity throughout the country by assigning MONRE to take direct responsibilities and leading roles in coordinating with ministries, agencies, local authorities, and other relevant entities.

The EIA management organizations consist of:

1. MONRE;
2. PONREs;
3. DONREs.

#### **Article 75 Rights and Duties of MONRE**

In regards to the EIA management, MONRE have the following rights and duties:

1. Develop the policies and laws on the EIA and submit them to the Government for approval;
2. Translate the policies and laws on the EIA into regulations, plans, programmes, and detailed project, and implement them;
3. Disseminate and provide training on the EIA policies, laws, and regulations;



4. Issue decisions, orders, guidelines, and notifications on the EIA;
5. Cancel, suspend, or withdraw decisions, orders, guidelines and notifications that are not conformed to laws and regulations;
6. Strengthen capacities and provide training to the NRE sector agency staff on the EIA and environment monitoring;
7. Provide technical guidance to the project owner and the environmental service providers in the EIA and EMMP;
8. Develop and improve the categorization of investment projects for a proper assessment of projects in the whole country;
9. Review and approve the scoping report and TOR for the ESIA report;
10. Carry out field visit and conduct workshops at different levels to review the ESIA report;
11. Appoint the technical expert panel at central level to review the ESIA report;
12. Hire international technical expert to help review the ESIA report, EMMP and specific management plans as deemed necessary;
13. Issue, suspend or withdraw the ECC of the ESIA report;
14. Validate the EMMP of group 2 investment projects and activities;
15. Approve the EMMP during the mining exploration and the environmental rehabilitation plan;
16. Instruct the project owner to upgrade the IEE to the ESIA, in case of significant impacts;
17. Instruct the project owner to carry out additional study or improve the approved ESIA report, EMMP and specific management plan in case of additional impacts identified;
18. Establish the field environment management unit to daily manage and monitor environmental activities of complex projects;
19. Review the environmental assessment of investment projects and activities under its responsibilities;

20. Appoint ad hoc committee at central level to carry out the project environmental monitoring in case of emergency and as deemed necessary;

21. Receive comments and suggestions from project affected peoples and relevant stakeholders including conflict resolution according to its responsibility;

22. Coordinate with ministries, organizations, local administrations, and project owner in the EIA process;

23. Develop the bilateral, regional, and international cooperation in the fields of EIA;

24. Prepare regularly the EIA implementation report and submit it to the government;

25. Exercise other rights and duties as defined by the relevant laws and regulations.

#### **Article 76 Rights and Duties of PONRE**

In regards to the EIA management, PONRE have the following rights and duties:

1. Implement policies, laws, regulations, plans, programmes, and detailed project on the EIA process;

2. Disseminate and train on the EIA policies, laws, and regulations;

3. Propose to issue decisions, orders, guidelines, and notifications on the EIA process;

4. Propose to suspend or withdraw decisions, orders and notifications that are not conformed to the laws and regulations;

5. Strengthen capacities and provide training to staff under its responsibility on the IEE and environment monitoring;

6. Instruct the project owner and the environmental service providers on the IEE and environmental monitoring;

7. Cooperate with and facilitate the project owner in carrying out the public involvement with the project affected peoples and stakeholders;

8. Carry out field visits and conduct workshops at different levels to review the IEE report;

9. Appoint the technical expert panel at provincial level to review the IEE report;
10. Issue, suspend, or withdraw the ECC of the IEE report;
11. Propose MONRE to suspend or withdraw the ECC of the ESIA report;
12. Issue a document to extend the EMMP of Group 1 investment projects and activities;
13. Review the environmental assessment of the investment projects and activities under its responsibilities;
14. Request the Governor of the provinces and Vientiane Capital to appoint ad hoc committee to carry out the project environmental monitoring in case of emergency and as deemed necessary;
15. Receive comments and suggestions from project affected peoples and relevant stakeholders including conflict resolution according to its responsibility;
16. Coordinate with provincial departments, local administrations, and project owner on the IEE process;
17. Prepare regularly the EIA implementation report and submit it to MONRE and provincial administration;
18. Exercise other rights and duties as defined by the relevant laws and regulations.

#### **Article 77 Rights and Duties of DONRE**

In regards to the EIA management, DONRE have the following rights and duties:

1. Implement policies, laws, regulations, plans, programmes, and detailed projects on the EIA process;
2. Disseminate and train on the EIA policies, laws and regulations;
3. Cooperate with and facilitate the project owner in the survey, data collection, and EIA undertaking;
4. Review the environmental assessment of the investment projects and activities;
5. Propose PONRE to suspend or withdraw the ECC;

6. Involve in the EIA process and the environmental monitoring of investment projects and activities;
7. Receive comments and suggestions from project affected peoples and relevant stakeholders including conflict resolution;
8. Coordinate with other relevant partners on the EIA process;
9. Prepare regularly the project EIA implementation report and submit it to PONRE and district administration;
10. Exercise other rights and duties as defined by the relevant laws and regulations.

**Article 78 Rights and Duties of the Sector Agency Responsible for Investment Project**

In regards to the EIA management, the sector agency responsible for investment project have the rights and duties according to their responsibilities by coordinating with the NRE sector agency and other relevant sectors during the preparation of the plan and budget for environmental protection and requiring the project owner to conduct the EIA and to use modern and environmentally friendly technology during project construction and operations including undertaking technical environmental monitoring as the second party monitoring as defined in Article 52 of this Decree.

**Article 79 Rights and Duties of Sectors, Local Administrations, and other Concerned Parties**

In regards to the EIA management, sectors, local administrations, and other relevant parties have the rights and duties to coordinate with the NRE sector agency as provided in their mandate and responsibilities regarding the environmental protection, carry out EIA process, and use of modern and environmentally friendly technology in project construction and operations.

## **Chapter 2 Inspection**

### **Article 80 EIA Inspecting Agencies**

The EIA inspecting agencies will consist of:

1. Internal inspecting agencies that are identical as the EIA management organizations as stipulated in the Article 74 of this Decree; and
2. External inspecting agencies such as the Provincial Assembly, State Inspection, State Audit Authority, Lao Front for National Construction, Veteran Union, mass organizations, mass media and population.

### **Article 81 Contents of Inspection**

The EIA inspection will have the following contents:

1. Implementation of policies, laws, and regulations related to EIA;
2. Organization and implementation performance of the EIA management organizations;
3. Exercise rights and duties and apply legal measures against offenders.

### **Article 82 Modes of Inspection**

The modes of inspection will consist of three modes:

1. Regular inspections
2. Announced inspections
3. Surprise inspections

Regular inspections are conducted with plans and within certain timelines.

Announced inspections are conducted outside the plan when it is considered necessary by notifying the targeted persons in advance.

Surprise inspections are conducted as necessary with immediate actions without prior notifications to the targeted persons.

Inspections will be strictly complied with relevant laws.

**Part XII**  
**Awards for Outstanding Persons and Sanctions**  
**against Offenders**

**Article 83 Awards**

Persons, legal entities, or organizations with outstanding performance in implementing this Decree, e.g. act as role model, active contribution in the environmental impact assessment will be admired or receive other policies in accordance with laws and regulations.

**Article 84. Sanctions against Offenders**

Persons, legal entities, or organizations violating this Decree will be subject to re-education, warning, disciplinary sanctions, fines or civil remedies or criminal penalties based on the seriousness degree of each case.

**Part XIII**  
**Final Provisions**

**Article 85 Implementation**

MONRE is assigned to translate and effectively implement this Decree.

Ministries, organisations, local administrations, project owners, and affected peoples are advised to be informed and implement strictly this Decree.

**Article 86 Timeframe for Correction of Investment Projects and Activities with no ECC**

MONRE coordinates with the sector agency responsible for investment project and others relevant stakeholders to recheck the investment projects and activities that do not have an ECC and notifies the project owner to carry out the EIA and complete the EMMP of the project within 6 to 12 months depending on the case after receiving the notification.

**Article 87 Effectiveness**

This Decree takes effect once it is signed and 15 days after its publication in the government gazette.

**The Government of the Lao PDR  
Prime Minister**

**Thongloun sisoulith**

## Table of Contents

	page
Part I General Provisions	1
Article 1 Purpose	1
Article 2 Environmental Impact Assessment	1
Article 3 Explanation of Terms	1
Article 4 Policy on Environmental Impact Assessment	3
Article 5 Basic Principles Related to EIA	3
Article 6 Scope of Application	3
Article 7 International Cooperation	3
Part II Screening and Categorization of Investment Projects and Activities	3
Article 8 Screening of Investment Projects and Activi- ties	3
Article 9 Categorization of Investment Projects and Activi- ties	4
Part III Types of Environmental Impact Assessment	4
Article 10 Types of Environmental Impact Assessment	4
Chapter 1 Initial Environmental Examination (IEE)	4
Article 11 Initial Environmental Examination	4
Article 12 IEE Report	4
Article 13 IEE Report Preparation	4
Article 14 IEE Documentation	5
Article 15 Checking the Application Form	5
Article 16 IEE Report Review	5
Article 17 Collection of Comments	5
Article 18 Final Review	6
Chapter 2 Environmental and Social Impact Assessment (ESIA)	6
Article 19 Environmental and Social Impact Assessment (ESIA)	6
Article 20 Scoping Report and Terms of Reference	



(TOR)	7
Article 21 Review of the Scoping Report and TOR	7
Article 22 Preparation of ESIA Report	7
Article 23 Preparation of Environmental Management and Monitoring Plan (EMMP)	8
Article 24 ESIA Documentation	9
Article 25 Checking the Application Form	9
Article 26 ESIA Report Review	9
Article 27 Collection of Comments	9
Article 28 Final Review	10
Article 29 Review of EMMP	10
Article 30 Review of Complex Project ESIA Report	10
Chapter 3 Technical Experts	10
Article 31 Technical Experts	10
Article 32 Technical Expert Qualification	11
Article 33 Technical Expert Register	11
Article 34 Rights and Duties of Technical Expert Panel	11
Article 35 Budget for Technical Expert Panel	11
Chapter 4 Public Involvement	11
Article 36 Public Involvement	11
Article 37 Public Involvement during Project Preparation and Planning Phases	12
Article 38 Public Involvement during Construction and Operation Phases	12
Article 39 Public Involvement during Completion Phase	13
Part IV Environmental Compliance Certificate	13
Article 40 Environmental Compliance Certification	13
Article 41 Environmental Compliance Certificate	13
Article 42 Conditions for ECC Issuance of an IEE Report	13
Article 43 Conditions for ECC Issuance of an ESIA Report	14
Article 44 Conditions for Validity of an EMMP	14

Article 45 Rejecting the ECC Issuance	14
Article 46 Suspension of ECC	14
Article 47 Withdrawal of ECC	15
Part V Technical Environmental Monitoring of Investment Projects and Activities	15
Article 48 Technical Environmental Monitoring of Invest- ment Projects and Activities	15
Article 49 Technical Environmental Monitoring Time- frame	15
Article 50 Responsibilities on Technical Environmental Monitoring	15
Article 51 Technical Environmental Monitoring by the Project Owner	16
Article 52 Technical Environmental Monitoring by the Sector Agency Responsible for Investment Project	16
Article 53 Technical Environmental Monitoring by the NRE Sector Agency	16
Article 54 Monitoring Report by Project Owner	17
Article 55 Environmental Service Providers	17
Part VI Rights and Duties of Project Affected Peoples and Project Owner	17
Article 56 Rights of Project Affected Peoples	17
Article 57 Obligations of Project Affected Peoples	18
Article 58 Rights of Project Owner in EIA Process	18
Article 59 Obligations of Project Owner in EIA Process	18
Part VII Hiring Contractors, Transferring and Changing of Investment Projects and Activities	19
Article 60 Hiring Contractors for Investment Projects and Activities	19
Article 61 Transferring of Investment Projects and Activi- ties	19
Article 62 Change of Investment Projects and Activities	19
Part VIII Information on Environmental Impact Assess-	

ment	19
Article 63 Provision of Environmental Information	19
Article 64 Environmental Information Disclosure	20
Part IX Prohibitions	20
Article 65 General Prohibitions	20
Article 66 Prohibitions for Project Owners and Environmental Service Providers	20
Article 67 Prohibitions for Officers or Civil Servants	21
Part X Dispute Settlement	21
Article 68 Forms of Dispute Settlement	21
Article 69 Conciliation of Conflicting Parties	21
Article 70 Administrative Settlement	22
Article 71 Settlement by the Economic Dispute Resolution Committee	22
Article 72 Lawsuits through People’s Courts	22
Article 73 Settlement through Internationally Characterized Practices	22
Part XI Management and Inspection	22
Chapter 1 EIA Management	22
Article 74 EIA Management Organization	22
Article 75 Rights and Duties of MONRE	22
Article 76 Rights and Duties of PONRE	23
Article 77 Rights and Duties of DONRE	24
Article 78 Rights and Duties of the Sector Agency Responsible for Investment Project	24
Article 79 Rights and Duties of Sectors, Local Administrations, and other Concerned Parties	24
Chapter 2 Inspection	25
Article 80 EIA Inspecting Agencies	25
Article 81 Contents of Inspection	25
Article 82 Modes of Inspection	25
Part XII Awards for Outstanding Persons and Sanctions against Offenders	25
Article 83 Awards	25
Article 84 Sanctions against Offenders	25

Part XIII Final Provisions	25
Article 85 Implementation	25
Article 86 Timeframe for Correction of Investment Projects and Activities with no ECC	26
Article 87 Effectiveness	26