

# ENVIRONMENT AND NATURAL RESOURCES CODE OF CAMBODIA

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## **BOOK 1 GENERAL PROVISIONS**

### **TITLE 1 GENERAL PROVISIONS**

#### **CHAPTER 1 PURPOSE AND OBJECTIVES OF THE ENVIRONMENT AND NATURAL RESOURCES CODE**

##### **ARTICLE 1 PURPOSE OF THE ENVIRONMENT AND NATURAL RESOURCES CODE**

The purpose of this Environment and Natural Resources Code is to enable the sustainable development of the Kingdom of Cambodia, through protection, restoration, and enhancement of the environment and its natural and cultural resources.

##### **ARTICLE 2 OBJECTIVES OF THE ENVIRONMENT AND NATURAL RESOURCES CODE**

In order to achieve the purpose described in Article 1 of this Title, all provisions of this Code shall be interpreted, implemented, and complied with in a manner consistent with the Constitution of the Kingdom of Cambodia and the following objectives:

- a) Protect and preserve the environment, so that it can support the needs of the people of the Kingdom of Cambodia, including present and future generations;

- b) Maintain and enhance the ability of the Kingdom of Cambodia's natural resources to provide valuable goods and services;
- c) Meet the Sustainable Development Goals for the Kingdom of Cambodia;
- d) Ensure that the multiple benefits and values of the environment and natural resources are fully integrated into national and regional planning and decision-making concerning economic and social development;
- e) Preserve and promote the Kingdom of Cambodia's national cultural resources, preserve prehistoric and historic monuments and artefacts and surface and sub-surface archaeology, and protect and restore historic sites;
- f) Guarantee and enhance the health and wellbeing of all people in the Kingdom of Cambodia, including by safeguarding the individual and collective rights of poor and vulnerable people and indigenous peoples;
- g) Promote gender equality and the empowerment of women and girls;
- h) Promote collaborative, transparent, and inclusive approaches to decision-making about the environment and natural resources, in particular by ensuring the participation of poor and vulnerable people, individuals or groups who are marginalised from decision-making processes, and those most at risk from changes to the environment;
- i) Achieve full implementation of the Kingdom of Cambodia's rights, obligations, and responsibilities under relevant international agreements; and
- j) Respect the principles of environmental decision-making described in Chapter 4 of this Title.

## **CHAPTER 2 SCOPE OF THE ENVIRONMENT AND NATURAL RESOURCES CODE AND APPLICABLE ENTITIES**

### **ARTICLE 3 SCOPE OF THE ENVIRONMENT AND NATURAL RESOURCES CODE**

Subject to the Constitution of the Kingdom of Cambodia, all legislation, regulations, and policies of the Royal Kingdom of Cambodia shall be interpreted and applied in full accordance with the provisions of this Code, except to the extent that subsequent legislation clearly and explicitly provides otherwise.

### **ARTICLE 4 APPLICABLE ENTITIES**

This Code applies to State bodies of the Kingdom of Cambodia and all natural persons and legal entities in the Kingdom of Cambodia; citizens of the Kingdom of Cambodia residing overseas; all foreign or other natural persons or legal entities with operations in the territory of

the Kingdom of Cambodia; and all natural persons or legal entities whose actions otherwise adversely impact or effect the environment of the Kingdom of Cambodia or its natural resources.

### **CHAPTER 3 THE ENVIRONMENT, ENVIRONMENTAL IMPACT, AND ENVIRONMENTAL HARM**

#### **ARTICLE 5 THE ENVIRONMENT**

For all purposes under this Code, the term “environment” encompasses all living and all non-living components, including physical, biological, social, spiritual and cultural features and conditions, including but not limited to land, air, and water; plants, animals, and other non-human living things; human beings, their communities, and their built surroundings; and the physical and non-physical relationships that exist between or among any or all of those components. Natural resources of the environment are all living and non-living components of the environment that provide flows of valuable goods and services to people.

#### **ARTICLE 6 ENVIRONMENTAL IMPACT**

For all purposes under this Code, the term “environmental impact” includes any impact on the environment, whether direct, indirect, induced, negative, positive, cumulative, or transboundary, including but not limited to any such physical, biological, ecological, natural resource, natural resource good or service, physical cultural resource, health, aesthetic, cultural, social, or socio-economic impact; and also including but not limited to any such impact on women, indigenous peoples, or any other vulnerable or otherwise marginalized persons or human social groups, including but not limited to children, disabled persons, and ethnic minorities.

#### **ARTICLE 7 ENVIRONMENTAL HARM**

For all purposes under this Code, the term “environmental harm” includes environmental impacts causing damage to or impairment, destruction, loss, or loss of use of the environment.

### **CHAPTER 4 PRINCIPLES OF THE ENVIRONMENT AND NATURAL RESOURCES CODE**

#### **ARTICLE 8 GENERAL DUTY TO AVOID ENVIRONMENTAL HARM**

A natural person or legal entity must not carry out any activity that causes, or is likely to cause, significant environmental harm unless the natural person or legal entity takes all reasonable and practicable measures to prevent or minimize harm.

#### **ARTICLE 9 PRINCIPLES OF THE ENVIRONMENT AND NATURAL RESOURCES CODE**

This Code is based on, and should be implemented and interpreted in accordance with, the fundamental principles of environmental law and policy as set forth in Articles 10 through Article 25.

#### **ARTICLE 10 THE PRINCIPLE OF PUBLIC PARTICIPATION**

The Principle of Public Participation, that those who may be affected by a decision shall be entitled to provide informed, timely, and meaningful input prior to the decision being made. They shall also be able influence in a transparent, inclusive, and accountable manner the decision-making process. Participatory decision-making leads to more well-informed decisions, enhances the ability of governments to respond to public concerns and demands, and improves acceptance of and compliance with environmental decisions because stakeholders feel ownership over these decisions.

#### **ARTICLE 11 THE PRINCIPLE OF ACCESS TO INFORMATION**

The Principle of Access to Information, that all natural persons and legal entities shall have access to information concerning the environment and natural resources, such as proposed policies, plans and projects, risk and impact assessments and mitigation measures, resettlement plans, and information on hazardous substances and wastes. Information on environmental protection and natural resource management shall be made widely available and publically accessible in a manner that maximizes the opportunity for public participation in planning and decisions affecting the environment and society.

#### **ARTICLE 12 THE PRINCIPLE OF ACCESS TO EFFECTIVE REMEDIES**

The Principle of Access to Effective Remedies, that all natural persons and legal entities shall have access to appropriate venues, whether administrative, judicial, or other appropriate means, and to appropriate and effective remedies, to enable the resolution of environmental disputes. Impartial, effective and efficient procedures and remedies should exist to enforce procedural rights, punish those responsible for environmental harm, and establish an incentive structure that encourages a culture of compliance.

#### **ARTICLE 13 THE POLLUTER PAYS PRINCIPLE**

The Polluter Pays Principle, that all persons, including natural persons, private legal entities, and public legal entities, who cause harm to the environment shall bear the cost for repairing the harm and preventing, avoiding, and mitigating the harm.

#### **ARTICLE 14 THE PRECAUTIONARY PRINCIPLE**

The Precautionary Principle, that in situations where the environment may be faced with threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

## **ARTICLE 15 THE PREVENTION PRINCIPLE**

The Prevention Principle, that negative impacts to the environment should be stopped before they occur. In applying this principle, action should be taken at an early stage to reduce or prevent environmental damage rather than wait for potentially irreversible effects to occur. The Prevention Principle is based on the idea that it is better and often more cost effective to prevent harm than employ measures to restore the environment after harm has occurred.

## **ARTICLE 16 THE PRINCIPLE OF INTERGENERATIONAL EQUITY**

The Principle of Intergenerational Equity, that the right to development, including decisions affecting natural resources and associated goods and services, must be fulfilled so as to equitably meet the developmental, social, and environmental needs of both present and future generations.

## **ARTICLE 17 THE PRINCIPLE OF NO NET LOSS**

The Principle of No Net Loss, that the Royal Government of Cambodia and all natural persons and legal entities shall ensure that their actions or omissions, individually or cumulatively, do not cause a net loss of the Kingdom of Cambodia's stock of living natural resources and associated flows of goods and services. As a last resort, losses of living natural resources and associated goods and services in one location may be offset by action that achieves ecologically equivalent gains in another location.

## **ARTICLE 18 THE PRINCIPLE OF ENVIRONMENTAL LIABILITY**

The Principle of Environmental Liability, that liability to compensate for harm to the environment applies to damage to the environment and imminent threat of damage to the environment resulting from development or other activities, where it is possible to establish a causal link between the harm and the activity in question. Liability includes the cost of restoration of the environment or of replacing damaged resources, the cost of assessing the damage, and the interim losses pending restoration or replacement. Liability includes personal injury or environmental harm to public natural resources and associated goods and services.

## **ARTICLE 19 THE PRINCIPLE OF EVIDENCE-BASED DECISION-MAKING**

The Principle of Evidence-Based Decision-Making, that environmental policy and natural resource decision-making should be open and evidence-based, utilizing the best available information. Information can be scientific and technical and can also be gathered from community and indigenous knowledge.

## **ARTICLE 20 THE PRINCIPLE OF PUBLIC INTEREST**

The Principle of Public Interest, that the Royal Government of Cambodia shall ensure that all decision-making relating to the environment or natural resources shall prioritise the public

interest over private or individual interests.

#### **ARTICLE 21 THE PRINCIPLE OF GENDER EQUALITY IN ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES MANAGEMENT**

The Principle of Gender Equality in Environmental Protection and Natural Resources Management, that gender equality and the empowerment of women in all aspects of environmental conservation, protection, and management is to be promoted. The interests, needs, and priorities of both women and men are to be taken into consideration, recognising the diversity of different groups of women and men. Impact assessments are to include mechanisms to effectively assess and address impacts, including particular risks and challenges, on women as well as men.

#### **ARTICLE 22 THE PRINCIPLE OF EQUITABLE PARTICIPATION OF VULNERABLE, MARGINALIZED, AND AT RISK PEOPLE IN ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES MANAGEMENT**

The Principle of Equitable Participation of Vulnerable, Marginalised, and At Risk People in Environmental Protection and Natural Resources Management, that the involvement of vulnerable, marginalised, and at risk people is to be promoted in environmental protection and natural resources management planning and decision-making at all levels, and the interests, needs, and priorities of vulnerable, marginalised, and at risk people are to be taken into special consideration. Impact assessments are to include mechanisms to effectively assess and address the impacts on vulnerable, marginalised, and at risk people and will develop strategies to mitigate and prevent adverse impacts.

#### **ARTICLE 23 THE PRINCIPLE OF INTEGRATION**

The Principle of Integration, that environmental protection and sustainable development objectives must be integrated into the development planning and decision-making process. There must be integration of environmental protection, economic development, and environmental rights at the conceptual level as well as the implementation stage of policies and laws.

#### **ARTICLE 24 THE PRINCIPLE OF USER PAYS**

The Principle of User Pays, that natural resources and associated goods and services, have value and the users of natural resources should pay the direct and indirect cost for use of or the impacts from use of these resources.

#### **ARTICLE 25 THE PRINCIPLE OF FREE, PRIOR, AND INFORMED CONSENT**

The Principle of Free, Prior, and Informed Consent, that the Royal Government of Cambodia and all government entities shall consult and cooperate in good faith with the indigenous

peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project or activity or decision affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other resources.

## **CHAPTER 5 INTERNATIONAL ENVIRONMENTAL AGREEMENTS**

### **ARTICLE 26 THE VALUE OF INTERNATIONAL AND REGIONAL AGREEMENTS**

The Kingdom of Cambodia recognizes the value of international and regional environmental agreements as a response to environmental problems and the need to adopt or modify its laws accordingly and in a manner consistent with international and regional agreements to which it is a party.

### **ARTICLE 27 COMMITMENT TO INTERNATIONAL AGREEMENTS**

This Code hereby reflects the commitment of the Kingdom of Cambodia to effectively implement in its laws and practices the international and regional agreements to which it is a party.

### **ARTICLE 28 PRIORITY OF INTERNATIONAL AGREEMENTS**

Where an international agreement of which the Kingdom of Cambodia is a party contains provisions that are different from the provisions in this Code, the provisions of such international agreement shall prevail. In cases of doubt, matters shall be resolved in a way most likely to promote the protection and conservation of the environment, with preference to be given to alternatives that are least harmful to the environment.

## **TITLE 2 ORGANISATION OF JURISDICTIONAL INSTITUTIONS / JURISDICTIONAL ISSUES**

### **CHAPTER 1 GENERAL OBLIGATIONS**

#### **ARTICLE 1 SCOPE OF THE ENVIRONMENT AND NATURAL RESOURCES CODE**

The provisions of this Environment and Natural Resources Code are, without exception, in their entirety fully binding and applicable to all ministries, government institutions, and sub-national administrations of the Kingdom of Cambodia.

#### **ARTICLE 2 DUTY TO IMPLEMENT THE ENVIRONMENT AND NATURAL RESOURCES CODE**

All ministries and all other government institutions, including sub-national administrations, shall commit all necessary resources to implement the complete provisions of this Code. In any instance of uncertainty, all ministries, institutions, and sub-national administrations shall select



those courses of action promoting the sustainable development of the Kingdom of Cambodia to the greatest extent possible.

### **ARTICLE 3 COLLABORATION TO IMPLEMENT THE ENVIRONMENT AND NATURAL RESOURCES CODE**

All ministries and all other government institutions, including sub-national administrations, shall take all necessary steps to collaborate, exchange all relevant information, and implement their jurisdictions and mandates in a mutually supportive manner, so as to achieve the objectives of this Code to the greatest extent possible.

## **CHAPTER 2 MINISTRIES AND INSTITUTIONS**

### **ARTICLE 4 MINISTRY OF AGRICULTURE, FORESTS, AND FISHERIES**

The Ministry of Agriculture, Forests, and Fisheries, in its role as lead government entity in the agricultural sector in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Agriculture, Forests and Fisheries shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Agriculture, Forests and Fisheries shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Agriculture, Forests and Fisheries shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure that all aspects of planning and management in the agricultural and related sectors are implemented in a manner fully consistent with sustainable development objectives.

The specific roles and responsibilities of the Ministry of Agriculture, Forests and Fisheries in implementing the provisions of this Code may be set forth in legal instruments as required.

### **ARTICLE 5 FORESTRY ADMINISTRATION**

The Forestry Administration, with its key role in the management of certain forest resources in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner

with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Forestry Administration shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Forestry Administration shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

The Forest Administration shall also take all steps to promote a transparent and sustainable forestry sector in the Kingdom of Cambodia, ensuring the forestry sector meets Cambodia's long term forest product needs in a manner consistent with the preservation and enhancement of biodiversity and conservation values. The Forest Administration shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary with respect to all aspects of management of forest resources and arrangements by which local communities may contribute to the management of forest resources so as to manage those resources and arrangements in the most effective and sustainable manner possible.

The specific roles and responsibilities of the Forestry Administration in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 6 FISHERIES ADMINISTRATION**

The Fisheries Administration, with its key role on freshwater and marine fisheries resources management in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Fisheries Administration shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Fisheries Administration shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, in those instances where the Ministry of Environment and Fisheries Administration share jurisdiction, duties and responsibilities regarding certain fisheries resources or geographic and administrative zones containing fisheries resources, such as in the Tonle Sap Lake and in the coastal and offshore zones of the Coast of Thailand, and with respect to arrangements by which local communities may contribute to the management of fishery

resources, the Fisheries Administration shall cooperatively exercise its jurisdictions and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary so as to manage those fishery resources and geographic and administrative zones in the most effective and sustainable manner possible.

The specific roles and responsibilities of the Fisheries Administration in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 7 MINISTRY OF COMMERCE**

The Ministry of Commerce, in its role as lead government entity on matters of commerce, trade and investment in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Commerce shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Commerce shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Commerce shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure that all commerce, trade, and investment in Cambodia is transparently conducted in a manner promoting sustainable development.

The specific roles and responsibilities of the Ministry of Commerce in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 8 MINISTRY OF CULTURE AND FINE ARTS**

The Ministry of Culture and Fine Arts, in its role as lead government entity on the preservation and management of cultural heritage in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Culture and Fine Arts shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Culture and Fine Arts shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Culture and Fine Arts shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure the greatest coordination between environmental protection, natural resources conservation, preservation of cultural heritage, and overall sustainable development objectives.

The specific roles and responsibilities of the Ministry of Culture and Fine Arts in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 9 MINISTRY OF ECONOMY AND FINANCE**

The Ministry of Economy and Finance, in its role as lead government entity on financing, budgeting and governmental funding mechanisms in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Economy and Finance shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Economy and Finance shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

The Ministry of Economy and Finance shall also cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary in order to provide all the necessary guidance and support to ensure the smooth implementation of the various financial matters, budget allocation issues and funding mechanisms and accounts establishment and operations in accordance with this Code and to promote sustainable development.

The specific roles and responsibilities of the Ministry of Economy and Finance in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 10 MINISTRY OF EDUCATION, YOUTH AND SPORT**

The Ministry of Education, Youth and Sport, in its role as lead government entity on the development of the education sector and promotion of youth in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Education, Youth and Sport shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Education, Youth and Sport shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Education, Youth and Sport shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to promote greater awareness of environmental issues, build awareness and capacity on environmental matters within the education sector, and strengthen the delivery of environmental education materials at all levels of the education system in order to promote sustainable development.

The specific roles and responsibilities of the Ministry of Education, Youth and Sport in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 11 MINISTRY OF ENVIRONMENT**

The Ministry of Environment, in its role as lead government entity on environmental protection and natural resources conservation matters in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Environment shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Environment shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Environment shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with all other ministries, institutions and government entities as necessary to achieve the most effective implementation of all aspects of this Code as possible and to ensure the sustainable development of the Kingdom of Cambodia.

The specific roles and responsibilities of the Ministry of Environment in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 12 MINISTRY OF INDUSTRY AND HANDICRAFT**

The Ministry of Industry and Handicraft, in its role as lead government entity on production within the industrial sector in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Industry and Handicraft shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Industry and Handicraft shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Industry and Handicraft shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure proper management of chemicals, and in order to promote the concepts of sustainable consumption and production, increased sustainability in the industrial sector, and sustainable development generally to the greatest extent possible.

The specific roles and responsibilities of the Ministry of Industry and Handicraft in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 13 MINISTRY OF INTERIOR**

The Ministry of Interior, in its role as lead government entity on law enforcement and public administration at the sub-national level in the Kingdom of Cambodia, and including the Cambodian National Police, National Committee for Sub-National Democratic Development and other entities, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the

objectives of this Code to the greatest extent possible.

The Ministry of Interior, including the Cambodian National Police, National Committee for Sub-National Democratic Development and other entities, shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Interior shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Interior, including the Cambodian National Police, National Committee for Sub-National Democratic Development and other entities, shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure the smooth coordination of responsibilities among sub-national administrations and national entities regarding all environmental protection and natural resource conservation matters, the proper functioning of judicial police officers, and the clear, consistent and non-biased application of law enforcement to all aspects of this Code for the purpose of achieving sustainable development.

The specific roles and responsibilities of the Ministry of Interior in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 14 MINISTRY OF JUSTICE**

The Ministry of Justice, in its role as lead government entity in the justice sector in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Justice shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Justice shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Justice shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary regarding the roles and responsibilities of judicial police officers, and also to ensure the effective operation of the grievance and dispute resolutions set forth in this Code and the smooth interaction between

these mechanisms and the national court system in order to promote sustainable development.

The specific roles and responsibilities of the Ministry of Justice in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 15 MINISTRY OF LAND MANAGEMENT, URBAN PLANNING, AND CONSTRUCTION**

The Ministry of Land Management, Urban Planning and Construction, in its role as lead government entity on land use planning, management and construction issues in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Land Management, Urban Planning and Construction shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Land Management, Urban Planning and Construction shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

The Ministry of Land Management, Urban Planning and Construction shall also cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure that all land use planning incorporates concepts of sustainable development to the greatest extent possible and to promote the development of sustainable cities in the Kingdom of Cambodia.

The specific roles and responsibilities of the Ministry of Land Management, Urban Planning and Construction in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 16 MINISTRY OF MINES AND ENERGY**

The Ministry of Mines and Energy, in its role as lead government entity on development of the mining and energy sectors in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.



The Ministry of Mines and Energy shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Mines and Energy shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Mines and Energy shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure that any proposed or existing mining, energy or related projects comply with all environmental assessment and transparency requirements, other environmental, social and cultural safeguards as set forth in this Code and elsewhere, and are conducted in a manner promoting sustainable development.

The specific roles and responsibilities of the Ministry of Mines and Energy in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 17 MINISTRY OF NATIONAL DEFENCE**

The Ministry of National Defence, in its role as lead government entity on national security in the Kingdom of Cambodia, and including the Royal Cambodian Armed Forces, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of National Defence shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of National Defence shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

The Ministry of National Defence shall also cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure that all actions of the Royal Cambodian Armed Forces are undertaken in a manner consistent with this Code, and that the Royal Cambodian Armed Forces conduct all functions necessary to support the effective implementation of this Code and sustainable development.

The specific roles and responsibilities of the Ministry of National Defence in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 18 MINISTRY OF PLANNING**

The Ministry of Planning, in its role as lead government entity on national socioeconomic development planning and managing statistical functions in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Planning shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Planning shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Planning shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure an integrated approach to all development planning, analysis, statistics and data compilation and management functions across government, including as relates to climate change, environmental protection, natural resources conservation and sustainable development purposes.

The specific roles and responsibilities of the Ministry of Planning in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 19 MINISTRY OF POST AND TELECOMMUNICATIONS**

The Ministry of Post and Telecommunications, in its role as lead government entity on postal and telecommunications matters in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Post and Telecommunications shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Post and Telecommunications shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Post and Telecommunications shall cooperatively exercise its

responsibilities and closely coordinate all planning, programming, decision-making, and implementation with the Ministry of Environment and other government entities as necessary to ensure that its mandate supports sustainable development objectives.

The specific roles and responsibilities of the Ministry of Post and Telecommunications in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 20 MINISTRY OF PUBLIC WORKS AND TRANSPORT**

The Ministry of Public Works and Transport, in its role as lead government entity on transportation and infrastructure development in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Public Works and Transport shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Public Works and Transport shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Public Works and Transport shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making, and implementation with the Ministry of Environment and other government entities as necessary with respect to transportation of hazardous substances, ensuring the adaptability of the nation's infrastructure to climate change, and other matters related to sustainable development.

The specific roles and responsibilities of the Ministry of Public Works and Transport in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 21 MINISTRY OF RURAL DEVELOPMENT**

The Ministry of Rural Development, in its role as lead government entity on rural development projects and programmes in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Rural Development shall take all necessary steps to implement those roles and

responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Rural Development shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Rural Development shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure that its mandate supports sustainable development objectives.

The specific roles and responsibilities of the Ministry of Rural Development in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 22 MINISTRY OF TOURISM**

The Ministry of Tourism, in its role as lead government entity on management of the tourism sector in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Tourism shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Tourism shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Tourism shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to promote ecotourism and minimize the environmental impact of the tourism sector while increasing its overall sustainability.

The specific roles and responsibilities of the Ministry of Tourism in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 23 MINISTRY OF WATER RESOURCES AND METEOROLOGY**

The Ministry of Water Resources and Meteorology, in its role as lead government entity on water resources planning in the Kingdom of Cambodia, and including those entities under its jurisdiction, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant

information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Water Resources and Meteorology shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Water Resources and Meteorology shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Water Resources and Meteorology shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure that all planning, licensing, management and other activities related to water resources are done in accordance with sustainable development objectives.

The specific roles and responsibilities of the Ministry of Water Resources and Meteorology in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 24 MINISTRY OF WOMEN’S AFFAIRS**

The Ministry of Women’s Affairs, in its role as lead government entity on matters relating to gender issues in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Ministry of Women’s Affairs shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Ministry of Women’s Affairs shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Ministry of Women’s Affairs shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making, and implementation with the Ministry of Environment and other government entities as necessary to ensure that its mandate supports sustainable development objectives.

The specific roles and responsibilities of the Ministry of Women’s Affairs in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 25 COUNCIL FOR THE DEVELOPMENT OF CAMBODIA**

The Council for the Development of Cambodia, in its role as lead government entity on private and public sector investment in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Council for the Development of Cambodia shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Council for the Development of Cambodia shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Council for the Development of Cambodia shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure that all investment and development decisions are made in a manner fully consistent with Cambodia's sustainable development objectives.

The specific roles and responsibilities of the Council for the Development of Cambodia in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 26 NATIONAL COMMITTEE FOR DISASTER MANAGEMENT**

The National Committee on Disaster Management, in its role as lead government entity on disaster planning, reduction and response issues in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The National Committee on Disaster Management shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The National Committee on Disaster Management shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the National Committee on Disaster Management shall cooperatively exercise its

responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure that the full range of environmental factors are incorporated into all planning, reduction and response efforts in a manner promoting sustainable development.

The specific roles and responsibilities of the National Committee on Disaster Management in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 27 NATIONAL COUNCIL FOR SUSTAINABLE DEVELOPMENT**

The National Council for Sustainable Development, in its role as lead government entity on efforts to promote and mainstream sustainable development within all sectors and institutions in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The National Council for Sustainable Development shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The National Council for Sustainable Development shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the National Council for Sustainable Development shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to promote the greatest possible integration of sustainable development principles into all aspects of Cambodian government and society.

The specific roles and responsibilities of the National Council for Sustainable Development in implementing the provisions of this Code may be set forth in legal instruments as required.

## **ARTICLE 28 SUB-NATIONAL ADMINISTRATIONS**

The sub-national administrations have a key role in all aspects of environmental protection and natural resources management and specific functions and responsibilities regarding environmental protection and natural resources management.

The sub-national administrations shall ensure the smooth implementation of all relevant provisions of this Code that relate to and occur on the sub-national level, including all matters of transparency, access to information and public participation, and resolution of disputes and

grievances for matters occurring at the sub-national level.

The sub-national administrations shall collaborate with local communities, indigenous peoples, national administrations, and other stakeholders of environmental protection and natural resources management in a manner consistent with the provisions of this Code.

The sub-national administrations shall manage funds and resources necessary to implement their duties in a transparent manner consistent with the provisions of this Code.

In accordance with the provisions of this Code and other legal instruments of the Royal Government of Cambodia, the sub-national administrations shall be subject to monitoring and oversight by the relevant national administrations.

The specific roles and responsibilities of the sub-national administration in implementing the provisions of this Code shall be set forth in legal instruments by the relevant government entities.

#### **ARTICLE 29 APSARA AUTHORITY**

The Apsara Authority, in its role as lead government entity for the protection and management of cultural heritage at Angkor and the region of Siem Reap in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions, and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The Apsara Authority shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The Apsara Authority shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the Apsara Authority shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure the sustainable protection, preservation, and enhancement of the Angkor cultural heritage.

The specific roles and responsibilities of the Apsara Authority in implementing the provisions of this Code may be set forth in legal instruments as required.

#### **ARTICLE 30 NATIONAL AUTHORITY ON PREAH VIHEAR**



The National Authority on Preah Vihear, in its role as lead government entity for the protection and management of cultural heritage at Preah Vihear in the Kingdom of Cambodia, shall support and promote the implementation of all aspects of this Code as a priority matter, and shall take all necessary steps to collaborate, exchange all relevant information, and implement its jurisdictions and mandates in a mutually supportive manner with all other ministries, institutions and sub-national administrations, so as to achieve the objectives of this Code to the greatest extent possible.

The National Authority on Preah Vihear shall take all necessary steps to implement those roles and responsibilities specifically pertaining to it within this Code, including those provisions relating to transparency, access to information and public participation, and resolution of disputes and grievances. The National Authority on Preah Vihear shall take all necessary steps to build capacity and understanding about this Code among its staff at all levels.

In addition, the National Authority on Preah Vihear shall cooperatively exercise its responsibilities and closely coordinate all planning, programming, decision-making and implementation with the Ministry of Environment and other government entities as necessary to ensure the sustainable protection, preservation, and enhancement of the Preah Vihear cultural heritage.

The specific roles and responsibilities of the National Authority on Preah Vihear in implementing the provisions of this Code may be set forth in legal instruments as required.

### **TITLE 3 PUBLIC PARTICIPATION**

#### **CHAPTER 1 RIGHTS AND PROTECTIONS FOR PUBLIC PARTICIPATION**

##### **ARTICLE 1 PROTECTION FROM THREAT AND RETALIATION**

Any natural person exercising their right to participate pursuant to this Title shall be protected from threat<sup>1</sup> and retaliation. No activity pursuant to this Title shall be considered in and of itself a criminal or civil offence. These protections for public participation shall not prevent any person who commits a criminal or civil offence from being charged in accordance with the Criminal Code of the Kingdom of Cambodia or Civil Code of the Kingdom of Cambodia.

##### **ARTICLE 2 RIGHT TO PARTICIPATE THROUGH REPORTING AND PUBLISHING**

All natural persons have the right to participate through reporting to the relevant authorities

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<sup>1</sup> Threats and various forms of retaliation are criminal offences – see Articles 372/373, 527, 546, 552, and 311/312 of the 2009 Criminal Code of the Kingdom of Cambodia for examples.

and publishing information about any activity or decision that may have impacts on the environment or natural resources.

### **ARTICLE 3 RIGHT TO PARTICIPATE THROUGH QUESTIONS, OBJECTIONS, AND MEETINGS**

All natural persons have the right to participate through raising questions about, requesting clarification on, objecting to, and meeting to discuss in a peaceful and non-violent manner an activity or decision that may have impacts on the environment or natural resources.

### **ARTICLE 4 RIGHT TO PARTICIPATE THROUGH COMPLAINTS AND APPEALS**

All natural persons have the right to participate through the filing of a complaint or an appeal with the relevant government entity, the Environmental Dispute Resolution Panel, or the court regarding an activity or decision on an activity or project that may impact the environment or natural resources.

## **CHAPTER 2 CRITERIA AND PROCEDURES FOR PUBLIC PARTICIPATION**

### **ARTICLE 5 CRITERIA**

All project proponents and relevant government entities shall ensure that public participation processes for all activities or measures, including but not limited to administrative measures; environmental agreements; proposed policies, programs, projects, plans, activities or decisions; or the development of law and regulation, relating to any matter under this Code; are conducted in accordance with the following criteria:

- a) Early notification — Project proponents and relevant government entities shall ensure that public notification is provided in such a way as to allow the public a fair and reasonable amount of time to meaningfully participate in the relevant decision-making process;
- b) Accessible information — The proponent or relevant government entity shall provide in a timely manner to all interested participants the information necessary to meaningfully participate in the relevant decision-making process. Consideration shall be given to the appropriate language for this information and the need to use culturally sensitive means of communication. Access to information shall only be limited in accordance with this Code and any relevant laws on access to information and confidentiality;
- c) Shared knowledge — The proponent or relevant government entity shall develop any project, plan, activity, or decision, including the development of law, policy, and regulation, on the basis of both technical and scientific knowledge, and community and indigenous traditional knowledge. Knowledge, concerns, values, and viewpoints of all

parties shall be shared in an open, respectful, and timely manner. This includes information on the potential consequences of a project, plan, activity, or decision;

- d) Sensitivity to community values — The proponent or relevant government entity shall carry out public participation processes in a manner that respects the needs and values of the different communities involved;
- e) Reasonable timing — The proponent or relevant government entity shall provide participants with a fair and reasonable amount of time to evaluate and respond to the information presented on proposed projects, plans, activities, or decisions, including the development of law, policy, and regulation;
- f) Appropriate levels of participation — The proponent or relevant government entity shall provide for levels of participation that are commensurate with the level of public interest;
- g) Adaptive processes — All public participation processes shall be flexible and adaptive in keeping with the reasonable expectations of participants. The proponent or relevant government entity shall design, implement, and revise public participation processes as necessary to match the needs and circumstances of the project, plan, activity, or decision, and to reflect the needs and expressed preferences of participants; and
- h) Transparent results — All comments from the public shall be considered in the decision-making process. At the conclusion of the public participation process, the proponent or relevant government entity shall provide information and rationale on whether and how public input was considered and affected the final decision.

## **ARTICLE 6 REQUIREMENTS**

Prior to any decision or approval being made under this Code, the relevant government entity must be satisfied that meaningful public participation has occurred including:

- a) All relevant information has been disclosed by appropriate means according to the needs of the stakeholders;
- b) Stakeholders have had reasonable time and opportunity to consider this relevant information;
- c) Stakeholders have been able to make submissions to the relevant government entity prior to the decision or approval being made;
- d) The relevant government entity has addressed the submissions made by the stakeholders; and
- e) That the public participation was appropriate for the decision or approval being made.

## **ARTICLE 7 PROCEDURES**

Further detailed procedures for public participation and access to information shall be determined by the Ministry of Environment. Other relevant government entities may also create procedures for public participation and access to information that are consistent with this Code.

The requirements for public participation pursuant to this Title shall be effective immediately for all relevant government entities upon enactment of this Code and are not dependent on the development of procedures or legal instruments.

## **CHAPTER 3 FREE, PRIOR, AND INFORMED CONSENT IN NATURAL RESOURCES AND ENVIRONMENTAL MATTERS**

### **ARTICLE 8 EFFECTIVE PARTICIPATION OF INDIGENOUS COMMUNITIES**

Special provisions for consultation and participation shall be developed by the relevant government entity to ensure that indigenous communities are able to effectively participate in decisions impacting on their land and communities.

### **ARTICLE 9 EFFECTIVE PARTICIPATION**

Where indigenous peoples may be impacted by a decision in an environment or natural resource matter, the project proponent or relevant government entity shall, in accordance with the Principle of Free, Prior, and Informed Consent, provide the opportunity for the full and effective participation of indigenous peoples that may be impacted by such a decision in order to obtain their free and informed consent prior to the decision being made. Such opportunity for participation shall be free of intimidation, manipulation, and coercion. The opportunity to participate shall be provided in a timely manner, and participants shall be fully informed of all relevant information in an appropriate language and format.

### **ARTICLE 10 CONSENT**

No plan, program, or project proposal that may impact indigenous peoples may be approved unless the consent of such indigenous peoples has been granted in accordance with the Principle of Free, Prior and Informed Consent.

## **CHAPTER 4 SPECIAL PROVISIONS FOR MITIGATION MEASURES**

### **ARTICLE 11 REQUIREMENTS FOR MITIGATION MEASURES**

If mitigation measures are necessary for any decision that will potentially affect local communities, the project proponent and relevant government entity shall:

- a) Consult with affected local communities to identify impacts and agree on mitigation measures and benefit-sharing arrangements; and

- f) Ensure that mitigation measures are appropriate, sustainable, and governed by a commitment to non-discrimination including gender discrimination, and that particular attention is given to individual and groups of natural persons who are vulnerable or most at risk as a result of the potential impacts of the decision under review.

## **ARTICLE 12 INVOLUNTARY RESETTLEMENT**

**IF INVOLUNTARY RESETTLEMENT OF ANY COMMUNITIES IS POTENTIALLY REQUIRED FOR ANY PROPOSED PROJECT, THE PROJECT PROPONENT AND RELEVANT GOVERNMENT ENTITY SHALL ENSURE THAT THE POTENTIALLY IMPACTED COMMUNITY IS PROVIDED THE OPPORTUNITY TO MEANINGFULLY PARTICIPATE IN THE CONSIDERATION OF ALTERNATIVE OPTIONS TO AVOID OR MINIMIZE RESETTLEMENT. SUCH OPPORTUNITY FOR PARTICIPATION SHALL BE FREE OF INTIMIDATION, MANIPULATION, AND COERCION.**

## **ARTICLE 13 RESETTLEMENT PLANNING**

Where resettlement is unavoidable, the project proponent or government entity shall ensure that affected communities are provided the opportunity to meaningfully engage in any resettlement planning in order to minimise the adverse effects of resettlement and ensure future livelihood opportunities and access to social services equal to or greater than conditions prior to resettlement. The project proponent or government entity shall also ensure that compensation for any lost assets and impacts to livelihoods is fair, equitable, and acceptable, and is, at minimum, equivalent to market price plus transaction costs.

# **TITLE 4 ACCESS TO ENVIRONMENTAL INFORMATION**

## **CHAPTER 1 GENERAL PROVISIONS**

### **ARTICLE 1 DUTY TO DISCLOSE AND DISSEMINATE INFORMATION**

All project proponents and relevant government entities shall disclose and make available for review all relevant information as defined in Article 3 of this Title prior to any decision being made affecting the environment or natural resources and regarding all administrative and legislative measures, environmental agreements, proposed policies, programs, projects, plans, activities or other decisions under this Code.

Such information shall be disclosed and made available to ensure that all relevant stakeholders, including affected indigenous peoples, have the opportunity to effectively participate in all decision-making processes provided in this Code. The manner and form of disclosure may also be determined by the Ministry of Environment and any other relevant government entity.

The Ministry of Environment shall develop guidelines on format and procedures for

dissemination of information required to be made publicly available.

The requirements for access to information and disclosure pursuant to this Title shall be effective immediately upon enactment of this Code for all relevant government entities, natural persons and legal entities and are not dependent on the development of procedures or legal instruments.

## **ARTICLE 2 RIGHT TO REQUEST INFORMATION**

All persons have the right to request any information relevant to any matter under this Code as defined in Article 3 of this Title from relevant government entities or project proponents. The relevant government entity or project proponent shall be responsible for providing it to the requestor, subject to the requirements for confidentiality under Chapter 4 of this Title.

## **ARTICLE 3 RELEVANT INFORMATION**

Information relevant to any matter under this Code includes:

- a) The state of the elements of the environment, such as air and atmosphere; water; soil; land; landscape and natural sites including climate and climate projections; wetlands; coastal and marine areas; biological diversity and its components, including genetically modified organisms; and the interaction among these elements;
- b) Factors, such as substances, energy, noise, radiation, or waste including radioactive waste; emissions, discharges, and other releases into the environment, affecting or likely to affect the elements of the environment;
- c) Measures, such as policies, legislation, plans, programmes, environmental agreements, and activities, affecting or likely to affect the elements and factors referred to above as well as measures or activities designed to protect those elements;
- d) Rationale for measures, such as life cycle analyses, environmental assessments, vulnerability assessments, cost-benefit analyses, and other analyses and assumptions;
- e) Environmental Impact Assessment, Strategic Environmental Assessment, and other information as required by law, including but not limited to reports produced by project proponents pursuant to their Environmental Impact Assessment obligations, information on compliance with such assessment, including monitoring, reporting, and implementation and closure activities, all approvals and permits and conditions attached to these approvals and permits, and the results of commissions of inquiry into Environmental Impact Assessment or natural resources decisions;
- f) Individual and business relations of the project proponent, including other business enterprises or international or national lending institutions that are supporting the

project or related activities either through credit loans or technical assistance;

- g) Instances of non-compliance with or violations of environmental laws, policies, regulations, and agreements;
- h) All environmental monitoring reports and environmental audits;
- i) Information about environmental and climate risks that can affect the state of human health and safety, cultural sites, and built structures;
- j) The analyses of costs and advantages as well as the economic hypotheses used in the framework of the decisions and activities regarding elements, factors and measures as described in items a), b) and c) above;
- k) Reports on the implementation of the measures listed in item c) above and in implementation of multi-lateral environmental agreements;
- l) Information on effective access to judicial and administrative proceedings related to environmental issues; and
- m) Any other information that the Ministry of Environment determines to be relevant.

#### **ARTICLE 4 PRESUMPTION OF PUBLIC INFORMATION**

All relevant information defined by Article 3 of this Title provided to any proponents or relevant government entities in accordance with this Code shall be presumed to be public unless the person providing such environmental information has complied with the relevant procedures to request that certain information be treated as confidential as defined in Chapter 3 of this Title.

### **CHAPTER 2 PROVISION OF INFORMATION BY GOVERNMENT AND PROJECT PROPONENTS**

#### **SECTION 1 GENERAL PROVISIONS**

#### **ARTICLE 5 MULTI-LATERAL ENVIRONMENTAL AGREEMENTS**

All relevant government entities shall ensure public access to relevant information as defined in Article 3 of this Title in compliance with the requirements of multi-lateral environmental agreements, national law, and other relevant obligations.

#### **ARTICLE 6 PUBLICLY ACCESSIBLE INFORMATION SYSTEMS**

All relevant government entities shall, with support from the Royal Government of Cambodia, develop publicly accessible information systems to provide to the public all information required to be made public under this Code.

## **ARTICLE 7 PROCEDURES, TIMING, AND FORMAT FOR DISSEMINATION**

Any relevant government entity may establish in a relevant legal instrument procedures, timing, and format for the dissemination of relevant information on the relevant publicly accessible information systems. Any such legal instrument shall meet the minimum requirements established in this Code. The requirements for access to information pursuant to this Book shall be effective immediately upon enactment of this Code and are not dependent on the development of procedures or legal instruments.

## **ARTICLE 8 PROCESS TO OBTAIN AND INTEGRATE INFORMATION**

The Ministry of Environment shall consult with all relevant government entities to establish a process to obtain and integrate relevant information obtained from different sources to be provided to national level and sub-national level decision-makers as well as the public. This process shall be aligned with the cycles of development of national and sub-national developmental and sectoral plans as well as with the monitoring process of their implementation.

## **ARTICLE 9 OBLIGATIONS OF PROJECT PROPONENTS**

Project proponents shall ensure public access to relevant information as defined in Article 3 of this Title regarding projects and activities. Project proponents shall, subject to the requirements of this Title, also make any such information available to any natural person or legal entity upon request.

## **SECTION 2 REGISTER OF GOVERNMENT ENVIRONMENTAL INFORMATION**

### **ARTICLE 10 ESTABLISHMENT**

The Ministry of Environment, in consultation with the relevant government entities, shall establish a Register of Government Environmental Information.

### **ARTICLE 11 TYPES OF INFORMATION**

The Register of Environmental Information shall include all information provided to any relevant government entity in accordance with any requirement under this Code.

### **ARTICLE 12 PUBLIC ACCESSIBILITY**

All documents and information contained in the Register of Government Environmental Information shall be accessible to the public.

### **ARTICLE 13 RESPONSIBILITIES, TIMING, AND PROCEDURES**

The Ministry of Environment, in consultation with the relevant government entities, shall



develop guidelines defining environmental monitoring and information gathering responsibilities of all relevant governmental institutions, and timing and procedures for collection and dissemination of information required to be made available on the Register of Government Environmental Information.

### **SECTION 3 REGISTER OF PERMITS AND APPROVALS**

#### **ARTICLE 14 ESTABLISHMENT**

The Ministry of Environment, in consultation with the relevant government entities, shall establish a Register of Permits and Approvals.

#### **ARTICLE 15 TYPES OF INFORMATION**

The Register of Permits and Approvals shall include all approvals and permits issued by the Ministry of Environment or other government entity in accordance with this Code. The Register of Permits and Approvals shall include all permits that are required to be able to carry out activities or developments under this Code, all the relevant conditions attached to the permits, and all monitoring reports required under the permits.

#### **ARTICLE 16 PUBLIC ACCESSIBILITY**

All documents and information contained in the Register of Permits and Approvals shall be accessible to the public.

#### **ARTICLE 17 FORMAT, TIMING, AND PROCEDURES**

The Ministry of Environment, in consultation with the relevant government entities, shall develop guidelines on format, timing, and procedures for dissemination of information required to be made available on the Register of Permits and Approvals.

### **SECTION 4 REGISTER OF ENVIRONMENTAL AUDITS**

#### **ARTICLE 18 ESTABLISHMENT**

The Ministry of Environment, in consultation with the relevant government entities, shall establish a Register of Environmental Audits.

#### **ARTICLE 19 TYPES OF INFORMATION**

The Register of Environmental Audits shall include all any audits that are required to be able to carry out activities or developments under this Code and all the relevant conditions attached to the permits.

#### **ARTICLE 20 PUBLIC ACCESSIBILITY**

All documents and information contained in the Register of Environmental Audits shall be accessible to the public.

## **ARTICLE 21 FORMAT, TIMING, AND PROCEDURES**

The Ministry of Environment, in consultation with the relevant government entities, shall develop guidelines on format, timing, and procedures for dissemination of information required to be made available on the Register of Environmental Audits.

## **SECTION 5 CAMBODIAN ENVIRONMENTAL MAPPING CENTRE**

### **ARTICLE 22 PURPOSE**

In support of the Principle of Evidence-Based Decision-Making, the appropriate government entity shall establish a Cambodian Environmental Mapping Centre. The purpose of the Cambodian Environmental Mapping Centre shall be to establish standards and compile, analyse, and distribute geospatial information. Information may include but is not limited to biodiversity, natural resources (e.g., lands, water and forests), the environment (e.g., water, soil and air qualities), development activities (e.g., agriculture, mining, Economic Land Concessions, hydropower, other infrastructures) and communities (e.g., locations of indigenous peoples and local communities tenure) using modern, computerized Geographic Information Systems.

All geospatial data, mapping products, and metadata held by the Cambodian Environmental Mapping Centre shall be deemed property of the State and be made available for public use. The Cambodian Environmental Mapping Centre shall also function as a clearing house for geospatial data and mapping information held outside of the Cambodian Environmental Mapping Centre by other government entities by maintaining a data catalogue, contact information, and procedures for submitting information requests.

### **ARTICLE 23 OBLIGATIONS**

The appropriate government entity that establishes and houses the Cambodian Environmental Mapping Centre shall:

- g) Endeavour to compile geospatial data, information, and reports pertaining to natural resources and biodiversity mapping in the Kingdom of Cambodia produced by other relevant government entities, so that it may be incorporated into a national database of environmental data and information. The Cambodian Environmental Mapping Centre shall make such information and data available to the public without restriction.
- h) Endeavour to make all data provided to the Cambodian Environmental Mapping Centre available for public use, with the exception of those data that the appropriate government institution housing the Cambodian Environmental Mapping Centre deems

necessarily withheld for the protection of endangered or rare species, protection of cultural resources, or matters of national security. If any data are withheld from the public, a specific written justification and explanation shall be provided by the appropriate government institution housing the Cambodian Environmental Mapping Centre.

- i) Provide the opportunity for any decision to withhold data from the public to be reviewed by the office of the Minister in charge of the government institution housing the Cambodian Environmental Mapping Centre. The decision of the Minister is subject to review by the Environment Dispute Resolution Panel.
- j) Set data standards for the collection of new geospatial information and storage of existing data.
- k) Require that data collected by other institutions be submitted to the Cambodian Environmental Mapping Centre in the technically standardized format specified by the Cambodian Environmental Mapping Centre.
- l) Require that geospatial data provided to the Cambodian Environmental Mapping Centre be accompanied by all available and relevant metadata.
- m) Require that geospatial data provided to the Cambodian Environmental Mapping Centre be quality-assured by the respective institution.
- n) Ensure to the maximum extent practicable that collection of geospatial information and data related to specific subjects or sectors is not duplicated among government institutions, and that there is one specified official government institution source for data related to any given subject or sector.

## **ARTICLE 24 DISCRETIONARY DUTIES**

The Cambodian Environmental Mapping Centre may at its sole discretion:

- a) Produce maps and other data visualization products and provide these to other relevant government entities to assist in effectively carrying out their natural resource management authorities and obligations;
- b) Produce maps and other data visualization products for public education and outreach, in order to improve awareness of biodiversity conservation and natural resource management in the Kingdom of Cambodia;
- c) Establish quality assurance and quality control procedures for all maps and data visualization products produced by the Cambodian Environmental Mapping Centre;
- d) Provide for ongoing maintenance, curation, updates, and access to spatial databases

hosted by the Cambodian Environmental Mapping Centre; and

- e) Promote, wherever possible, collaborative production, use, and analysis of geospatial datasets across ministries.

## **CHAPTER 3 TREATMENT OF CONFIDENTIAL INFORMATION**

### **ARTICLE 25 RIGHT TO REQUEST CONFIDENTIALITY**

Any legal entity or natural person providing relevant information as defined by Article 3 of this Title to a relevant government entity who considers that all or some of the information should be treated as confidential has the right to make a request for such information to be treated as confidential and withheld from public disclosure.

### **ARTICLE 26 REQUEST FOR REASONS**

Any relevant information as defined by Article 3 of this Title that is requested to be treated as confidential shall be provided separately from other information with a request to the relevant government entity outlining the reasons for treating that information as confidential.

### **ARTICLE 27 CONSIDERATIONS**

The legal entity or natural person requesting that information be kept confidential shall indicate the relevant considerations for the determination of confidentiality pursuant to Article 36 of this Title and shall demonstrate that the potential harm caused by disclosing the information would outweigh the public benefit in releasing the information.

### **ARTICLE 28 DETERMINATION**

The relevant government entity shall consider the request for information to be treated as confidential and make a determination on whether to accept or reject the request in accordance with the provisions in this Book and in accordance with any approved procedures.

### **ARTICLE 29 TREATMENT OF CONFIDENTIAL INFORMATION**

If the relevant government entity accepts that the requested information be considered confidential, such information shall be marked confidential, shall not be released, and shall not be made publicly available.

### **ARTICLE 30 WRITTEN DECISION**

The relevant government entity shall provide a written decision regarding the request for review within forty-five (45) days of receipt of the request for the review. The written decision shall include the rationale behind the decision, and shall be made available to the public upon its issuance.

## **CHAPTER 4 REQUESTS FOR INFORMATION**

### **ARTICLE 31 RIGHT TO REQUEST INFORMATION**

Any legal entity or natural person has the right to request to the project proponent or the relevant government entity for:

- a) Relevant information as defined by Article 3 of this Title that is required by this Code to be made publicly accessible by the project proponent or relevant government entity but is not;
- o) Relevant information as defined by Article 3 of this Title not already determined to be confidential; and
- p) Any other relevant information as defined by Article 3 of this Title.

### **ARTICLE 32 GOVERNMENT ENTITY CONDITIONS FOR REFUSING REQUEST**

The relevant government entity may refuse the request for information if it does not hold the information requested, the request is manifestly unreasonable, or the request is too generally formulated.

The relevant government entity shall not refuse the request for information if the information requested has previously been provided or determined not to be confidential.

If a relevant government entity rejects a request for disclosure of information pursuant to this Article, the relevant government entity shall provide in writing the reason for rejection to the requestor.

### **ARTICLE 33 LEGAL ENTITY OR NATURAL PERSON CONDITIONS FOR REFUSING REQUEST**

If a legal entity or natural person makes a request for disclosure of information to a project proponent pursuant to this Chapter, the project proponent may refuse to disclose such information if it does not hold the information requested, the request is manifestly unreasonable, or the request is too generally formulated.

The project proponent shall not refuse the request for information if the information requested has previously been provided or determined not to be confidential.

If a project proponent rejects a request for disclosure of information pursuant to this Article, the project proponent shall provide in writing the reason for rejection to the requestor.

### **ARTICLE 34 PROCEDURES, TIMING, AND FORMAT**

The relevant government entity may establish a dedicated office, procedures, timing, and format for handling requests for information. The requirements for access to information pursuant to this Title shall be effective immediately upon enactment of this Code and are not dependent on the development of any procedures or legal instruments.

## **CHAPTER 5 COMPLAINTS AND ENFORCEMENT**

### **ARTICLE 35 RIGHT TO FILE A COMPLAINT**

Any person aggrieved by a decision by either a project proponent or a relevant government entity with regard to the provision of environmental information or a determination pertaining to confidentiality of environmental information has the right to file a complaint either with the court or with the Environmental Dispute Resolution Panel as established in Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code.

### **ARTICLE 36 PROCEDURES FOR FOLLOW-UP AND ENFORCEMENT**

The Ministry of Environment shall establish procedures for follow-up and enforcement of the legal requirements for access to information, including specifications of reporting formats, indicators, feedback mechanisms, trainings, and resources to prepare reports.

## **BOOK 2 ENVIRONMENTAL ASSESSMENT AND MONITORING**

### **TITLE 1 RISK ASSESSMENT**

#### **CHAPTER 1 SCOPE AND APPLICATION OF RISK ASSESSMENT**

##### **ARTICLE 1 APPLICABLE PROJECTS OR ACTIVITIES**

Risk Assessment shall be conducted by the Ministry of Environment or other relevant government entities prior to all decisions or approvals, including issuance of a permit or approval under this Code, for activities or projects that may have significant environmental impacts. A Risk Assessment may be prepared as part of a Strategic Environmental Assessment.

##### **ARTICLE 2 SUSTAINABILITY RISK ASSESSMENT**

All financial institutions and legal entities providing financial guarantees, financial assurances, or loans to activities or projects that may have significant environmental impacts shall conduct a Sustainability Risk Assessment to ensure the ability to secure stable and sufficient long-term financial resources and to allocate them in a timely manner and appropriate form to cover the full costs of any project or operational costs.

### **ARTICLE 3 LIABILITY**

All financial institutions and legal entities providing financial guarantees, financial assurances, or loans to activities or projects that do not undertake a Sustainability Risk Assessment shall be liable for any damages or compensation for significant impacts on the environment caused by the activities or projects.

## **CHAPTER 2 RISK ASSESSMENT PROVISIONS**

### **ARTICLE 4 PURPOSE OF RISK ASSESSMENT**

Risk Assessment shall be used to:

- Identify and evaluate potential risks to the environment, public safety, and human health caused by a decision, approval, activity, or project under this Code;
  - Identify and evaluate actual risks to the environment, public safety, and human health resulting from significant impacts on the environment caused by a decision, approval, activity, or project under this Code; and
  - Identify and evaluate potential or actual risks to the environment, public safety, and human health under Book 6 Waste and Pollution Management, Title 4 Management of Hazardous Substances and Book 6 Waste and Pollution Management Title 5 Waste Management of this Code.
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### **ARTICLE 5 GUIDELINES**

The Ministry of Environment shall prepare guidelines for Risk Assessments for decisions, approvals, activities, or projects under this Code using best practices and sound scientific and Risk Assessment principles.

## **CHAPTER 3 FRAMEWORK OF RISK ASSESSMENT**

### **ARTICLE 6 INITIAL ENVIRONMENTAL EVALUATION OR ENVIRONMENTAL IMPACT ASSESSMENT**

Any Risk Assessment that is conducted as part of an Initial Environmental Evaluation or Environmental Impact Assessment shall be conducted by a consultant that has been certified or approved to perform such work by the Ministry of Environment or other relevant government entity. Such consultant may be an Environmental Impact Assessment consultant.

### **ARTICLE 7 OTHER RISK ASSESSMENTS**

Any Risk Assessment other than those conducted as part of an Initial Environmental Evaluation or Environmental Impact Assessment may be conducted by the Ministry of Environment or other relevant government entity, or a consultant.

### **ARTICLE 8 REPORTS**

The Ministry of Environment or other relevant government entity shall ensure that a report of the results of each Risk Assessment is prepared in accordance with this Code. Such Risk Assessment report shall be prepared and finalized by a consultant that has been certified or approved to perform such work by the Ministry of Environment or other relevant government entity.

#### **ARTICLE 9 ACCESS TO INFORMATION**

A database of all Risk Assessment actions and finalized Risk Assessment reports shall be made publicly available by the Ministry of Environment in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code. Such database shall be maintained by the Ministry of Environment.

### **CHAPTER 4 USE OF RISK ASSESSMENTS**

#### **ARTICLE 10 OBJECTIVES**

Risk Assessments shall be conducted to:

- a) Identify and prioritize actions to be undertaken;
- b) Assist in the allocation of resources to minimise environmental harm;
- c) Determine the extent of restoration necessary to remedy adverse environmental impacts;
- d) Determine when restoration may be finished and completed;
- e) Ensure that funding is available for restoration of environmental harm caused by an activity or project;
- f) Inform members of the public; and
- g) Prevent and minimize further adverse environmental impacts.

#### **ARTICLE 11 SUSTAINABILITY RISK ASSESSMENT**

All financial institutions and legal entities providing financial guarantees, financial assurances, or loans to activities or projects shall conduct a Sustainability Risk Assessment to determine if the proposed activity or project has fully assessed and considered potential environmental impacts in the design, environmental management, operation, and closure of the proposed activity or project.

#### **ARTICLE 12 ASSESSMENT OF COSTS**



The Sustainability Risk Assessment shall ensure that the feasibility study for the proposed activity or project has included the costs of the Environmental Impact Assessment; the full funding of any environmental mitigation measures, including the ongoing costs of the Environmental Management Plan; all liabilities for resettlement and compensation for environmental harm; all required payment for ecosystem services; and sufficient financial assurances for closure, restoration, remediation, or decommissioning as may be required to meet any relevant legal requirements.

## **TITLE 2 STRATEGIC ENVIRONMENTAL ASSESSMENT**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of Strategic Environmental Assessment is to ensure that environmental considerations are integrated into the development of, and decision-making on, proposed policies, plans, programmes and legal instruments (hereinafter “proposals”) in the Kingdom of Cambodia.

#### **ARTICLE 2 APPLICATION**

This Title applies to any proposal with the potential to have a significant environmental impact, unless otherwise provided by a legal instrument.

#### **ARTICLE 3 OBJECTIVES**

The objectives of this Title are to establish a framework for Strategic Environmental Assessment that ensures that environmental considerations are considered before proposals are finalised, including by:

- a) Requiring that all potential environmental impacts are considered fully in the preparation and approval of all proposals;
- b) Establishing procedures for assessing the potential environmental impacts of proposals, including the identification of cumulative impacts; and
- c) Providing for meaningful public participation in the assessment of any such impacts.

#### **ARTICLE 4 RESPONSIBILITIES**

The National Council for Sustainable Development shall have responsibility for:

- a) Making final decisions on Strategic Environmental Assessment processes and reports; and

- b) Ensuring compliance with this Title, in coordination with the Ministry of Environment.

## **ARTICLE 5 IMPLEMENTATION**

The Ministry of Environment, in coordination with the National Council for Sustainable Development, shall develop guidelines in a legal instrument, to provide further detail on the implementation of the Strategic Environmental Assessment procedure in this Title, including but not limited to:

- a) The detailed operation of the Strategic Environmental Assessment procedure in this Title;
- b) Criteria for determining the potential of a proposal to have a significant impact;
- c) The application of the public participation and access to information requirements in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code; and
- d) The content and structure of Strategic Environmental Assessment reports.

## **CHAPTER 2 STRATEGIC ENVIRONMENTAL ASSESSMENT PROCEDURE**

### **ARTICLE 6 APPLICABLE PROPOSALS**

A Strategic Environmental Assessment shall be required for any proposal that:

- a) Is likely to have a significant effect on the environment; or
- b) Relates to a sector listed in a legal instrument.

### **ARTICLE 7 PROCEDURE**

The Strategic Environmental Assessment procedure shall include the following steps:

- a) Screening;
- b) Scoping;
- c) Preparation of the Draft Strategic Environmental Assessment Report;
- d) Public participation on the Draft Strategic Environmental Assessment Report;
- e) Preparation of the Final Strategic Environmental Assessment Report;
- f) Decision on the Strategic Environmental Assessment Report; and

- g) Application of the Strategic Environmental Assessment Report to the proposal.

## **ARTICLE 8 JURISDICTION**

The government entity responsible for implementing the Strategic Environmental Assessment procedure shall be the entity with jurisdiction on the sector that is the subject of the Strategic Environmental Assessment.

## **CHAPTER 3 PUBLIC PARTICIPATION IN THE STRATEGIC ENVIRONMENTAL ASSESSMENT PROCEDURE**

### **ARTICLE 9 DRAFT STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT**

The relevant government entity shall, as soon as is practicable, release the Draft Strategic Environmental Assessment Report and provide opportunities for public comment, in accordance with the public participation and access to information provisions in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **ARTICLE 10 MEANINGFUL PUBLIC PARTICIPATION**

To facilitate meaningful public participation on the Draft Strategic Environmental Assessment Report, the relevant government entity shall ensure the proposal, screening determination and report on scoping are also made publicly available.

### **ARTICLE 11 SPECIAL CONSIDERATIONS**

Special consideration shall be given to providing opportunity for participation by women and vulnerable persons, including children, disabled persons, and ethnic minority groups and indigenous peoples.

## **CHAPTER 4 APPLICATION OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT TO THE PROPOSAL**

### **ARTICLE 12 INCORPORATING FINDINGS**

The relevant government entity shall:

- a) Incorporate the Strategic Environmental Assessment findings and decision by the National Council for Sustainable Development into the proposal before it is finalised; and
- b) Demonstrate in the final proposal how the Strategic Environmental Assessment findings and decision were incorporated, including reasons for any changes made or not made, and for any alternatives selected or not selected.

## **ARTICLE 13 MONITORING**

The relevant government entity shall develop a programme to monitor the environmental impacts in the implementation of the proposal.

## **ARTICLE 14 MONITORING RESULTS**

The results of the monitoring shall be made available to all relevant government entities and to the public in accordance with the provisions of this Code.

# **TITLE 3 ENVIRONMENTAL ASSESSMENT**

## **CHAPTER 1 GENERAL PROVISIONS**

### **SECTION 1 PURPOSE AND APPLICATION OF TITLE**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is to incorporate considerations about environmental protection, ecosystems conservation, appropriate use of natural and cultural resources, and sustainable development into decision-making on project proposals by:

- a) Ensuring that environmental impacts are considered fully in the consideration and approval of proposals for all public and private projects;
- b) Establishing clear, transparent, and effective procedures for assessing the likely environmental impacts of any such projects;
- c) Conserving cultural and natural resources;
- d) Applying best available techniques and international good practice to projects;
- e) Providing for meaningful public participation in the assessment of any such impacts; and
- f) Promoting the effective implementation and monitoring of measures for preventing, avoiding or mitigating negative impacts of projects, and for repairing, restoring, or compensating any impacts caused.

#### **ARTICLE 2 PUBLIC OR PRIVATE PROJECTS**

This Title applies to any proposal for a public or private project, and to certain existing projects, that may have environmental impacts in the Kingdom of Cambodia.

#### **ARTICLE 3 STATE PROJECTS OR ACTIVITIES**

This Title does not apply to State projects or State activities that have been approved by the Royal Government of Cambodia or the National Assembly and that are considered to be necessary emergency projects relating to national security, territorial integrity, national sovereignty, or disaster management.

#### **ARTICLE 4 APPLICABLE PROJECT OR ACTIVITY PHASES**

All phases of proposed public and private projects and activities shall be subject to the Environmental Impact Assessment process in this Title, including but not limited to exploration, feasibility study, land clearance, construction, operation, expansion, and closure.

#### **ARTICLE 5 ENVIRONMENTAL IMPACT**

For the purposes of this Title, any reference to environmental impact includes any impact on the environment, whether direct, indirect, induced, negative, positive, cumulative, or transboundary, including but not limited to any such physical, biological, ecological, natural resource, natural resource good or service, physical cultural resource, health, aesthetic, cultural, social, or socio-economic impact; and also including but not limited to any such impact on women, indigenous peoples, or any other vulnerable or otherwise marginalized persons or human social groups, including but not limited to children, disabled persons, and ethnic minorities.

#### **ARTICLE 6 CONSULTANT OBLIGATIONS**

For the purposes of this Title, an obligation on a project owner or proponent includes an obligation on any Environmental Impact Assessment consultant engaged by the project owner or proponent.

### **SECTION 2 ENVIRONMENTAL ASSESSMENT SYSTEM**

#### **ARTICLE 7 IMPACT ASSESSMENT PROCESS**

All project owners or proponents shall assess the impacts of proposed projects and activities on the environment, including at local, regional and national scales, in accordance with the Environmental Impact Assessment process in this Title.

#### **ARTICLE 8 SCREENING**

The Ministry of Environment shall conduct screening of project proposals to determine whether the proposal requires:

- a) An Initial Environmental Evaluation with an attached Environmental Management Plan; or
- b) An Environmental Impact Assessment with an attached Environmental Management

Plan; or

- c) An Environmental Protection Agreement between the Ministry of Environment and the project owner or proponent.

#### **ARTICLE 9 ENVIRONMENTAL PROTECTION AGREEMENT**

Project proposals that require an Initial Environmental Evaluation or Environmental Impact Assessment will also, subject to the approval of the Initial Environmental Evaluation or Environmental Impact Assessment by the Ministry of Environment, require an Environmental Protection Agreement between the Ministry of Environment and the project owner or proponent.

#### **ARTICLE 10 ENVIRONMENTAL PROTECTION AGREEMENT FOR OTHER PROJECTS**

For project proposals that are listed in a legal instrument, or determined by the Ministry of Environment during screening, as projects not requiring an Initial Environmental Evaluation or Environmental Impact Assessment, an Environmental Protection Agreement will be required. In such cases, the project owner or proponent shall enter into the Environmental Protection Agreement by submitting technical information and an Environmental Protection Plan to the Ministry of Environment for approval. Upon review of this information, the Ministry of Environment may enter into the Environmental Protection Agreement or require the project proposal to be subject to an Initial Environmental Evaluation in accordance with this Title.

#### **ARTICLE 11 SCREENING REQUIREMENTS AND CRITERIA**

The Ministry of Environment shall establish by legal instrument a list of projects for which screening shall be required under this Title.

The Ministry of Environment may establish, by way of a legal instrument additional screening criteria for considering the scale of potential environmental impacts and determining the type of environmental assessment required under this Title.

#### **ARTICLE 12 SPECIAL AREAS REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT**

An Environmental Impact Assessment is required in all cases where the proposed project would be located in, or have foreseeable adverse effects on any area, including but not limited to:

- a) Any protected area, including but not limited to Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level;

- b) Any area nominated for protection by the Ministry of Environment or other government entity.
- c) Environmentally sensitive or significant areas, including but not limited to riparian areas, mangrove forests, coastal areas, marine areas, and geophysically significant areas;
- d) Indigenous peoples' areas;
- e) Cultural heritage areas and listed national cultural heritage items and sites; and
- f) Archaeological areas or areas of historical significance.

### **ARTICLE 13 PROCEDURE**

An Environmental Impact Assessment or Initial Environmental Evaluation required under this Title shall undergo the following procedure:

- a) Scoping;
- b) Review and approval of a Scoping Report and Terms of Reference;
- c) Investigations and preparation of a draft Environmental Impact Assessment or Initial Environmental Evaluation report; and
- d) Ministry of Environment review and decision on the Environmental Impact Assessment or Initial Environmental Evaluation report.

In addition, a Draft Environmental Impact Assessment Report required under this Title and submitted to the Ministry of Environment shall be reviewed by an Expert Review Committee prior to the review and final decision by the Ministry of Environment.

### **SECTION 3 PROHIBITION OF ACTIVITIES WITHOUT AN APPROVAL LETTER AND CERTIFICATE**

#### **ARTICLE 14 ENVIRONMENTAL PROTECTION AGREEMENT AND APPROVAL LETTER AND CERTIFICATE**

Project owners or proponents shall not commence any construction activities or project operations until after the Environmental Protection Agreement and Approval Letter and Certificate have been issued for the project. The Ministry of Environment shall have the power to suspend all construction activities or project operations that do not have an Approval Letter and Certificate.

#### **ARTICLE 15 VALIDITY PERIOD**

The Approval Letter and Certificate shall be valid for the life cycle of the project. In cases where the Ministry of Environment finds that there are changes to the project, or that the Initial Environmental Evaluation or Environmental Impact Assessment reports are not adequate or effective for the implementation of impact mitigation measures, the Ministry of Environment has the right to require the project owner or proponent to undergo the environmental assessment procedure in this Title again or to update the existing Initial Environmental Evaluation or Environmental Impact Assessment report, in order to receive a new Approval Letter and Certificate.

#### **ARTICLE 16 CONDITIONS FOR LICENCES, PERMISSION LETTERS, OR OTHER REGULATORY APPROVALS**

Issuance of licences or permission letters, or other regulatory approvals, for projects by relevant government entities shall be in accordance with any conditions determined in the Environmental Impact Assessment Approval Letter and Certificate. Licences, permission letters, decisions, or other regulatory approvals that are in contradiction with the terms of the Environmental Impact Assessment Approval Letter and Certificate or to the provisions of the Environment and Natural Resources Code of Cambodia, are considered null and void.

#### **ARTICLE 17 CONCESSION AGREEMENTS**

All concession agreements that are granted by the Royal Government of Cambodia at both the national and sub-national levels shall have an Approval Letter and Certificate with an attached Environmental Protection Agreement.

### **CHAPTER 2 ROLES, RESPONSIBILITIES AND POWERS IN THE ENVIRONMENTAL ASSESSMENT SYSTEM**

#### **SECTION 1 MINISTRY OF ENVIRONMENT**

#### **ARTICLE 18 RESPONSIBLE ENTITY**

The Ministry of Environment is the responsible government entity for ensuring implementation of, and compliance with, this Title.

#### **ARTICLE 19 IMPLEMENTATION REGULATIONS**

The Ministry of Environment shall, by way of a legal instrument, develop regulations to support the implementation of this Title, including but not limited to the following matters:

- a) Procedures for ensuring that potential environmental impacts are considered fully in the development and approval of any proposed project under this Title;
- b) Screening criteria;



- c) Guidelines for the preparation of Environmental Impact Assessments, Scoping Reports, and Terms of Reference, Initial Environmental Evaluations, Environmental Management Plans, Environmental Protection Agreements, and Environmental Protection Plans;
- d) Procedures for ensuring meaningful public participation is undertaken in all stages of environmental assessment;
- e) Guidance for the preparation of Stakeholder Engagement Plans;
- f) Formation and functions of Environmental Impact Assessment Expert Review Committees;
- g) Criteria and procedures for designating any existing project as being subject to the requirements of this Title;
- h) Criteria and procedures for the calculation and payment by the project owner or proponent of costs and expenses associated with the implementation of this Title;
- i) Criteria for certifying Environmental Impact Assessment consultants, including both natural persons and legal entities of either Khmer or foreign nationality or registration;
- j) Criteria for Ministry of Environment decisions required under this Title, including but not limited to decisions on Terms of Reference and Initial Environmental Evaluation or Environmental Impact Assessment approvals;
- k) Standard for Environmental Protection Agreements; and
- l) Formation and operating procedures for project-specific grievance mechanisms to enable project-affected persons and other stakeholders to raise grievances or concerns about projects with the Ministry of Environment or other relevant government entities for response.

## **ARTICLE 20 AUTHORITY**

The Ministry of Environment, including officials within the Environmental Impact Assessment Department of the Ministry of Environment, has the following authorities:

- a) To conduct site inspections and monitor compliance with this Title;
- b) To order the project owner or proponent to provisionally postpone activities or provisionally close the location of the project, pending inspections and monitoring, by issuing written notification that includes reasons;
- c) To request and review documents and electronic data on environmental management

and other records on projects and project operations from project owners or proponents and/or any contractor of a project owner or proponent;

- d) To hear and maintain confidential records of the opinions of workers, employees, contractors and representatives of project owners or proponents, as well as other relevant persons, regarding compliance with this Title;
- e) To order the workers, employees, managers, legal representatives, and agents of development projects to provide data, written documents, plans and any other information related to the environmental management of a project owner or proponent;
- f) To search the project site, or any other relevant premises, and seize evidence where a violation of this Title is suspected to have been committed; and
- g) To maintain detailed written records of any search and/or seizure of evidence.

## **ARTICLE 21 ROLE OF SUB-NATIONAL DEPARTMENTS OF THE MINISTRY OF ENVIRONMENT**

The sub-national Departments of the Ministry of Environment shall take part in implementing this Title in accordance with the laws and regulations in force as well as the assignment of the Ministry of Environment.

## **SECTION 2 EXPERT REVIEW COMMITTEE**

### **ARTICLE 22 TECHNICAL COMMENTS**

All development projects that are required to perform an Environmental Impact Assessment are required to have technical comments from the Expert Review Committee.

### **ARTICLE 23 COMPOSITION**

The composition of the Expert Review Committee includes officials from the Ministry of Environment, other relevant government entities, and independent experts with qualifications and appropriate experience in reviewing Environmental Impact Assessment reports. The Expert Review Committee shall include a representative from the Ministry of Women's Affairs as well as from civil society organisations. Members of an Expert Review Committee shall be selected on a project-by-project basis by the Ministry of Environment based on the technical and other relevant aspects of the project proposal and Environmental Impact Assessment Report.

### **ARTICLE 24 REIMBURSEMENT FOR SERVICES**

The members of the Expert Review Committee shall be reimbursed for their services based on an agreement between the Ministry of Environment, each member of the committee, and the

project owner or proponent. Reimbursement for participation in an Environmental Impact Assessment Expert Review Committee shall be limited to those committee members acting outside their normal responsibilities and shall be a matter of public record. Government officials or staff whose job it is to participate in the Environmental Impact Assessment process shall not be specially remunerated.

## **ARTICLE 25 RESPONSIBILITIES**

### **THE EXPERT REVIEW COMMITTEE SHALL BE RESPONSIBLE FOR:**

- a) Reviewing and assessing the Environmental Impact Assessment Report, including any required revisions;
- b) Considering all comments received from the public participation process;
- c) Providing comments and recommendations on the Environmental Impact Assessment Report, which shall be addressed by the Environmental Impact Assessment consultant in revisions to the Environmental Impact Assessment Report; and
- d) Making recommendations on whether to approve or reject the Environmental Impact Assessment Report and on any conditions that should be attached to an approval.

## **SECTION 3 PROJECT OWNER OR PROPONENT**

### **ARTICLE 26 RESPONSIBILITY**

The project owner or proponent shall bear full legal and financial responsibility for all of the project owner's or proponent's actions and omissions and those of its contractors, subcontractors, officers, employees, agents, representatives, and consultants employed, hired, or authorized by the project and acting for or on behalf of the project, in carrying out work on the project.

### **ARTICLE 27 RESPONSIBILITY FOR RESETTLEMENT AND LIVELIHOOD IMPACTS**

If a project causes resettlement or impacts on livelihoods, the project owner or proponent shall bear full legal and financial responsibility for all project-affected persons until they have achieved socio-economic stability and livelihood at a level not lower than that in effect prior to the commencement of the project.

### **ARTICLE 28 RESPONSIBILITY FOR SUPPORT PROGRAMS**

The project owner or proponent shall bear full legal and financial responsibility for support programs for livelihood restoration and resettlement in consultation with the project-affected

persons, related government entities, legal entities, and other concerned persons for all environmental impacts.

#### **ARTICLE 29 LETTER OF ENDORSEMENT**

The project owner or proponent shall issue a letter of endorsement in a format prescribed by the Ministry of Environment. Such letter shall be submitted together with the Environmental Impact Assessment Report, Initial Environmental Evaluation Report, Environmental Management Plan, or Environmental Protection Agreement, confirming:

- a) The accuracy and completeness of the relevant documents;
- b) That the documents have been prepared in strict compliance with applicable laws including any guidelines issued by the Ministry of Environment; and
- c) That the project will at all times comply fully with the commitments, mitigation measures, Environmental Management Plan, and plans submitted and with the Environmental Impact Assessment Approval Letter and Certificate or Environmental Protection Agreement.

#### **ARTICLE 30 OBLIGATIONS**

The project owner or proponent shall fully implement the Environmental Impact Assessment, Initial Environmental Evaluation, Environmental Management Plan, Environmental Protection Agreement, and all project commitments and conditions and is liable to ensure that all contractors and subcontractors of the project comply fully with all applicable legal obligations including the Environmental Impact Assessment Approval Letter and Certificate, Environmental Management Plan, Environmental Protection Agreement, and project commitments and conditions when providing services to the project.

#### **ARTICLE 31 PROJECT CHANGES**

In cases where the project owner or proponent changes, is changed, or is transferred in any way:

- a) The Ministry of Environment shall be immediately notified; and
- b) Any Initial Environmental Evaluation and/or Environmental Impact Assessment Approval Letter and Certificate, as well as all conditions, shall be automatically transferred to the new project owner or proponent.

### **SECTION 4 ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANTS**

#### **ARTICLE 32 REGULATION**

Environmental Impact Assessment consultants, which could be either natural persons or legal entities, shall be under the regulation of the Ministry of Environment.

### **ARTICLE 33 REGISTRATION**

Only an Environmental Impact Assessment consultant registered with the Ministry of Environment may prepare an Initial Environmental Evaluation, Environmental Impact Assessment, Environmental Management Plan, or Environmental Protection Plan under this Title.

### **ARTICLE 34 TEAM LEADERS**

Environmental Impact Assessment consultants that are legal entities shall designate a registered Environmental Impact Assessment consultant that is a natural person as team leader for any work undertaken in accordance with this Title.

### **ARTICLE 35 NON-COMPLIANCE**

An Environmental Impact Assessment consultant that does not comply with the criteria for registration by the Ministry of Environment or the conditions attached to the registration may be removed as a registered Environmental Impact Assessment consultant and prohibited from future registration.

### **ARTICLE 36 REGISTRATION VALIDITY PERIOD**

Registration as an Environmental Impact Assessment consultant shall be valid for a maximum period of five (5) years and may be renewed.

## **CHAPTER 3 IMPLEMENTATION OF ENVIRONMENTAL ASSESSMENT SYSTEM**

### **ARTICLE 37 APPLICATION**

This Chapter applies to project proposals required to undertake an Initial Environmental Evaluation or Environmental Impact Assessment.

### **SECTION 1 SCOPING**

### **ARTICLE 38 APPLICABILITY**

**ALL PROJECTS REQUIRING AN INITIAL ENVIRONMENTAL EVALUATION OR ENVIRONMENTAL IMPACT ASSESSMENT SHALL UNDERGO SCOPING AND PREPARE A SCOPING REPORT, PREPARED IN ACCORDANCE WITH GUIDELINES ISSUED BY THE MINISTRY OF ENVIRONMENT, TO BE SUBMITTED TO THE MINISTRY OF ENVIRONMENT FOR APPROVAL. THE**

**SCOPING REPORT SHALL INCLUDE DRAFT TERMS OF REFERENCE FOR THE INITIAL ENVIRONMENTAL EVALUATION OR ENVIRONMENTAL IMPACT ASSESSMENT INVESTIGATION AND A STAKEHOLDER ENGAGEMENT PLAN.**

**ARTICLE 39 PUBLIC PARTICIPATION**

The project owner or proponent and Environmental Impact Assessment consultant shall ensure that public participation is undertaken during the preparation of the Scoping Report, in accordance with the requirements in Book 1 General Provisions Title 3 Public Participation of this Code and any guidance issued by the Ministry of Environment in a legal instrument.

**ARTICLE 40 DRAFT STAKEHOLDER ENGAGEMENT PLAN**

All project proposals requiring an Initial Environmental Evaluation or Environmental Impact Assessment shall prepare a draft Stakeholder Engagement Plan for the Initial Environmental Evaluation or Environmental Impact Assessment investigations to ensure, at a minimum, compliance with the requirements of public participation and access to information are in accordance with Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

The Stakeholder Engagement Plan for the Initial Environmental Evaluation or Environmental Impact Assessment investigation shall be prepared in accordance with this Title and guidelines issued by the Ministry of Environment, and shall include:

- a) A commitment to regular engagement with affected women and men during the Initial Environmental Evaluation process; and
- b) A commitment to paying particular attention to individuals or groups of people, which may include women among others, who are vulnerable, marginalised from decision-making processes, or potentially negatively impacted by the proposed project; and details of how engagement with these individuals or groups will occur.

**ARTICLE 41 TERMS OF REFERENCE**

The Environmental Impact Assessment consultant shall only commence Initial Environmental Evaluation or Environmental Impact Assessment investigations following approval of the Terms of Reference by the Ministry of Environment, and shall prepare an Initial Environmental Evaluation or Environmental Impact Assessment report based on the approved Terms of Reference.

**ARTICLE 42 PUBLIC PARTICIPATION**

Immediately following approval, the Scoping Report, Terms of Reference, and Stakeholder Engagement Plan shall all be made publicly available.

## **SECTION 2 INVESTIGATION AND REPORT**

### **ARTICLE 43 INVESTIGATION REQUIREMENTS**

The Initial Environmental Evaluation or Environmental Impact Assessment investigation shall be undertaken, and the Initial Environmental Evaluation or Environmental Impact Assessment report prepared, in accordance with:

- a) The Terms of Reference, including the Stakeholder Engagement Plan;
- b) The public participation and access to information provisions in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code; and
- c) Any guidelines prepared by the Ministry of Environment on the Initial Environmental Evaluation or Environmental Impact Assessment process.

### **ARTICLE 44 PUBLIC PARTICIPATION**

The Environmental Impact Assessment Consultant shall make available all the information related to the project proposal required to ensure meaningful public participation in accordance with the provisions in Book 1 General Provisions Title 3 Public Participation of this Code and any guidelines prepared by the Ministry of Environment on public participation and access to information in the Initial Environmental Evaluation or Environmental Impact Assessment process.

### **ARTICLE 45 LANGUAGE FOR SUBMITTING REPORTS**

Initial Environmental Evaluation and Environmental Impact Assessment reports shall be submitted in in English and Khmer languages.

### **ARTICLE 46 MINIMUM REQUIREMENTS FOR REPORTS**

Initial Environmental Evaluation and Environmental Impact Assessment reports shall include, at a minimum, detailed consideration of possible alternatives to the proposed project, including descriptions of each alternative (plus the no-project option), and an assessment and comparison of the environmental impacts, required mitigation measures, and residual impacts of the alternatives.

### **ARTICLE 47 BEST AVAILABLE TECHNIQUES AND INTERNATIONAL GOOD PRACTICE**

**INITIAL ENVIRONMENTAL EVALUATION AND ENVIRONMENTAL IMPACT ASSESSMENT REPORTS SHALL CONSIDER AND APPLY BEST AVAILABLE TECHNIQUES AND INTERNATIONAL GOOD PRACTICE IN THE STUDY OF THE**

**IMPACTS OF THE PROPOSED PROJECT. IF THE PROPOSED PROJECT DOES NOT USE BEST AVAILABLE TECHNIQUES OR INTERNATIONAL GOOD PRACTICE THIS MUST BE CLEARLY STATED AND THE REASONS MUST BE CLEARLY EXPLAINED IN THE INITIAL ENVIRONMENTAL EVALUATION AND ENVIRONMENTAL IMPACT ASSESSMENT REPORTS.**

#### **ARTICLE 48 ALTERNATIVES**

The consideration of alternatives in relation to a proposed project means different realistic and feasible ways of meeting the general purpose and requirements of the project, which may include, but is not limited to, lower-impact alternatives to:

- a) The property on which, or location where, it is proposed to undertake the project;
- b) The type of project to be undertaken;
- c) The design or layout of the project;
- d) The technology to be used in the project;
- e) The need to provide resettlement or impact on livelihood;
- f) The impact on indigenous peoples and local communities;
- g) The operational aspects of the project; and
- h) Any other substantive characteristic or aspect of the project as deemed necessary or appropriate by the Ministry of Environment.

#### **ARTICLE 49 ALTERNATIVE TO AVOID OR MINIMIZE RESETTLEMENT**

**IN THE CONSIDERATION OF THE ALTERNATIVES TO THE PROPOSED PROJECT, INITIAL ENVIRONMENTAL EVALUATION AND ENVIRONMENTAL IMPACT ASSESSMENT REPORTS SHALL CONSIDER AT LEAST ONE ALTERNATIVE THAT AVOIDS OR MINIMIZES THE NEED FOR RESETTLEMENT OF PROJECT-AFFECTED PERSONS OR INDIGENOUS PEOPLES AND IMPACTS ON LIVELIHOOD.**

#### **ARTICLE 50 ALTERNATIVE TO AVOID ECOSYSTEM AND BIODIVERSITY IMPACTS**

**IN THE CONSIDERATION OF THE ALTERNATIVES TO THE PROPOSED PROJECT, INITIAL ENVIRONMENTAL EVALUATION AND ENVIRONMENTAL IMPACT ASSESSMENT REPORTS SHALL CONSIDER AT LEAST ONE ALTERNATIVE THAT AVOIDS OR MINIMIZES THE IMPACTS ON**



## **ECOSYSTEMS AND BIODIVERSITY.**

### **ARTICLE 51 ENVIRONMENTAL MANAGEMENT PLAN**

The Environmental Management Plan, which shall be attached to the Initial Environmental Evaluation or Environmental Impact Assessment report, shall include the protection, mitigation, monitoring, and management requirements that were identified in the Initial Environmental Evaluation or Environmental Impact Assessment report. Environmental Management Plans should also include project-specific grievance mechanisms.

### **ARTICLE 52 MITIGATION AND MONITORING BUDGET**

A detailed budget of estimated costs for all mitigation and monitoring measures shall be included in the Environmental Management Plan.

## **SECTION 3 ASSESSMENT OF INITIAL ENVIRONMENTAL EVALUATION AND ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

### **ARTICLE 53 PUBLIC PARTICIPATION**

The Ministry of Environment is responsible for ensuring a meaningful public participation process in the assessment of submitted Initial Environmental Evaluation and Environmental Impact Assessment reports by inviting representatives of relevant government entities, territorial authority, civil society, and project-affected persons; paying attention to vulnerable, marginalised and at-risk individuals and groups; providing comments on the proposed project; and following the public participation requirements in Book 1 General Provisions Title 3 Public Participation of this Code.

### **ARTICLE 54 REQUIREMENTS FOR REVIEW**

Within the relevant period for review established under this Title, the Ministry of Environment shall review and comment on the Initial Environmental Evaluation or Environmental Impact Assessment report after:

- a) Listening to and considering the official presentation of the report by the project owner or proponent and Environmental Impact Assessment consultant;
- b) Reviewing the costs and benefits of the proposed project or activity to present and future generations;
- c) Considering the individual and cumulative impacts of the proposed project on human wellbeing, the environment, natural resources, and values of associated flows of natural resource goods and services;
- d) Giving special consideration to whether negative impacts on the culture, custom,

tradition, livelihood, and property of indigenous peoples can be avoided;

- e) Considering the advantages and disadvantages of the project proposal on the environment, economy, society, and culture by examining its scope, geographical location, and features;
- f) Considering comments and feedback received from public participation processes undertaken in accordance with this Title;
- g) Considering comments and feedback from other relevant government entities;
- h) Taking into account the recommendations of the Expert Review Committee in the case of Environmental Impact Assessments; and
- i) Evaluating the appropriateness and effectiveness of proposed impact mitigation and project monitoring arrangements.

#### **ARTICLE 55 DECISIONS**

Having reviewed an Initial Environmental Evaluation or Environmental Impact Assessment report, the Ministry of Environment may make the following decisions:

- a) Make comments and order adjustments or corrections to the Initial Environmental Evaluation or Environmental Impact Assessment before it is resubmitted and reconsidered;
- b) Approve the Initial Environmental Evaluation or Environmental Impact Assessment;
- c) For Initial Environmental Evaluation reports that demonstrate significant potential environmental impacts, require a full Environmental Impact Assessment to be undertaken; or
- d) For Environmental Impact Assessments, reject the Environmental Impact Assessment.

#### **ARTICLE 56 COMMENTS AND ADJUSTMENTS**

In cases where the Ministry of Environment provides comments and orders adjustments or corrections to the Initial Environmental Evaluation or Environmental Impact Assessment report, the Ministry of Environment shall provide written reasons and clearly demonstrate the points that need to be adjusted or corrected.

#### **ARTICLE 57 APPROVALS**

In cases where the Ministry of Environment approves the Initial Environmental Evaluation or Environmental Impact Assessment report, the Ministry of Environment shall issue an Approval

Letter and Certificate for the project and attach the Environmental Protection Agreement.

In cases where the Ministry of Environment rejects an Initial Environmental Evaluation or Environmental Impact Assessment report, the Ministry of Environment shall provide the reasons for the decision.

#### **ARTICLE 58 RECIPIENTS OF APPROVAL LETTERS AND CERTIFICATES AND ENVIRONMENTAL PROTECTION AGREEMENTS**

The Ministry of Environment shall send all Approval Letters and Certificates, as well as the relevant Environmental Protection Agreements, to the project owner or proponent and relevant government entities including entities responsible for other regulatory approvals, the Council for Development of Cambodia, and relevant sub-national administrations.

#### **CHAPTER 4 TIMEFRAMES FOR ENVIRONMENTAL IMPACT ASSESSMENT AND INITIAL ENVIRONMENTAL EVALUATION PROCEDURE**

##### **ARTICLE 59 PUBLIC PARTICIPATION**

The Ministry of Environment may only make a determination in accordance with this Title after the Initial Environmental Evaluation, Environmental Impact Assessment, or Environmental Protection Agreement has been on public exhibition for at least the following minimum time periods:

- a) For an Environmental Protection Agreement, the minimum time period for public exhibition and comment is fifteen (15) working days;
- b) For an Initial Environmental Evaluation Report, the minimum time period for public exhibition and comment is thirty (30) working days; and
- c) For an Environmental Impact Assessment Report, the minimum time period for public exhibition and comment is forty (40) working days.

##### **ARTICLE 60 SCREENING**

**THE MINISTRY OF ENVIRONMENT SHALL COMPLETE THE SCREENING STEP IN ACCORDANCE WITH THIS TITLE WITHIN FIFTEEN WORKING (15) DAYS OF THE PROJECT OWNER OR PROPONENT SUBMITTING A PROJECT PROPOSAL FOR SCREENING.**

##### **ARTICLE 61 SCOPING**

**THE MINISTRY OF ENVIRONMENT SHALL COMPLETE THE CONSIDERATION OF SCOPING REPORT WITHIN FIFTEEN (15) WORKING DAYS OF ITS SUBMISSION.**

## **ARTICLE 62 ENVIRONMENTAL PROTECTION AGREEMENT OR ENVIRONMENTAL PROTECTION PLAN**

The Ministry of Environment has thirty (30) working days to review, comment, approve, reject, or require adjustment or correction to an Environmental Protection Agreement or Environmental Protection Plan. The period is counted from the date of the submission of the Environmental Protection Agreement or Environmental Protection Plan and all relevant documents required by the Ministry of Environment.

## **ARTICLE 63 INITIAL ENVIRONMENTAL EVALUATION**

The Ministry of Environment shall review and comment on an Initial Environmental Evaluation report within sixty (60) working days counting from the date of receiving the report. This period shall always reset and a new sixty (60) working day period shall start when the project owner or proponent submits a revised Initial Environmental Evaluation report in accordance with instructions and comments provided by the Ministry of Environment.

## **ARTICLE 64 ENVIRONMENTAL IMPACT ASSESSMENT**

The Ministry of Environment shall review and comment on an Environmental Impact Assessment report within ninety (90) working days counting from the date of receiving the report. This period shall always be reset, and a new ninety (90) working day period shall start, when the project owner or proponent submits a revised Environmental Impact Assessment report in accordance with instructions and comments provided by the Ministry of Environment.

## **ARTICLE 65 LIABILITY FOR DAMAGES OR DELAYS**

The project owner or proponent shall be liable for any damages or delays caused by their own mistakes or failure to revise Environmental Protection Agreements, Environmental Protection Plans, Environmental Management Plans, or Initial Environmental Evaluation or Environmental Impact Assessment reports, in accordance with instructions issued by the Ministry of Environment in accordance with this Title.

## **CHAPTER 5 SPECIAL CONSIDERATIONS IN THE ENVIRONMENTAL ASSESSMENT SYSTEM**

### **ARTICLE 66 GUIDELINES**

The Ministry of Environment shall prepare a legal instrument within three (3) months of enactment of this Environment and Natural Resources Code, to provide guidelines for the types of existing projects, which have not conducted an Initial Environmental Evaluation or Environmental Impact Assessment, that shall:

- a) Conduct an environmental audit of existing operations; and/or

- b) Have an Initial Environmental Evaluation or Environmental Impact Assessment prepared in accordance with this Title.

#### **ARTICLE 67 RIGHTS OF VULNERABLE PERSONS AND INDIGENOUS PEOPLES**

The rights of vulnerable persons and indigenous peoples shall be specially considered throughout the Environmental Impact Assessment process, including through appropriate public participation, and in the mitigation measures that are contained in the Environmental Impact Assessment approval.

#### **ARTICLE 68 TRANSBOUNDARY ENVIRONMENTAL IMPACTS**

Any project proposal that has potentially significant transboundary environmental impacts is required to conduct a Transboundary Environmental Impact Assessment. The Ministry of Environment shall prepare, by way of a legal instrument, guidelines for the conduct of a Transboundary Environmental Impact Assessment, including:

- a) Procedures for engaging with, and considering the views of, other countries potentially impacted by the project proposal; and
- b) Procedures for considering the potential transboundary impacts in the transboundary Environmental Impact Assessment and Environmental Management Plan.

#### **ARTICLE 69 CUMULATIVE IMPACTS**

All Initial Environmental Evaluations and Environmental Impact Assessments shall analyse and evaluate the cumulative impacts of the proposed project with existing and future projects in the vicinity of the proposed project area, which may trigger significant environmental impacts, including but not limited to the following:

- a) Evaluation of the capacity of physical, biological, and socio-economic resources to accommodate additional effects, based on their own time and space parameters as well as project activities surrounding the project sites; and
- b) Consideration of alternative measures to avoid or mitigate potential significant cumulative impacts.

### **CHAPTER 6 ENVIRONMENTAL MANAGEMENT AND MONITORING**

#### **ARTICLE 70 MONITORING AUTHORITIES**

The Ministry of Environment and sub-national Departments of Environment are the monitoring authorities for Environmental Management Plans and Environmental Management Plan implementation, in cooperation with relevant government entities and stakeholders.

## **ARTICLE 71 REQUIRED UPDATES**

The Environmental Management Plan for an approved project shall be regularly updated to take into account any amendments in relevant environmental standards established in accordance with Book 6 Waste and Pollution Management of this Code, or changes in sector performance practices or other changing circumstances of the project.

## **ARTICLE 72 ENVIRONMENTAL MANAGEMENT SYSTEM**

All project owners or proponents, operators, and contractors shall establish and maintain an Environmental Management System that shall ensure implementation of the self-monitoring procedures and methods as stipulated in the project Environmental Management Plan.

## **ARTICLE 73 IMPACTS GREATER THAN ESTIMATED**

In cases where the actual environmental impacts are greater than those estimated in the Initial Environmental Evaluation or Environmental Impact Assessment report, or attached Environmental Management Plan, then the Ministry of Environment shall require immediate action by the project owner or proponent, operators and/or contractors to remedy the impact or amend the Environmental Management Plan.

## **ARTICLE 74 AMENDMENTS**

Any amended Environmental Management Plan and monitoring programme shall be approved by the Ministry of Environment. A time limit to make amendments or improvements shall be agreed upon in writing by all parties.

## **ARTICLE 75 ENVIRONMENTAL MONITORING REPORTS**

The project owner or proponent shall submit environmental monitoring reports, covering all environmental management and monitoring results, to the Ministry of Environment for review and evaluation every three (3) months. All monitoring reports shall be made publicly available, in accordance with the requirements for public participation and access to information in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 76 SITE INSPECTIONS**

The Ministry of Environment has the right to conduct site inspections and verify the monitoring data included in project monitoring reports.

## **ARTICLE 77 DUTY TO REPORT**

Project owners or proponents shall promptly report any of the following matters to the Ministry of Environment, other relevant government entities, and the public:

- a) Any critical environmental problem; or
- b) Any breach of the Approval Letter and Certificate, Environmental Management Plan, or Environmental Protection Agreement.

#### **ARTICLE 78 RIGHT TO REPORT GRIEVANCES**

Project-affected persons and all stakeholders shall have the right to report grievances and environmental and social concerns to the project owner or proponent and to relevant government entities in accordance with Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code.

The Ministry of Environment and other relevant government entities shall, in accordance with legal instruments established under this Title, respond to the grievance or petition and deal with concerned environmental and social issues within an appropriate time limit and inform the concerned persons accordingly.

### **CHAPTER 7 FEES AND CHARGES**

#### **ARTICLE 79 LIABILITY FOR EXPENSES**

The project owner or proponent is liable for all expenses incurred in undertaking environmental assessments in compliance with this Title, including but not limited to:

- a) Environmental Impact Assessment consultant fees;
- b) Project screening;
- c) Project scoping;
- d) Initial Environmental Evaluation and Environmental Impact Assessment investigations and report preparation;
- e) Public participation processes;
- f) The work of the Expert Review Committee;
- g) The review and commenting on the Initial Environmental Evaluation or Environmental Impact Assessment report by the Ministry of Environment; and
- h) Creation and operation of any project-specific grievance mechanisms established by the Ministry of Environment and under the Environmental Management Plan.

#### **ARTICLE 80 ENVIRONMENTAL MANAGEMENT PLAN EXPENSES**

The project owner or proponent is responsible for all expenses associated with the preparation and implementation of the Environmental Management Plan and the implementation and monitoring of mitigation measures in the Environmental Management Plan.

The project owner or proponent shall have a deposit (reserved) budget or insurance budget for the management of environmental and social risks, which shall be determined by the Ministry of Environment.

#### **ARTICLE 81 INITIAL ENVIRONMENTAL EVALUATION OR ENVIRONMENTAL IMPACT ASSESSMENT FEES AND SERVICE CHARGES**

When the project owner or proponent submits an application for review and comment on an Initial Environmental Evaluation or Environmental Impact Assessment report, the Ministry of Environment may collect fees and service charges as provided in a legal instrument jointly developed between the Ministry of Environment and the Ministry of Economy and Finance.

#### **ARTICLE 82 ENVIRONMENTAL MONITORING REPORTS FEES AND SERVICE CHARGES**

The project owner or proponent shall pay fees and service charges for reviewing environmental monitoring reports to enable the Ministry of Environment to carry out its duties to review monitoring reports, respond to requests for investigation of environmental complaints, and to carry out routine compliance monitoring during both construction and operation phases of the project.

### **TITLE 4 ENVIRONMENTAL AUDITS, MONITORING, AND REPORTING**

#### **CHAPTER 1 ENVIRONMENTAL AUDITS**

##### **ARTICLE 1 ENVIRONMENTAL AUDITS**

For the purposes of this Code, an environmental audit is a documented independent evaluation of a project or activity, including but not limited to an evaluation of management practices, systems, and plant operations. The purpose of an environmental audit is:

- q) To ascertain the project's or activity's compliance with the requirements of this Code and associated legal instruments;
- r) Identify the project's or activity's ongoing impacts on the environment;
- s) Identify any measures that may be adopted to rectify non-compliance; and
- t) Further minimize impacts on the environment.



## **ARTICLE 2 APPLICABLE PROJECTS AND ACTIVITIES**

Within one (1) year of the enactment of this Code, the Ministry of Environment shall prepare a legal instrument that identifies the circumstances under which projects or activities are required to conduct an environmental audit. The legal instrument shall specify the processes and timeframes for conducting the environmental audit.

## **ARTICLE 3 MINIMUM THRESHOLD**

At a minimum, all projects and activities required to conduct an Environmental Impact Assessment in accordance with Title 3 Environmental Assessment of this Book shall be required to conduct an environmental audit at least once every two (2) years.

## **ARTICLE 4 ASSOCIATED COSTS**

All costs associated with the conduct of an environmental audit required under this Title shall be borne by the owner, operator or proponent of the project or activity under audit.

## **ARTICLE 5 FAILURE TO COMPLY**

If a project or activity fails to comply with an order or requirement to conduct an environmental audit, the Ministry of Environment or an accredited environmental auditor appointed by the Ministry of Environment is authorized to conduct the environmental audit. In such cases, the Ministry of Environment or the appointed environmental auditor shall have access to the project or activity's premises, records, employees, and operators for the purposes of conducting the audit.

The project or activity owner, operator or proponent shall be required to reimburse the Ministry of Environment for costs associated with environmental audits performed by Ministry of Environment or an environmental auditor appointed by Ministry of Environment.

## **ARTICLE 6 MONITORING AND REPORTING REQUIREMENT**

Under no circumstances shall compliance with the requirement to conduct an environmental audit under this Title absolve a natural person or legal entity of its obligation to comply with monitoring and reporting requirements contained elsewhere in this Code or other legal instruments.

## **ARTICLE 7 REMEDY OF IMPACTS**

When an environmental audit reveals that a project's or activity's impacts are greater than those estimated in the relevant Initial Environmental Evaluation, Environmental Impact Assessment Report, or Environmental Management Plan, the Ministry of Environment shall require immediate action to remedy the impact and order an appropriate adjustment to the relevant Environmental Management Plan as necessary, in accordance with Title 3 Environmental

Assessment of this Book, to avoid such impacts in the future.

## **ARTICLE 8 ACCESS TO INFORMATION**

Environmental audits shall be made publicly available by the Ministry of Environment in accordance with the provisions of access to information in Book 1 General Provisions Title 4 Access to Environmental Information. The Ministry of Environment shall make all environmental audits performed under this Title publicly available no later than one (1) week after the environmental audit is submitted to Ministry of Environment.

## **CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF ENVIRONMENTAL AUDITORS**

### **ARTICLE 9 ACCREDITATION REQUIREMENT**

**ONLY NATURAL PERSONS OR LEGAL ENTITIES ACCREDITED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE AND ANY LEGAL INSTRUMENTS ISSUED UNDER THIS TITLE ARE AUTHORIZED TO PERFORM ENVIRONMENTAL AUDITS.**

### **ARTICLE 10 PROCESS AND CRITERIA**

Within one (1) year of the enactment of this Code, the Ministry of Environment shall prepare a legal instrument that identifies the process and criteria for the accreditation of environmental auditors for the purposes of this Code.

At a minimum, the criteria for accreditation of an environmental auditor shall include:

- a) Demonstrated understanding of the purposes, principles, accepted methodologies, and mechanisms for conducting an environmental audit;
- u) Demonstrated ability to effectively and thoroughly carry out an environmental audit, including planning, implementation, concluding, and reporting the results of the audit; and
- v) Demonstrated ability to formulate practical recommendations for measures the project or activity under audit could adopt to rectify non-compliance or otherwise improve environmental performance following the audit.

## **CHAPTER 3 MONITORING AND REPORTING REQUIREMENTS**

### **ARTICLE 11 MONITORING**

Without exception, all projects and activities subject to approvals or permits under this Code are required to undertake monitoring in accordance with the provisions of their approvals or

permits.

## **ARTICLE 12 REPORTING**

Without exception, all projects and activities subject to approvals or permits under this Code are required to provide the relevant government entity with reports of their monitoring results no less frequently than every six (6) months.

## **ARTICLE 13 PROCEDURES AND REQUIREMENTS**

Within one (1) year of the adoption of this Code, the Ministry of Environment shall issue a legal instrument that specifies the monitoring methods, record-keeping methods, minimum contents of monitoring reports, and minimum frequency with which monitoring reports must be submitted to the relevant government authority.

Subsequent to the issuance of the legal instrument, all permits or approvals shall incorporate the monitoring and reporting requirements contained in the legal instrument.

## **ARTICLE 14 MINIMUM REQUIREMENTS**

In the absence of a legal instrument issued by the Ministry of Environment pertaining to monitoring and reporting, all projects and activities are required to employ good practices to the best of their ability to fulfil their monitoring and reporting requirements. Under no circumstances shall the absence of a legal instrument issued by the Ministry of Environment pertaining to monitoring and reporting absolve any project or activity of its obligation to monitor and report on its activities at least every six (6) months.

## **ARTICLE 15 ACCESS TO INFORMATION**

Monitoring reports prepared as a requirement of an approval or permit shall be made publicly available by the holder of the approval or permit in accordance with the provisions on access to information in Book 1 General Provisions Title 4 Access to Environmental Information. Monitoring reports shall be made publicly available within seven (7) days of submitting the monitoring report to the Ministry of Environment or other relevant entity.

## **CHAPTER 4 OBLIGATION TO REPORT BREACHES OF THIS ENVIRONMENTAL CODE**

### **ARTICLE 16 BREACHES OF REQUIREMENTS OF PERMITS OR APPROVALS**

The holder of any permit or approval issued under this Code or any other legal instrument pertaining to the environment and natural resources has an obligation to report all breaches of requirements contained in the permit or approval to the Ministry of Environment or other relevant government entity.

## **ARTICLE 17 REPORTING REQUIREMENTS**

The holder of a permit or approval issued under this Code or any other legal instrument pertaining to the environment and natural resources has an obligation to orally report breaches of the permit or approval to the Ministry of Environment or other competent authority no later than twenty-four (24) hours from the time the permit or approval-holder becomes aware of the breach. Such a report shall, at a minimum, describe the nature and severity of the breach, the potential threat that the breach poses to the environment, and any measures taken or planned to be taken to stop the breach and minimize its impacts. The permit or approval holder must submit a written report containing this information to the Ministry of Environment no later than five (5) days from the time it becomes aware of the breach.

## **BOOK 3 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY MECHANISMS**

### **TITLE 1 DISASTER RISK REDUCTION AND MANAGEMENT**

#### **CHAPTER 1 DISASTER MANAGEMENT PLANNING AND PRINCIPLES**

#### **ARTICLE 1 THE LAW ON DISASTER MANAGEMENT**

The 2015 Law on Disaster Management shall apply to all disaster management and disaster risk reduction activities related to natural or human made disasters affecting the environment in the Kingdom of Cambodia.

#### **ARTICLE 2 NATURAL AND HUMAN MADE DISASTERS**

Natural disasters include destruction to life and property, livelihood, infrastructure, safety, education, and health of the environment due to climate change and other natural accidents including but not limited to fires, landslides, storms, floods, thunderbolts, droughts, earthquakes, tsunamis, avalanches, heat or cold waves, volcanic eruptions, erosion of banks and shores, maritime accidents, damage to crops caused by pests or plant diseases, starvation, and outbreak of contagious diseases of human or animals. Natural disaster for the purposes of this Chapter shall also include any other danger specified as a natural disaster by the National Committee for Disaster Management.

Human made disasters include destruction to life, property, livelihood, infrastructure, human health and safety, education, and health of the environment due to accident, intent, or negligence including but not limited to industrial disasters and dangers, chemical or hazardous waste spills, oil spills, leakage of natural gas, disasters at waste facilities, disasters at energy production and storage facilities including nuclear accidents, biological weapon attacks, fires, and violence and armed insurgencies.

### **ARTICLE 3 PREVENTION, ADAPTATION, AND MITIGATION SUPPORT**

The Ministry of Environment shall support and collaborate with the National Committee for Disaster Management, other government entities, non-governmental organisations, and the private sector on prevention, adaptation, and mitigation in the pre-disaster period; emergency response during the disaster; and recovery in the post-disaster period in accordance with Article 2 of the 2015 Law on Disaster Management.

### **ARTICLE 4 RESPONSIBILITIES**

The Ministry of Environment shall support and collaborate with the National Committee for Disaster Management in its efforts to:

- a) Address all natural or human made disasters affecting the environment;
- b) Assess the root causes of vulnerabilities to potential and existing disasters;
- c) Strengthen the Kingdom of Cambodia's institutional capacity for disaster risk reduction and management; and
- d) Work with local communities, government entities, and other stakeholders to build resilience of local communities to disasters including climate change impacts and adaptation.

### **ARTICLE 5 DISASTER RISK REDUCTION AND MANAGEMENT APPROACH**

The Ministry of Environment shall support and collaborate with the National Committee for Disaster Management to develop a disaster risk reduction and management approach that is comprehensive, integrative, and proactive to minimize natural or human made disaster impacts to the environment.

### **ARTICLE 6 INCORPORATING PRINCIPLES FOR DISASTER RISK MANAGEMENT**

The National Committee for Disaster Management shall incorporate internationally accepted principles of disaster risk management in the development and implementation of all relevant strategies, policies, plans, and budgets including but not limited to land use plans, strategic environmental assessments, climate change impact and mitigation plans, and other relevant national and sub-national sustainable development and poverty reduction strategies, policies, plans, and budgets.

### **ARTICLE 7 SUPPORT FOR SUB-NATIONAL COMMITTEES FOR DISASTER MANAGEMENT**

The Ministry of Environment shall collaborate with the National Committee for Disaster

Management to support Sub-National Committees for Disaster Management, in accordance with Article 9 of the 2015 Law on Disaster Management.

## **ARTICLE 8 SUPPORT FOR PREVENTION, MITIGATION, PREPAREDNESS, EMERGENCY RESPONSE, AND RECOVERY**

The Ministry of Environment shall support the work of the National Committee for Disaster Management in developing prevention, mitigation, preparedness, emergency response, and recovery activities in accordance with Chapter 3 of the 2015 Law on Disaster Management in conjunction with local communities, governmental entities, and other stakeholders. These activities shall focus on natural or human made disasters affecting the environment.

## **CHAPTER 2 DISASTER RISK REDUCTION PLANNING**

### **ARTICLE 9 PLANNING FOR DISASTERS AFFECTING THE ENVIRONMENT**

The Ministry of Environment shall support and collaborate with the National Committee for Disaster Management for disaster risk reduction planning focusing on natural or human made disasters affecting the environment.

### **ARTICLE 10 DISASTER RISK REDUCTION**

Disaster risk reduction is the practice of reducing disaster risks through systematically analysing and managing the causal factors of disasters, including through reduced exposures to hazards, decreasing vulnerability of people and property, management of land and the environment, and improved preparedness for adverse events including climate change.

### **ARTICLE 11 GUIDELINES**

The Ministry of Environment shall support and collaborate with the National Committee for Disaster Management to develop and implement guidelines to conduct risk assessment, explore technologies for climate change adaptation, and develop contingency plans for relief from natural or human made disasters affecting the environment and emergency response in accordance with Articles 16 and 17 of the 2015 Law on Disaster Management.

### **ARTICLE 12 AWARENESS, TRAINING, AND EDUCATION**

The Ministry of Environment shall support and collaborate with the National Committee for Disaster Management to promote public awareness, develop and provide training and education, and encourage involvement related to disaster risk reduction and disaster prevention and control, including the establishment of early warning systems.

### **ARTICLE 13 PUBLIC PARTICIPATION AND ACCESS TO INFORMATION**

The development, updating, and sharing of disaster risk reduction planning and information

shall be in accordance with the public participation and access to information provisions in Book 1 General Provisions Title 2 Public Participation and Book 1 General Provisions Title 3 Access to Environmental Information in this Code.

### **CHAPTER 3 DEVELOPMENTS TO TAKE INTO ACCOUNT FOR DISASTER MANAGEMENT PLANNING**

#### **ARTICLE 14 PARTICIPATORY PREPAREDNESS**

In accordance with Articles 10 and 11 of the 2015 Law on Disaster Management, the Ministry of Environment shall work in conjunction with the National Committee for Disaster Management to develop participatory preparedness activities, including but not limited to developing early warning systems, strategies, contingency plans, and emergency response plans for mitigating disaster losses, standard operating procedures for disaster relief operations, table-top exercises, and simulation exercises for natural or human made disasters affecting the environment.

#### **ARTICLE 15 CONSULTATION REQUIREMENTS**

The National Committee for Disaster Management and relevant government entities shall consult with the Ministry of Environment for all legal instruments, guidelines, and other disaster management planning related to natural or human made disasters affecting the environment including but not limited to those included in Article 2 of this Title.

## **TITLE 2 CLIMATE CHANGE**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is to mainstream climate change considerations in the planning and decision-making processes for any project, activity, plan, or program in order to achieve the Kingdom of Cambodia's climate change adaptation and mitigation goals and commitments.

#### **ARTICLE 2 COMMITMENT TO INCREASE AND MAINTAIN FOREST COVER**

In accordance with its legislative commitment, the Royal Government of Cambodia shall increase and maintain forest cover at a minimum of sixty percent (60%) of total land area by the year 2030.

#### **ARTICLE 3 COMMITMENT TO REDUCE GREENHOUSE GAS EMISSIONS**

In accordance with its legislative commitment, the Royal Government of Cambodia shall reduce greenhouse gas emissions by a minimum of twenty-seven percent (27%) from estimated baseline emissions levels of 11,600 million metric tons of carbon dioxide equivalent (Mt

CO<sub>2</sub>eq) by the year 2030.

#### **ARTICLE 4 COMMITMENT TO INCREASE RENEWABLE ENERGY PRODUCTION**

In accordance with its stated international commitments, the Royal Government of Cambodia shall strive to increase renewable energy production and connect decentralized renewable generation to the national energy grid with the aim of achieving one hundred percent (100%) domestic renewable energy production.

#### **ARTICLE 5 OBJECTIVES**

In addition to striving to achieve the targets stated in Articles 2, 3 and 4 of this Title, the Royal Government of Cambodia shall:

- a) Provide for protection of the coastal zone and promote climate change adaptation, in accordance with Book 4 Sustainable Management of Natural Resources Title 7 Coastal Zone Management of this Code;
- b) Reduce natural disaster risks due to climate change, in accordance with Title 1 Disaster Risk Reduction and Management of this Book;
- c) Promote sustainable urban development, in accordance with Title 4 Environmental Land Use Planning and Sustainable Cities of this Book;
- d) Implement all national strategies, programs and action plans relating to climate change as adopted and revised;
- e) Establish a National Greenhouse Gas Inventory;
- f) Establish a National Registry for Greenhouse Gas Emissions Reduction Projects and Programs;
- g) Develop REDD+ Action Plans for forest areas; and
- h) Require all proposed policies, plans, programs, and legal instruments requiring approval under Book 2 Environmental Assessment and Monitoring Title 2 Strategic Environmental Assessment of this Code and all proposed projects and activities requiring approval under Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code to include climate change mitigation as a matter for analysis. The National Council for Sustainable Development shall develop guidelines on the inclusion of climate change considerations into sectoral planning and decision-making processes.

#### **ARTICLE 6 REPORTING ON CLIMATE CHANGE RESPONSE**



The National Council for Sustainable Development shall be responsible for reporting to international bodies on the implementation of the Kingdom of Cambodia's climate change response in accordance with its international commitments.

#### **ARTICLE 7 NATIONAL MONITORING AND EVALUATION FRAMEWORK**

The National Council for Sustainable Development shall collaborate with the Ministry of Planning and other relevant government entities to develop and manage a national monitoring and evaluation framework for climate change mitigation and adaptation in the Kingdom of Cambodia. Such framework shall include indicators and methods for analysis of the level of readiness of relevant government entities to effectively implement the Kingdom of Cambodia's climate change response, and the performance of climate interventions in reducing vulnerability, lowering carbon emissions, and transitioning to low carbon development.

#### **ARTICLE 8 OTHER INSTRUMENTS**

The National Council for Sustainable Development shall develop guidance on the establishment and management of other specific measuring, reporting, verification, and evaluation instruments that may be required to ensure an effective implementation of the climate change response in the Kingdom of Cambodia.

#### **ARTICLE 9 CLIMATE CHANGE STRATEGIC AND ACTION PLANS**

Relevant national and sub-national government entities, with the support of the National Council for Sustainable Development, shall lead the development and management of their own climate change monitoring and evaluation frameworks to track effectiveness of response measures laid out in their respective Climate Change Strategic and Action Plans. At a minimum, such sectoral or sub-national climate change monitoring and evaluation frameworks shall be in accordance with the national monitoring and evaluation framework established by National Council for Sustainable Development.

Within one (1) year of the adoption of this Code, the National Council for Sustainable Development shall, in cooperation with relevant government entities, issue guidance to relevant national and sub-national government entities regarding the development and operation of climate change monitoring and evaluation frameworks.

#### **ARTICLE 10 REPORTING REQUIREMENTS**

All data and information on the relevant indicators collected through the monitoring and evaluation frameworks established by national and sub-national government entities shall be reported to the National Council for Sustainable Development no less frequently than once per year.

### **CHAPTER 2 CLIMATE CHANGE INFORMATION**

## **ARTICLE 11 ACCESS TO INFORMATION**

The National Council for Sustainable Development shall ensure that climate change data and information, including on methodologies and data collection procedures, are collected and made publicly available in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 12 NATIONAL GREENHOUSE GAS INVENTORY**

The National Council for Sustainable Development shall establish and manage a publicly assessable, quality assured National Greenhouse Gas Inventory, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code. Such inventory shall include but not be limited to information on:

- w) Relevant emission sources and sinks, including but not limited to fuel combustion, industrial processes, consumption of halocarbons and sulphur hexafluoride, chemical products, manufacturing and processing, agriculture, land use, land use change, forestry, and waste;
- x) Activity data;
- y) Forest reference levels, including forest area and area change, forest carbon stock and carbon stock change, REDD+ safeguard indicators, and other forest benefits;
- z) All relevant government entities and legal entities shall provide such information to the National Council for Sustainable Development.

## **ARTICLE 13 INVENTORY DISCLOSURE REQUIREMENTS AND SANCTIONS**

The National Council for Sustainable Development shall establish the requirements and process for public disclosure of information to such inventory and sanctions for non-compliance with the disclosure requirements.

## **ARTICLE 14 NATIONAL REGISTRY FOR GREENHOUSE GAS EMISSIONS REDUCTIONS PROJECTS**

The National Council for Sustainable Development shall establish and manage a publicly accessible National Registry for Greenhouse Gas Emissions Reduction Projects and Programs, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code. Such registry shall include information on climate change financing from results-based financing mechanisms and the relevant results and shall integrate registries established under different results-based climate finance mechanisms.

All government and legal entities that obtain endorsement from the Royal Government of

Cambodia to participate in results-based climate finance mechanisms shall submit information to the National Registry for Greenhouse Gas Emissions Reduction Projects and Programs in accordance with the relevant legal instruments.

#### **ARTICLE 15 REGISTRY DISCLOSURE REQUIREMENTS AND SANCTIONS**

The National Council for Sustainable Development shall establish the requirements and process for public disclosure of information to such registry and sanctions for non-compliance with the disclosure requirements.

### **CHAPTER 3 REDUCING EMISSIONS FROM DEFORESTATION AND FOREST DEGRADATION (REDD+)**

#### **ARTICLE 16 DESIGNATED NATIONAL AUTHORITY FOR PARTICIPATION AND COMPLIANCE**

The National Council for Sustainable Development shall be the Designated National Authority for the review, approval, and validation of all projects seeking endorsement from the Royal Government of Cambodia to participate in results-based climate financing mechanisms including but not limited to mechanisms established under the United Nations Framework Convention on Climate Change, including but not limited to the Clean Development Mechanism, the Joint Crediting Mechanism, Nationally Appropriate Mitigation Actions, and REDD+.

The National Council for Sustainable Development shall ensure that such projects are in compliance with relevant national legislation, policies, strategies, and plans and international agreements to which the Kingdom of Cambodia is a party. The National Council for Sustainable Development shall ensure that such relevant national legislation, policies, strategies, and plans and international agreements are publicly available in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

The National Council for Sustainable Development may develop guidelines on the process of endorsement of projects for participation in results-based climate financing mechanisms.

#### **ARTICLE 17 GREENHOUSE GAS EMISSIONS REDUCTION SCHEMES, PROGRAMS, AND PROJECTS**

The Royal Government of Cambodia may engage in greenhouse gas emissions reduction schemes, programs, or projects that reduce greenhouse gas emissions through avoided deforestation and forest degradation (REDD+) or through forest carbon stock enhancement activities including but not limited to assisted natural forest regeneration.

#### **ARTICLE 18 CONSISTENCY REQUIREMENTS**

All REDD+ actions and activities shall be consistent with the objectives of national strategies, programs, and laws and relevant international agreements.

#### **ARTICLE 19 STAKEHOLDER PARTICIPATION**

All REDD+ activities shall include the full and effective participation of relevant stakeholders, including those that are most vulnerable such as local communities, indigenous peoples, and women, in accordance with the public participation provisions in Book 1 General Provisions Title 3 Public Participation of this Code. All REDD+ actions and activities shall respect the knowledge and rights of indigenous peoples and members of local communities by taking into account the provisions of this Code, other relevant legal instruments, and relevant international obligations.

#### **ARTICLE 20 REDD+ ACTION PLANS**

All relevant government entities shall cooperate to develop REDD+ Action Plans for forested areas. All REDD+ actions and activities shall be consistent with the conservation of natural forests and biological diversity, ensuring that the REDD+ actions and activities are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services and to enhance other social and environmental benefits.

#### **ARTICLE 21 CAMBODIA REDD+ TASK FORCE**

The Cambodia REDD+ Task Force shall develop transparent national forest reference emission levels. The forest reference emission levels shall take into account historic data and be updated regularly to take into account new knowledge, new technology, new trends, and any modifications of scope and methodologies; accommodate national circumstances and capabilities; and avoid incentives that are counter to REDD+ objectives..

#### **ARTICLE 22 NATIONAL FOREST MONITORING SYSTEM**

The Cambodia REDD+ Task Force shall develop and implement a national forest monitoring system in accordance with all United Nations Framework Convention on Climate Change requirements. Such system shall include the use of:

- aa) Forest and land use classifications;
- bb) A national forest inventory;
- cc) A satellite land monitoring system;
- dd) A greenhouse gas inventory; and
- ee) Information on REDD+ financing, actions, and results.

All information used for the national forest monitoring system shall be made publicly available.

#### **ARTICLE 23 ACCESS TO INFORMATION**

All data collected and methodologies used in the monitoring, reporting, and verification framework for adherence to REDD+ safeguards shall be made publicly available in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

#### **ARTICLE 24 SITE-SPECIFIC FINANCE**

The Ministry of Economy and Finance shall establish site-specific fund accounts to finance each REDD+ project and participating stakeholders in accordance with the provisions in Book 8 Economic Measures, Accounts, Fees, and Funds for the Environment Title 1 Economic Measures and Accounts of this Code.

#### **ARTICLE 25 RESULTS-BASED PAYMENT MECHANISMS**

The Ministry of Economy and Finance, in cooperation with the Ministry of Environment, shall develop a system for results-based payment mechanisms, which are benefit-sharing mechanisms that disburse funds only when agreed results have been achieved, in a relevant legal instrument. Such legal instrument shall define the rules, procedures, and form of agreement for directly and indirectly distributing benefits of project activities from and to specified stakeholders.

#### **ARTICLE 26 PUBLIC PARTICIPATION AND ACCESS TO INFORMATION**

All benefit sharing arrangements shall comply with Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

#### **ARTICLE 27 EMISSIONS REDUCTIONS ACCOUNTING**

The Ministry of Economy and Finance shall integrate project activities implemented through the sale of carbon credits in the voluntary market into sub-national and national-level accounting systems to avoid double counting emissions reductions.

### **TITLE 3 SUSTAINABLE CONSUMPTION AND PRODUCTION**

#### **CHAPTER 1 GENERAL PROVISIONS**

#### **SECTION 1 PROMOTION OF SUSTAINABLE CONSUMPTION AND PRODUCTION**

#### **ARTICLE 1 SUSTAINABLE CONSUMPTION**

In support of existing policies, strategies, and plans for sustainable development, including the national Sustainable Development Goals, the Ministry of Environment, with the endorsement of the National Council for Sustainable Development, shall coordinate with other relevant government entities to develop relevant policy documents on sustainable consumption. Such policy documents shall include but not be limited to:

- a) Programs to improve environmental performance of consumption patterns, including through the increased supply and demand for more environmentally friendly products, services, and technologies; and
- b) Policies to engage the private sector, civil society organizations, government entities, and citizens and promote more resource-efficient and less environmentally damaging consumption, including but not limited to areas of water and energy consumption, hazardous waste generation, waste management, tourism, and infrastructure development.

## **ARTICLE 2 SUSTAINABLE PRODUCTION**

In support of existing policies, strategies, and plans for sustainable development, including the national Sustainable Development Goals, the Ministry of Environment, with the endorsement of the National Council for Sustainable Development, shall coordinate with other relevant government entities, including the Ministry of Industry and Handicraft, to develop relevant policy documents on sustainable production. Such policy documents shall include but not be limited to:

- a) Programs to improve environmental performance of products and production practices; and
- b) Policies to engage the private sector, civil society organizations, government entities, and citizens and promote more resource-efficient and less environmentally damaging production.

## **SECTION 2 PROMOTION OF ENVIRONMENTAL TECHNOLOGY**

### **ARTICLE 3 ENVIRONMENTAL TECHNOLOGY VERIFICATION**

The Ministry of Environment, in coordination with the Ministry of Industry and Handicraft and other relevant government entities, shall develop a program for environmental technology verification applicable to environmental technologies, including but not limited to technologies used by industry, forestry, agriculture, mining, service industries, and households. This program shall be based on international good practices in environmental technology verification.

### **ARTICLE 4 REGISTER OF VERIFIED ENVIRONMENTAL TECHNOLOGY**

The Ministry of Environment, in cooperation with the Ministry of Industry and Handicraft and other relevant government entities, shall develop and make publicly available a register of verified environmental technology, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **CHAPTER 2 SUSTAINABLE CONSUMPTION**

### **SECTION 1 SUSTAINABLE PROCUREMENT**

#### **ARTICLE 5 PURPOSE**

The purpose of this Section is to establish criteria for sustainable procurement to minimize the environmental burden from consumption and facilitate demand for environmentally friendly products and services.

#### **ARTICLE 6 GUIDELINES ON SUSTAINABLE PROCUREMENT**

The National Council for Sustainable Development, in cooperation with the Ministry of Economy and Finance, shall develop in a legal instrument guidelines on sustainable procurement focusing on the inclusion of environmental criteria during the process of procuring goods, services, works, and utilities while achieving value for money on a whole life-cycle basis. Such guidelines shall be based on the International Organization for Standardization 20400 standard.

#### **ARTICLE 7 OBJECTIVES**

The guidelines on sustainable procurement shall:

- a) Encourage resource efficiency;
- b) Designate categories and priority rankings of products and services, including but not limited to environmentally sound technology and green finance;
- c) Define minimum environmental criteria and performance requirements, including but not limited to resource efficiency, reduction, reuse, recycling of waste, integrated waste management, and cleaner production, for each category of products and services based on the environmental impact of such products and services;
- d) Define reporting requirements for categories of products, services, and magnitude of procurement;
- e) Provide guidance for selecting appropriate suppliers;
- f) Provide guidance for decision-making based on environmental considerations, including weighing environmental criteria against other purchasing criteria including

economic considerations such as price, availability, performance and quality;

- g) List sanctions for breaches of environmental performance requirements of products and services; and
- h) Define measures for government entities and government-owned legal entities responsible for procurement to encourage and assist stakeholders in undertaking sustainable procurement practices.

## **ARTICLE 8 APPLICATION TO PROCUREMENT PRACTICES**

Government entities and government-owned legal entities responsible for procurement shall incorporate the guidelines for sustainable procurement into procurement practices for all publicly procured products and services, including those that are:

- a) Procured under national and sub-national administration entity budgets;
- b) Procured by government-owned legal entities that are subject to procurement regulations; and
- c) Procured under donor-funded projects.

The guidelines shall be applied in a transparent and flexible manner, especially when applied to procurement from small- and medium-sized legal entities.

Implementing the guidelines on sustainable procurement shall be voluntary for private procurement.

## **ARTICLE 9 INCORPORATION OF SUSTAINABLE PROCUREMENT PRACTICES**

The National Council for Sustainable Development shall ensure that all government entities and government-owned legal entities responsible for procurement have integrated and implemented the guidelines for sustainable procurement practices, including but not limited to providing technical support for all government entities and government-owned legal entities responsible for procurement in incorporating sustainable procurement practices.

## **ARTICLE 10 TRAINING**

The National Council for Sustainable Development shall provide relevant training opportunities regarding sustainable procurement practices for all government entities and government-owned legal entities responsible for procurement.

## **ARTICLE 11 ANNUAL REPORT**

Government entities and government-owned legal entities responsible for procurement shall produce an annual report on the implementation of the guidelines for sustainable procurement.



Such report shall include:

- a) A list of environmentally-friendly products and services purchased during the fiscal year;
- b) Analysis of integration and implementation of environmental criteria in procurement; and
- c) Annual plans for procuring priority-listed environmentally-friendly products and services.

Government entities and government-owned legal entities responsible for procurement shall provide this report to the National Council for Sustainable Development and the Ministry of Economy and Finance.

## **ARTICLE 12 ACCESS TO INFORMATION**

The National Council for Sustainable Development shall ensure that all annual reports on the implementation of sustainable procurement practices are publicly accessible, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 13 ASSESSMENT OF PRACTICES**

The National Council for Sustainable Development and the Ministry of Economy and Finance shall use information from the annual reports on the implementation of sustainable procurement practices to determine problems and inefficiencies of the guidelines for sustainable procurement, and shall, in consultation with the relevant stakeholders, revise the guidelines as necessary.

## **ARTICLE 14 ENVIRONMENTALLY FRIENDLY PRODUCTS**

The responsible government entities shall remove barriers to the introduction, purchase, use, import, and export of environmentally friendly products to encourage suppliers to comply with this Code and regulations established in accordance with this Title and to offer environmentally-friendly products and services.

## **SECTION 2 VOLUNTARY ENVIRONMENTAL LABELLING**

### **ARTICLE 15 ECOLABEL**

The Ministry of Environment, in cooperation with the Ministry of Industry and Handicraft, shall develop a standardized system of labelling products and services with information on environmental burden, including but not limited to material content, energy inputs, and outputs. Such system shall form the basis of a voluntary certification program, with the name “Ecolabel”, to recognize products and services with low levels of environmental burden across

all stages of product and service life cycle in categories to be determined by the Ministry of Environment.

The Ministry of Environment shall ensure that the Ecolabel program does not impose disproportional administrative or financial burden on small- and medium-sized legal entities.

#### **ARTICLE 16 PRODUCTS AND SERVICES CATEGORIES**

The Ministry of Environment shall establish categories of products and services to be recognized, criteria and standards, a process for certification and auditing, and rules of use within twelve months (12) months of the enactment of this Code. The Ministry of Environment may delegate responsibility for implementation of the program to a relevant authority.

#### **ARTICLE 17 PRODUCTS AND SERVICES INVENTORY**

The Ministry of Environment shall maintain and make publicly accessible an inventory of products and services with Ecolabel certification, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information.

#### **ARTICLE 18 PROCUREMENT PROCEDURES**

Government entities and government-owned legal entities responsible for procurement shall develop procurement procedures to ensure that products and services with Ecolabel certification are favoured in their procurement decisions.

### **CHAPTER 3 SUSTAINABLE PRODUCTION**

#### **SECTION 1 RESOURCE EFFICIENCY ASSESSMENT**

#### **ARTICLE 19 APPLICABLE ENTITIES**

Any legal entity in specified sectors with a level of resource consumption, environmental impact, or risk in exceedance of standards to be established by the Ministry of Environment shall be required to conduct a Resource Efficiency Assessment once every thirty-six (36) months. The Ministry of Environment shall develop a legal instrument to determine the relevant sectors, the standards, and the form, content, requirements, and procedures for Resource Efficiency Assessments.

#### **ARTICLE 20 STANDARDS**

Standards to be established in the legal instrument developed under Article 19 shall be based on:

- a) Resource efficiency, which ensures that natural resources are efficiently and sustainably produced, processed, and consumed;

- b) Reducing the environmental impact from the consumption and production of products over their full life cycles; and
- c) Cleaner production, which includes the continuous application of an integrated preventive environmental strategy to processes, goods, and services to increase overall efficiency and reduce risks to the environment in regard to sectors to be determined in the legal instrument.

#### **ARTICLE 21 RESOURCE EFFICIENCY ASSESSOR**

Resource Efficiency Assessments shall be conducted by a qualified resource efficiency assessor. The cost of assessment shall be paid by the legal entity undertaking a resource efficiency assessment.

#### **ARTICLE 22 TRAINING**

The Ministry of Environment shall establish a system for training qualified resource efficiency assessors. The list of qualified assessors shall be made publicly available, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information, and shall be updated annually.

#### **ARTICLE 23 ASSESSMENT REPORTS**

Upon completion of a Resource Efficiency Assessment, the assessor shall submit a report of the findings of the assessment and any identified mitigation measures. The report shall be submitted to the Ministry of Environment in accordance with procedures to be established by the Ministry of Environment in the legal instrument developed under Article 19.

#### **ARTICLE 24 EVALUATION OF REPORTS**

The Ministry of Environment shall evaluate and provide approval of Resource Efficiency Assessment reports in accordance with the requirements and standards to be established in the legal instrument developed under Article 19. The Ministry of Environment may delegate responsibility for the receipt and review of resource efficiency assessments to a relevant authority.

#### **ARTICLE 25 REQUIREMENT FOR APPROVALS, PERMITS, OR LICENCES**

Resource Efficiency Assessment approvals from the Ministry of Environment or relevant authority shall be required for approvals, permits, or licences for all specified sectors established by the legal instrument developed under Article 19.

#### **ARTICLE 26 AUDITS**

The Ministry of Environment may conduct an audit of the relevant legal entities to verify

Resource Efficiency Assessment findings and implementation of identified mitigation measures, in accordance with Book 2 Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code.

## **ARTICLE 27 GUIDELINES AND FACILITATION**

The Ministry of Environment shall coordinate with the Ministry of Industry and Handicraft, other relevant government entities, industry associations, and other stakeholders to:

- a) Develop guidelines regarding resource efficiency, reducing environmental impacts from product consumption and production, and cleaner production;
- b) Establish an information portal with common resource-efficient and cleaner production practices and techniques for key manufacturing and related sectors in the Kingdom of Cambodia;
- c) Provide opportunities for regular training and networking based on actual implementation results and experiences in the Kingdom of Cambodia;
- d) Facilitate sectoral consultations with technical, management, and other experts; and
- e) Facilitate access to financing from the financial sector for investment in resource efficiency technologies.

## **SECTION 2 EXTENDED PRODUCER RESPONSIBILITY**

### **ARTICLE 28 EXTENDED PRODUCER RESPONSIBILITY PROGRAM**

The Ministry of Environment, in coordination with relevant government entities and in consultation with all relevant stakeholders, shall establish an Extended Producer Responsibility program in the Kingdom of Cambodia in order to foster responsibility for post-consumer waste by producers, who are the manufacturers or creators of goods that are produced for consumers or for a specific target market, and importers in the Kingdom of Cambodia. Such program shall address the following:

- a) The products, product groups, and waste streams for which mandatory and voluntary participation in the extended producer responsibility program is applicable;
- b) Targets for collection, recycling, and recovery;
- c) Quotas for taking back products;
- d) Responsibilities for each actor in the supply chain, including but not limited to domestic producers and importers of foreign products and technologies,

- e) Capacity development for stakeholders, and
- f) Legally binding targets and producer responsibilities as appropriate.

## **TITLE 4 ENVIRONMENTAL LAND USE PLANNING AND SUSTAINABLE CITIES**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is ensure the sustainable, effective, and equitable use of all lands and land resources within the Kingdom of Cambodia.

#### **ARTICLE 2 OBJECTIVES**

The objectives of this Title include:

- a) Incorporation of environmental conservation and sustainable development objectives into land use planning procedures and development of sustainable cities;
- b) Incorporation of public participation and access to information provisions into land use planning procedures; and
- c) Management and mitigation of environmental risks and consequences of inadequate land use planning and rapid urban development.

#### **ARTICLE 3 INFORMATION FOR PLANNING MEASURES**

Environmental land use planning and sustainable city planning measures shall be based on the best available scientific evidence and include the use of regionally-significant technology and planning instruments.

#### **ARTICLE 4 OBLIGATION TO ADDRESS LAND USE PLANNING REQUIREMENTS**

All land use plans required by law shall address environmental land use planning requirements.

### **CHAPTER 2 RESPONSIBLE ENTITIES**

#### **ARTICLE 5 RESPONSIBLE AUTHORITIES FOR LAND USE MANAGEMENT**

The Ministry of Land Management, Urban Planning and Construction has the authority to manage land use and construction in the Kingdom of Cambodia to ensure the effective, sustainable, equitable, harmonized, and integrated development and use of all land and land resources.

The Ministry of Environment has the authority to ensure the sustainable development of all land and land resources in the Kingdom of Cambodia.

## **ARTICLE 6 RESPONSIBLE AUTHORITIES FOR PERMITS, LICENCES, AND APPROVALS**

In accordance with Article 57 and Chapter VII of the 2011 Sub-Decree on Urbanization of the Capital City, Towns, and Urban Areas, and in accordance with other relevant laws and legal instruments, the responsible authorities to review land use and issue development permits, licences, and approvals include:

- a) At the national level, the Ministry of Land Management, Urbanization, and Construction; the National Committee for Land Management, Urban Planning, and Construction; and established Sub-Committees for Land Management, Urban Planning, and Construction shall have the authority to issue construction site closing permits or certificates of accuracy with urban planning and construction regulations in the Kingdom of Cambodia for a building with a floor area larger than 3,000 square meters and for all urban development projects.
- b) At the Capital and Provincial level, the municipal and provincial administrations shall have the authority to issue construction permits for proposed projects, developments, programs and plans in its respective jurisdiction; and
- c) At the District level, the District the district administrations shall have authority to issue construction permits for proposed projects, developments, programs and plans in its respective jurisdiction.

## **ARTICLE 7 APPROVAL OF LAND USE PLANNING REQUIREMENTS**

The Ministry of Environment, in cooperation with the relevant sub-national administrations, shall have the authority to review the environmental land use planning requirements of all land use plans submitted to the relevant government entities for approval to ensure satisfaction of the sustainable land use planning requirements outlined in this Title.

## **ARTICLE 8 APPROVAL LETTER AND CERTIFICATE**

The Ministry of Land Management, Urban Planning, and Construction shall not issue any development permits or approvals of any kind to any proposed project, activity, program, or plan that may have potential impacts on the environment that has not been granted an Approval Letter and Certificate from the Ministry of Environment in accordance with Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code.

## **ARTICLE 9 IMPLEMENTATION AND ENFORCEMENT**

The Ministry of Environment shall support and collaborate with the Ministry of Land Management, Urbanization, and Construction; other relevant government entities; non-governmental organizations; and stakeholders on the implementation and enforcement of the environmental land use planning requirements provided in this Title.

#### **ARTICLE 10 ASSISTANCE AND TECHNICAL GUIDANCE**

The Ministry of Environment shall provide assistance and technical guidance regarding:

- a) Harmonizing environmental protection, conservation efforts, and national development objectives to ensure sustainability;
- b) Ensuring that resources are managed sustainably by encouraging resource managers and decision makers to review cross-sectoral inter-linkages and impacts;
- c) Strengthening coordination between the relevant national government entities, sub-national government entities, and stakeholders;
- d) Engaging with government authorities, the private sector, community and non-governmental stakeholders, and researchers to exchange knowledge, information, and concerns relevant to this Title; and
- a) Collecting qualitative and quantitative data and the utilization of decision support systems to ensure a comprehensive understanding of issues for different sectors and levels of government administration.

### **CHAPTER 3 ENVIRONMENTAL LAND USE AND PROJECT PLANNING REQUIREMENTS**

#### **ARTICLE 11 APPLICABLE PROJECTS, DEVELOPMENTS, PROGRAMS, AND PLANS**

In accordance with, and in addition to, current land use planning procedures mandated by the Ministry of Land Management, Urban Planning, and Construction, all projects, developments, programs, and plans proposed to occur throughout the Kingdom of Cambodia that require a development permit, licence, or approval under Article 54 and Chapter VII of the 2011 Sub-Decree on Urbanization of the Capital City, Towns, and Urban Areas shall be subject to the Environmental Land Use Planning Requirements outlined in this Title.

#### **ARTICLE 12 ENVIRONMENTAL LAND USE PLANNING REQUIREMENTS**

The relevant government entity with jurisdiction over land use planning in the area of the proposed project, development, program, or plan shall review all land use plans and proposal documents for any projects, developments, programs, or plans and ensure the following Environmental Land Use Planning Requirements are sufficiently addressed by all project

proponents before granting any development permits, licences, or approvals:

- a) Requirement to conduct meaningful consultations with all stakeholders in accordance with the public participation provisions in Book 1 General Provisions Title 3 Public Participation of this Code;
- b) Requirement to obtain the free, prior, and informed consent of indigenous peoples whose customary tenure rights over land and natural resources may be affected by the proposed project, activity, program or plan, in accordance with the Principle of Free, Prior, and Informed Consent in Book 1 General Provisions Title 1 General Provisions of this Code;
- c) Requirement to address how the proposed project, activity, program, or plan fits within existing land use management plans, land use master plans, and green city strategic plans and how it will fit within any land use master plan in development;
- d) Requirement to research and acquire best available, detailed, and site-specific data pertaining to current land uses including land resource inventory, present land uses, infrastructure, surrounding population, communities and their cultural practices and livelihood systems, land tenure including customary tenure, social structure, government, plants, normal and cross-boundary movement of wildlife, natural disturbances, hydrological functions, energy flows, and any other information pertaining to current land uses;
- e) Requirement to acquire best available data about potential land uses and immediately foreseeable environmental impacts of potential land uses within and adjacent to all proposed development sites;
- f) Requirement to utilize best available technology to conduct thorough integrated spatial mapping of all landscapes, including the mapping and/or valuation of natural resources and natural resources goods and services, land use configurations, land tenures, and cultural heritage sites within and adjacent to all proposed development sites;
- g) Requirement to thoroughly address the issue of carbon neutrality and waste emission and include goals and plans to reduce and offset carbon emissions and waste flows associated with all proposed operations;
- h) Requirement to address flood prevention and contain thorough plans for:
  - i) Overall water drainage and runoff within and downstream of the development/land use plan area;
  - ii) Surface water and ground water pollution risks and issues and treatment and disposal of wastewater; and



- iii) The limitation of and management for solid and liquid waste streams including disposal locations;
- i) Requirement to include measures to promote sustainable management of all forests located within and adjacent to the operating area of all proposed projects, activities, programs, or plans. The land use plan shall include terms addressing the self-monitoring of this requirement;
- j) Requirement to address and utilize safe and efficient road circulation and parking systems within the operating area and to ensure that those road and parking systems tie in safely and efficiently to roads outside the operating area;
- k) Requirement to address, and include goals and measures to mitigate, any potential adverse effects that all projects, activities, programs, or plans may have on:
  - i) Government-owned lands designated as national cultural, historical, or heritage sites;
  - ii) Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level;
  - iii) Areas inhabited or subject to traditional use by indigenous peoples;
  - iv) Ramsar sites;
  - v) UNESCO sites;
  - vi) Any area listed in a legal instrument as an area containing critical freshwater, marine, or coastal ecosystems or high landscape conservation value, species biodiversity, or ecosystem conservation value; and
  - vii) Any other area designated for protection or other special status by a government entity;
- l) Requirement to address goals and measure for the preservation and/or enhancement of any historical, cultural, or natural resource values located within or adjacent to all proposed operating sites;
- m) Requirement to address and accept all potential obligations and responsibilities in the course of development and operation in accordance with the Polluter Pays Principle; and
- n) Requirement that, as a pre-condition to approval, certain proposed development projects dedicate a percentage of the total area of the proposed development project as

publicly accessible open space to be known as Open Green Space. The Ministry of Environment and the Ministry of Land Management, Urban Planning, and Construction shall determine the requirements for Open Green Space in a legal instrument.

### **ARTICLE 13 EXEMPTIONS**

The Ministry of Land Management, Urban Planning, and Construction may exempt a proposed project, activity, program, or plan from some or all of the requirements listed in Article 12 of this Title only if the proposed project, activity, program, or plan does not require an Initial Environmental Evaluation or Environmental Impact Assessment in accordance with Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code, or a Strategic Environmental Assessment in accordance with Book 2 Environmental Assessment and Monitoring Title 2 Strategic Environmental Assessment of this Code, except that the requirements of Article 12(n) regarding Open Green Space may not be exempted under any circumstances.

### **ARTICLE 14 OTHER REQUIREMENTS**

All environmental land use planning requirements in this Title shall be completed in addition to all land use planning, Initial Environmental Evaluation, Environmental Impact Assessment, and Strategic Environmental Assessment requirements prescribed in this Code or in other laws.

### **ARTICLE 15 ACCESS TO INFORMATION**

All land use plans, integrated spatial maps, and other planning documents generated as part of the land use planning process shall be filed with the Ministry of Land Management, Urban Planning, and Construction, the Ministry of Environment, the local municipality, and the relevant sub-national government entities and shall be made available to the public in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **ARTICLE 16 FEES**

The Ministry of Land Management, Urban Planning, and Construction may charge fees sufficient to provide for the administration of the sustainable land use requirements set forth in this Title.

### **ARTICLE 17 MODIFICATIONS TO APPROVED LAND USE PLANS**

Proposals to modify any approved land use plan shall be subject to additional environmental land use planning requirements and procedures.

The relevant project proponents or authorities proposing the modification of the land use plan shall prepare documentation detailing the following:

- a) The scientific and socio-economic reasons for the proposed modification to the land use plan;
- b) The efforts that have been made to retain the current land use status;
- c) The manner in which the modification to permitted land use classification will have an effect on the livelihood of local communities and businesses; and
- d) Any other information necessary to justify the proposal.

Any proposal to modify any approved land use plan shall be subject to Book 1, General Provisions, Title 3, Public Participation, and Book 1, General Provisions, Title 4, Access to Environmental Information.

#### **ARTICLE 18 REQUIREMENT TO COMPLY**

In accordance with Article 61 of the 2011 Sub-Decree on Urbanization of the Capital City, Towns, and Urban Areas, all property development permits, licences, or approvals must comply with the environmental land use requirements in this Title, land management plans approved for use by the relevant government entity, and other land use management policies.

In case of absence of a guiding land management plan, land use master plan, or land use plan, the grant of a property development permit, licence, or approval shall comply with the environmental land use requirements in this Title, the provisions in the 2011 Sub-Decree on Urbanization of the Capital City, Towns, and Urban Areas, and any other relevant laws.

#### **ARTICLE 19 PROHIBITION OF APPROVALS WITHOUT SATISFYING REQUIREMENTS**

It is prohibited for any authority to grant a development permit, licence, or approval to a proposed project, activity, program, or plan where all necessary environmental land use requirements set forth in Article 12 of this Title have not been satisfied.

#### **ARTICLE 20 ACTIONS INCONSISTENT WITH APPROVED LAND USE PLAN**

It is prohibited for any natural person or legal entity to take any action that is not consistent with an approved land use plan

### **CHAPTER 4 SUSTAINABLE CITIES**

#### **SECTION 1 RESPONSIBLE AUTHORITIES**

#### **ARTICLE 21 SUSTAINABLE CITY STRATEGIC PLANNING**

The Ministry of Environment shall establish by legal instrument the duties, responsibilities, guidelines, and requirements for sustainable city strategic planning in accordance with the 2016 Sustainable City Strategic Planning Methodology.

#### **ARTICLE 22 RESPONSIBLE AUTHORITY**

The National Council for Sustainable Development shall be the responsible authority for ensuring compliance with the duties and responsibilities in this Chapter.

#### **ARTICLE 23 DELEGATION OF AUTHORITY**

The National Council for Sustainable Development may delegate all or part of its duties and responsibilities under this title to the National Committee for Land Management, Urban Planning, and Construction; an established Sub-Committee for Land Management, Urban Planning, and Construction; or another sub-national authority.

### **SECTION 2 SUSTAINABLE CITY STEERING COMMITTEES**

#### **ARTICLE 24 SUSTAINABLE CITY STEERING COMMITTEE**

Each city undergoing the sustainable city strategic planning process shall, as the first step in the strategic planning procedure, convene a local sustainable city steering committee and planning secretariat. Each steering committee shall be comprised of four (4) core technical working groups on urban planning and transport, manufacturing and energy, waste management and urban vulnerability, and public space, cultural heritage, and built environment. The composition, duties, responsibilities, and requirements of the sustainable city steering committee and the core technical working groups shall be determined in a legal instrument by the Ministry of Environment.

#### **ARTICLE 25 CITY CATEGORIES**

There are three (3) tiers of cities:

- a) Capital City: The designated administrative capital of the Kingdom of Cambodia.
- b) Secondary City: Provinces within the Kingdom of Cambodia with 200,000 or more residents; and
- c) Third-Tier City: All other provincial capitals within the Kingdom of Cambodia.

#### **ARTICLE 26 CITIZEN'S ADVISORY COUNCIL**

Each city undergoing the sustainable city strategic planning process shall establish a citizen's advisory council to assist the work of each of the core technical working groups, including in communicating information between the relevant core technical working group and affected

communities. Details of membership requirements, responsibilities, and procedures of such citizen's advisory council shall be determined by the Ministry of Environment in a relevant legal instrument.

### **SECTION 3 SUSTAINABLE CITY STRATEGIC PLANS**

#### **ARTICLE 27 CAPITAL CITIES AND SECONDARY CITIES**

Each Capital City and Secondary City within the Kingdom of Cambodia shall complete a Sustainable City Strategic Plan.

#### **ARTICLE 28 THIRD-TIER CITIES**

Each Third-Tier City within the Kingdom of Cambodia may create a Sustainable City Strategic Plan.

#### **ARTICLE 29 SUSTAINABLE CITY STRATEGIC PLANNING**

The completion of a Sustainable City Strategic Plan shall follow the process and requirements for the completion of the Sustainable City Strategic Planning framework as defined by the Ministry of Environment in a legal instrument.

#### **ARTICLE 30 RESPONSIBILITIES OF THE NATIONAL COUNCIL FOR SUSTAINABLE DEVELOPMENT**

If a Capital or Secondary City required to complete a Sustainable City Strategic Plan fails to establish a Sustainable City Strategic Plan for sustainable cities or core technical working groups for sustainable cities for its jurisdiction, the National Council for Sustainable Development or delegated responsible authority may draft, or otherwise cause to be drafted, a strategic plan for sustainable cities and convene core technical working groups to support a strategic plan for sustainable cities in such non-compliant city.

#### **ARTICLE 31 ACCESS TO INFORMATION**

The National Council for Sustainable Development or delegated responsible authority shall ensure that all Sustainable City Strategic Plans, the work of the sub-national sustainable city steering committees, and the work of the core technical working groups for sustainable cities are made publicly accessible in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

#### **ARTICLE 32 REVIEW AND REVISION OF SUSTAINABLE CITY STRATEGIC PLANS**

Each Sustainable City Strategic Plan shall be reviewed and revised at least every five (5) years.

## **TITLE 5 SUSTAINABLE TOURISM**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 OBJECTIVES**

The objectives of this Title are to ensure the protection of the environment while sustainably developing and managing all tourism activities, including but not limited to transportation, accommodation, food services, entertainment, guiding, rental services, education, and training of tourism service providers, that are dependent on the Kingdom of Cambodia's natural, historic, and cultural resources.

Tourism includes ecotourism, which is sustainable, responsible tourism that promotes conservation, has low visitor impact, involves and benefits local communities, and involves interpretation and education of visitors and hosts.

#### **ARTICLE 2 RESPONSIBLE ENTITY FOR SUPERVISION, MARKETING, AND REGULATION**

The Ministry of Tourism is the responsible government entity for the overall supervision, marketing, and regulation of tourism activities, except as provided for in this Title.

#### **ARTICLE 3 RESPONSIBLE ENTITY FOR TOURISM PROJECT**

The Ministry of Environment is the responsible government entity for the final approval of all proposed and current tourism projects in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level.

#### **ARTICLE 4**

All tourism projects affecting indigenous peoples shall follow the Principle of Free, Prior, and Informed Consent in Book 1 General Provisions Title 1 General Provisions this Code.

### **CHAPTER 2 REVIEWS AND ASSESSMENTS FOR TOURISM PROJECTS**

#### **SECTION 1 SUSTAINABILITY REVIEW**

#### **ARTICLE 5 COMPLIANCE WITH SUSTAINABLE DEVELOPMENT GOALS**

Each existing tourism project or facility, including those that are in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level, shall ensure compliance with the sustainable development objectives of this Code and undertake a sustainability review in compliance with criteria, procedures, and guidelines determined by the Ministry of Tourism, in cooperation with

the Ministry of Environment, in a relevant legal instrument.

Such guidelines shall be based on international best practices including but not limited to those minimizing the degradation of tangible or intangible resources, shall include specific criteria for review of projects in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level.

## **ARTICLE 6 RESOURCE EFFICIENCY ASSESSMENT**

Any tourism project or facility causing environmental impacts in exceedance of any permitted or approved limits or not in compliance with the procedures, guidelines, and standards of the sustainability review shall, in addition to any sanction or penalty available pursuant to law, perform a resource efficiency assessment pursuant to Book 3 Environmental Management and Sustainability Mechanisms Title 3 Sustainable Consumption and Production of this Code. The Ministry of Environment shall collaborate with the Ministry of Tourism to develop a relevant a resource efficiency assessment legal instrument, including criteria for exemption from review for certain tourism projects taking into account size, scale, and impact.

## **SECTION 2 ENVIRONMENTAL IMPACT ASSESSMENT**

### **ARTICLE 7 ENVIRONMENTAL IMPACT ASSESSMENT**

All tourism projects likely to have a significant environmental impact, including but not limited to large hotels, hotel complexes, casinos, theme parks, and transportation networks, shall undertake an Environmental Impact Assessment in accordance with Book 2 Environmental, Monitoring and Assessment Title 3 Environmental Assessment of this Code prior to approval by the Ministry of Tourism or the Ministry of Environment.

### **ARTICLE 8 EXEMPTIONS**

The Ministry of Environment may, in collaboration with the Ministry of Tourism, develop exemptions for Environmental Impact Assessment for certain types of tourism projects, dependent on size, revenue, client capacity, scale, and impact.

## **CHAPTER 3 COLLABORATIVELY MANAGED COMMUNITY BASED ECO-TOURISM**

### **ARTICLE 9 COLLABORATIVE MANAGEMENT**

Any proposed tourism project in a Biodiversity Conservation Corridor, nationally-designated Protected Area, and any other protected area established at the provincial, district, or commune level shall be eligible for inclusion in Collaborative Management arrangements as set out in Book 4 Sustainable Management of Natural Resources Title 3 Collaborative Management of Natural Resources of this Code.

## **ARTICLE 10 ENTRANCE FEES**

The Ministry of Environment may charge entrance fees for entry into tourism projects in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level. The Ministry of Environment, in consultation with the Ministry of Tourism, the affected communities, and all relevant stakeholders, shall determine the schedule of fees on a site-specific basis.

These fees shall be received by the Ministry of Environment to be used exclusively for management of the Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level for which the entrance fee was charged. Other benefit sharing mechanisms shall be determined on a per-project basis in consultation with all relevant stakeholders.

## **ARTICLE 11 ECOTOURISM**

The Ministry of Environment shall develop in a legal instrument guidelines on the development and management of sustainable and responsible collaboratively managed, community-based ecotourism, in which a local community is the primary owner and manager of the tourism infrastructure and activities and the activities are operated on a basis of sharing benefits directly with the community. Such guidelines shall meet the Association of Southeast Asian Nations Community Based Tourism Standard.

# **TITLE 6 SUSTAINABLE ENERGY**

## **CHAPTER 1 GENERAL PROVISIONS**

### **ARTICLE 1 OBJECTIVES**

The objectives of this Title are to promote the development of sustainable energy as the primary source of energy development for the Kingdom of Cambodia, to promote a green economy and to reduce waste and unsustainable consumption.

### **ARTICLE 2 APPLICATION**

This Title applies to the Ministry of Mines and Energy, the Electricity Authority of Cambodia, Electricité Du Cambodge, and other relevant government entities. These government entities shall be responsible, in their respective areas of work, to take timely and appropriate action to achieve the objectives provided in this Title.

The Royal Government of Cambodia shall, through the relevant government entities and government-owned legal entities, provide to the maximal extent possible, sustainable electricity to households, businesses, and public areas of the country.



### **ARTICLE 3 ACHIEVING OBJECTIVES**

The objectives of this Title shall be achieved by the following methods:

- a) The support and promotion of sustainable energy projects;
- b) Consideration of the Kingdom of Cambodia's international climate change commitments in all decisions on energy projects;
- c) Adoption of a clear sustainable energy target;
- d) Prioritising investment in sustainable energy projects;
- e) Consideration of financial incentives to promote sustainable energy projects;
- f) Promotion of environmentally friendly technology;
- g) Support for decentralised sources of energy and mini- and micro-grid systems; and
- h) Promotion of household rooftop solar and other household generation and storage systems.

## **CHAPTER 2 PLANNING AND ASSESSMENT**

### **ARTICLE 4 NATIONAL SUSTAINABLE ENERGY AND ELECTRICITY PLAN**

The National Council for Sustainable Development shall develop a National Sustainable Energy and Electricity Plan, coordinating its work with the relevant government entities, as well as consulting civil society organisations and communities impacted by the development of energy and electricity projects, in accordance with the public participation provisions in Book 1 General Provisions Title 3 Public Participation of this Code.

In developing the National Sustainable Energy and Electricity Plan, the National Council for Sustainable Development shall prepare a Strategic Environmental Assessment, in accordance with the provisions in Book 2 Environmental Assessment and Monitoring Title 2 Strategic Environmental Assessment of this Code.

### **ARTICLE 5 PLAN OBJECTIVES**

The National Sustainable Energy and Electricity Plan shall be a comprehensive tool for policymaking and a guide for administrative actions. The plan shall include, but is not limited to:

- a) Research into the development of a renewable portfolio standard policy to increase the amount and/or proportion of renewable energy purchased in a particular jurisdiction;

- b) An assessment of the current state of the energy and electricity generation and transmission infrastructure;
- c) A description of the available projects to be developed for provision of fuels and generation of electricity, as well as for transmission of electricity;
- d) Specific targets for sustainable energy generation;
- e) An examination of the waste generated by renewable energy projects. Plans shall be developed for recycling or managing any potential waste generated by renewable energy development;
- f) An analysis of the environmental impact of the planned energy and electricity generation projects; and
- g) Integrated resource planning, in which competing resources are evaluated based on the costs and benefits of each, including life-cycle costs and negative social and environmental externalities. For example, the full costs of each resource shall be compared including costs of extraction and equipment manufacture, fuel, operation, waste disposal, and land restoration where applicable.

#### **ARTICLE 6 PLAN COMPLIANCE**

The government entities included in the drafting of the National Sustainable Energy and Electricity Plan shall be involved in its compliance, following the work plan organized by the National Council for Sustainable Development.

The National Council for Sustainable Development shall issue periodic reports on the development of the National Sustainable Energy and Electricity Plan and the compliance with its objectives, in accordance with the access to information provisions of Book 1 General Provisions Title 4 Access to Environmental Information of this Code. The report shall be published annually by the National Council for Sustainable Development.

#### **ARTICLE 7 ENVIRONMENTAL ASSESSMENT REQUIREMENT**

Except as otherwise stated in this Title, no approvals, permits, or licences for an energy project shall be permitted without the prior approval of an Initial Environmental Evaluation or Environmental Impact Assessment in accordance with the provisions of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code.

#### **ARTICLE 8 RESTRICTIONS**

No energy projects shall be permitted within:

- a) State owned lands designated as national cultural, historical, or heritage sites;
- b) Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level, with the exception of off-grid, village or household level installations;
- c) Areas inhabited or subject to traditional use by indigenous peoples, except in instances where the free, prior, and informed consent of the affected indigenous peoples has been granted, with the exception of off-grid, village or household level installations;
- d) Ramsar sites;
- e) UNESCO sites; and
- f) Any area listed in a legal instrument as an area containing:
  - i) Critical freshwater, marine, or coastal ecosystems; or
  - ii) High landscape conservation value, species biodiversity, or ecosystem conservation value.

## **CHAPTER 3 PROMOTION OF SUSTAINABLE ENERGY PROJECTS**

### **ARTICLE 9 SUSTAINABLE ENERGY PRINCIPLES**

The Royal Government of Cambodia shall apply sustainable energy principles and prioritize, whenever possible, the development of sustainable energy projects to meet the present and future demand of energy for the Kingdom of Cambodia.

The Ministry of Environment, the Ministry of Mines and Energy, and relevant government entities and government-owned legal entities shall apply sustainable energy principles in their decisions and programming. These government entities shall ensure that private legal entities apply the same principles in the projects developed under their authority.

### **ARTICLE 10 GOALS**

Within ten (10) years from the date of enactment of this Code, sustainable energy projects shall generate a minimum of forty percent (40%) of the total electricity generation portfolio for the Kingdom of Cambodia to meet the objectives of one hundred percent (100%) sustainable energy by the year 2030. In accordance with relevant polices covering energy efficiency, the Royal Government of Cambodia shall aim to reduce national energy demand by twenty percent (20%) until the year 2035, compared to business as usual projections.

### **ARTICLE 11 SUSTAINABLE ENERGY SOURCES**

Sustainable energy sources are defined as energy systems that serve the needs of the present without compromising the ability of future generations to meet their needs. Sustainable energy systems derive energy from solar, wind, small-scale hydropower (under fifteen [15] megawatts), biomass that is certified as being derived from sustainable sources, geothermal, wave, tidal, and waste to energy technologies.

#### **ARTICLE 12 NON-SUSTAINABLE ENERGY SOURCES**

Non-sustainable energy sources are defined as being derived from fossil or nuclear fuels and energy systems that limit the ability of future generations to meet their needs. Energy generated from coal, natural gas, diesel, and large-scale hydropower (greater than fifteen [15] megawatts) is defined as non-sustainable for the purposes of this Title.

### **CHAPTER 4 PROMOTION OF ENVIRONMENTALLY FRIENDLY TECHNOLOGY**

#### **ARTICLE 13 EFFICIENT, LOW EMISSION, LOW WASTE TECHNOLOGY**

The Ministry of Mines and Energy shall review every energy project to ensure that it applies energy efficient, low emission, and low waste technology. The Ministry of Mines and Energy shall review every energy project using best available technology and international good practice in the relevant energy sector.

#### **ARTICLE 14 BEST AVAILABLE TECHNOLOGY AND LEAST IMPACT ALTERNATIVE**

In accordance with the provisions of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code, the Ministry of Environment shall not approve the Initial Environmental Evaluation or Environmental Impact Assessment for any energy project that uses technology that is not best available technology or that may impact the environment more than an available alternative. The project proponent may be required to submit alternative designs that are more efficient and generate less waste and emissions while still achieving the stipulated objectives of the project.

#### **ARTICLE 15 PROMOTION OF ELECTRICITY SUPPLY**

The supply of electricity both from the national grid as well as from decentralized sources that can be implemented by natural persons or private legal entities shall be promoted. This shall include the option for electricity users to install individual decentralized technologies. Electricity users shall not be required to use a specific source of energy generation.

#### **ARTICLE 16 PROMOTION OF MINI- AND MICRO-GRID SUPPLY**

In areas where the national grid exists or areas where the grid is yet to arrive, the relevant

government entities shall support the provision of mini- and micro-grid supply. The mini-grid operator will have the option to:

- a) Continue to supply to consumers and exist in parallel with the grid; or
- b) Continue to supply to consumers and sell excess or unsold electricity to the grid at the interconnection point and draw power from the mini-grid if required.

In cases where the mini-grid connects with the national grid to sell surplus power, the mini-grid operator shall enter into a power purchase agreement with Electricité Du Cambodge.

#### **ARTICLE 17 RIGHT TO TRANSFER OWNERSHIP**

The mini-grid operator shall also have the unilateral right to transfer ownership of all distribution and generation assets of the mini-grid to Electricité Du Cambodge. The transaction price shall be given by the current free market value of these transferred assets, as agreed to by Electricité Du Cambodge and the mini-grid operator.

#### **ARTICLE 18 HOUSEHOLD RENEWABLE ELECTRICITY GENERATION**

Household renewable electricity generation shall not require any permit from government entities to be installed, as long as the household uses certified equipment, in adherence with the terms of this Code as well as other applicable laws and regulations.

#### **ARTICLE 19 BUSINESS OR COMMUNITY SUSTAINABLE ENERGY**

Sustainable energy that is developed by businesses or communities for their own provision of electricity may be connected to the grid, at the owner's decision.

#### **ARTICLE 20 EXEMPTIONS FROM PERMITS**

Sustainable energy that is developed by businesses and communities themselves, or by a third-party developer in agreement with the user, solely for the provision of electricity to the user, shall not require any permit or license from government entities to be installed, as long as: a) the business entity uses certified equipment, in compliance with the terms of this Code; and b) the business entity uses specific technology to ensure that any electricity injected into the grid is minimal, so as to protect grid infrastructure from surge damage. Electricité Du Cambodge shall regulate the minimal injection of electricity into the grid in order to ensure reliability and safety.

If such project is developed by a third-party developer in agreement with the consumer, the consumer and the third-party developer shall be able to enter a private power purchase agreement without the requirement of a permit or license from a government entity.

## **ARTICLE 21 THRESHOLD FOR PERMITS**

The Royal Government of Cambodia shall ensure that obtaining permits and licenses does not prevent private legal entities from developing sustainable energy in the Kingdom of Cambodia. Private legal entities shall not be limited in the number of permits or licenses they obtain from the Electricity Authority of Cambodia for small-scale projects, with a generation capacity below five (5) megawatts. In addition, the project proponent shall not require permits or licenses to develop on-grid sustainable energy solutions for electricity used in the facility where the electricity is produced with minimal grid-injection between private legal entities for small-scale projects.

## **ARTICLE 22 PROHIBITION OF PRIVILEGE**

The Royal Government of Cambodia shall guarantee that no private legal entity has privilege above others, including in the securing of all permits and licenses, and in the negotiation of conditions of contracts agreed with government entities. All decisions for granting permits and licenses and formalizing other relevant conditions for contracts shall be made based on technical and economic evidence, as accepted under international good practices.

When selecting a private legal entity to develop an energy or electricity generation or transmission related project in the Kingdom of Cambodia, the Royal Government of Cambodia shall mandatorily include in the application process the possibility for open competition and other private legal entities to submit offers, ensuring that those private legal entities can have timely and reasonable access to prepare their proposals.

## **CHAPTER 5 QUALITY CONTROL FOR SUSTAINABLE ENERGY GENERATION PRODUCTS**

### **ARTICLE 23 INDEPENDENT ENTITY**

The Electricity Authority of Cambodia shall establish an independent entity within one (1) year from the enactment of this Code to control the quality of the energy generation devices supplied and used for the national market, in order to ensure that they comply with health, safety, and environmental standards. The independent entity, developed in consultation with relevant private and non-governmental stakeholders, will be tasked with conducting audits, tests, and certifications of such devices.

### **ARTICLE 24 CERTIFICATION OF QUALITY**

The independent entity shall verify that the quality of the products sold in the Kingdom of Cambodia for energy generation have received a certification of quality before they are commercialized. Certification can be administered by International Organisation for Standardization standards. Verification of imported equipment shall be made at customs. Verification for national products shall be made before commercialization to the public by the

independent entity to be developed.

## **ARTICLE 25 WARRANTY STANDARDS**

The independent entity shall oversee and ensure renewable energy product warranty standards are met and complied with. Depending on the terms of the warranty contract, in the case of a defect, malfunction, or failure to conform to warranty standards, the warrantor shall at a minimum remedy the consumer product within a reasonable time.

## **CHAPTER 6 REGULATION BY TYPE OF ENERGY OR ELECTRICITY PROJECT**

### **SECTION 1 SOLAR POWER**

#### **ARTICLE 26 TARIFF EXEMPTIONS**

All solar panels, batteries, and other components used in the installation of solar household systems shall be exempt from paying import tariffs to encourage their dissemination and increased electrification of Cambodian households.

Solar household systems are subject to international and Cambodian quality standards and quality control inspections carried out by the independent entity to be created as described in Chapter 5 of this Title. The independent entity and the Electricity Authority of Cambodia shall monitor that solar home systems are of a high quality, are installed correctly, and that the initial up-front costs of purchase and installation are recovered.

#### **ARTICLE 27 REGULATION OF EXCESS ELECTRICITY TO THE GRID**

In the case of the supply of excess electricity to the grid by rooftop solar installations, the added supply of electricity shall be regulated and commissioned by Electricité Du Cambodge. In addition, any natural person or private legal entity that owns a rooftop solar installation for its own consumption has the legal right to connect to the grid.

Electricité Du Cambodge shall develop a legal instrument for the regulation, standardization, and commissioning of renewable electricity sold to the grid by businesses or communities within one (1) year of the enactment of this Code.

#### **ARTICLE 28 NET METERING**

Electricité Du Cambodge shall develop a legal instrument to allow for net metering, in which the grid connected rooftop system can work on a net metering basis wherein the beneficiary pays to the utility on a net meter reading basis only. The net-metering legal instrument shall fix the rate, whereby the amount of electricity sold to Electricité Du Cambodge on a monthly basis is deducted from the producer's electricity bill. Electricité Du Cambodge shall also be responsible for commissioning and the eventual implementation of the net metering provisions.

An agreement between Electricité Du Cambodge and the owner of the building or solar facility shall be signed for the net metering and billing on a monthly or bi-monthly basis as applicable.

#### **ARTICLE 29 RIGHT TO CONNECT TO THE GRID**

Solar facilities operated by businesses or communities, whether using photovoltaic or concentrated solar modules, are legally allowed to connect and supply electricity to the grid.

In addition, Electricité Du Cambodge may own, operate, and maintain solar facilities and has the right to sub-contract the operation and maintenance.

#### **ARTICLE 30 PILOT FEED-IN TARIFF SYSTEM**

In the term of one (1) year, Electricité Du Cambodge shall develop a legal instrument for a pilot feed-in-tariff system in which the government offers a fixed rate for the purchase of the renewable electricity generated from solar facilities or other renewable energy generation systems. The objective of the feed-in-tariff pilot shall be to ensure a level cost of energy over time, to decrease the cost to the end user, and to assist the project proponent's recovery of investment and maintenance costs. The legal instrument shall establish a fixed tariff rate to be paid for renewable electricity for the entire duration of the pilot.

### **SECTION 2 NUCLEAR POWER**

#### **ARTICLE 31 REGULATION**

Nuclear energy shall be developed only under full control and ownership of the Royal Government of Cambodia with international oversight and application of health, safety, and environment protection standards.

The Royal Government of Cambodia shall develop regulations and guidelines on nuclear energy and safety in a legal instrument, as well as structure and organize the required legal and technical entities for overseeing this kind of energy generation project.

The Kingdom of Cambodia shall not receive nuclear waste from other countries, in any condition or under any circumstance.

#### **ARTICLE 32 TRAINING**

The Ministry of Mines and Energy may organize a process for training for its employees in collaboration with the International Atomic Energy Agency and under its oversight.

As part of the training, the Ministry of Mines and Energy shall collect information on the development of nuclear energy projects in other countries, in order to develop local knowledge on this kind of energy source.



## **SECTION 3 TRANSMISSION AND GRID CONNECTIONS**

### **ARTICLE 33 TRANSMISSION EFFICIENCY REQUIREMENTS**

Transmission projects shall use the most efficient technology in order to reduce electricity losses. The Ministry of Environment shall deny the approval of an Environmental Impact Assessment if the most efficient technology available at the time of the application for approval is not used. The technology applied should be the one that is economically and environmentally competitive compared to the losses that it helps to avoid.

### **ARTICLE 34 DIGITAL COMMUNICATIONS TECHNOLOGY**

In order to allow renewable energy generation to be connected to the grid and efficiently use electricity generated from sustainable sources, the Royal Government of Cambodia shall develop an electrical grid that uses digital communications technology to detect and react to local changes in usage and generation.

The Royal Government of Cambodia shall design a program to implement this technology in the national electricity grid as soon as the given technology is acquired. A pilot program shall be prepared by the Ministry of Mines and Energy and shall be concluded and ready to be implemented within three (3) years of the enactment of this Code.

The costs generated by the implementation of grid technology and procedures shall be fairly distributed among all users of the grid.

### **ARTICLE 35 EXPANSION OF THE GRID**

Based on social, economic, or environmental considerations, the Royal Government of Cambodia can halt the expansion of the grid to specific areas of the country. In that case and in accordance with Chapter 4 of this Title, the Royal Government of Cambodia shall promote and execute programs to provide decentralized solutions to households based on end user needs, both for electricity and energy generation.

### **ARTICLE 36 ACCESS TO INFORMATION**

In accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code, the relevant authority shall make publicly available the voltage and quality of electricity that is supplied and delivered by the grid. The relevant authority shall publish voltage and electricity quality in order to prevent damage to transmission infrastructure or other interruptions in service provision.

## **CHAPTER 7 ENERGY EFFICIENCY**

### **ARTICLE 37 ENERGY AND ELECTRICITY MANAGEMENT SYSTEMS**

## **STANDARDS**

The Ministry of Mines and Energy and the Ministry of Environment shall develop guidelines for energy and electricity management systems based on the International Electro-Technical Commission standards and International Organisation for Standardization 50001 standards.

Ministry of Mines and Energy within one (1) year of the enactment of this Code shall, in collaboration with the National Council for Sustainable Development, develop guidelines for government-wide compliance with energy efficiency plans and policies, as well as the enforcement of Electro-Technical Commission standards. Ministry of Mines and Energy shall, in collaboration with the National Council for Sustainable Development, annually report publicly on energy efficiency progress and act to ensure compliance with energy efficiency standards, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **TITLE 7 RESPONSIBLE EXTRACTIVE INDUSTRIES**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 OBJECTIVE**

The objective of this Title is to ensure that extractive industries in the Kingdom of Cambodia are responsible and sustainable, including by the application of planning, conditions, management tools, and information disclosure requirements, in addition to the general environmental management provisions contained in this Code.

#### **ARTICLE 2 APPLICABLE RESOURCES**

The extractive industries resources covered by this Title include oil, gas, minerals, metals, other geological materials mined from the earth, and any other resources established by legal instrument by the relevant government entities.

#### **ARTICLE 3 APPLICABLE ACTIVITIES**

This Title applies to activities in any stage of the lifecycle, including exploration, extraction, closure, and rehabilitation, of any extractive industries project in the Kingdom of Cambodia that is subject to the provisions contained in Book 2 Environmental Assessment and Monitoring, except for the following articles of this Title, which apply to all extractive industries:

- a) Article 8; and
- b) Article 9.

## **CHAPTER 2 ENVIRONMENTAL PLANNING FOR THE EXTRACTIVE INDUSTRIES**

### **ARTICLE 4 STRATEGIC ENVIRONMENTAL ASSESSMENT**

The Ministry of Mines and Energy shall create a sector-based Strategic Environmental Assessment for the exploration or extraction of each specific extractive industries resource in the Kingdom of Cambodia in accordance with Book 2 Environmental Assessment and Monitoring Title 2 Strategic Environmental Assessment of this Code.

### **ARTICLE 5 EXISTING EXPLORATION AND EXTRACTION**

For each specific extractive industries resource for which exploration or extraction has occurred prior to the enactment of this Code, the Ministry of Mines and Energy shall commence the preparation of each such Strategic Environmental Assessment within twelve (12) months of the enactment of this Code and finalize and make available each such Strategic Environmental Assessment within twenty-four (24) months of the enactment of this Code.

### **ARTICLE 6 NEW EXPLORATION AND EXTRACTION**

For each specific extractive industries resource for which exploration or extraction has not occurred prior to the enactment of this Code, the Ministry of Mines and Energy must finalize and make available each such Strategic Environmental Assessment prior to:

- a) Approving any permit or licence for any exploration or extraction of such a resource; and
- b) The commencement of any exploration or extraction of such a resource.

### **ARTICLE 7 REQUIREMENTS**

A Strategic Environmental Assessment developed under this Chapter must identify and provide a framework for project proponents, which includes any natural person, group, or legal entity that proposes, develops, finances, or provides material support for any project, to integrate into all stages of their project development, the following:

- a) Biodiversity and landscape conservation requirements,
- b) Threats to endangered species, habitats, and ecosystem conservation values, and
- c) Livelihoods of local communities and indigenous peoples.

### **ARTICLE 8 ARTISANAL AND SMALL-SCALE MINING**

The responsible government entities shall establish a legal mechanism to:

- a) Provide for artisanal and small-scale mining rights to citizens;
- b) Ensure safe, efficient, and environmentally sustainable artisanal and small-scale mining activities;
- c) Promote and adopt international best standards and practices in the management of artisanal and small-scale mining;
- d) Establish a process for designating, in consultation with relevant stakeholders and local communities, areas for artisanal mining; and
- e) Require, and provide assistance for, artisanal miners to develop and implement a safety and security plan.

## **ARTICLE 9 RESTRICTIONS**

No extractive industry projects shall be permitted within:

- a) Government-owned lands designated as national cultural, historical, or heritage sites;
- b) The core zone or conservation zone of any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level, and otherwise only in strict compliance with the provisions of Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code;
- c) Areas inhabited or subject to traditional use by indigenous peoples, except in instances where the free, prior, and informed consent of the affected indigenous peoples has been granted;
- d) Ramsar sites;
- e) UNESCO sites; and
- f) For the purposes of this Article, any area listed in a legal instrument as an area containing:
  - (i) Critical freshwater, marine, or coastal ecosystems; or
  - (ii) High landscape conservation value, species biodiversity, or ecosystem conservation value.

## **ARTICLE 10 ENVIRONMENTAL ASSESSMENT REQUIREMENT**

No extractive industry permits or licences, whether exploration permit or licence or industrial

mining permit or licence, shall be permitted without the prior approval of an Initial Environmental Evaluation or Environmental Impact Assessment in accordance with the provisions of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code.

### **CHAPTER 3 BEST AVAILABLE TECHNOLOGY FOR THE EXTRACTIVE INDUSTRIES**

#### **ARTICLE 11 DUTY TO AVOID ENVIRONMENTAL HARM**

Project proponents shall avoid causing pollution or any other environmental harm when conducting extractive industries activities, including by using best available technology and good practice to maximize efficiency and minimize pollution or any other environmental harm when conducting extractive industries activities.

#### **ARTICLE 12 LIST OF BEST AVAILABLE TECHNOLOGY AND GOOD PRACTICE**

The Ministry of Mines and Energy, in collaboration with the Ministry of Environment, shall maintain a list of the best available technology and good practice for each specific extractive industry resource.

#### **ARTICLE 13 PROCEDURE AND TIMING**

The Ministry of Mines and Energy shall:

- a) Commence compiling an initial list of best available technology in accordance with Article 12, and commence public consultation on the proposed list, within twelve (12) months of the enactment of this Code; and
- b) Finalize and publish the list of each such best available technology within eighteen (18) months of the enactment of this Code.

#### **ARTICLE 14 UPDATE FREQUENCY**

The Ministry of Mines and Energy, in collaboration with the Ministry of Environment, shall update the list of best available technology for each specific extractive industry resource at least every two (2) years.

#### **ARTICLE 15 REQUIREMENTS**

Consistent with the listed best available technology, project proponents of extractive industries projects shall:

- a) Adequately manage waste rocks and tailings to ensure structural stability, control discharge, and protect against the potential impacts of acid mine drainage, metal

leaching, or loss of containment;

- b) Avoid building riverine or shallow marine tailings; and
- c) Consider the construction of zero discharge tailings, including permanent storage, after decommissioning.

## **CHAPTER 4 CYANIDE AND MERCURY USE IN GOLD AND SILVER MINING**

### **ARTICLE 16 CYANIDE AND MERCURY**

Project proponents of gold and silver mining projects shall certify, including providing sufficient documentation, to the Ministry of Environment that the cyanide and mercury to be used in their gold or silver mining operations was purchased in a safe and environmentally friendly manner.

### **ARTICLE 17 RESPONSIBILITY AND LIABILITY**

Any purchase and sale agreements or other agreements and arrangements between producers, distributors, transporters, operators, or project proponents shall establish responsibility and appropriately allocate liability with respect to safety, security, release prevention, training, and emergency response in relation to the use of cyanide and mercury in gold or silver mining projects. A release is any release, spill, emission, leaking, pumping, injection, deposit, disposal, discharge, emptying, dumping, migrating, escape, or leaching into the environment, whether intentional or unintentional.

### **ARTICLE 18 REQUIREMENTS**

For cyanide and mercury to be used in gold or silver mining projects, relevant government entities shall ensure that facilities handling such substances are in accordance with the International Cyanide Management Code and adhere to the following requirements:

- a) Unloading, storage, and mixing facilities are designed and operated consistent with sound and accepted engineering practices, quality control and quality assurance procedures, and release prevention and containment measures;
- b) Unloading, storage, and mixing facilities are operated using inspections, preventive maintenance, and contingency plans to prevent or contain releases and control and respond to worker exposures;
- c) Cyanide and mercury facilities are operated and monitored to protect worker health and safety, and the effectiveness of health and safety measures is periodically evaluated;
- d) Management and operating systems are designed and implemented to protect human health and the environment, including contingency planning and inspection and

- preventive maintenance procedures;
- e) A comprehensive water management program is implemented to protect against unintentional releases;
  - f) Measures to protect flora and fauna from potential adverse effects of cyanide and mercury processes are implemented;
  - g) Measures to protect flora and fauna from direct and indirect discharges of cyanide and mercury processes to surface water are implemented;
  - h) Monitoring programs to evaluate the effects of cyanide and mercury use on flora and fauna and surface and ground water quality are implemented;
  - i) Emergency response plans and procedures to respond to worker exposure to cyanide and mercury are developed and implemented;
  - j) Procedures for internal and external emergency notification and reporting are implemented;
  - k) Meaningful stakeholder engagement is undertaken for communities to communicate issues of concern, in accordance with the public participation provisions in Book 1 General Provisions Title 3 Public Participation of this Code; and
  - l) Appropriate operational and environmental information regarding cyanide and mercury management is made available to stakeholders, in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **CHAPTER 5 INFORMATION DISCLOSURE**

### **ARTICLE 19 APPLICABLE INFORMATION**

Relevant government entities shall ensure that details of each extractive industries project, including all applicable strategic environmental assessments, Environmental Impact Assessments, Initial Environmental Evaluations, Environmental Management Plans, environmental audits, environmental monitoring reports, and other agreements between national and sub-national government entities and project proponents, are made available to the public, in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code, and furnished to potentially affected communities and residents in a manner that is comprehensible and in the appropriate language and format.

### **ARTICLE 20 RESTRICTIONS TO CONFIDENTIALITY**

Relevant government entities shall ensure that no data relating to any extractive industries project shall be considered confidential if it relates to human health or the environment, in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES**

### **TITLE 1 BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS**

#### **CHAPTER 1 ESTABLISHMENT AND DECLASSIFICATION PROCEDURES**

##### **ARTICLE 1 PURPOSE OF BIODIVERSITY CONSERVATION CORRIDORS**

Biodiversity Conservation Corridors are specially determined protected landscapes containing nationally-designated Protected Areas; other protected areas established at the provincial, district, or commune level; Community Protected Areas; Community Forests; other areas of significant natural resource conservation, ecosystem services, or local community and indigenous peoples' livelihood values; and other lands that have a vital role in maintaining forest cover or that provide connectivity between key biodiversity areas.

Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas at the provincial, district, or commune level are established and managed to secure for perpetuity the Kingdom of Cambodia's biological diversity, ecosystem services, natural and cultural resources, and sustainable local livelihoods.

##### **ARTICLE 2 JURISDICTION OVER BIODIVERSITY CONSERVATION CORRIDORS**

The Ministry of Environment is responsible for nominating areas to be managed as Biodiversity Conservation Corridors or nationally-designated Protected Areas. The establishment of new Biodiversity Conservation Corridors or nationally-designated Protected Areas or expansion of the boundaries of existing Biodiversity Conservation Corridors or nationally-designated Protected Areas shall be by relevant legal instrument.

The relevant sub-national administrations are responsible for nominating any other protected areas at the sub-national level as appropriate. The establishment of new protected areas established at the sub-national level or expansion of the boundaries of existing areas shall be by relevant legal instrument.

Any decision to establish or expand any Biodiversity Conservation Corridor, any nationally-



designated Protected Area, or any other protected area established at the provincial, district, or commune level shall be subject to the public participation and access to information provisions in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **ARTICLE 3 DECLASSIFICATION OF BIODIVERSITY CONSERVATION CORRIDORS**

Declassification or reduction of all or part of a Biodiversity Conservation Corridor, nationally-designated Protected Area, or other protected area established at the provincial, district, or commune level is solely reserved for circumstances in which the biodiversity conservation and ecosystem services value of the area have been reduced to such a degree that restoration is not feasible.

Declassification of all or part of a Biodiversity Conservation Corridor or nationally-designated Protected Area shall occur by the relevant legal instrument following recommendation by the Ministry of the Environment and the National Biodiversity Steering Committee under the National Council for Sustainable Development.

Declassification of all or part of any other protected area established at the sub-national levels shall occur by appropriate legal instrument following recommendation by the provincial Department of the Environment and the National Biodiversity Steering Committee under the National Council for Sustainable Development.

Any decision to declassify or reduce any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level shall be subject to the public participation and access to information provisions in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **ARTICLE 4 SPECIAL DESIGNATION OF SITES**

The Royal Government of Cambodia may establish, modify, or take such other steps as required in any area of national or international significance so as to be designated a World or Regional Heritage Site, Ramsar Site, or Biosphere Reserve provided that the area responds to criteria set forth by such international or regional conventions, protocols, and agreements.

An area already designated as World or Regional Heritage Site, Ramsar Site, or Biosphere Reserve shall require appropriate interventions by the Royal Government of Cambodia to ensure its management and conservation are consistent with procedures and relevant regulations prescribed in such instruments.

Any such area that has already been acknowledged by international or regional treaty,

convention, protocol, or agreement, shall be determined by relevant legal instrument.

## **CHAPTER 2 MANAGEMENT, USE AND OTHER REQUIREMENTS**

### **ARTICLE 5 PLANNING, ZONING, AND MANAGEMENT PLANNING REQUIREMENTS**

All Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level shall be subject to the land use planning, zoning, and management planning requirements of Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Book.

Any land use planning, zoning, and management planning that upon the enactment of this Code is already completed for any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected areas established at the provincial, district, or commune level shall remain valid and be deemed consistent with the provisions of this Code.

Any land use planning, zoning, and management planning that upon the enactment of this Code is in process for any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected areas established at the provincial, district, or commune level shall continue, incorporating the requirements of this Code on a going forward basis.

Those areas within Biodiversity Conservation Corridors and nationally-designated Protected Areas that are subject to Collaborative Management shall be subject to the land use planning, zoning, and management planning requirements of Title 3 Collaborative Management of Natural Resources of this Book.

### **ARTICLE 6 MORATORIUM ON COMMERCIAL AND DEVELOPMENT ACTIVITY**

No new commercial or development activity may be undertaken in any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level until the land use planning, zoning, and management processes contained in Title 2 Management of Biodiversity Conservation Corridors and Protected Areas and Title 3 Collaborative Management of Natural Resources of this Book are completed with respect to such area, unless explicitly stated by relevant legal instrument. The issuance of any such legal instrument shall be preceded by an Environmental Impact Assessment for the proposed commercial or development activity and shall be subject to the public participation and access to information provisions in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **CHAPTER 3 NEW BIODIVERSITY CONSERVATION CORRIDORS AND STATUS OF CURRENT PROTECTED AREAS**

## **ARTICLE 7 ESTABLISHMENT OF BIODIVERSITY CONSERVATION CORRIDORS**

In accordance with the Sub-Decree No.\_\_\_\_\_, [insert date], the following Biodiversity Conservation Corridors are established:

*[Biodiversity Conservation Corridors listed by name, maps referenced.]*

## **ARTICLE 8 CONTINUANCE OF PROTECTED AREAS**

All nationally-designated Protected Areas that have been duly established pursuant to the 2008 Protected Areas Law and relevant legal instruments retain their full legal status as Protected Areas, including the protections, boundaries, and management arrangements currently in place.

In accordance with the provisions of Title 2 Management of Biodiversity Conservation Corridors and Protected Areas and Title 3 Collaborative Management of Natural Resources of this Book, the land use planning, zoning, and management of any nationally-designated Protected Area or any other protected areas established at the provincial, district, or commune level may occur separately for that area, as an integrated process covering an entire Biodiversity Conservation Corridor, as both, or alternatively as within the process of Collaborative Management for any area.

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In accordance with the provisions of Title 2 Management of Biodiversity Conservation Corridors and Protected Areas and Title 3 Collaborative Management of Natural Resources of this Book, the land use planning, zoning, and management of any nationally-designated Protected Area or any other protected areas established at the sub-national level may occur separately for that area, as an integrated process covering an entire Biodiversity Conservation

Corridor, as both, or alternatively as within the process of Collaborative Management for any area.

## **TITLE 2        MANAGEMENT OF BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 OBJECTIVE OF THIS TITLE**

This Title sets out the framework of management, conservation, and development of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level.

The objective of this Title is to ensure the management, conservation of biodiversity, integrity of watersheds and water supply, and sustainable use of natural resources in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level.

This Title applies in all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level, including all sub-classifications, sub-zones, and all other underlying land use classifications and categories within these areas. This Title also applies to any specially designated nature reserve zone, species conservation zone, biosphere conservation zone, and any other duly established terrestrial, freshwater, or marine conservation zone.

In areas subject to Collaborative Management, this Title supports the implementation of Collaborative Management as specified.

#### **ARTICLE 2 OBJECTIVES OF BIODIVERSITY CONSERVATION CORRIDORS**

All Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level shall be managed according to the following objectives:

- a) Biodiversity, wildlife, and natural resource conservation: Ensure the conservation of natural resources, including biological diversity, and to ensure the long term sustainability of these resources through proper management, research, and awareness raising.
- b) Conservation of ecosystem values, goods, and services: Ensure full consideration of the various values, goods, and services that ecosystems provide, such as water supply and watershed integrity, natural resource products, pollination, pollution filtration, climate

stabilization and change mitigation, prevention of soil erosion, clean water supply, and watershed integrity, and the need to ensure the long term optimization of these goods and services; and

- c) Livelihoods development: Ensure the due recognition of the customary rights to non-commercial traditional use of natural resources and occupancy of local and indigenous communities, and in consideration of the sustainable livelihood requirements of the local and indigenous communities whose livelihoods are linked to and dependent on these areas and their natural resources, so as to maintain and improve their customary rights and livelihoods in a manner consistent with the long term sustainability of the conservation and ecosystem service values of the areas.

### **ARTICLE 3 BIODIVERSITY CONSERVATION CORRIDOR MANAGEMENT PLANS**

Each Biodiversity Conservation Corridor shall be subject to one overarching Biodiversity Conservation Corridor Management Plan. Subordinate, site-specific management plans within any Biodiversity Conservation Corridor may be created to improve implementability on a site-specific basis and in accordance with Protected Area and Collaborative Management designations.

Any nationally-designated Protected Areas that are within a Biodiversity Conservation Corridor may be subject to an individual management plan in addition to the overall Biodiversity Conservation Corridor management plan. Any such individual management plan shall be integrated into any relevant overarching Biodiversity Conservation Corridor Management Plan as appropriate. Any individual management already existing upon enactment of this Code shall remain effective and be eligible for integration into a Biodiversity Conservation Corridor Management Plan.

Any nationally-designated Protected Areas that are not within a Biodiversity Conservation Corridor, or any other protected areas established at the provincial, district, or commune level, shall be subject to an individual management plan.

### **ARTICLE 4 MANAGEMENT OF BIODIVERSITY CONSERVATION CORRIDORS**

All Biodiversity Conservation Corridors, nationally-designated Protected Areas, and other protected areas established at the provincial, district, or commune level are eligible for Collaborative Management, in accordance with Title 3 Collaborative Management of Natural Resources of this Book.

Until such time as Collaborative Management is established in any portion of any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected areas established at the provincial, district, or commune level, such areas shall be managed in

accordance with this Title.

Any Biodiversity Conservation Corridors, nationally-designated Protected Areas, or other protected areas established at the provincial, district, or commune level that do not become subject to Collaborative Management, shall continue to be managed in accordance with this Title.

## **CHAPTER 2 RESPONSIBLE INSTITUTIONS**

### **ARTICLE 5 JURISDICTION**

The management of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level shall be under the jurisdiction of the Ministry of Environment, sub-national administrations, and such other institutions and entities in accordance with the provisions in Title 3 Collaborative Management of Natural Resources of this Book.

Consistent with the provisions of this Code, the management of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level shall guarantee the rights of local communities, indigenous peoples, and the public:

- a) To be consulted and participate in the decision-making on the sustainable management and conservation of biodiversity;
- b) To provide consent in accordance with the principle of Free, Prior, and Informed Consent as required by this Code;
- c) To fully participate in the planning, sustainable use and management of these areas; and
- d) To ensure fair and equitable access to all such areas for local resource users, consistent with zoning classifications and restrictions.

In cases where indigenous peoples are present in the area, or have a collective attachment or interest in the area, special and differentiated consultation procedures shall be conducted to ensure that their rights and interests, including their customary rights, are adequately addressed and properly upheld.

The provisions in this Title pertain specifically to those management and conservation activities to occur in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level as follows:

- a) Throughout all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level, until such time as Collaborative Management is established in any portion of these areas, after which time such areas shall be managed in accordance with Title 3 Collaborative Management of Natural Resources of this Book. In such instances, the provisions of this Title shall apply to any future Collaborative Management arrangements as set forth in Title 3 Collaborative Management of Natural Resources, of this Book, and any land use planning, zoning, and management planning conducted pursuant to this Title shall apply to any subsequent Collaborative Management that may occur in an identical area; and
- b) Any Biodiversity Conservation Corridor, nationally-designated Protected Area, and any other protected area established at the provincial, district, or commune level, or portion thereof, that does not become subject to Collaborative Management, shall continue to be managed in accordance with this Title.

#### **ARTICLE 6 DUTIES OF THE MINISTRY OF ENVIRONMENT**

In managing Biodiversity Conservation Corridors and nationally-designated Protected Areas, the Ministry of Environment shall have the following duties:

- a) Provide the overall framework, oversee and manage, and give technical support to the overall process for developing and implementing the land use planning, zoning classification, and management of the Biodiversity Conservation Corridors and nationally-designated Protected Areas;
- b) Ensure effective monitoring and oversight of the management of Biodiversity Conservation Corridors and nationally-designated Protected Areas;
- c) Establish sustainable finance mechanisms for Biodiversity Conservation Corridors and nationally-designated Protected Areas, in accordance with Book 8 Economic Measures, Accounts, Fees, and Funds for the Environment Title 1 Economic Measures and Accounts of this Code;
- d) Oversee and provide support to the process of integration of Community Forests, Community Protected Areas, Community Fisheries, and other local and customarily acknowledged areas into overall Biodiversity Conservation Corridors and Protected Areas management frameworks;
- e) Direct and support the patrolling, monitoring, investigation, and enforcement within all Biodiversity Conservation Corridors and nationally-designated Protected Areas; and
- f) Conduct such technical work, studies, research, reporting, and awareness-raising as is required to promote the sustainable management and long-term conservation of the

Biodiversity Conservation Corridors and nationally-designated Protected Areas.

## **ARTICLE 7 RIGHTS OF OFFICIALS OF THE MINISTRY OF ENVIRONMENT**

In the course of managing Biodiversity Conservation Corridors and nationally-designated Protected Areas, officials of the Ministry of Environment have the following specific rights and duties:

- a) Regularly conduct patrolling, monitoring, investigation, and enforcement activities of all kinds;
- b) Inspect and issue licenses, permits, and other relevant documents;
- c) Take action to prevent and control forest fires;
- d) Control export and import of flora and fauna, seeds, and samples from or into the Biodiversity Conservation Corridors and nationally-designated Protected Areas;
- e) Promote education and dissemination among the public and coordinate with local indigenous communities;
- f) Serve in the role of Environment and Natural Resources Judicial Police Officers in accordance with Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code;
- g) Conduct consultations with relevant stakeholders regarding the establishment and management of Biodiversity Conservation Corridors and nationally-designated Protected Areas;
- h) Abide by obligations related to receiving Biodiversity Conservation Corridors and nationally-designated Protected Areas financing;
- i) Collaborate with local and indigenous communities; sub-national administrations; technical partners, which are those conservation organizations involved in the conservation of the relevant areas; and any interested stakeholders, to establish collaborative management of such areas, as set forth in Title 3 Collaborative Management of Natural Resources of this Book; and
- j) Other detailed rights and duties as may be necessary to fulfil the requirements of this Code.

## **ARTICLE 8 DUTIES OF THE SUB-NATIONAL ADMINISTRATIONS**

The Provincial Departments of Environment and other sub-national administrations shall have the following roles and responsibilities:



- a) Support Biodiversity Conservation Corridor and Protected Areas Directors, technical partners, and other stakeholders in the development of land use plans, zoning classifications, and individual management plans for Biodiversity Conservation Corridors and nationally-designated Protected Areas;
- b) Coordinate with national level government entities, technical partners, and all relevant stakeholders for the implementation of activities in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level, including Community Protected Areas, Community Forests, land titling, zoning, biodiversity monitoring and research, eco-tourism and education, as well as the arrest and prosecution of persons conducting illegal activities;
- c) Disseminate laws and regulations related to conservation and protected area management, in coordination with local stakeholders;
- d) Inspect licenses, permits, and other relevant documents relating to Biodiversity Conservation Corridors or nationally-designated Protected Areas and participate in all law enforcement activities related to environment and natural resource conservation matters;
- e) Issue any licences, permits, or other relevant documents relating to protected areas established at the provincial, district, or commune level;
- f) Regularly conduct patrolling, monitoring, investigation, and enforcement activities of all kinds;
- g) Collaborate with local and indigenous communities, national level institutions, technical partners, and any interested stakeholders to establish collaborative management of such areas, as set forth in Title 3 Collaborative Management of Natural Resources of this Book; and
- h) Such other activities as may be set forth in a legal instrument describing the details of decentralization of natural resources management.

## **ARTICLE 9 REQUIRED EXPERIENCE AND TRAINING**

Biodiversity Conservation Corridor Directors, Protected Area Directors, other field-based Biodiversity Conservation Corridor and nationally-designated Protected Area management and technical staff, and Directors of the Provincial Departments of Environment shall be appointed based on possessing the necessary educational and professional qualifications, including experience in forestry, environment and natural resource management, biodiversity conservation, law enforcement, or other relevant fields.

Biodiversity Conservation Corridor Directors, Protected Area Directors, and other relevant Biodiversity Conservation Corridor and nationally-designated Protected Area staff and Directors of the Provincial Departments of Environment shall be required to complete established courses and trainings at the National Environment and Natural Resources Training Academy under Book 7 Environmental Education and Awareness of this Code. The Ministry of Environment shall also provide other capacity building opportunities and training for all field-based staff, sub-national administrations, and local communities in line with their responsibilities, required skills, and capacity needs.

The precise roles and responsibilities of Biodiversity Conservation Corridor Directors, Protected Area Directors, other field-based Biodiversity Conservation Corridor and nationally-designated Protected Area management and technical staff, Directors of the Provincial Departments of Environment, sub-national administrations, and local communities shall be determined according to site-specific requirements.

### **CHAPTER 3 LAND USE PLANNING IN BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS**

#### **ARTICLE 10 REQUIREMENT FOR LAND USE PLANNING OF BIODIVERSITY CONSERVATION CORRIDORS**

All Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level shall be subject to land use planning, which shall serve as an integral component of and support tool to the management planning process for all such areas.

Each site-specific land use plan shall be updated every twenty (20) years, or earlier if required.

It shall be a punishable offence for any natural person or legal entity to take any action in contravention of an approved land use plan.

#### **ARTICLE 11 REQUIREMENT OF MINISTRY OF ENVIRONMENT TO CONDUCT LAND USE PLANNING**

The Ministry of Environment and relevant sub-national administrations shall conduct land use planning for all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level as part of the management planning process.

Land use planning shall be conducted in consultation with technical partners and any interested stakeholders, including Collaborative Management Committees and Collaborative Management community members in those areas under Collaborative Management, and any

other communities located within the area subject to land use planning.

In those areas subject to Collaborative Management, land use planning may also be conducted as part of the Collaborative Management process in accordance with Title 3 Collaborative Management of Natural Resources of this Book. Such Collaborative Management land use planning may be conducted a) prior to and separate from the land use planning provided for in this Chapter; b) simultaneously with and integrated into the land use planning provided for in this Chapter; or c) subsequent to, and consistent with, the land use planning provided for in this Chapter.

Any land use planning, and also any zoning and management planning, conducted under this Title shall, to the greatest extent possible, be consistent with any former or subsequent land use planning, zoning, and management planning conducted under Title 3 Collaborative Management of Natural Resources of this Book.

The process of land use planning for all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level shall be implemented according to in accordance with Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code and completed according to any specific guidelines provided by the Ministry of Environment.

## **ARTICLE 12 LAND USE PLANNING OBJECTIVES**

Land use planning for all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level shall strive to achieve each of the following elements:

- a) Conduct meaningful consultations with all stakeholders;
- b) Research and acquire detailed, site-specific data of physical, biological, social, and economic factors, including best available data regarding land resource inventory, present land uses, infrastructure, population, natural resources and biodiversity, land tenure, customary rights, social structure, cultural livelihood factors, government, plants, natural disturbances, hydrological functions, energy flows, normal and cross-boundary movement of wildlife, and any other information pertaining to current land uses;
- c) Conduct thorough integrated spatial mapping of all landscapes, land use configurations, land tenures, cultural heritage sites, and important biological corridors within and adjacent to all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level;

- d) Acquire best available data about potential land uses and immediately foreseeable environmental impacts of potential land uses within and adjacent to all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level;
- e) Acquire the best available data on the economic values of natural capital within and adjacent to all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level and ecosystem service supplied by natural capital;
- f) Identify environmental issues and natural resource management issues that are related to socio-economic development and sustainable environmental management; and
- g) Consult with qualified land and resource conservation experts, technical partners, and, where indigenous peoples are present, qualified social specialists with expertise in the communities concerned, throughout the comprehensive land use planning process.

### **ARTICLE 13 OUTCOMES OF LAND USE PLANNING**

The land use planning process for all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level shall strive to achieve the following outcomes:

- a) A land use plan for all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level; and
- b) Integrated spatial maps that document the location of all settlements, including sacred forests, gravesites and areas reserved for swidden agriculture, location of natural resources including high value conservation areas and important biological corridors, location of current and potential land uses, and any other information pertinent to specific sites located within and adjacent to the relevant Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level.

Upon completion of the land use planning process, the Ministry of Environment shall formalize the integrated spatial maps and submit them to the Geographic Information System Department of Ministry of Environment and/or the Cambodian Environmental Mapping Centre in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **ARTICLE 14 LAND USE PLANNING PROCESSES AND CRITERIA**

The land use planning process in this Chapter is an integral component of and support tool to

the zoning classification and management planning for all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level.

The processes and criteria set forth in this Chapter describe the optimal approach to land use planning to which the management planning processes of all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level should aspire to achieve in ideal circumstances. However, subject to timing and resource constraints, the Ministry of Environment and relevant sub-national administrations, in consultation with technical partners, may determine the extent to which such land use planning is feasible and practical in any Biodiversity Conservation Corridor, nationally-designated Protected Area, and any other protected areas established at the provincial, district, or commune level. In no circumstances shall the land use planning requirements set forth in this Chapter delay or impede the process of zoning and overall management planning for any Biodiversity Conservation Corridor, nationally-designated Protected Area, or other protected area established at the provincial, district, or commune level.

#### **ARTICLE 15 PROPOSALS TO MODIFY LAND USE PLAN**

For any proposal to modify the land use plan for any Biodiversity Conservation Corridor, nationally-designated Protected Area, and any other protected areas established at the provincial, district, or commune level, or any portion thereof, the relevant entities proposing the modification shall prepare documentation detailing the following:

- a) The scientific and socio-economic reasons for the proposed modification to land use master plan;
- b) The efforts that have been made to retain the current land use status;
- c) The manner in which the modification to permitted land use classification will enhance the livelihood of local communities, ensure the continuation of customary land use patterns, and ensure there will be no significant impact areas of high conservation value;
- d) The means by which the loss of conservation and ecosystem value will be offset; and
- e) Any other information necessary to justify the proposal.

Any proposal to modify the land use plan of any Biodiversity Conservation Corridor or other protected area shall be subject to Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

Thereafter, any such approval of modification shall only be granted in written form by the Minister of Environment, in a decision demonstrating careful consideration of the documentation provided pursuant to this Article.

## **CHAPTER 4 MANAGEMENT ZONES OF BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS**

### **ARTICLE 16 CLASSIFICATION AND DESIGNATION OF PROTECTED AREAS**

The classification and designation of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level into zones shall be determined to promote the management of these areas according to objectives set forth in Article 2 of this Title.

### **ARTICLE 17 DESIGNATION OF MANAGEMENT ZONES**

Consistent with the outcomes of the land use planning process that may have been performed according to this Title, the Ministry of Environment and relevant sub-national administrations shall designate management zones for all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level. Zones shall be designated on a site-specific basis, considering whether or not each management zone type is appropriate for each area, the extent of each zone type to be included in each area, and any sub-zone categories that may be appropriate on a site-specific basis.

Site-specific zoning designations shall be made in consultation with technical partners and any interested stakeholders, including Collaborative Management Committees and Collaborative Management community members in those areas under Collaborative Management, and any other communities located in the area, and shall be subject to Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

The Ministry of Environment and sub-national administrations shall provide all relevant national level ministries and institutions and sub-national administrations, units and departments the opportunity to participate in the management zone designation process and shall inform them of the results of the zoning designation process which shall be binding on all government entities and institutions.

All management zoning designations shall utilize the following zoning framework in addition to any further site-specific sub-zoning:

- a) **Core Zone:** management area(s) of the highest conservation value containing threatened, endangered, and critically endangered species, and the most fragile ecosystems.

Access to the Core Zone is prohibited except for i) duly authorized officials, ii) researchers who, with prior permission from the Ministry of Environment, conduct

nature and scientific studies for the purpose of preservation and protection of biological resources and natural environment, and iii) implementers of collaborative management that have a signed agreement to collaboratively manage the relevant areas, with such access described by the precise terms of the agreement and limited to monitoring, law enforcement, and low-impact ecotourism. When in the interests of national security, and with the express prior authorisation from the Prime Minister, security, and defence sectors may access the Core Zone. When accessing the Core Zone, the security and defence sectors shall inform the Ministry of Environment, Department of Environment and Protected Area Director, and other relevant authorities when any such access is required, and shall cooperate with the Ministry of Environment and all other relevant authorities and actors to minimize any disturbance to the Core Zone to the greatest extent possible.

- b) Conservation Zone: management area(s) of high conservation value containing threatened, endangered, and critically endangered species, fragile ecosystems, natural resources, watershed areas, and natural landscapes, often located adjacent to a Core Zone.

Access to the Conservation Zone is allowed only with prior consent of the relevant government entities including the implementers of collaborative management that have a signed agreement to collaboratively manage the relevant areas. When in the interests of national security, and with the express prior authorisation from the Prime Minister, security and defence sectors may access the Conservation Zone. When accessing the Conservation Zone, the security and defence sectors shall inform the Ministry of Environment, Department of Environment and Protected Area Director, and other relevant authorities when any such access is required, and shall cooperate with the Ministry of Environment and all other relevant authorities and actors to minimize any disturbance to the Conservation Zone to the greatest extent possible.

Low impact tourism operations, small-scale subsistence uses of timber, fuel wood, and small scale use of non-timber forest products to support local communities and local indigenous peoples' livelihood may be allowed under conditions set by the Ministry of Environment or other relevant authorities, provided that they do not present serious adverse impacts on biodiversity conservation and ecosystem value within the zone.

- c) Sustainable Use Zone: management area(s) of both high economic potential and significant conservation and ecosystem value, with high potential for contributing to the sustainable livelihood of local communities including indigenous peoples' communities.

In addition to the small-scale subsistence uses permitted in the Conservation Zone, limited and small scale harvesting and production activities are permitted in this zone. Any such uses shall be consistent with relevant land use planning and management

established for the zone, and subject to approval from the Ministry of Environment or other relevant government entities. These activities may include such community-based commercial activities as afforestation, small scale silviculture, plantation, and commercial non-timber forest product cultivation, provided that no such activities may cause significant impact to existing biodiversity conservation and ecosystem values. Forest clearing and large-scale commercial agri-business activities are not permitted.

- d) **Community Zone:** Management area(s) for socio-economic development of the local communities and indigenous peoples and, in addition to the uses permitted in the Sustainable Use Zone, may contain existing residential lands, paddy field, and field garden or swidden.

Any commercial sale of timber and fuel wood from the Sustainable Use Zone or Community Zone must be in accordance with the area's approved management plan and a permit from the relevant authorities.

## **ARTICLE 18 DETERMINATION OF AREAS SUITED TO COMMERCIAL ACTIVITY**

Pursuant to the land use planning, zoning, and management planning requirements of this Title, including Ministry of Environment, sub-national administrations, and Collaborative Management Committees and other relevant entities with management jurisdiction within any portion of a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level may determine that certain portions of the Sustainable Use Zone or Community Zone with both high economic potential and low conservation and ecosystem value are best suited to commercial activity.

Upon making such a determination, and prior to undertaking any such commercial activity, the relevant entities shall a) conduct an Environmental Impact Assessment; b) conduct appropriate consultations with technical partners, any interested stakeholders, and the affected local communities and obtain prior consent of such communities to the proposed commercial activity; and c) divulge financial arrangements and projected revenue from such commercial activity to all interested stakeholders.

Upon fulfilment of the criteria in the preceding paragraph, the relevant entities shall create a new sub-zone to completely encompass the proposed commercial activity, such sub-zone being classified as a Tourist Zone, a Community Agriculture Development Zone, or other relevant zone as required.

After establishing this sub-zone, the relevant entities may enter into arrangements for such commercial activity. All revenue generated from such activities shall be deposited into an appropriate site-specific account created in accordance with Book 8 Economic Measures, Accounts, Feeds, and Funds for the Environment Title 2 Environmental Fees, Funds, and Fund



Management of this Code, and be used exclusively for the benefit of the local communities in the area and the conservation of the Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level in which the commercial activity is located.

The processes of sub-zoning and of making arrangements for commercial activity, and all details of such arrangements shall be fully disclosed and subject to Book 1 General Provisions, Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

#### **ARTICLE 19 PROCESS OF ZONING DESIGNATION**

The process of zoning designation for all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level shall be implemented in accordance with Book 1 General Provisions Title 3 Public Participation, and Book 1 General Provisions Title 4 Access to Environmental Information of this Code and according to any guidelines approved by the Ministry of Environment that include criteria for zoning and modification of zoning boundaries, and any procedures for engagement of all stakeholders including technical partners, local communities, and indigenous communities in the zoning designation process, including Collaborative Management Committee and Collaborative Management community members in those areas under Collaborative Management.

#### **ARTICLE 20 MAP OF EACH BIODIVERSITY CONSERVATION CORRIDOR**

Upon completion of the zoning process described in this Title, the relevant authorities shall formalize the map for each Biodiversity Conservation Corridor, nationally-designated Protected Area, or other protected areas established at the provincial, district, or commune level. The boundaries and zones shall be publicly available and disseminated to all interested stakeholders.

#### **ARTICLE 21 UPDATING OF ZONING AND MAPPING**

Each site-specific zoning designation and mapping shall be updated every twenty (20) years, or earlier if required.

#### **ARTICLE 22 PROPOSALS TO MODIFY ZONE DESIGNATIONS**

Any proposal to modify the zone designation of any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected areas established at the provincial, district, or commune level, or any portion thereof, from a more highly protected status to a lower protected status, shall be subject to the Environmental Impact Assessment provisions of Book 2 Environmental Assessment and Monitoring Title 2 Environmental Assessment of this Code.

In addition, the relevant authorities proposing the modification of zoning classification shall prepare documentation detailing the following:

- a) The scientific and socio-economic reasons for the proposed modification to zone classification;
- b) The efforts that have been made to retain the current zoning status;
- c) The manner in which the modification to zone classification will enhance the livelihood and customary rights of local communities;
- d) The means by which the loss of conservation and ecosystem value will be offset;
- e) Appropriate consultations with any interested stakeholders and the affected local communities, including the prior consent of such communities to the proposed modification; and
- f) Such other information to justify the proposal.

Any proposal to modify the zone classification of any Biodiversity Conservation Corridor or other protected area shall be subject to Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

Thereafter, any such approval of modification may only be granted in written form by the Minister of Environment, in a decision demonstrating careful consideration of the documentation provided pursuant to this Article.

## **CHAPTER 5 MANAGEMENT PLANS FOR BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS MANAGEMENT**

### **ARTICLE 23 DEVELOPMENT OF NATIONAL BIODIVERSITY CONSERVATION CORRIDOR AND PROTECTED AREAS STRATEGIC MANAGEMENT PLAN**

The Ministry of Environment shall develop a framework National Biodiversity Conservation Corridor and Protected Areas Strategic Management Plan. The Ministry of Environment shall ensure that the Plan is compatible and consistent with other national plans and strategies and that it properly includes budgetary considerations.

### **ARTICLE 24 PROPOSALS FOR REVIEWING AND REVISING PLANS**

The Ministry of Environment shall make proposals for review and revision of the National Biodiversity Conservation Corridor and Protected Areas Strategic Management Plan every ten (10) years, or earlier if changes are needed to achieve the Ministry of Environment's purpose(s), vision, goals, or objectives in Biodiversity Conservation Corridor and Protected

Areas management.

The National Biodiversity Conservation Corridor and Protected Areas Strategic Management Plan shall be created and revised in accordance with Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 25 DEVELOPMENT OF MANAGEMENT PLANS**

For all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level that are not subject to the Collaborative Management provisions of Title 2 Collaborative Management of Natural Resources of this Book, the Ministry of Environment or sub-national administrations shall develop site-specific management plans in accordance with the National Biodiversity Conservation Corridor and Protected Areas Strategic Management Plan.

A site-specific management plan should, at a minimum, include a description of the natural and cultural values of the site; an analysis of the threats and issues having an impact on these values; and, a set of strategic objectives and management actions that will address these threats.

The process for the development of these site-specific management plans shall involve coordination and consultations with sub-national administrations, local communities and indigenous peoples living inside and adjacent to Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level, technical partners, any interested stakeholders, and including private sector entities such as economic land concession owners.

Each site-specific management plan shall be revised every ten (10) years from its date of approval, or earlier if changes are required to achieve the management objectives as stated in the management plan.

Site-specific management plans shall be revised in accordance with the public participation and access to information provisions of Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Information of this Code.

## **ARTICLE 26 CONTINUANCE OF COMMUNITY PROTECTED AREAS, COMMUNITY FORESTS, AND OTHER AREAS**

Any Community Protected Areas, Community Forests, Community Fisheries Areas, and other local and customarily acknowledged areas that are already existing upon the enactment of this Code shall remain valid, and all rights, duties, and obligations regarding such areas shall remain legally valid, unless and until such time as each area may be incorporated into or transformed into a Collaborative Management Zone as set out Title 2 Collaborative Management of Natural

Resources of this Book.

## **CHAPTER 7 PERMITS AND APPROVALS**

### **ARTICLE 27 AUTHORITY TO ISSUE PERMITS, AGREEMENTS, AND CONTRACTS**

Subject to the public participation and access to information provisions of Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code and consistent with the land use planning, zoning classification, and management plans for each area, the Minister of Environment or other relevant sub-national administrations have the authority to issue permits, agreements, or contracts for conservation in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level.

### **ARTICLE 28 PERMITTED DEVELOPMENT IN ZONES**

Development of any permanent buildings or infrastructure, any type of commercial activity whatsoever, and any land clearing or bulldozing shall be strictly prohibited in the Core and Conservation Zones.

Low impact, non-permanent infrastructure consistent with the area management plan may be permitted in the Core and Conservation Zones.

Any commercial activity in the Sustainable Use or Community Zones must be consistent with the management plan for these areas. Forest clearing and large-scale commercial agri-business activities are not permitted in the Sustainable Use or Community Zones, but commercial activity may be permitted in a sub-zone specially created according to Article 18. Revenue from any such commercial activity shall be used for the direct benefit of the local communities in the area and the conservation of the area in which the commercial activity is located.

Any such commercial activities are also subject to Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment, Book 1 General Provisions Title 3 Public Participation, and Book 1 General Provisions Title 4 Access to Information of this Code, and shall be approved by the relevant entities with management jurisdiction in the area.

### **ARTICLE 29 PROPOSALS REQUIRING PRIOR APPROVAL**

Any proposal for plants, seeds, wildlife or fish to be brought into or taken out of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level; and cross breeding of wild species or fish of all species; shall be subject to prior research, analysis, and approval by the Ministry of Environment and the Biodiversity Technical Working Group of the National Council for

Sustainable Development.

### **ARTICLE 30 REQUIREMENT FOR RESEARCH, DIAGNOSIS AND EVALUATION**

All non-commercial export, import, or exchange of wildlife between the Kingdom of Cambodia and other countries shall be subject to comprehensive research, diagnosis, and evaluation by the Ministry of Environment in consultation with relevant technical partners. Permission for such activities shall only be granted by the Ministry of Environment, if the proposed activities are in accordance with the laws and regulations of the Royal Government of Cambodia and international conventions to which the Kingdom of Cambodia is a party.

### **ARTICLE 31 PROHIBITIONS AGAINST SETTING FIRES**

Setting forest fire in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level without a permit is prohibited.

The limited use of fire may be allowed in non-evergreen forests in accordance with approved management plans. Setting any fire in any evergreen forest is prohibited under all circumstances.

Setting of fires in any area, and all types of vegetation, is prohibited until the approval of management plans, except in the case of deciduous forests where local communities and indigenous peoples use fire on a small subsistence scale in accordance with traditional practice. In such cases a permit shall still be required.

### **ARTICLE 32 PROHIBITIONS AGAINST FISHING**

Fishing inside the Core Zone of a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level is strictly prohibited.

Fishing with illegal gears inside any zone of a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level is strictly prohibited, including but not limited to chemical and other poisonous substances, electrocution, mosquito nets, explosives, spear in combination with projected light, gill net, or seine net with mesh size smaller than one and one half (1 ½) centimeter, encircling net with light.

Placing a barrier or obstruction in any aquatic system within a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level that prevents the free passage of fish is prohibited without a permit.

Draining, or attempting to drain or pump dry an aquatic system within a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level in order to catch or kill fish in any manner whatsoever is strictly prohibited.

Damage to spawning grounds, banks, or spawn of fish is strictly prohibited inside all zones of Biodiversity Conservation Corridors, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level.

Establishment or operation of an aquaculture process is strictly prohibited inside Core Zones and Conservation Zones. Any aquaculture process in the sustainable use or Community Zone shall require a permit and be subject to monitoring to ensure no adverse impacts on surrounding areas.

### **ARTICLE 33 PROTECTIONS AGAINST DESTRUCTIVE PRACTICES**

Consistent with its zoning designation and management plan, each Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level shall be protected against destructive practices or harms caused by illegal land encroachment, collection, clearance, commercialization, pollution in the areas containing valuable biological resources, forest fire, swidden and commercial agriculture, transmission of diseases and pests including invasive plants and animals.

Prohibited practices considered destructive and harmful include:

- a) Removal or destruction of official boundary markers or posts, or placement of private boundary markers or posts;
- b) Collection of timber and non-timber products, fishery products, and natural resources in a manner violating the recognized and authorized access rights and management plan, or by persons without a valid permit;
- c) Felling, pruning, clearing, damaging, or poisoning plants or trees, or uprooting tree stumps without a valid permit;
- d) Catching, hunting, collecting, and harassing wild eggs, offspring and birds by any means;
- e) Destroying water quality in all forms, poisoning, using chemical substances, disposing of solid and liquid wastes into water or on land, and using electric shock equipment as described in Title 5 Wildlife Protection, Conservation, and Management of this Book;
- f) Bringing snares or materials to build snares, traps, hunting guns, or any other materials

used to harm or kill wildlife into the Core Zone and Conservation Zone;

- g) Hunting wildlife in the Core Zone and Conservation Zone;
- h) Stocking, buying, selling, possessing, trading, breeding, keeping, maintaining, transporting, consuming, storing, and any other uses of wildlife as described in Title 5 Wildlife Protection, Conservation, and Management of this Book;
- i) Destroying natural forests, natural grassland, wetlands, plants, and wildlife habitats;
- j) Bringing or releasing any non-native flora or fauna, including cattle, livestock, and dogs, into the Core Zone or Conservation Zone;
- k) Cross breeding of any wildlife or fish species;
- l) Illegal fishing practices harmful to natural resources, both marine and freshwater, flooded forests, mangroves, corals and seaweeds, rivers, and wetlands;
- m) Establishment of bases for processing Khlem Chan (*Auilaria crassna*), Mreah Prov (*Ocimum sanctum*), Vor Romeat (*Teramnus labialis*) or other non-timber forest products and freshwater and marine aquaculture that may cause pollution or destructive effects to the biota and ecosystem;
- n) Mining activities including survey, testing, exploration, and extraction of minerals within the Core Zone and Conservation Zone;
- o) Dredging or extraction of sand and other minerals or resources from rivers, riverbanks, or coastal areas within the Core Zone and Conservation Zone; and
- p) Development of small-scale dams or irrigation within the Core Zone and Conservation Zone.

#### **ARTICLE 34 PROHIBITED PROCESSING AND OPERATIONS**

Processing natural resources products and by-products, establishing and operating sawmill bases for wood processing, timber processing plants, shops to process natural resource products and by-products, fisheries and all kinds of kilns in the Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected area established at the provincial, district, or commune level are strictly prohibited, with the exception of non-timber forest product processing plants operated and maintained by local communities and indigenous peoples, which may be permitted within the Sustainable Use Zone and Community Zone. However, processing of Voromean and Mareah Prov are strictly prohibited anywhere within Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected area established at the provincial, district, or commune level.

Establishing wildlife capture, raising, stocking, breeding, maintaining, or farming operations for commercial purposes, or any other non-conservation purposes, inside or within twenty (20) kilometers of a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level is strictly prohibited.

Transporting illegally harvested natural resources inside all zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level is prohibited. Transportation of natural resources inside all zones of all such areas without a valid permit is prohibited.

### **ARTICLE 35 HARVESTING RESIN**

Harvesting resin within the Conservation Zone or Sustainable Use Zone of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected area established at the provincial, district, or commune level, is prohibited without a valid permit.

Resin harvesting permits must be carried on persons at all times whilst accessing the Conservation Zone and Sustainable Use Zone, and produced for inspection as required.

A resin harvesting permit gives permission to the identified user to harvest resin in a particular location inside a Biodiversity Conservation Corridor, nationally-designated Protected Area, and any other protected area established at the provincial, district, or commune level, in accordance with customary user rights of local communities and indigenous peoples.

Individuals wishing to obtain a resin harvesting permit must submit a written application to the Provincial Department of Environment.

Permit applications may be delivered by any applicant to a commune office, which shall transfer such application(s) to the Director of the Provincial Department of Environment and Director of the relevant Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level.

Within one month of receipt, resin harvesting applications for Conservation Zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level will be reviewed, and if appropriate, approved and permits issued by the Director of the Provincial Department of Environment and Director of the relevant Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level.

Permits shall be granted with preference to those local community members who are already



collecting resin as part of their local livelihood upon the enactment of this Code.

No resin harvesting permit will be issued to any person involved in more than three (3) instances of illegal activities inside a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level.

No resin harvesting permit shall be issued to any person that the Provincial Department of Environment or Biodiversity Conservation Corridor Director or Protected Area Director has reasonable cause to believe, or evidence to prove, that the individual has participated in or had any involvement with commercial hunting and trade of wildlife.

Transfer of resin harvesting permits from one person to another is prohibited.

A resin harvesting permit is valid for one (1) year; thereafter it will be reviewed and renewed annually.

Where a resin harvesting permit is lost the holder of a permit must immediately inform the Provincial Department of Environment, and Director of the Biodiversity Conservation Corridor or Protected Area Director if appropriate, and cease all resin harvesting activities until a replacement permit is issued.

The Biodiversity Conservation Corridor Director, Protected Area Director, or Director of Provincial Department of Environment may suspend or cancel any resin harvesting permit, granted under this Title, to be recorded in writing with stated reasons.

## **ARTICLE 36 COMMERCIAL ECOTOURISM**

Any natural person, legal entity, or community that conducts commercial eco-tourism within the boundary of a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level must have an agreement with the relevant government entities or Collaborative Management Committee for the proposed eco-tourism activities and arrangements.

The Ministry of Environment, sub-national administrations, and Collaborative Management Committees, shall, when considering proposals for additional ecotourism operations, consult any stakeholders, technical partners, and those communities already operating eco-tourism in the vicinity of the proposed activity.

## **CHAPTER 9 LAW ENFORCEMENT AND PROCEDURES TO RESOLVE OFFENCES**

### **ARTICLE 37 ASSIGNMENT AS ENVIRONMENT AND NATURAL RESOURCES**

## **JUDICIAL POLICE OFFICERS**

All Directors, Deputy Directors, and other relevant staff of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune levels shall be assigned duties as Environment and Natural Resources Judicial Police Officers in accordance with Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code.

Such Environment and Natural Resources Judicial Police Officers, along with government officers under the Ministry of Environment, the Provincial Department of Environment, and other relevant government entities with Environment and Natural Resources Judicial Police Officer Accreditation, shall implement the missions pursuant to Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code in regard to natural resource offences, which are criminal offences, whether occurring within or outside of Biodiversity Conservation Corridors, Protected Areas, or any other protected area established at the provincial, district, or commune level, specifically defined by this Title. All provisions regarding Environment and Natural Resources Judicial Police Officers in Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code shall apply.

Such Environment and Natural Resources Judicial Police Officers have jurisdiction anywhere in the Kingdom of Cambodia, regardless of their geographical assignment to any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level. Offences against wildlife shall be referred to and covered by Title 5 Wildlife Protection, Conservation, and Management of this Book.

### **ARTICLE 38 FILING OF CASES WITH COURT**

Environment and Natural Resources Judicial Police Officers shall file natural resource offence cases with the court in accordance with this Code and the relevant in force provisions of the Code of Criminal Procedure of Cambodia.

### **ARTICLE 39 PROMPT INVESTIGATION**

Staff of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune levels; Officials of the Ministry of Environment and the Provincial Departments of the Environment; and Environment and Natural Resources Judicial Police Officers shall take prompt action to investigate any case of natural resource offences in the Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected areas established at the provincial, district, or commune level. Such action shall be done in accordance with the requirements and procedures of Book 9 Environmental Offences, Enforcement, and Remedies Title 2

Investigation, Enforcement, and Remedies of this Code, and the relevant in force provisions of the Code of Criminal Procedure of Cambodia.

#### **ARTICLE 40 REQUIREMENT FOR REPORTS**

When conducting an enquiry into offences, Staff of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune levels; or Officials of the Ministry of Environment and the Provincial Departments of the Environment that are not qualified as Judicial Police Officers and any deputies pursuant to Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code are required to make reports on their inquiry into a natural resource offence, in accordance with the Criminal Code of the Kingdom of Cambodia.

#### **ARTICLE 41 COOPERATION WITH ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

All levels of sub-national administrations, armed forces and relevant stakeholders shall cooperate and assist in the work of the Environment and Natural Resources Judicial Police Officers in regard to natural resource offences as provided in Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code.

In the course of facilitating this work, it is prohibited to consume or re-sell any confiscated evidence.

#### **ARTICLE 42 EVIDENCE**

Evidence of natural resources offences, whether occurring within or outside a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level, shall include:

- a) Natural resources products and by-products, clearance, destruction, disturbance, or damage that are the actual evidence of illegal activities;
- b) Equipment and any means of transport that may be used for committing illegal activities, including materials that may be used for the construction of equipment to conduct illegal activities;
- c) Equipment and records used in the business of committing offences including, but not limited to, telephones, financial records, and bank records;
- d) Assets considered likely to have been purchased through the proceeds of offences; and
- e) Documents or other testimony by witnesses to the illegal activities or the intent to

commit such an offence.

Evidence as stated in a) above shall be temporarily seized until the cases are resolved by the court whether by transaction fines or otherwise managed in accordance with this Title.

#### **ARTICLE 43 DETAINMENT IF ILLEGAL TRANSPORTATION**

During the illegal transportation of natural resources products and by-products the driver of that means of transport without its owner present shall be temporarily detained to assist in the investigation of offenders and their accomplices.

#### **ARTICLE 44 CONFISCATED EVIDENCE**

Any confiscated evidence shall be managed in accordance with the procedures of the Ministry of Environment as outlined in Book 9 Environmental Offences, Enforcement, and Remedies, Title 2 Investigation, Enforcement, and Remedies of this Code and other relevant legal instruments. Evidence must be stored securely and appropriately at an institution deemed suitable by the Ministry of Environment. With appropriate recording, the Ministry of Environment has the authority to release, destroy, or keep for public benefit any confiscated natural resources products and by-products.

#### **ARTICLE 45 TIMBER**

All timber and related evidence shall be provided to the relevant government entities as soon as possible.

#### **ARTICLE 46 CONFISCATED WILDLIFE**

Any confiscated live wildlife shall be managed in accordance with the procedures of the Wildlife Rapid Rescue Team and released as quickly as possible to wildlife rescue centres or release stations as appropriate.

Any confiscated wildlife carcasses or parts shall be managed in accordance with this Code, international conventions to which Cambodia is a party, and other relevant legal instruments. It is prohibited to re-sell any seized wildlife carcasses or parts.

Confiscation and management of live wildlife, wildlife carcasses or parts, trophies or other derivatives, must be duly recorded and follow the guidelines in Title 5 Wildlife Protection, Conservation, and Management of this Book.

#### **ARTICLE 47 AUTHORITY TO IMPOSE RESTRICTIONS**

Staff of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune levels; Officials of the Ministry of Environment, the sub-national administrations, and the Provincial Departments of

the Environment; and any deputies pursuant to Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code have the authority to impose restrictions on the activities of a person, or temporarily stop a company's activity, that has offended against the provisions of this Title or breached an agreement until the case is resolved.

#### **ARTICLE 48 INFERENCE OF INTENTION**

For offences under this Title, the knowledge, intention, aim, purpose or agreement referred to in each offence may be inferred from objective factual circumstances.

#### **ARTICLE 49 RIGHT TO MAKE COMPLAINT**

Any natural person or legal entity who disagrees with a decision made by the Ministry of Environment, in exercising its powers under this Title or by virtue of the powers granted to it, has the right to make a written complaint to the Ministry of Environment in accordance with Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code.

Any complaint made under this Article shall not affect the authority of, or prevent the process of enforcement by Ministry of Environment officers under this Title.

### **CHAPTER 10 MONITORING AND EVALUATION OF BIODIVERSITY CONSERVATION CORRIDOR MANAGEMENT**

#### **ARTICLE 50 OBJECTIVES IN MANAGEMENT PLANS**

Management plans for all Biodiversity Conservation Corridors, nationally-designated Protected Areas, or other protected areas established at the provincial, district, or commune level shall contain objectives by which to measure the achievement of conservation, ecosystem value, and livelihood objectives for the area. Reports on the progress of achieving these indicators shall be publicly reported every two (2) years.

#### **ARTICLE 51 MANAGING AND MONITORING LAW ENFORCEMENT AND PATROLLING EFFORTS**

All Biodiversity Conservation Corridors, nationally-designated Protected Areas, or other protected areas established at the provincial, district, or commune level shall employ a system and database for managing and monitoring law enforcement and patrolling efforts. Reports of such activities shall be made publicly available on an annual basis.

### **TITLE 3 COLLABORATIVE MANAGEMENT OF NATURAL RESOURCES**

## **CHAPTER 1 ESTABLISHMENT OF COLLABORATIVE MANAGEMENT**

### **ARTICLE 1 PRINCIPLES**

Collaborative management is a mechanism of land and natural resources management and local livelihood development in which national and sub-national authorities and local communities share roles and responsibilities in the sustainable use, management, and protection of natural resources and biodiversity, according to clearly described roles and responsibilities.

All Biodiversity Conservation Corridors, nationally-designated Protected Areas, any other protected areas established at the provincial, district, or commune level; Community Protected Areas; Community Forests; communities that have previously submitted applications for Community Forest status or that have documented intent to apply for Community Forest status; other state public lands with ecosystem or conservation values; and indigenous peoples' or other customarily conserved lands shall be eligible to be managed according to the principles of Collaborative Management set forth in this Title.

### **ARTICLE 2 CONTINUANCE OF COMMUNITY-BASED NATURAL RESOURCES MANAGEMENT MECHANISMS**

Community-based natural resources management mechanisms such as Community Protected Areas, Community Forests, and Community Fisheries which already exist or are under the approval process at the time of the adoption of this Code, shall maintain their legal status until such time as they may become incorporated into or transformed into a Collaborative Management Protection Zone, at which time they shall become automatically recognized as components of a Collaborative Management Protection Zone, subject to Collaborative Management rules and regulations.

## **CHAPTER 2 IMPLEMENTATION OF COLLABORATIVE MANAGEMENT**

### **ARTICLE 3 RIGHT TO CONDUCT COLLABORATIVE MANAGEMENT**

Local communities, groups of local communities, and indigenous peoples, including their organizations and associations, in collaboration with relevant sub-national administrations, have the right to organize and conduct Collaborative Management throughout Biodiversity Conservation Corridors, nationally-designated Protected Areas, provincial, district, or commune level protected areas, or other state public lands with ecosystem or conservation values.

### **ARTICLE 4 COLLABORATIVE MANAGEMENT ARRANGEMENTS**

In preparing to conduct Collaborative Management, the representatives of local communities, indigenous peoples, and sub-national administrations shall determine Collaborative Management arrangements, including site-specific land use planning and zoning for

Collaborative Management Protection Zones, local community eligibility requirements for Collaborative Management, and other Collaborative Management requirements.

#### **ARTICLE 5 SUPPORT FOR COLLABORATIVE MANAGEMENT**

In preparing such Collaborative Management arrangements, the representatives of local communities, indigenous peoples, and sub-national administrations shall coordinate with the Ministry of Environment, relevant staff from any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected areas established at the provincial, district, or commune level, and any other relevant institutions, who each shall support the proponents during the preparation of arrangements.

In preparing Collaborative Management arrangements, the representatives of local communities, indigenous peoples, and local authorities shall utilize technical advice from technical partners, meaning those conservation organizations involved in the conservation of the relevant areas, and any other interested stakeholders. Specific roles for these technical partners in the implementation of Collaborative Management may be included in the Collaborative Management arrangements.

#### **ARTICLE 6 CONTENT OF COLLABORATIVE MANAGEMENT ARRANGEMENTS**

Collaborative Management arrangements shall contain the structure of a Collaborative Management Committee, as well as membership and voting rights of all Collaborative Management community members, with special attention to the relationship and dependency of indigenous peoples on their customary lands and resources.

Arrangements shall also include proposed land use planning and zoning for the Collaborative Management Protection Zone and a proposed Collaborative Management Plan. Subject to Article 7 of this Title, all such land use planning, zoning, and management planning shall comply with procedural and substantive requirements for land use planning, zoning, and management plans contained in Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Book. Any land use planning, zoning, and management planning conducted under this Title shall, to the greatest extent possible, be consistent with any former or subsequent land use planning, zoning, and management planning conducted under Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Book.

#### **ARTICLE 7 INITIATING COLLABORATIVE MANAGEMENT**

In order to begin the conduct of Collaborative Management, it shall be sufficient that the arrangements for Collaborative Management described in this Chapter, including land use planning, zoning, and management planning, be prepared to a standard in accordance with local resources and capacities, reflecting the knowledge and vision of the representatives of local communities, indigenous peoples, and sub-national administrations who will be primarily

responsible for the implementation of Collaborative Management.

## **ARTICLE 8 REVIEW OF COLLABORATIVE MANAGEMENT ARRANGEMENTS**

The Ministry of Environment shall review all arrangements according to clear criteria and procedures and shall provide comments to the proponents within three (3) months of receipt. These comments may include:

- a) A decision to initiate the conduct of Collaborative Management in the proposed area;
- b) A decision to initiate the conduct of Collaborative Management in the proposed area upon integration of the Ministry of Environment's comments into the arrangements; or
- c) Instructions to the proponents to modify the arrangements for resubmission.

In case of resubmission, the Ministry of Environment shall review any modified arrangements submitted within three (3) months of receipt.

All documents related to the Collaborative Management arrangements, including its review by the Ministry of Environment, shall be publicly available in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 9 COLLABORATIVE MANAGEMENT AGREEMENTS**

Upon approval of Collaborative Management arrangements, the Collaborative Management Committee shall enter into a Collaborative Management Agreement with the Ministry of Environment and/or sub-national administrations. The precise roles and responsibilities of all stakeholders in an individual Collaborative Management Protection Zone shall be set forth in the Collaborative Management Agreement.

All documents related to the approval of Collaborative Management arrangements and the Collaborative Management Agreement shall be publicly available in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 10 LEGAL RECOGNITION OF COLLABORATIVE MANAGEMENT AGREEMENTS**

Execution of the Collaborative Management Agreement shall create legal recognition for the relevant Collaborative Management Protection Zone as an administrative unit. Properly established Collaborative Management Protection Zones shall maintain this legal status for a period of unlimited duration, subject to satisfactory implementation of Collaborative Management responsibilities as described in this Title.



Execution of the Collaborative Management Agreement shall vest the Collaborative Management Committee with the status of a legal entity, with all the rights and obligations of legal entities, including rights to manage funds, enter into agreements and transactions, and generate income.

#### **ARTICLE 11 COLLABORATIVE MANAGEMENT FUND**

A special Collaborative Management Fund shall be created to provide support for Collaborative Management activities within each Collaborative Management Protection Zone. The Fund shall be under the control of the Collaborative Management Committee of each Collaborative Management Protection Zone and shall be transparently established and managed, in accordance with Book 8 Economic Measures, Fees, and Funds for the Environment Title 2 Environmental Fees, Funds, and Fund Management of this Code.

The Collaborative Management Committee may receive funds from the Environmental and Social Fund and other public and private sources and may generate income by means of taxes, rental leases, and usage, recreational, or access fees. The Collaborative Management Committee may also solicit and receive donations, endowments, and grants in the form of contributions, sustainable financing, and payment mechanisms for natural resource and ecosystem services, including the entitlement for communities to be compensated for the provision, maintenance, stewardship, restoration, or enhancement of flows of natural resource goods and services originating from the Collaborative Management Protection Zone, including those originating from ecosystems, through payment mechanisms established in accordance with Book 8 Economic Measures, Fees, and Funds for the Environment Title 2 Environmental Fees, Funds, and Fund Management of this Code.

#### **ARTICLE 12 USE OF INCOME, FEES, OR CONTRIBUTIONS**

Any income, fees, or contributions received in the course of implementing Collaborative Management shall be used exclusively for the benefit of the local communities in the Collaborative Management Protection Zone, for the further support of Collaborative Management implementation, and for the overall conservation of the Collaborative Management Protection Zone and adjacent areas under conservation status. Precise means of distribution of such income, fees, or contributions shall be described in the Collaborative Management Agreement.

The Collaborative Management Committee shall be exempt from taxation, charges, or fees imposed by the Kingdom of Cambodia or any government entity on any income, fees, or contributions received in the course of its management of the Collaborative Management Protection Zone.

#### **ARTICLE 13 REGULATION OF IMPLEMENTATION OF COLLABORATIVE**

## **MANAGEMENT**

Implementation of Collaborative Management shall be subject to strict monitoring and oversight by the Ministry of Environment. Collaborative Management Committees shall submit annual reports describing activities and results and demonstrating achievement of targets and indicators.

### **ARTICLE 14 REVOCATION OF COLLABORATIVE MANAGEMENT AGREEMENTS**

The Ministry of Environment shall have the right to revoke a Collaborative Management Agreement or cancel a Collaborative Management Protection Zone where it determines that Collaborative Management is not being implemented in accordance with the approved Collaborative Management Plan and such non-compliance results in a material breach of the Collaborative Management Plan, or that a major violation of law has occurred in the implementation of Collaborative Management.

Prior to the revocation of Collaborative Management rights the parties shall meet in good faith efforts to resolve the matter. The affected Collaborative Management committee shall also have the right to appeal any revocation decision in accordance with the provisions of Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code and to the courts.

### **ARTICLE 15 TERM OF COLLABORATIVE MANAGEMENT**

The precise terms of Collaborative Management, including detailed roles, rights and responsibilities, criteria, and procedures for reviewing Collaborative Management arrangements, Collaborative Management Protection Zone zoning criteria and procedures, planning and management, funding mechanisms, member eligibility, benefit sharing, dispute resolution, reporting, and other implementation steps, will be determined and set forth in a legal instrument after review of relevant projects and experience and after conducting pilot implementation of Collaborative Management at several sites.

Within two (2) years of the enactment of this Code, the Ministry of Environment shall issue a legal instrument on the details of implementation of Collaborative Management.

### **ARTICLE 16 PROMOTION AND SUPPORT OF COLLABORATIVE MANAGEMENT**

Other relevant government entities shall take all actions necessary to promote and support the implementation of Collaborative Management within these areas under their jurisdiction or in areas in which such government entities share jurisdiction with the Ministry of Environment and/or its sub-national administrations.

## **ARTICLE 17 PROHIBITED ACTIONS**

It is prohibited for any individual or entity to take any action that is in contravention of an approved Collaborative Management Agreement or any of the rights and responsibilities pursuant to it.

## **CHAPTER 3 COLLABORATIVE MANAGEMENT DURATION AND LAND TENURE**

### **ARTICLE 18 COLLABORATIVE MANAGEMENT COMMUNAL LAND TITLE RIGHTS**

Upon designation of a Collaborative Management Protection Zone according to this Title, those communities located within the Collaborative Management Protection Zone shall receive Collaborative Management Communal Land Title Rights, whose validity shall remain for the full duration of the Collaborative Management Protection Zone.

Regardless of any additional registration or requirements, such Collaborative Management Communal Land Title Rights may not be infringed by any public or private entity without the community's prior consent.

### **ARTICLE 19 CONTENT OF COLLABORATIVE MANAGEMENT COMMUNAL LAND TITLE RIGHTS**

The Collaborative Management Communal Land Title Rights include the right for communities within the Collaborative Management Protection Zone to reside in, conserve, manage, and receive benefits from the sustainable use of natural resources in line with their customary land tenure and traditional livelihood practices within the Collaborative Management Protection Zone according to an approved Collaborative Management Plan.

These Collaborative Management Communal Land Title Rights do not include the right to sell or transfer the lands designated as Collaborative Management Protection Zones.

### **ARTICLE 20 DURATION OF COLLABORATIVE MANAGEMENT COMMUNAL LAND TITLE RIGHTS**

The Collaborative Management Communal Land Title Rights set out in this Chapter are fixed to the duration of the Collaborative Management Protection Zone and are conditioned upon fulfilment of Collaborative Management responsibilities.

### **ARTICLE 21 REVOCATION OF COLLABORATIVE MANAGEMENT COMMUNAL LAND TITLE RIGHTS**

The failure by communities to comply with the Collaborative Management Plan and other

Collaborative Management rules and regulations shall result in revocation of the Collaborative Management Communal Land Title Rights with respect to those communities. However, a failure of a party other than the communities to comply with the Collaborative Management Plan and other Collaborative Management rules and regulations, including a failure that results in the cancellation of a Collaborative Management Agreement in accordance with Article 14 of this Title, shall not result in revocation of the Collaborative Management Communal Land Title Rights with respect to those communities.

Such Collaborative Management Communal Title rights may not be transferred to any person or community outside the Collaborative Management Protection Zone.

#### **ARTICLE 22 ADDITIONAL RIGHTS**

Collaborative Management Communal Land Title Rights are in addition to any other rights that indigenous communities may receive, including rights under the 2001 Land Law.

#### **ARTICLE 23 EFFECT OF OTHER PROTECTED AREA DESIGNATIONS**

The current or future establishment of any Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area at the provincial, district, or commune level in any area where indigenous peoples are present or have a collective attachment or interest, shall not impact on any current or future claims that indigenous peoples have to their lands under the 2001 Land Law, nor will such areas be excluded from the scope of the collective land title.

### **TITLE 4 SUSTAINABLE FOREST MANAGEMENT**

#### **CHAPTER 1 GENERAL PROVISIONS**

##### **ARTICLE 1 PURPOSE**

The purpose of this Title is to define the framework for Sustainable Forest Management, including the management, harvesting, small-scale development, commercial use, and conservation of forested areas, in order to maintain and enhance long-term economic viability and environmental and social benefits, including the well-being of people, environmental quality, and sustained markets and yields.

##### **ARTICLE 2 APPLICABLE RESOURCES**

This Title applies to Sustainably Managed Forests, which are any areas designated as such by the relevant government entities in forested areas located outside of Biodiversity Conservation Corridors, Protected Areas, and any other protected areas established at the provincial, district, or commune level, or any other state public lands with ecosystem or conservation values, and indigenous peoples' or other customarily conserved lands.

### **ARTICLE 3 OBJECTIVES**

Sustainably Managed Forests shall be managed in accordance with the objectives and principles contained in this Code in Book 1 General Provisions Title 1 General Provisions and the following specific objectives:

- a) Preserve social, economic, and environmental benefits;
- b) Conserve, enhance, and restore biological diversity and ecosystem values;
- c) Improve local livelihoods and cultural heritage; and
- d) Promote sustainable development.

## **CHAPTER 2 RESPONSIBLE ENTITIES**

### **ARTICLE 4 ROLES AND RESPONSIBILITIES**

The relevant government entities with jurisdiction for Sustainable Forest Management, including the relevant sub-national administrations, shall:

- a) Oversee the implementation of Sustainable Forest Management, which includes the planning, permitting, management, and oversight of sustainable forestry practices;
- b) Prepare guidelines and procedures for effective enforcement of this Title;
- c) Study and collect data on forests regarding scientific purposes and economic, social, and environmental factors, in order to establish metrics and standards and develop management plans for Sustainable Forest Management;
- d) Ensure the timely and complete assessment of all forest and other development related activities that may have a significant adverse social and environmental impact prior to approval of such activities;
- e) Make proposals for the establishment and modification of Sustainably Managed Forests as required by the Royal Government of Cambodia or pursuant to regional and international conventions, protocols, and agreements;
- f) Promote education and dissemination of information to the public to demonstrate the importance of managing, maintaining, and protecting forest resources, as well as to encourage participation in the conservation and protection of natural resources within the Sustainably Managed Forests;
- g) Restore the ecological services on degraded forest lands and reforest as appropriate the Sustainably Managed Forests to promote and achieve REDD+ and other conservation

goals, taking into consideration criteria such as forest canopy cover and minimum height of trees at maturity, as well as forest classification;

- h) Clearly define the legal status of all lands to be managed as Sustainably Managed Forests, including existing customary tenure and use rights, including boundaries;
- i) Develop and implement measures, including collaboration with other government entities, to systematically protect the forest from unauthorized or illegal resource use, settlement, and other illegal activities.
- j) Publicise and implement full transparency in all aspects of Sustainable Forest Management.
- k) Improve enforcement through collaboration with other government entities, sub-national administrations, and local communities and indigenous peoples:
- l) Conduct crime monitoring and reporting;
- m) Deploy rapid response capacity on forest crime information; and
- n) Engage with local communities and indigenous peoples on all aspects of Sustainable Forest Management, including through identifying and upholding indigenous legal and customary rights; contributing to maintaining or enhancing the social and economic wellbeing of local communities and indigenous peoples; addressing worker gender equity, safety, and living wages; providing mechanisms for resolving grievances; upholding the right of local communities and indigenous peoples to protect and utilize their traditional knowledge; compensating local communities and indigenous peoples for the utilization of such knowledge and their intellectual property; and supporting local community and indigenous peoples' efforts to receive fair returns on the value of timber, non-timber, and by-products of processing through technical support for planning, management, and the marketing of such products, as well as through enforcement of relevant laws and permitting systems.

## **ARTICLE 5 DUTY TO CONSERVE AND RESTORE**

The relevant government entities with jurisdiction for Sustainable Forest Management, including the relevant sub-national administrations, shall maintain, conserve, and/or restore environmental values and ecosystem services within Sustainably Managed Forests and shall avoid, repair, or mitigate negative environmental impacts to:

- a) Intact forests and waterways;
- b) Environmental quality of soils, water, and air;
- c) Integrity of soil and ecosystems; and

- d) Viability of species, especially rare or endemic species.

## **ARTICLE 6 OTHER DUTIES**

The relevant government entities with jurisdiction for Sustainable Forest Management, including the relevant sub-national administrations, shall ensure:

- a) That products are harvested at or below a level that can be permanently sustained;
- b) Local processing, services, and value adding are used where available;
- c) Participation in International Forest Product and Management Certification programs with assistance from the relevant government entity; and
- d) Chain-of-custody practices are implemented for products not used for domestic consumption.

## **CHAPTER 3 CLASSIFICATION OF SUSTAINABLY MANAGED FORESTS**

### **ARTICLE 7 CLASSIFICATIONS**

The relevant government entities with jurisdiction for Sustainable Forest Management, including the relevant sub-national administrations, shall identify and map all Sustainably Managed Forests, further classifying them as Private Forests, Sustainable Production Forests, Restoration Forests, or Stock Forests. Classification shall be based on maps, scientific data, assessments, and planning, and shall take into account:

- a) The ecological, economic, societal, and cultural functions of the forest;
- a) Forest diversity, identified by vegetation structure and composition as related to hydric and substrate characteristics;
- b) Goals to reduce emissions from deforestation and forest degradation and sustainable management of forests, conservation, and enhancement of forest carbon stocks through REDD+; and
- c) All relevant requirements pursuant to international agreements and national development goal and policies.

This identification, mapping, and classification process shall be done in accordance with Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **ARTICLE 8 DEFINITIONS OF CLASSIFICATIONS**

Private Forests include all forest lands that:

- a) Exist on state private land;
- b) Are subject to a private land title; or
- c) Are subject to the customary use of indigenous peoples as recognized by the 2001 Land Law.

Sustainable Production Forests are state public lands consisting of degraded forest, afforestation lands, reforestation lands, and forest suitable for tree plantation. Commercial activity in Sustainable Production Forests is subject to permit.

Restoration Forests are state public lands with important ecosystem and biodiversity values, including degraded forest lands, that are suitable for maintenance, restoration, and conservation.

Stock Forests are state public lands consisting of forested areas held in reserve for future sustainable production or conservation.

No lands located within Biodiversity Conservation Corridors, Protected Areas, any other protected areas established at the provincial, district, or commune level, any other state public lands with ecosystem or conservation values, or indigenous peoples' or other customarily conserved lands shall be included in Sustainably Managed Forests, and no such lands shall be classified according to this Title or included in any land use maps of Sustainably Managed Forests created according to this Title.

## **ARTICLE 9 ADDITIONAL CLASSIFICATIONS**

The relevant government entities with jurisdiction for Sustainable Forest Management may create additional forest classifications for Sustainably Managed Forests, including recreation forests, community production forests, experimental forests and restoration forests, to accommodate emerging needs and opportunities. Additional forest classifications shall be evaluated on adherence to sustainability principles and other state goals as addressed in management plans.

## **ARTICLE 10 LAND USE MAP**

In coordination with the Ministry of Land Management, Urban Planning, and Construction, and in consultation with sub-national administrations, and the relevant communities and indigenous peoples, the relevant government entities with jurisdiction for Sustainable Forest Management shall assess boundaries and demarcate Sustainably Managed Forests according to classifications and establish a land use map of Sustainably Managed Forests.



This land use map shall be completed prior to any permitting, production or other uses in sustainably Managed Forests, and shall be done in accordance with Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

#### **ARTICLE 11 CHANGE IN CLASSIFICATION**

Any proposal to modify any classification within any Sustainably Managed Forest, or any portion thereof, shall be subject to the Environmental Impact Assessment provisions of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment this Code.

In addition, the relevant government entities proposing the modification of classification shall prepare documentation detailing the following:

- a) The scientific and socio-economic reasons for the proposed modification to classification;
- b) The efforts that have been made to retain the current classification status;
- c) The manner in which the modification to classification will enhance the livelihood and customary rights of local communities;
- d) The expected nature of gains in conservation and ecosystem value or the means by which any loss of conservation and ecosystem value will be offset;
- e) Appropriate consultations with any interested stakeholders and the affected local communities, including the prior consent of such communities to the proposed modification; and
- f) Such other information to justify the proposal.

Any proposal to modify the classification of any Sustainably Managed Forest, or any portion thereof, shall be subject to Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

Thereafter, any such approval of modification may only be granted in written form by a Ministerial decision by the relevant government entity, in a decision demonstrating careful consideration of the documentation provided pursuant to this Article.

### **CHAPTER 4 SUSTAINABLE USE PLANNING**

#### **ARTICLE 12 DEVELOPMENT OF SUSTAINABLE USE PLANS**

The relevant government entities with jurisdiction for Sustainable Forest Management shall develop and implement ten (10) year sustainable use plans and ten (10) year management plans

for all Sustainably Managed Forests. All plans shall be consistent with this Title.

### **ARTICLE 13 CONSIDERATIONS FOR SUSTAINABLE USE PLANS**

Sustainable use plans shall take into account the following factors:

- a) Forest types and qualities, based on forest inventory data;
- b) Ecological values of forest;
- c) Location of indigenous peoples and local communities and their livelihood needs; and
- d) Positive and negative externalities of operation.

### **ARTICLE 14 CONTENT OF SUSTAINABLE USE PLANS**

Sustainable use plans shall include the following matters:

- a) Management of active Economic Land Concession areas;
- b) Use of silvicultural practices, including allowable annual harvests within different management areas;
- c) Afforestation, reforestation, and plantation in degraded areas;
- d) Forest monitoring and law enforcement; and
- e) Engagement with local communities and indigenous peoples in managing forests.

### **ARTICLE 15 ECONOMIC LAND CONCESSIONS**

The relevant government entities with jurisdiction for Sustainable Forest Management shall ensure that all existing Economic Land Concessions are managed in accordance with the objectives and framework of this Title.

In addition to management by the appropriate government entities with jurisdiction for Sustainable Forest Management, all existing Economic Land Concessions that abut, border, or are wholly or partially located within any Biodiversity Conservation Corridor, Protected Area, or any other protected area established at the provincial, district, or commune level shall be subject to the management supervision of that government entity responsible for such area or areas and administered in a manner compatible with the broader conservation management objectives of such areas to the greatest extent possible.

## **CHAPTER 5 PERMITS AND APPROVALS**

### **ARTICLE 16 APPLICABLE ACTIVITIES**

Any natural or legal person proposing to undertake any of the following activities in any portion of any Sustainably Managed Forest shall apply for a permit from the relevant government entities:

- ff) Production of timber products and non-timber forest products for commercial use;
- gg) Management of timber products and non-timber forest products for commercial use;
- hh) Harvesting and selling of timber products and non-timber forest products for commercial purposes in accordance with an annual harvesting quota, which shall include a security deposit to guarantee payment of royalties and premiums, set by the relevant government entity;
- ii) Transporting of timber products and non-timber forest products in accordance with an annual transport quota set by the relevant government entity;
- jj) Exporting of timber products and non-timber forest products in accordance with an annual export quota set by the relevant government entity;
- kk) Use of forests to conduct technical or scientific research, including extraction for the purpose of silviculture research or forest improvement; agricultural education or training; irrigation or agricultural purposes upon the agreement of the Ministry of Water Resources and Meteorology; establishment of a botanical garden, transferring nursery, or experimental station; or to establish recreation, ecotourism, or film or video documentation;
- ll) Establishment of a stock place to sell and distribute timber products and non-timber forest products;
- mm) Establishment of a processing facility for forestry industry, sawmill, or timber products and non-timber forest products;
- nn) Establishment of any kilns using timber products and non-timber forest products as raw material;
- oo) Production of charcoal and firewood; and
- pp) Any other commercial activities pursuant to this Code.

All permit applications submitted pursuant to this Article shall be made publicly available in accordance Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

Any permit applications that are submitted in accordance with this Article shall be subject to

the requirements of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment this Code.

#### **ARTICLE 17 CONSIDERATIONS FOR PERMIT APPLICATIONS**

The relevant government entities with jurisdiction for Sustainable Forest Management, in reviewing any permit application, shall consider the following:

- a) The compatibility of the proposed project with landscape conservation objectives in the vicinity;
- b) The degree to which the proposed project supports and increases local livelihoods;
- c) The extent to which the proposed project preserves biodiversity and ecosystem values;
- d) Consistency of the proposed project with national and local land use plans;
- e) Consistency of the proposed project with the Sustainable Use Plan for the Sustainably Managed Forest in which the proposed activity is located, and
- f) The extent to which the proposed project employs best practices in all aspects of proposed preparation, operation, and restoration.

#### **ARTICLE 18 CONSULTATIONS**

Prior to making a determination on any permit application, the relevant government entities with jurisdiction for Sustainable Forest Management shall conduct appropriate consultations with technical partners, any interested stakeholders, and the affected local communities, obtaining prior consent of such communities to the proposed commercial activity, and divulge financial arrangements and projected revenue from such commercial activity to all interested stakeholders.

The full permit application and approval process, and all details of any proposed or approved commercial activity in any Sustainably Managed Forests, shall be fully disclosed and subject to Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

The details of the permit application and approval process for all activities in Sustainably Managed Forests shall be set forth in a legal instrument by the relevant legal entity.

### **CHAPTER 6 CUSTOMARY USER RIGHTS**

#### **ARTICLE 19 PURPOSE**

For local communities and indigenous peoples living within or near Sustainably Managed Forests, the State shall recognize and ensure their traditional user rights within Sustainably

Managed Forests for the purpose of traditional customs, beliefs, religions, and living as defined in this Chapter.

## **ARTICLE 20 TRADITIONAL USER RIGHTS**

The traditional user rights of local communities and indigenous peoples for forest products and by-products shall not require a permit. Traditional user rights consist of:

- a) The collection of dead wood, picking wild fruit, collecting honey, taking resin, and collecting other forest by-products;
- b) Using timbers to build houses, stables for animals, fences, and to make agricultural instruments;
- c) Grass cutting or unleashing livestock to graze within the forests;
- d) Using other forest products and by-products consistent with traditional family use;
- e) The right to barter or sell forest by-products shall not require a permit if those activities do not cause significant threat to the sustainability of the forest. The customers or any third party who has obtained forest by-products from local communities for the purposes of commerce, must obtain a permit pursuant to this Title.

## **CHAPTER 7 ACTIVITY MANAGEMENT PLANS AND REPORTS**

### **ARTICLE 21 SCOPE OF MANAGEMENT PLANS**

Management plans shall be developed for all commercial activity occurring within each Sustainably Managed Forest and shall be proportionate to scale, intensity, and risks of each such commercial activity. The management plans shall be implemented and updated regularly based on monitoring information in order to promote adaptive management.

### **ARTICLE 22 CONTENT OF MANAGEMENT PLANS**

Management plans shall:

- a) Define the specific area to be subject to commercial activity, including descriptions and locations of the intended specific activities;
- b) Define goals, objectives, and desired outcomes of the commercial activity in terms of resources used and social and income criteria;
- c) Define roles and responsibilities for all relevant stakeholders;
- d) Set quotas for timber and non-timber forest product harvests;

- e) Set schedules and timelines for implementation;
- f) Set budgets;
- g) Define best management practices to be used and actions to be avoided, based on relevant guidelines;
- h) Define planned use of silvicultural practices;
- i) Set procedures for forest product certification, where applicable;
- j) Define forest product processing and transportation; and
- k) Set procedures for monitoring, evaluation, and reporting.

### **ARTICLE 23 FOREST MANAGEMENT REPORTS**

The government entities with jurisdiction for Sustainable Forest Management shall annually prepare Forest Management Report on the implementation of the Management Plans in each Sustainably Managed Forest.

All Sustainable Use Plans, Management Plans, and Forest Management reports shall be made publicly available in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **CHAPTER 8 ROYALTIES AND PREMIUMS ON FOREST PRODUCTS**

### **ARTICLE 24 ROYALTIES AND PREMIUMS**

Any natural person or legal entity harvesting timber products and non-timber forest products for commercial purposes within Sustainably Managed Forests shall pay royalties and premiums to the relevant government entities with jurisdiction of Sustainably Managed Forests.

The rules for assessments of quality and quantity, including requiring assessment prior to transport; and amounts, method of payment, and receipt of revenues from royalties and premiums on timber products and non-timber forest products shall be determined by legal instrument.

### **ARTICLE 25 REDISTRIBUTION TO LOCAL COMMUNITIES**

A portion of all royalties and premiums collected, the amount to be determined by legal instrument of the entity with jurisdiction of Sustainable Forest Management, shall be redistributed to local communities. The remainder of all royalties and premiums shall go to the national budget.

## **ARTICLE 26 APPLICABLE ACTIVITIES**

Payment of royalties and premiums shall not be required for:

- a) The harvesting of timber products and non-timber forest products from private forests; and
- b) Collection of timber products and non-timber forest products by local communities exercising customary user rights or in a Community Forest under a Community Forest agreement.

## **ARTICLE 27 SCIENTIFIC PURPOSES**

Payment of royalties and premiums for any timber products and non-timber forest products collected from Sustainably Managed Forests for scientific purposes may be waived or reduced to promote efficient use of any timber products and non-timber forest products.

## **ARTICLE 28 PAYMENT DEADLINE**

All applicable royalties and premiums shall be paid prior to the transfer or sale of any Forest Products or rights to a third party.

## **ARTICLE 29 DELAY OF PAYMENT**

If a permit holder does not pay royalties and premiums by the agreed scheduled date, the with relevant government entities with jurisdiction for Sustainable Forest Management shall have the authority to seize the timber products and non-timber forest products and detain such products as State property until legal resolution of the dispute. Delay of payment of royalties or premiums may be approved in accordance with criteria described in a legal instrument by the government entity with jurisdiction of Sustainable Forest Management.

## **ARTICLE 30 PROCEDURES**

The details of royalty payments and procedures shall be established by legal instrument.

## **CHAPTER 9 OTHER MECHANISMS FOR SUSTAINABLE FOREST MANAGEMENT**

### **ARTICLE 31 RESTORATION AND ENHANCEMENT**

The relevant government entities with jurisdiction for Sustainable Forest Management shall maintain and enhance the overall ecosystem and biodiversity value of areas located within Sustainably Managed Forests.

Any project approved in a Sustainably Managed Forest in accordance with this Title shall

include as a component of its operation the restoration or afforestation of an area of degraded forest land of equal size as the commercial activity to be undertaken.

The relevant government entities with jurisdiction for Sustainable Forest Management shall establish the necessary operating structures to promote restoration and afforestation of degraded forests and shall develop appropriate mechanisms within one (1) year of the enactment of this Code.

### **ARTICLE 32 TREE PLANTATIONS**

The relevant government entities with jurisdiction for Sustainable Forest Management shall issue a legal instrument as well as program and technical guidance to determine special rules on tree plantations in order to encourage individuals and project developers to plant and maintain tree plantations that follow principles and standards for sustainable forest management and that are compatible with landscape environmental, social, economic, and resource goals.

### **ARTICLE 33 SUSTAINABLE CHARCOAL AND FIREWOOD**

The relevant government entities with jurisdiction for Sustainable Forest Management shall promote sustainable charcoal and firewood production and consumption through financial and fiscal incentives for certified sustainable producers. These incentives shall be developed in a legal instrument.

### **ARTICLE 34 FOREST FIRE PREVENTION AND CONTROL**

The relevant government entities with jurisdiction for Sustainable Forest Management shall develop guidelines to determine areas for forest fire control, forest fire prevention and the creation of Forest Fire-Fighter Committees as a rule for implementation in all forest areas shall be determined by an appropriate legal instrument of the entity in charge of sustainable forest management. Citizens, armed forces, and authorities of all levels shall have the obligations for forest maintenance and protection, fire prevention and fighting against forest fires.

### **ARTICLE 35 INTERNATIONAL FOREST PRODUCT AND MANAGEMENT CERTIFICATION**

The relevant government entities with jurisdiction for Sustainable Forest Management shall develop a legal instrument enabling and describing the procedures by which the Kingdom of Cambodia shall participate in International Forest Product and Management Certification programs and implement chain-of-custody practices for products not used for domestic consumption.

### **ARTICLE 36 FOREST LAW ENFORCEMENT AND GOVERNANCE AND TRADE PROGRAMME**



The relevant government entities with jurisdiction for Sustainable Forest Management shall develop and implement a comprehensive Forest Law Enforcement and Governance and Trade Programme to strengthen the management, protection, and development of Sustainably Managed Forests in a transparent, fair, and efficient manner. Specific objectives of the Forest Law Enforcement and Governance and Trade programme shall be to:

- a) Strengthen forest law with control, prevention, suppression and elimination of all illegal forest activities;
- b) Ensure that appropriate laws and policies are developed and made operational;
- c) Promote good governance through improved conflict management capacity;
- d) Mainstream sustainable forest use, public rights and obligations;
- e) Improve the capacity building of entity in charge of sustainable forest management officials in forest law enforcement;
- f) Adopt efficient methods to detect, monitor and suppress illegal forest activities; and
- g) Awareness raising to the public on the law and relevant regulations of the forest law enforcement.

#### **ARTICLE 37 NATION-WIDE LICENSING AND MONITORING SYSTEM**

The relevant government entities with jurisdiction for Sustainable Forest Management shall develop a nation-wide licensing and monitoring system to track the production and use of all timber products originating from Sustainably Managed Forests. Compliance with the tracking system shall be a strict requirement of any natural person or legal entity operating pursuant to a permit under this Title.

The relevant government entities with jurisdiction for Sustainable Forest Management shall establish the details of this nation-wide licensing and monitoring system within one (1) year of the enactment of this Code.

#### **ARTICLE 38 ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

Officials of the relevant government entities with jurisdiction for Sustainable Forest Management having duties as Environment and Natural Resources Judicial Police Officers shall implement the missions pursuant to Book 9 Environmental Offences, Enforcement and Remedies, Title 2 Investigation, Enforcement, and Remedies of this Code with regard to any offences activities by any natural person or legal entity within Sustainably Managed Forests. All provisions regarding Environment and Natural Resources Judicial Police Officers in Book

9 Environmental Offences, Enforcement and Remedies, Title 2 Investigation, Enforcement, and Remedies of this Code shall apply.

Operations by such officials who are commissioned as justice police officials shall be carried out in accordance with the Code of Criminal Procedures of the Kingdom of Cambodia.

## **ARTICLE 39 FUNDING MECHANISMS**

The relevant government entities with jurisdiction for Sustainable Forest Management may maintain any relevant existing funding mechanisms, or create new funding mechanisms as required, in order to give effect to this Title.

# **TITLE 5 WILDLIFE PROTECTION, CONSERVATION, AND MANAGEMENT**

## **CHAPTER 1 GENERAL PROVISIONS**

### **ARTICLE 1 PURPOSE**

The purpose of this Title is the conservation of biodiversity, the protection and management of wildlife, and the prevention of wildlife crime.

### **ARTICLE 2 SCOPE OF THIS TITLE**

This Title defines the framework of management for all wildlife throughout the Kingdom of Cambodia. Wildlife includes any animal that is wild by nature, including captive wildlife, and aquatic or terrestrial vegetation which forms part of any habitat. Animals include, whether live or dead; amphibians, birds, mammals, reptiles, fish, invertebrates; and their young, offspring, and eggs; and any parts or products of the dead body thereof. In this Code, wild animal refers to any animal that is wild by nature, including captive wildlife. This Title applies to all live, dead, and captive wildlife and species non-native to the Kingdom of Cambodia.

All species of wildlife in the Kingdom of Cambodia are State property and a component of natural resources, including all mammals, birds, reptiles, amphibians, fish, and invertebrates, and their eggs or offspring. Such wildlife is under the jurisdiction, management, research, protection and conservation of the Ministry of Environment and other government entities and shall receive the benefit of protection under this Title. Certain fishery resources, as defined by the 2006 Law on Fisheries, are also subject to management of the Fisheries Administration. The Ministry of Environment and Fisheries Administration shall cooperatively exercise their jurisdiction so as to manage fishery resources in the most effective and sustainable manner possible.

### **ARTICLE 3 ROLES AND RESPONSIBILITIES OF RELEVANT GOVERNMENT ENTITIES**

All relevant government entities shall seek to protect and conserve wildlife and shall utilise their authorities in the furtherance of this Title.

The Ministry of Environment has the overall jurisdiction and responsibility for designation, management, and protection of wildlife in the Kingdom of Cambodia.

The Biodiversity Technical Working Group of the National Council for Sustainable Development has the mandate to oversee the status of wildlife and to facilitate inter-ministerial decisions related to biodiversity management and conservation.

Sub-national administrations shall have such roles and responsibilities as described in this Title and other relevant legal instruments specifying the role of sub-national administrations in environment and natural resources management.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora Scientific and Management Authority of the Kingdom of Cambodia shall maintain its full operations under the jurisdiction of the relevant government entities.

The Wildlife Rapid Rescue Team shall maintain its full operations under the jurisdiction of the relevant government entities.

#### **ARTICLE 4 DUTIES OF THE MINISTRY OF ENVIRONMENT**

The Ministry of Environment, with other government entities and sub-national administrations, has the following main duties:

- a) To prepare guidelines and procedures for effective enforcement of this Title;
- b) To develop and implement strategies, management plans, and action plans to conserve threatened species in line with international conventions;
- c) To prevent wildlife crimes both inside and outside of Biodiversity Conservation Corridors and nationally-designated Protected Areas, including at international import-export points, stocking, transportation, trading places, and places or businesses where illegally harvested wildlife may be consumed;
- d) To actively enforce this Title, laws, and regulations, and to investigate, file, and monitor complaints to the court on all wildlife offences committed in the Kingdom of Cambodia;
- e) To create and manage accurate record keeping and databases on all wildlife crimes and criminals within the Kingdom of Cambodia;
- f) To use existing counter wildlife trafficking networks, and develop additional strategies

where necessary, in order to combat wildlife crimes occurring in other countries and wildlife criminals that may be using the Kingdom of Cambodia as a source, end destination or a conduit to other countries;

- g) Update the classifications of all wildlife species following the process outlined in Chapter 2;
- h) To develop and implement research, monitoring, protection and conservation programmes for wildlife, including on the status of threatened species;
- i) To prepare guidelines and oversee the issuance and implementation of hunting permits for local communities and indigenous peoples within and outside of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level;
- j) Review and reject or approve applications for special exceptions on hunting of wildlife under Chapter 4 of this Title;
- k) To provide oversight, monitoring, and regulation of the operation of zoological facilities, conservation breeding centres, rescue and rehabilitation centres, and commercial wildlife farming facilities;
- l) Review and reject or approve applications for non-lethal capture of wildlife for conservation breeding purposes;
- m) To ensure that all permits and permitting processes are transparently managed and prices of permits are clearly stated and made publicly available;
- n) To develop and maintain wildlife health surveillance strategies in collaboration with other relevant government entities, and facilitate rapid responses to cases and outbreaks of wildlife diseases and other health issues;
- o) To collaborate with other government entities and engage in international cooperation; and
- p) To promote public education and outreach programmes that demonstrate the importance of the protection, conservation, and sustainable management of wildlife.

## **ARTICLE 5 DUTIES OF PROVINCIAL DEPARTMENTS OF ENVIRONMENT**

The Provincial Departments of Environment and staff in Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level, with oversight and support from the Ministry of Environment and in coordination with relevant government entities, and in collaboration with the technical partners that are involved in the conservation of these areas, have the following

main duties:

- a) To help develop and implement strategic plans, management plans and action plans to conserve wildlife;
- b) To prevent wildlife crimes;
- c) To enforce this Title through investigations, and file complaints to the court on wildlife offences committed in the Kingdom of Cambodia;
- d) To regularly maintain a database of all wildlife offences and offenders following guidelines from the Ministry of Environment;
- q) To receive and consider hunting permit applications and issue hunting permits for local communities and indigenous ethnic minority groups that meet the guidelines from relevant government entities;
- e) To monitor the implementation of hunting permits and suspend or revoke the permits of persons caught in violation of this Title;
- f) To regularly maintain a database of hunting permits and hunters, for the purpose of monitoring, evaluation and regulation, and to submit regular copies of the database to the Ministry of Environment;
- g) To implement wildlife health surveillance strategies, in collaboration with other relevant government entities, and respond rapidly to cases and outbreaks of wildlife diseases and other health issues; and,
- h) To conduct on-site monitoring audits of main wildlife farming facilities and wildlife conservation breeding facilities in order to make recommendations for improvements and review new applications for permits in order to reject or approve;
- i) To review, evaluate and make recommendations for necessary changes, all Environmental Impact Assessments and Strategic Environmental Assessments that have identified adverse impacts on Schedule 1, 2 and 3 species, on the basis of scientific reports and data; and
- j) To coordinate and collaborate with other government entities, civil society and non-government organisations in the fulfilment of these duties.

## **ARTICLE 6 COOPERATION OF RELEVANT GOVERNMENT ENTITIES**

All government entities with a responsibility to prevent crime, including but not limited to: the Fisheries Administration of the Ministry of Agriculture, Forestry, and Fisheries; the Forestry Administration of the Ministry of Agriculture, Forestry, and Fisheries; the Convention on

International Trade in Endangered Species of Wild Fauna and Flora Management Authority of Cambodia; the General Department of Customs and Excise of the Ministry of Economy and Finance; and the National Police of the Ministry of Interior and Military Police of the Ministry of National Defence, have the responsibility to coordinate, collaborate, and share information with the Ministry of Environment on offences involving wildlife throughout the Kingdom of Cambodia, including but not limited to:

- a) National and international investigations of wildlife crime and wildlife criminals, including offences committed by natural persons, legal entities and organized criminal groups;
- b) Seizures of wildlife and wildlife parts and trophies, made under this Code or any other relevant legal instrument; and
- c) All court cases involving wildlife and wildlife parts and trophies.

The Ministry of Environment may issue guidelines regarding the means of coordination, collaboration, and information sharing regarding wildlife crimes among government entities; however, the duty to coordinate, collaborate, and share information shall be binding on all government entities upon enactment of this Code, regardless of the issuance of any such guidelines.

The Ministry of Environment may establish and lead an inter-agency Wildlife Crime Taskforce for the purpose of reducing and preventing wildlife crime and to coordinate collaborative efforts across government entities and law enforcement entities, including international cooperation.

## **ARTICLE 7 BIODIVERSITY TECHNICAL WORKING GROUP**

The Biodiversity Technical Working Group of the National Council for Sustainable Development, shall be composed of biological experts and ecologists from the Ministry of Environment; Ministry of Agriculture, Forestry and Fisheries; other relevant government entities; and scientific, educational, and other relevant institutions and organisations, including technical partners participating in the protection of Biodiversity Conservation Corridors, Protected Areas, and any other protected areas established at the provincial, district or commune level, and the preservation of wildlife species throughout the Kingdom of Cambodia.

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year in order to:

- a) Review the National List of Threatened Wildlife Species and provide recommendations to the Ministry of Environment regarding any necessary updates to the list and Schedule classifications;

- b) Review, make recommendations for necessary changes, and approve species management and recovery plans for implementation, on the basis of scientific reports and data;
- c) Help to resolve any conflicts or complaints around scheduled species and actions that might result in extinction; and
- d) Issue recommendations, based on scientific understanding, on hunting quotas for local communities and indigenous groups' subsistence and customary use.

## **CHAPTER 2 CLASSIFICATION OF WILDLIFE SPECIES**

### **ARTICLE 8 NATIONAL LIST OF THREATENED WILDLIFE SPECIES**

The Ministry of Environment shall create and maintain a publicly available National List of Threatened Wildlife Species occurring within the Kingdom of Cambodia. Upon enactment of this Code, the National List of Threatened Wildlife Species will adopt all wildlife species known to occur in the Kingdom of Cambodia that are listed on the International Union for Conservation of Nature Red List. The National List of Threatened Wildlife Species will continually adopt any new wildlife species added to the International Union for Conservation of Nature Red List that are known to occur in the Kingdom of Cambodia, effective immediately upon their listing on the International Union for Conservation of Nature Red List.

### **ARTICLE 9 CATEGORIES OF WILDLIFE SPECIES**

Species listed on The National List of Threatened Wildlife Species shall be categorised into the following schedules:

- a) Schedule 1. All species, including those non-native to Cambodia, listed as Extinct in the Wild, Critically Endangered, or Endangered on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species, and species of natural or cultural heritage or significant economic importance to Cambodia. All species non-native to Cambodia listed on Appendix 1 of Convention on International Trade in Endangered Species of Wild Fauna and Flora are also included in Schedule 1, for example African elephants, rhinoceroses;
- b) Schedule 2. All species, including those non-native to Cambodia, listed as Vulnerable, Near Threatened, Data Deficient, or Not Evaluated, on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species and all species non-native to Cambodia and listed as Appendix 2 of Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- c) Schedule 3. All species, including those non-native to Cambodia, listed as Least Concern on the International Union for Conservation of Nature and Natural Resources

Red List of Threatened Species, unless specified in Schedule 4, and all species non-native to Cambodia and listed on Appendix 3 of Convention on International Trade in Endangered Species of Wild Fauna and Flora; and

- d) Schedule 4. All species considered common in Cambodia as approved by the Biodiversity Technical Working Group of the National Council for Sustainable Development.

In instances where a species may be classed under different schedules according to the International Union for Conservation of Nature and Natural Resources Red List and Convention on International Trade in Endangered Species of Wild Fauna and Flora Appendices, the higher schedule applies. Any newly described species without an International Union for Conservation of Nature and Natural Resources categorization will be assigned to Schedule 1 unless otherwise categorized by the Ministry of Environment.

Species included in the four Schedules shall be listed in a legal instrument to be developed by the Ministry of Environment in consultation with relevant government entities and technical partners. The establishment and applicability of the four schedules shall be effective immediately upon enactment of this Code, based on the International Union for Conservation of Nature and Natural Resources Red List and Convention on International Trade in Endangered Species of Wild Fauna and Flora appendices, and is not dependent on the development of legal instruments.

#### **ARTICLE 9 UPDATING THE LIST OF THREATENED WILDLIFE SPECIES**

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year to review and provide recommendations to the Ministry of Environment to update the List of Threatened Wildlife Species and the Schedule classifications of wildlife species that are native and non-native to the Kingdom of Cambodia.

The updated classifications of wildlife species will be based on the categorization of species on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species and on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Additionally, any species may be upgraded to a higher Schedule category on the basis of factors including:

- a) High levels of threat to the Cambodian population of the species;
- b) The status of the Cambodian population of the species meeting International Union for Conservation of Nature and Natural Resources criteria for Critically Endangered or



Endangered; and

- c) Important cultural or natural heritage value to the people and Kingdom of Cambodia.

These updates shall be approved by legal instrument and distributed to relevant government entities, sub-national administrations, law enforcement entities, Collaborative Management Committees and provincial courts.

No species can be down-listed from Schedule 1, 2, or 3 without a corresponding change in its current listing on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species.

#### **ARTICLE 10 PETITION TO UPDATE**

Any interested person or organisation may petition the Ministry of Environment to update the classification of any wildlife species in Cambodia. Such petitions shall provide data and information to support the updated classification. The Ministry of Environment shall respond to such petitions, with reasons as to why the petition was either granted or rejected, within sixty (60) days of the receipt of the petition.

Any documents, data, or other information used for the re-classification of any wildlife species, whether done pursuant to a petition or otherwise, shall be made publicly available by Ministry of Environment or other relevant government entity in possession of such documents, data, or other information, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **CHAPTER 3 PROHIBITIONS ON HUNTING**

#### **ARTICLE 11 GENERAL PROHIBITIONS**

The following prohibitions apply to all hunting on public and private lands, and State lands outside of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level:

- a) Hunting of all species listed on Schedules 1 and 2 is prohibited in all areas, except under special circumstances defined under Chapter 5 of this Title;
- b) Hunting of all species on Schedules 1, 2, 3 and 4 using prohibited means is prohibited;
- c) Production, possession, manufacturing, purchase, transport and use of snares, traps and nets for land based use, home-made guns, poisons, and other prohibited means of hunting is prohibited at all times in all locations;
- d) It is prohibited to hunt, pursue, or harass any wildlife from or by means of a vehicle,

including but not limited to, on water or land, or by aircraft, or to use an aircraft, motor vehicle, boat or other mechanized vehicle for the purpose of driving or stampeding any wild animals;

- e) Hunting of species listed on Schedule 3 and 4 outside of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level is permitted by local communities for subsistence/customary use by persons holding a valid permit, in accordance with Chapter 5 of this Title; and
- f) Hunting of species listed on Schedules 1, 2, and 3 for commercial purposes is prohibited.

## **ARTICLE 12 PROHIBITIONS FOR BIODIVERSITY CONSERATIONS CORRIDORS**

The following prohibitions apply to all hunting within Biodiversity Conservation Corridors, Protected Areas, and any other protected areas established at the provincial, district or commune level:

- a) All hunting of species listed on Schedules 1, 2, 3 and 4 is prohibited within the Core Zones and Conservation Zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level. These zones shall remain inviolate to hunting to protect species populations and reduce disturbance to wildlife. These zones will act as a reservoir or source of animals, which may disperse into other zones;
- b) Hunting of Schedule 3 and Schedule 4 species for customary use/subsistence use of local communities and indigenous ethnic minority groups living within or adjacent to Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level is permitted in the Sustainable Use Zone and Community Zone only, using permitted means only, and only by persons holding a valid hunting permit;
- c) Hunting quotas for local communities and indigenous peoples will be assigned by the Provincial Department of Environment, the Director of a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district or commune level or Collaborative Management Committee, with oversight by the Ministry of Environment and in coordination with technical partners, sub-national administrations. Quotas will be listed on individual hunting permits;
- d) Hunting of Schedule 3 and 4 species, by any person or entity other than local communities and indigenous ethnic minority groups holding individual valid hunting

- permits, is prohibited inside Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level at all times;
- e) Hunting of any wildlife for commercial purposes is completely prohibited at all times in all Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level;
  - f) Hunting of Schedule 3 and Schedule 4 species for crop protection purposes, within 20m of farmland, is allowed in the Community Zone only via permitted means of hunting, through the issuing of a permit from the Provincial Department of Environment and Protected Area Director with oversight by the Ministry of Environment and in coordination with relevant legal entities. Hunting of Schedule 1 and 2 species for crop protection purposes inside the Community Zone is prohibited;
  - g) It is prohibited to possess, erect, maintain, transport or bring any equipment that could be used to hunt animals via prohibited means into all zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level and Collaborative Management Protection Zones, including but not limited to snares, traps, guns or other homemade weapons, wire, bicycle or motorbike brake cable, electrocution equipment, nets, mesh, fishing line, and any form of pesticide or termiticide or chemical that can be used as a poison;
  - h) Anyone transporting or in possession of a Schedule 3 or Schedule 4 species inside a protected area shall have a valid hunting permit;
  - i) Capture of wildlife for the purpose of establishing or maintaining a wildlife farm, a zoological institution, private collection, is completely prohibited from Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level and Collaborative Management Protection Zones;
  - j) Capture of wildlife for the purpose of establishing or maintaining a conservation breeding facility is permitted under Article 20 of this Title, which shall be specifically approved in advance by the Ministry of Environment; and
  - k) All domestic dogs, hunting dogs and livestock are prohibited inside the Core Zones and Conservation Zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level and Collaborative Management Protection Zones.

#### **CHAPTER 4 SPECIAL EXCEPTIONS ON HUNTING OF WILDLIFE**

## **SECTION 1 LETHAL CONTROL**

### **ARTICLE 13 LETHAL CONTROL DETERMINATIONS**

The Protected Area Director or official of the Nature Conservation and Protection Administration may, if he/she is satisfied that any wild animal has become dangerous to human life or is so injured or diseased as to be beyond recovery, by order in writing and stating the reasons therefore, permit an official of the Ministry of Environment or Department of Environment to destroy such an animal.

### **ARTICLE 14 DECISIONS**

A decision regarding lethal control shall follow guidelines in consideration of safety, animal welfare, and value of the animal for species conservation to be established by the Ministry of Environment.

### **ARTICLE 15 METHODS**

Methods of lethal control shall follow guidelines ensuring animal welfare and minimizing risks to other animal or human life to be established by the Ministry of Environment.

### **ARTICLE 16 OBLIGATION TO DESTROY**

Any wild animal killed or wounded due to danger to human life or being beyond recovery according to this Article shall be the property of the State and shall be destroyed following approved methods outlined in Chapter 11.

### **ARTICLE 17 SCHEDULE 1 AND 2 SPECIES**

For a species listed on Schedule 1 or 2, authorisation for lethal control shall be granted by the Ministry of Environment or Provincial Department of Environment.

### **ARTICLE 18 SCHEDULE 3 AND 4 SPECIES**

For a species listed on Schedule 3 or 4, authorisation for lethal control shall be granted by the Director of the Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected areas established at the provincial, district or commune level.

### **ARTICLE 19 NON-NATIVE SPECIES**

Non-native species to Cambodia listed under Schedule 1 or Schedule 2 and which pose a threat to native Cambodian biodiversity may be controlled in the wild, or on private property, if identified as a required action or threat under Species Management and Recovery Plans or following approval, in writing, from the Ministry of Environment.

### **ARTICLE 20 NON-LETHAL CAPTURE FOR CONSERVATION PURPOSES**

Non-lethal capture of any wildlife listed on any Schedule of this Title, for conservation breeding or conservation management purposes, via any means shall be approved by the Ministry of Environment via the issuance of a specific permit in writing. Permit applications shall demonstrate the benefit(s) to the species in question and compliance with approved procedures, regarding animal welfare, capture, transportation, and husbandry protocols.

## **ARTICLE 21 CONSERVATION MANAGEMENT**

Conservation breeding or conservation management includes:

- a) Translocation of any wild animal to an alternative suitable habitat, for the purpose of reintroduction, re-stocking or supplementation of wild populations or to prevent the inevitable extinction of a wild population;
- b) Research or population management of wildlife, without killing or destroying wild animals; and
- c) Capture of wild animals for the explicit purpose of establishing and maintaining a secure conservation breeding population of a globally threatened species in a registered conservation breeding facility, and to produce captive bred animals for release back into the wild. Such capture shall be endorsed by both the Biodiversity Technical Working Group of the National Council for Sustainable Development and the relevant International Union for Conservation of Nature and Natural Resources Species Survival Commission Specialist Group Chair.

## **ARTICLE 22 TRANSLOCATION**

Translocation and capture of wild animals for conservation breeding or conservation management of Schedule 1 and Schedule 2 species will only be permitted by the Ministry of the Environment if these activities are in accordance with approved Species Management and Recovery Plans or recommendations of the Biodiversity Technical Working Group of the National Council for Sustainable Development.

## **ARTICLE 23 HEALTH MONITORING AND QUARANTINE PROCEDURES FOR TRANSLOCATION**

Health monitoring and quarantine procedures for the translocation of wildlife or transfer of wild animals between a captive and wild population shall follow approved procedures.

## **SECTION 2 ZOOLOGICAL INSTITUTIONS**

### **ARTICLE 24 REQUIREMENTS**

All zoological institutions shall hold a valid permit for the facility and all of the animals in the institution's collection. A schedule of permitting fees shall be developed and published by the

Ministry of Environment, in consultation with relevant government entities. Revenue collected from permits shall be used to support the conservation of wildlife and biodiversity in the Kingdom of Cambodia, including the implementation of Species Management and Recovery Plans, or any other use as recommended by the Biodiversity Technical Working Group of the National Council for Sustainable Development and Ministry of Environment.

#### **ARTICLE 25 PROHIBITIONS**

It is prohibited to hunt, capture, or collect from the wild any species listed on Schedules 1 and 2 for zoological institutions.

#### **ARTICLE 26 APPLICATIONS**

Applications to capture from the wild any species listed on Schedule 3 or 4 for the purpose of zoological institutions shall be reviewed and if appropriate, approved, by the Ministry of Environment

#### **ARTICLE 27 ISSUING AND SUSPENDING PERMITS**

No permit shall be issued to any zoological institution involved in illegal hunting and trade of wild animals, or without valid permits or legal documentation for the animals in their facility.

The Ministry of Environment have the right to suspend permits, close down facilities and confiscate animals if they do not comply with the provisions of this Title and regulations issued by the Ministry of Environment.

### **CHAPTER 5 HUNTING PERMITS**

#### **ARTICLE 28 HUNTING PERMITS**

Hunting of wildlife listed on Schedules 3 and 4 is prohibited without a valid permit.

A hunting permit gives permission to the identified user to hunt in a particular location, for example in the Sustainable Use and Community Zone of a Biodiversity Conservation Corridor or Protected Area or in a Collaborative Management Protection Zone.

#### **ARTICLE 30 OBLIGATIONS**

Hunting permits shall be carried on persons at all times while hunting, and produced for inspection as required.

Holders of a hunting permit may be required to provide samples or parts of the harvested wildlife to relevant government entities, as part of wildlife health monitoring activities. No financial compensation shall be provided in exchange for wildlife samples or parts.

## **ARTICLE 31 APPLICATIONS**

Natural persons wishing to obtain a hunting permit shall submit a written application to the Provincial Department of Environment, Collaborative Management Committee, or the Director of the relevant Biodiversity Conservation Corridor, nationally-designated Protected Area, other protected area established at the provincial, district or commune level, as appropriate.

Hunting applications for Sustainable Use Zones and Community Zones of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level and Collaborative Management Protection Zones will be reviewed, and if appropriate, approved. Permits shall be issued by the Collaborative Management Committee or the Director of the relevant Biodiversity Conservation Corridor, nationally-designated Protected Area, other protected area established at the provincial, district or commune level, in consultation with interested stakeholders involved in the protection of the Biodiversity Conservation Corridors and provincial, district and commune protected areas.

Hunting applications for areas outside of Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district or commune level will be reviewed, and if appropriate, permits shall be issued by the Director of the Provincial Department of Environment.

## **ARTICLE 32 ISSUANCE**

All hunting applications, approvals, and permits shall be subject to oversight by the Ministry of Environment in coordination with relevant legal entities.

A hunting permit may be granted, revoked, or refused, or conditions or restrictions imposed as the Director of Provincial Department of Environment, Collaborative Management Committee or Director of any Biodiversity Conservation Corridor, nationally-designated Protected Area, other protected area established at the provincial, district or commune level sees fit, based on the following requirements:

- a) All permits shall be issued in a transparent manner;
- b) Only one hunting permit shall be granted per household;
- c) No hunting permit will be issued to any person involved in any incidents of illegal hunting in the last five (5) years;
- d) No hunting permit will be issued to any person that the Provincial Department Of Environment, Collaborative Management Committee, or Director of any Biodiversity Conservation Corridor, nationally-designated Protected Area, other protected area

established at the provincial, district, or commune level has reasonable cause to believe, or evidence to prove, has participated in or had any involvement with commercial hunting and illegal trade of wildlife;

- e) No hunting permit shall be transferred from one person to another; and
- f) A hunting permit shall be valid for one (1) year, thereafter it will be reviewed and can be renewed.

Where a hunting permit is lost, the holder of a permit shall immediately inform the Provincial Department of Environment, Collaborative Management Committee or Director of any Biodiversity Conservation Corridor, nationally-designated Protected Area, other protected area established at the provincial, district, or commune level as appropriate, and cease all hunting activities until a replacement permit is issued.

### **ARTICLE 33 DATABASE**

All Provincial Departments of Environment Directors, Collaborative Management Committees, and Directors of Biodiversity Conservation Corridors, nationally-designated Protected Areas, other protected areas established at the provincial, district or commune level, shall manage a database for hunting permits and hunters, for the purpose of monitoring and regulating these activities. Copies of the database will be sent annually to the Ministry of Environment and technical partners involved in the protection of the Biodiversity Conservation Corridors and provincial, district, and commune protected areas and the preservation of wildlife species throughout the Kingdom of Cambodia. The database shall also be made publicly available in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **ARTICLE 34 SUSPENSION OR CANCELLATION OF PERMITS**

The Provincial Departments of Environment Director, Collaborative Management Committee, or Director of any Biodiversity Conservation Corridor, nationally-designated Protected Areas, or other protected area established at the provincial, district or commune level, may suspend or revoke any hunting permit granted under this Title, to be recorded in writing, based on the following:

- a) A hunting offence against a Schedule 1 species will result in a hunting permit being revoked for five (5) years, in addition to penalties applied in Book 9 Environmental Offences, Enforcement, and Remedies Title 1 Environmental Offences and Penalties of this Code;
- b) A hunting offence against a Schedule 2 species will result in a hunting permit being revoked for two (2) years, or for the remaining period of the permit if less than six (6) months with new permit applications being denied for the remaining time, in addition



to penalties applied in Book 9 Environmental Offences, Enforcement, and Remedies Title 1 Environmental Offences and Penalties of this Code;

- c) A hunting offence against a Schedule 3 species will result in a hunting permit being revoked for six (6) months, or for the remaining period of the permit with new permit applications being denied for the remaining time, in addition to penalties applied in Book 9 Environmental Offences, Enforcement, and Remedies Title 1 Environmental Offences and Penalties of this Code; and
- d) Any person who has had their permit revoked three (3) times in cases of illegal hunting or trade of wildlife will result in the prevention of permits being issued indefinitely.

All hunting permit revocations shall be subject to oversight by the Ministry of Environment in coordination with relevant government entities.

## **CHAPTER 6 PROHIBITION OF TRADE, TRAFFICKING OR COMMERCE IN WILD ANIMALS, TROPHIES, ANIMAL PARTS AND ALL DERIVATIVES OF WILD ANIMALS**

### **ARTICLE 35 PROHIBITED ACTIVITIES**

All trade, transport, shipment, import, export, re-export, possession, sale, purchase, transferral, storing, gifting, consumption, farming and any other commercial uses of wildlife or any parts thereof listed on Schedule 1, Schedule 2, and Schedule 3 is prohibited.

Offering or advertising for sale any wildlife or parts thereof listed on Schedule 1, Schedule 2, and Schedule 3 is prohibited.

Counterfeit products advertised as being made from wildlife or parts thereof is also considered an offence and will be treated the same as offences involving genuine wildlife and parts thereof.

It is prohibited for any person, organisation, company or other entity, to purchase, receive or acquire any wildlife or wild animals, on Schedule 1, Schedule 2, or Schedule 3, or any animal parts, trophies, or meat. In this Code, animal part refers to any part, component, or product of any wildlife, whether captive or wild, and includes an article or object in which the whole or any part of such animal has been used.

No person, organisation, company or other entity, shall include in their business:

- a) A manufacturer of, or dealer, of wildlife, wild animals, trophies or animal parts listed on Schedule 1, 2, or 3;
- b) A taxidermist with respect to any wildlife, wild animals or any animal parts or trophies of wild animals listed on Schedule 1, 2, or 3;

- c) A dealer in trophies derived from any wildlife listed on Schedule 1, 2, or 3;
- d) A dealer in any captive wild animals listed on Schedule 1, 2, or 3;
- e) A dealer, cook or server of meat derived from any wildlife or wild animal listed on Schedule 1, 2, or 3; or
- f) An importer, exporter or re-exporter of wildlife, wild animals, wild animal meat or trophies listed on Schedule 1, 2, or 3.

## **CHAPTER 7 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES**

### **ARTICLE 36 APPLICABLE SPECIES**

Referring to the 2006 Sub-Decree on International Trade in Endangered Wild Animal and Plant Species, this Chapter applies to the species listed in:

- a) Appendix 1 of Convention on International Trade in Endangered Species of Wild Fauna and Flora, equivalent to a Schedule 1 species;
- b) Appendix 2 of Convention on International Trade in Endangered Species of Wild Fauna and Flora, equivalent to a Schedule 2 species; and
- c) Appendix 3 of Convention on International Trade in Endangered Species of Wild Fauna and Flora, equivalent to a Schedule 3 species.

### **ARTICLE 37 PROHIBITED ACTIVITIES**

No person without a Convention on International Trade in Endangered Species of Wild Fauna and Flora permit may:

- a) Import or bring into the country from a foreign country a species of flora or fauna listed on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora to which this Chapter applies;
- b) Export or take out of the country to a foreign country a species of flora or fauna listed on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora to which this Chapter applies; and
- c) Re-export, convey or transport through the country to a foreign country a species of flora or fauna listed on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora to which this Chapter applies.

## **CHAPTER 8 INTERNATIONAL COOPERATION**

## **ARTICLE 38 INTERNATIONAL COOPERATION**

In order to carry out the provisions of this Title, all relevant government entities shall encourage:

- a) The entering into of bi-lateral and multi-lateral agreements to provide for such conservation of scheduled species;
- b) Cooperation with foreign countries and international organisations to develop personnel resources and programmes which promote the conservation of native wildlife and biodiversity; and
- c) Cooperation with foreign countries and other law enforcement entities for the purposes of carrying out research and investigations to prevent, identify and combat offences to which this Title applies.

## **ARTICLE 39 PREVENTING, IDENTIFYING, AND COMBATING OFFENCES**

Notwithstanding any other law, the Ministry of Environment and other relevant government entities and sub-national governments shall cooperate and provide personal or other information to a foreign law enforcement authority of another State and, where relevant, international regional organisations, for the purpose of preventing, identifying, and combating the offences covered by this Title in either jurisdiction.

## **ARTICLE 40 INVESTIGATIONS AND PROCEEDINGS**

The Ministry of Environment and other relevant government entities and sub-national administrations shall also cooperate with a foreign law enforcement authority or international regional organisations, with regard to:

- a) Providing items, substances, documents or records for analytical or investigative purposes;
- b) Seconding or exchanging personnel, including by making experts available and the posting of liaison officers;
- c) Joint investigations;
- d) Prosecution of judicial proceedings; and
- e) Other administrative assistance.

The Ministry of Environment may negotiate and conclude agreements with foreign law enforcement authorities or international regional organisations, for the purposes of enhancing law enforcement cooperation to prevent, identify and combat the offences to which these legal

provisions apply.

## **CHAPTER 9 SPECIES MANAGEMENT AND RECOVERY PLANS**

### **ARTICLE 41 SPECIES MANAGEMENT AND RECOVERY PLANS**

The Ministry of Environment shall develop Species Management and Recovery Plans for all Schedule 1 species and Schedule 2 species native to Cambodia. Plans should cover a ten (10) year period and a single plan can cover multiple species, including plant species.

The Ministry of Environment shall coordinate with other relevant government entities and technical experts to develop the Species Management and Recovery Plan. The Ministry of Environment shall also provide for public consultation during the development of the Species Management and Recovery Plan in accordance with Book 1 General Provisions Title 3 Public Participation of this Code.

All proposed Species Management and Recovery Plans shall be reviewed and approved by the Biodiversity Technical Working Group of the National Council for Sustainable Development prior to being implemented.

Provincial Departments of Environment shall be the primary implementing government entities, with oversight from Ministry of Environment and the Biodiversity Technical Working Group, and in coordination with other relevant government entities and technical partners participating in the conservation of wildlife species throughout the Kingdom of Cambodia.

### **ARTICLE 42 REQUIREMENTS**

The Ministry of Environment shall define within Species Management and Recovery Plans the necessary conservation and management actions required to ensure that viable populations of listed species persist in the Kingdom of Cambodia.

Species Management and Recovery Plans shall identify the important habitats for the conservation of species and shall prescribe habitat-specific and landscape-specific management actions necessary to achieve the Species Management and Recovery Plan's goal for the conservation and survival of the species. Specific Species Management and Recovery Plans may be incorporated within Biodiversity Conservation Corridor or protected area management plans.

Species Management and Recovery Plans shall include objective, measurable criteria which when met, would result in improved conservation status of the target species and estimates of the time and financial resources required to carry out those measures.

Actions under Species Management and Recovery Plans may include translocations, ex-situ

conservation and conservation breeding, and conservation reintroductions. Plans shall identify appropriate sites for the release of confiscated animals.

#### **ARTICLE 43 ENVIRONMENTAL IMPACT ASSESSMENTS**

All Environmental Impact Assessments for projects, plans, or activities that may potentially impact known habitats of Schedule 1 and/or Schedule 2 species, shall, in accordance with Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code, consider and incorporate by reference that wildlife species' Species Management and Recovery Plan, and shall demonstrate that the project, plan, or activity will not diminish natural populations of Schedule 1 and/or Schedule 2 species or hinder the rehabilitation of natural populations of the species through implementation of the Species Management and Recovery Plan.

In instances where a species has been added to the National List of Threatened Wildlife Species but the Species Management and Recovery Plan for that species has not yet been completed, all Environmental Impact Assessments for projects, plans, or activities that will potentially impact such species shall demonstrate that the project, plan, or activity will not diminish any natural populations of the species.

#### **ARTICLE 44 MONITORING AND REPORTING**

The Ministry of Environment, in cooperation with all relevant stakeholders, shall be responsible for the implementation of a monitoring system to monitor effectively the status of all Schedule 1 and Schedule 2 species that have recovered to a point which in accordance with the provisions of this Title, have been removed from Schedule 1 or Schedule 2.

The Ministry of Environment shall publicly report on the status of Schedule 1 and Schedule 2 species, in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

#### **ARTICLE 45 GRANTING LICENCES AND PERMISSIONS**

All relevant government entities responsible for granting permissions for any projects or activities within the distribution range of species listed on Schedule 1 and Schedule 2 shall refer to Species Management and Recovery Plans and Biodiversity Conservation Corridor and Protected Areas Management Plans prior to granting any licence or permission.

#### **ARTICLE 46 MONITORING SPECIES STATUS**

The Ministry of Environment shall, in cooperation with other relevant stakeholders, effectively monitor the status of all native species on Schedule 1 and Schedule 2, until no less than five (5) years after the status of the species has been changed to Schedule 3 or 4 in accordance with the procedures outlined in Chapter 3 of this Title.

The Ministry of Environment shall report publicly on the status of Schedule 1 and Schedule 2 species in accordance with Book 1 General Provisions Title 4 Access to Environmental Information in this Code.

#### **ARTICLE 47 COMPENSATORY MITIGATION**

The Ministry of Environment shall develop policies and guidelines on the compensatory payment to mitigate damage done to wildlife, by natural person or legal entities. Such payments shall be used to implement species recovery and management plans.

### **CHAPTER 10 MANAGEMENT OF CONSERVATION BREEDING, WILDLIFE RESCUE CENTRES, AND ZOOLOGICAL INSTITUTIONS**

#### **ARTICLE 48 REGISTRATION**

All conservation breeding facilities, wildlife rescue centres, and zoological institutions shall be registered with the relevant government entity and hold a valid operational permit.

#### **ARTICLE 49 PROHIBITIONS**

It is prohibited to keep in captivity, as pets, display, or working animals, any individuals of native Schedule 1, 2, or 3 species outside licensed and managed conservation breeding, wildlife rescue centres, or zoological institutions, unless the species is provided with specific exemption by the Ministry of Environment.

#### **ARTICLE 50 PERMITS**

All conservation breeding facilities, wildlife rescue centres, and zoological institutions wishing to keep multiple species shall obtain the necessary permits for all species.

#### **ARTICLE 51 COMPLETELY PROHIBITED SPECIES**

On recommendation of the Biodiversity Technical Working Group of the National Council for Sustainable Development any species can be prescribed as completely prohibited to be kept in captivity.

#### **ARTICLE 52 INSPECTIONS**

All conservation breeding facilities, wildlife rescue centres, and zoological institutions will be subject to regular inspections by regulatory authorities.

#### **ARTICLE 53 SUSPENSIONS AND REVOCATIONS**

The Ministry of Environment, other government entities, and law enforcement entities reserve the right to temporarily suspend or revoke operational permits, and confiscate any wildlife in

captivity, if satisfactory conditions for keeping wildlife are not being met.

#### **ARTICLE 54 MONITORING AND RECORDING**

All conservation breeding facilities, wildlife rescue centres, and zoological institutions, are responsible for recording births, deaths, and transfers of all wildlife listed on Schedule 1, 2, and 3. This information shall be shared with authorities during annual inspections and any individuals not accounted for will be considered illegally hunted.

#### **ARTICLE 55 TRANSFERS AND TRANSLOCATIONS**

The Ministry of Environment and other relevant government entities and technical partners shall be notified in advance of any transfers or translocations of species listed on Schedule 1 and 2 between facilities. A Transportation Permit shall be issued and carried at all times. Movements of animals between breeding centres shall be accurately recorded and traceable, communicated in a transparent manner, and made available to regulatory agency inspection teams.

#### **ARTICLE 56 DISPOSAL OF ANIMAL PARTS, MEAT, OR TROPHIES**

Animal parts, meat, or trophies from wild animals that have died in captivity shall be disposed of following the guidelines referred to in Chapter 11 of this Title. Keeping whole bodies, or parts of dead animals at conservation breeding facilities, wildlife rescue centres, private collections, zoological institutions, or other facility is prohibited.

#### **ARTICLE 57 REQUIREMENTS FOR TREATMENT AND FACILITIES**

All wildlife held in captivity, including zoological institutions, private collections, rescue centres, and conservation breeding facilities, shall be cared for in a humane and appropriate manner to ensure animal welfare protocols are carried out. The Ministry of Environment, Biodiversity Technical Working Group of the National Council for Sustainable Development, or other government entities may develop in collaboration with technical partners and others involved in the research, protection, and care of these species, and issue guidelines on husbandry and animal welfare protocols.

#### **ARTICLE 58 CONFISCATION**

Where diet, cages, enclosures, husbandry, hygiene, health, or other requirements of wildlife are not being adequately met following approved international standards, the Ministry of Environment, other government entities, and law enforcement entities, reserve the right to confiscate the wild animals in question.

#### **ARTICLE 59 GENETIC DIVERSITY**

Any facilities undertaking conservation breeding of Schedule 1 or Schedule 2 animals shall

ensure maximum retention of genetic diversity and natural behaviour through: including but not limited to, the establishment of a studbook for the relevant species detailing all individuals of the breeding programme, provision of suitable husbandry and enclosures and acceptable standards of animal welfare in accordance with guidelines. All breeding events and bloodlines shall be accurately recorded with founding animals and their offspring clearly identifiable. All individuals of these species are to be permanently marked in order to facilitate tracking of parentage and origin.

#### **ARTICLE 60 NATIONAL DATABASE**

The Ministry of Environment shall develop and manage a national database for the close and strict monitoring and management of captive wildlife and facilities.

#### **ARTICLE 61 RELEASE**

Where animals have undergone a period of time in captivity or have been captive born and are subsequently being considered for release, International Union for Conservation of Nature and Natural Resources protocols shall be upheld wherever possible. Health checks shall be conducted prior to release, a suitable release site identified and prepared, acclimation of the animals to the release site, and post-release monitoring implemented if necessary.

#### **ARTICLE 62 FAILURE TO COMPLY**

Failure to comply with any provisions of this Chapter will be treated as per hunting or trading of the respective species.

### **CHAPTER 11 MANAGEMENT OF CONFISCATED WILDLIFE AND THEIR PARTS**

#### **ARTICLE 63 MANAGEMENT PROCEDURES**

All wildlife and their parts confiscated under this Title shall either be:

- a) In the case of live, native wildlife, assessed for health and suitability prior to being released into its natural habitat if appropriate to do so, or sent to an approved rescue centre;
- b) In the case of dead wildlife and their parts, destroyed, maintained or stored following the approved procedures; and
- c) In the case of live non-native species, sent to an approved rescue centre pending repatriation where applicable.

#### **ARTICLE 64 BIOSAFETY PROCEDURES**



All persons involved in the confiscation of live wildlife and their parts shall follow appropriate biosafety procedures to avoid any contamination of other animals or humans with dangerous infectious or non-infectious agents.

The transportation of confiscated wildlife shall follow approved first aid, emergency care and humane transportation procedures.

Confiscated items may be subject to sampling for wildlife health monitoring purposes, following health monitoring strategies and protocols established by the Ministry of Environment in coordination with other relevant government entities and technical partners.

#### **ARTICLE 65 EVIDENCE**

In instances where confiscated items need to be maintained as evidence for court cases, all dead wildlife and their parts listed on Schedule 2, 3, and 4, shall be kept secure at an institution deemed suitable by the Ministry of Environment following appropriate management and security protocols until such time as the court case is completed.

No live wildlife shall be kept as evidence for the courts, apart from photographic evidence and legal documentation. All live wildlife seized shall receive immediate first aid care, emergency care, and be handed over to the specialized counter wildlife trafficking unit to be dispatched to an approved wildlife rescue centre.

Once a court case has been completed, all dead wildlife and their parts listed on Schedule 2, 3, and 4 maintained as evidence shall be returned to the Ministry of Environment and destroyed in accordance with the approved procedures.

All seizures of wildlife and their parts listed on Schedule 1 shall be immediately transferred to the responsibility of the Ministry of Environment, to implement appropriate security and destruction protocols that meet government guidelines and to maintain regularly updated national inventories of these products to help prevent illegal trafficking.

#### **ARTICLE 66 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA REPORTING**

All law enforcement entities that have seized Convention on International Trade in Endangered Species of Wild Fauna and Flora-listed animals or body parts from other countries shall, within forty-eight (48) hours of confiscation, report to the Cambodian Convention on International Trade in Endangered Species of Wild Fauna and Flora Management Authority.

The Cambodian Convention on International Trade in Endangered Species of Wild Fauna and Flora Management Authority shall report to the Convention on International Trade in Endangered Species of Wild Fauna and Flora Secretariat in Geneva in compliance with the

Convention on International Trade in Endangered Species of Wild Fauna and Flora reporting obligations.

When Convention on International Trade in Endangered Species of Wild Fauna and Flora-listed species are seized during transit through the Kingdom of Cambodia or delivered to the Kingdom of Cambodia as a destination, the Ministry of Environment or other government entity shall take action to destroy the seized material in accordance with Convention on International Trade in Endangered Species of Wild Fauna and Flora regulations and in cooperation with the Convention on International Trade in Endangered Species of Wild Fauna and Flora Management Authority of Cambodia and specialized counter trafficking wildlife law enforcement entities.

#### **ARTICLE 67 INTERNATIONAL LAW ENFORCEMENT COOPERATION**

The Ministry of Environment may negotiate and conclude agreements with foreign law enforcement authorities or international regional organisations for the purposes of enhancing law enforcement cooperation to prevent, identify, and combat the offences to which these legal provisions apply.

### **CHAPTER 12 MANAGEMENT OF WILDLIFE FARMS**

#### **ARTICLE 68 PROHIBITIONS**

It is prohibited under this Title or any other, to establish wildlife farms, or any other facility that will breed wildlife, without a permit from the Ministry of Environment.

It is prohibited, under any circumstances, to raise, keep, breed, stock and maintain any wildlife on Schedules 1 and 2 in wildlife farms or any other captive facility for commercial purposes.

It is prohibited, under any circumstances, to raise, keep, breed, stock and maintain any wildlife in wildlife farms or any other captive facility inside or within twenty (20) kilometers of a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the provincial, district, or commune level.

It is prohibited to introduce wild-caught animals into wildlife farms. Wildlife farms shall only obtain or purchase animals from other farms that have a valid permit.

#### **ARTICLE 69 RESTRICTIONS**

Permitted operators shall only keep the species for which they obtained permission from the Ministry of Environment.

#### **ARTICLE 70 REGULATION**

The Ministry of Environment has the authority to develop, issue, and enforce guidelines for the establishment, operation, maintenance, inspection, monitoring, and regulation of all facilities in the Kingdom of Cambodia that raise, breed, keep, stock, and maintain wildlife.

The Ministry of Environment has the authority to inspect, monitor, regulate, revoke the permits of, close and file cases to the court regarding any existing wildlife farms that may be engaged in prohibited hunting or trade activities as outlined in this Title, or that fail to satisfy the regulatory guidelines issued by the Ministry of Environment or other relevant government entities.

#### **ARTICLE 71 INVENTORY AND RECORDS**

All wildlife on wildlife farms shall be individually identified at all times.

The wildlife farm operator shall maintain, accurate inventory records in a form acceptable to the Ministry of Environment, indicating with respect to each animal kept:

- a) The animal's species;
- b) The animal's unique identification, including any changes in unique identification and the date the change occurred;
- c) The animal's sex;
- d) The animal's date of birth;
- e) If the animal was not born on the operator's wildlife farm:
- f) The date on which the wildlife farm operator acquired the animal;
- g) The name and address of the person from whom the animal was acquired; and
- h) The location of the farm from which the animal was acquired;
- i) The animal's date of death, the cause of death, if known, and any test results; and
- j) Where the animal is removed from the operator's wildlife farm:
- k) The date of removal;
- l) The location to which the animal was moved; and
- m) The name and address of the person acquiring the animal.

#### **ARTICLE 72 SALE OF FARMED WILDLIFE AND WILD ANIMAL PRODUCTS**

Restrictions regarding the sale of farmed wildlife and wild animal products include:

- a) No wildlife farm shall sell or trade live animals to anyone other than a permitted wildlife farm;
- b) No wildlife farm shall purchase or trade live or slaughtered animals from anyone other than a permitted wildlife farm; and
- c) Any commercial transaction involving animals from wildlife farms shall be recorded and produced for inspection as required.

## **ARTICLE 72 QUARANTINE AND HEALTH MONITORING**

Appropriate quarantine and health monitoring shall precede any introduction of new animals to the farm.

If an animal is found dead on the farm, the wildlife farm operator shall immediately report the death to the Provincial Department of Environment. Dead animals shall be inspected, sampled and disposed of according to guidelines established by the Ministry of Environment in collaboration with other governmental and non-governmental entities.

The Ministry of Environment may request mandatory surveillance of diseases of special concern according to the following requirements:

- a) The Ministry of Environment shall maintain and publish a list of diseases of special concern for which surveillance is mandatory in wildlife farms, and develop corresponding protocols in collaboration with relevant ministries;
- b) The wildlife farm operator shall immediately report to the Provincial Department of Environment when a wild animal is known or suspected to carry a disease of special concern, and when a wild animal is known or suspected to have been in contact with another diseased animal;
- c) No person shall keep, hide, transport, sell, give or consume any farmed wildlife that is known or suspected to carry a disease of special concern or have died of unknown cause on the farm;
- d) The wildlife farm operator shall abide by the protocols established by the Ministry of Environment; and
- e) Failure to comply with the disease surveillance protocols may result in temporary or permanent closure of the farm.

## **ARTICLE 73 MINIMUM REQUIREMENTS**

The Ministry of Environment, in consultation with relevant government entities and technical partners, shall establish minimum requirements for farm facilities and enclosures that shall follow animal husbandry and animal welfare protocols.

The Ministry of Environment may control at any time the compliance of a wildlife farm to these requirements and shall cooperate with technical wildlife husbandry partners and specialized counter wildlife trafficking entities to conduct annual inspections.

Operators who fail to comply with the established requirements may have their permit withdrawn or cancelled and additional penalties applied in Book 9 Environmental Offences, Enforcement and Remedies Title 1 Environmental Offences and Penalties of this Code.

#### **ARTICLE 74 GENERAL REQUIREMENTS**

The permitted wildlife farm operator shall at all times provide appropriate care to the farmed wildlife animals:

- a) Transportation of wild animals to the farm and from the farm shall comply with humane transportation protocols;
- b) Every wildlife farm operator shall ensure the animals have adequate shelter, food, fresh water, shade, and space and that enclosures are cleaned daily and are not crowded;
- c) The handling of animals shall be carried out in accordance with generally accepted practices in regard to management, husbandry, slaughter, and animal welfare; and
- d) In case the operator fails to provide adequate care and handling of animals, the Ministry of Environment and Provincial Department of Environment may withdraw or cancel a wildlife farming permit, and temporarily or permanently close the wildlife farm.

#### **ARTICLE 75 PREVENTION OF ESCAPE**

No wildlife farm operator shall allow captive wildlife to roam free, escape from captivity, or be released to the wild. In case of escape from captivity, the farm operator shall:

- a) Notify the Provincial Department of Environment within twenty-four (24) hours; and
- b) Make all reasonable efforts to restore the escaped wildlife to captivity.

#### **ARTICLE 76 HUMANE SLAUGHTER**

The slaughter of farmed wildlife shall be conducted in a humane manner. The Ministry of Environment shall produce guidelines for the slaughter of farmed wildlife in collaboration with the Department of Animal Health and Production.

## **ARTICLE 77 TRANSPORT**

Every wildlife farm operator shall transport, or cause to be transported, all captive wildlife according to relevant legal procedures and guidelines produced by the Department of Animal Health and Production.

## **ARTICLE 78 LIABILITY**

Despite anything in the Title or regulations:

- a) The Ministry of Environment shall not be liable for injury or property damage caused by farmed wildlife or by the escape from captivity of farmed wildlife; and
- b) The Ministry of Environment shall not be liable for the loss or death of any wildlife through escape from captivity or death from disease, notwithstanding that the Ministry of Environment may have required a farmed wildlife animal to be destroyed due to escape or disease.

## **ARTICLE 79 OBLIGATIONS**

Any wildlife farm operator existing on the date of enactment of this Code shall:

- a) Apply for a permit within one hundred-eighty (180) days; and
- b) Comply with the requirements of these regulations relating to the operation of wildlife farms.

## **CHAPTER 13 WILDLIFE HEALTH SURVEILLANCE**

### **ARTICLE 80 STRATEGY FOR WILDLIFE DISEASE SURVEILLANCE**

The Ministry of Environment shall establish a strategy for wildlife disease surveillance and wildlife health monitoring in coordination with other government entities and technical partners.

The Ministry of Environment shall investigate, document and respond to all wildlife mortality events and disease outbreaks in coordination with other governmental and non-governmental entities.

The Ministry of Environment shall communicate the outcomes and findings of wildlife health surveillance and disease outbreak investigations to counterparts in animal and public health in a timely manner, as well as to relevant international health organisations, particularly in the case of zoonotic diseases.

### **ARTICLE 81 QUARANTINE**

Prior to wildlife translocation or any transfer of animals between captive and wild populations, wildlife animals shall be quarantined and inspected by an authorized person who shall confirm in writing that:

- a) The animals have been held in quarantine for not less than fourteen days and inspected prior to release;
- b) The animals did not exhibit any signs of disease or injury;
- c) The animals have been positively and uniquely identified; and
- d) The animals have been tested and are free from diseases of special concern for that species.

## **ARTICLE 82 REPORTING**

The Provincial Department of Environment and the Ministry of Environment shall be informed immediately in case a wild animal becomes diseased or dies during the course of a quarantine.

## **CHAPTER 14 LAW ENFORCEMENT AND PROCEDURES TO RESOLVE OFFENCES**

### **ARTICLE 83 LAW ENFORCEMENT**

Government officers under the Ministry of Environment, the Provincial Department of Environment, and other relevant government entities with Environment and Natural Resources Judicial Police Officer Accreditation shall implement the missions pursuant to Book 9 Environmental Offences, Enforcement and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code in regard to wildlife offences, which are criminal offences specifically defined by this Title, anywhere within the Kingdom of Cambodia.

### **ARTICLE 84 WILDLIFE OFFENCE CASES**

Environment and Natural Resources Judicial Police Officers shall file wildlife offence cases with the court in accordance with this Code and the relevant in force provisions of the Code of Criminal Procedures of the Kingdom of Cambodia.

### **ARTICLE 85 PROMPT ACTION**

Officials of the Ministry of Environment and the Provincial Departments of the Environment, and Environment and Natural Resources Judicial Police Officers shall take prompt action to investigate and crack down on any case of wildlife offences and shall do so in accordance with the requirements and procedures of Book 9 Environmental Offences, Enforcement and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code and the relevant in force provisions of the Code of Criminal Procedure of the Kingdom of Cambodia.

## **ARTICLE 86 ENQUIRY REPORTING**

When conducting an enquiry into offences, Officials of the Ministry of Environment and the Provincial Departments of the Environment that are not qualified as Judicial Police Officers and any deputies pursuant to Book 9 Environmental Offences, Enforcement and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code are required to make reports on their inquiry into a natural resource offence, in accordance with the Code of Criminal Procedure of the Kingdom of Cambodia.

## **ARTICLE 87 ASSISTANCE TO LAW ENFORCEMENT**

All levels of sub-national authorities, armed forces, and relevant stakeholders shall cooperate and assist in the work of the Environment and Natural Resources Judicial Police Officers in regard to wildlife offences as provided in Book 9 Environmental Offences, Enforcement and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code.

## **ARTICLE 88 EVIDENCE**

Evidence or offending items of wildlife offences shall be defined as follows:

- a) Live wildlife, dead wildlife, wildlife parts, trophies and other wild animal derivatives;
- b) Equipment and means of transport used for committing illegal activities, including materials that may be used for prohibited means of hunting;
- c) Equipment and records used in the business of wildlife crime including, but not limited to, telephones, financial records, and bank records;
- d) Assets considered likely to have been purchased through the proceeds of wildlife offences; and
- e) Documents or other testimony by witnesses to the illegal activities or the intent to commit such an offence.

Evidence as stated in a), b), and c) above shall be seized and managed following the stipulations of Chapter 11 of this Title and any other guidelines issued by the Ministry of Environment. Evidence of equipment as stated in b), including, but not limited to, those identified as prohibited means of hunting, and means of transport, shall be seized and managed following guidelines issued by the Ministry of Environment.

## **ARTICLE 89 PROCEDURES FOR EVIDENCE**

Wildlife evidence, including live animals, shall be provided to the relevant entities responsible for counter-wildlife trafficking enforcement measures.



## **ARTICLE 90 CONFISCATED EVIDENCE**

Any confiscated evidence shall be managed in accordance with the procedures of the Ministry of Environment as outlined in Book 9 Environmental Offences, Enforcement and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code and other relevant legal instruments. Evidence shall be stored securely and appropriately at an institution deemed suitable by the Ministry of Environment. With appropriate recording, the Ministry of Environment has the authority to release, destroy, or keep for public benefit any confiscated natural resources products and by-products.

## **ARTICLE 91 MANAGEMENT OF SEIZED WILDLIFE, WILDLIFE PRODUCTS, AND TROPHIES**

All confiscations and management of seized wildlife, wildlife products, trophies or other derivatives, shall follow the guidelines in this Title. All animals or animal products shall be managed in accordance with international conventions to which the Kingdom of Cambodia is a party.

## **ARTICLE 92 RESTRICTIONS ON ACTIONS**

Officials of the Ministry of Environment, the sub-national administrations, and the Provincial Departments of Environment, and any deputies pursuant to Book 9 Environmental Offences, Enforcement and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code have the authority to impose restrictions on the activities of a natural person, or temporarily stop a legal entities' activity, that has offended against the provisions of this Title until the case is resolved.

## **ARTICLE 93 COMPLAINTS**

Any natural person or legal entity who disagrees with a decision made by the Ministry of Environment, in exercising its powers under this Title or by virtue of the powers granted to it, has the right to make a written complaint to the Ministry of Environment in accordance with Book 9 Environmental Offences, Enforcement and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code.

Any complaint made under this Article shall not affect the authority of, or prevent the process of enforcement by Ministry of Environment officers under this Title.

## **CHAPTER 14 GENERAL REGULATIONS**

### **ARTICLE 94 REGULATIONS**

The Ministry of Environment may make such regulations as may be expedient or necessary for better carrying out the provisions of this Title or for prescribing anything that may be, or is

required to be, prescribed under this Title.

Regulations may be made in respect of, but not limited to, the following:

- a) The administration and management of wildlife inside and outside of Biodiversity Conservation Corridors, Protected Areas, and any other protected areas established at the provincial, district, or commune level;
- b) Management of hunting applications and permits and issuance of quotas;
- c) The conditions under which wildlife may be kept in captivity, including zoological facilities, rescue centres, wildlife farms and conservation breeding centres;
- d) The establishment, operation, maintenance, inspection, monitoring and regulation of wildlife farms, zoological institutions, wildlife rescue centres, conservation breeding centres, and any other facilities keeping wildlife;
- e) Procedures for the effective enforcement of this Title;
- f) Management of evidence confiscated under this Title, including of appropriate security and welfare for seized live wildlife (from Schedules 1, 2 ,3, and 4) and security protocols for products from Schedule 1 species;
- g) The fees payable under this Title,
- h) Procedures for the translocation, transportation, capture, handling and sampling of wildlife,
- i) Procedures for ensuring wildlife welfare;
- c) Establishment, operation, and responsibilities of the Biodiversity Technical Working Group of the National Council for Sustainable Development;
- d) Procedures for recording offences against wildlife;
- j) Methods for humane slaughter of wildlife in wildlife farms;
- k) Payment of compensatory mitigation for damage done to wildlife, by natural persons or legal entities; and
- l) Monitoring of offences and offender.

## **TITLE 6      PROTECTION   OF   THREATENED   PLANTS   AND ECOSYSTEMS**

## **CHAPTER 1 GENERAL PROVISIONS**

### **ARTICLE 1 PURPOSE**

The purpose of this Title is the conservation of biodiversity and the protection and management of plants and ecosystems.

### **ARTICLE 2 SCOPE OF THIS TITLE**

This Title defines the framework of management for all threatened plants and ecosystems throughout the Kingdom of Cambodia. For the purposes of this Code, the term plant refers to all organisms classified in the Plantae and Fungi kingdoms. Ecosystems are a dynamic combination of plant, animal, micro-organism species, communities, their non-living environment, and the ecological processes between them interacting as a functional unit.

### **ARTICLE 3 ROLES AND RESPONSIBILITIES OF RELEVANT GOVERNMENT ENTITIES**

The Kingdom of Cambodia claims and will exercise sovereign rights and exclusive management authority over all threatened plants and ecosystems.

The Ministry of Environment shall have the authority to oversee, regulate, and enforce laws relating to the designation and management of threatened plants and ecosystems, as well as the management of invasive, non-native, or non-naturally occurring species of plants in the Kingdom of Cambodia.

The conservation and management measures undertaken by the appropriate government entity shall be based on the best scientific evidence and shall prevent the loss of threatened plants and ecosystems. To the extent possible, threatened plants and ecosystems shall be managed and maintained such that the dominant ecological characteristics of the plant or ecosystem occur within their natural ranges of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human disruptions.

### **ARTICLE 4 DUTIES OF MINISTRY OF ENVIRONMENT**

The Ministry of Environment has the overall jurisdiction and responsibility for designation, management, and protection of threatened plants and ecosystems in the Kingdom of Cambodia.

### **ARTICLE 5 COOPERATION OF RELEVANT GOVERNMENT ENTITIES**

All government entities with a responsibility to prevent crime, including but not limited to: The Fisheries Administration of the Ministry of Agriculture, Forestry, and Fisheries; The Forestry Administration of the Ministry of Agriculture, Forestry, and Fisheries; The Convention on International Trade in Endangered Species of Wild Fauna and Flora Management Authority of

the Kingdom of Cambodia; the General Department of Customs and Excise of the Ministry of Economy and Finance; and the National Police of the Ministry of Interior and Military Police of the Ministry of National Defence, and sub-national administrations, have the responsibility to coordinate, collaborate, and share information, as required by Ministry of Environment guidelines, with the Ministry of Environment on offences involving threatened plants and ecosystems, including but not limited to:

- a) National and international investigations of illegal plant or timber possession, trade, or transport;
- b) Seizures of threatened plants or timber possessed illegally, made under this Code and other relevant laws and regulations; and
- c) All court cases involving threatened plants and ecosystems.

## **ARTICLE 6 BIODIVERSITY TECHNICAL WORKING GROUP**

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall be composed of biological experts and ecologists from the Ministry of Environment; Ministry of Agriculture, Forestry, and Fisheries; other relevant government entities; and scientific, educational, and other relevant institutions and organisations, including technical partners participating in the protection of Biodiversity Conservation Corridors, Protected Areas, and any other protected areas established at the provincial, district or commune level, and the preservation of plant species and ecosystems throughout the Kingdom of Cambodia.

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year in order to:

- a) Review the National List of Threatened Plant Species, the National List of Threatened Ecosystems, and the National List of Invasive Species and provide recommendations to the Ministry of Environment regarding any necessary updates to the lists and Schedule classifications; and
- b) Review, make recommendations for necessary changes, and approve species management and recovery plans for implementation, on the basis of scientific reports and data.

## **CHAPTER 2 CLASSIFICATION OF PLANT SPECIES**

### **ARTICLE 7 NATIONAL LIST OF THREATENED PLANT SPECIES**

The Ministry of Environment shall create and maintain a publicly available National List of Threatened Plant Species occurring within the Kingdom of Cambodia. Upon enactment of this

Code, the National List of Threatened Plant Species will adopt all plant species known to occur in the Kingdom of Cambodia that are listed on the International Union for Conservation of Nature Red List. The National List of Threatened Plant Species will continually adopt any new plant species added to the International Union for Conservation of Nature Red List that are known to occur in the Kingdom of Cambodia, effective immediately upon their listing on the International Union for Conservation of Nature Red List.

## **ARTICLE 9 CATEGORIES OF THREATENED PLANT SPECIES**

Species listed on The National List of Threatened Plant Species shall be categorised into the following schedules:

- a) Schedule 1. All species, including those non-native to the Kingdom of Cambodia, listed as Extinct in the Wild, Critically Endangered, or Endangered on the International Union for Conservation of Nature Red List of Threatened species, or those species which have been added to the aforementioned categories on The National List of Threatened Plant Species. All species non-native to the Kingdom of Cambodia listed on Appendix 1 of Convention on International Trade in Endangered Species of Wild Fauna and Flora are also included in Schedule 1;
- b) Schedule 2. All species, including those non-native to the Kingdom of Cambodia, listed as Vulnerable, Near Threatened, Data Deficient, or Not Evaluated, on the International Union for Conservation of Nature Red List of Threatened Species, those species which have been added to the aforementioned categories on The National List of Threatened Plant Species, and all species non-native to the Kingdom of Cambodia and listed as Appendix 2 of Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- c) Schedule 3. All species, including those non-native to the Kingdom of Cambodia, listed as Least Concern on the International Union for Conservation of Nature Red List of Threatened Species, and all species non-native to the Kingdom of Cambodia and listed on Appendix 3 of Convention on International Trade in Endangered Species of Wild Fauna and Flora.

In instances where a species may be classed under different schedules according to the International Union for Conservation of Nature and Natural Resources Red List and Convention on International Trade in Endangered Species of Wild Fauna and Flora Appendices, the higher schedule applies. Any newly described species without an International Union for Conservation of Nature and Natural Resources categorization will be assigned to Schedule 1 unless otherwise categorized by the Ministry of Environment.

Species included in the three Schedules shall be listed in a legal instrument to be developed by the Ministry of Environment in consultation with relevant government entities. The

establishment of the three schedules shall be effective immediately upon enactment of this Code, based on the International Union for Conservation of Nature Red List and Convention on International Trade in Endangered Species of Wild Fauna and Flora appendices, and is not dependent on the development of legal instruments.

#### **ARTICLE 10 UPDATING THE LIST OF THREATENED PLANT SPECIES**

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year to review and provide recommendations to the Ministry of Environment to update the List of Threatened Plant Species and the Schedule classifications of threatened plant species.

At the time that any plant species listed on the International Union for Conservation of Nature Red List that was previously not known to occur in the Kingdom of Cambodia is discovered to occur in the Kingdom of Cambodia, it shall be added to The National List of Threatened Plant Species.

Plant species that do not occur on the International Union for Conservation of Nature Red List may be added to The National List of Threatened Plant Species. Such additions shall be made with reference to criteria set forth in the International Union for Conservation of Nature Red List Categories and Criteria, version 3.1, second edition.

The updated classifications of plant species will be based on the categorization of species on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species and on the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Additionally, any species may be upgraded to a higher Schedule category on the basis of factors including:

- a) High levels of threat to the Cambodian population of the species;
- b) The status of the Cambodian population of the species meeting International Union for Conservation of Nature and Natural Resources criteria for Critically Endangered or Endangered; and
- c) Important cultural or natural heritage value to the people and Kingdom of Cambodia International Union for Conservation of Nature and Natural Resources.

These updates shall be approved by legal instrument and distributed to relevant government entities, sub-national administrations, law enforcement agencies, Collaborative Management Committees and provincial courts.

No species can be down-listed from Schedule 1 or 2, without a corresponding change in its current listing on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species.

#### **ARTICLE 11 PETITION TO UPDATE**

Any interested person or organisation may petition the Ministry of Environment to add any plant species to the National List of Threatened Plant Species. Such petitions shall provide data and information to support the listing of the species on the National List. The Ministry of Environment shall respond to such petitions, with reasons as to why the petition was either granted or rejected, within sixty (60) days of the receipt of the petition.

Any documents, data, or other information used for the listing of a species shall be made publicly available by the Ministry of the Environment or other relevant government entity in possession of such documents, data, or other information, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **CHAPTER 3 PROHIBITIONS ON ACTIVITIES AFFECTING THREATENED PLANT SPECIES HABITAT AND PLANT COLLECTION**

#### **ARTICLE 12 PROHIBITED ACTIVITIES FOR THREATENED PLANT SPECIES HABITAT**

The destruction or alteration of the natural habitat of a threatened plant species that is determined by appropriate authorities to cause, directly or indirectly, the destruction of a threatened plant in its natural habitat except where provided for in Chapter 4 of this Title shall be prohibited. In this Title, natural habitat denotes habitat in which a population or individual lives wherein the habitat has not been significantly altered by man for agricultural or anthropogenic uses from its natural state.

#### **ARTICLE 13 PROHIBITED ACTIVITIES FOR THREATENED PLANTS**

The collection, destruction, consumption, sale, trade or transport of any threatened plants, or derivatives thereof, that are listed on The National List of Threatened Plant Species shall be prohibited, except where provided for in Chapter 4 of this Title.

#### **ARTICLE 14 PROHIBITED ACTIVITIES IN BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS**

The collection or destruction of any plants inside of Biodiversity Conservation Corridors, Protected Areas, and any other protected areas established at the provincial, district, or commune level shall be prohibited, except where provided for in Chapter 4 of this Title or in proper accordance with a Biodiversity Conservation Corridor or protected area management plan.

## **CHAPTER 4 GRANTING PERMITS FOR SPECIAL PURPOSES**

### **ARTICLE 15 FAMILY-SCALE AND MEDICINAL USE**

The Ministry of Environment may grant special permission for the collection, sale, trade, or transport of threatened plants, or derivatives thereof, for family-scale use and medicinal use. Any special permission granted under this Chapter shall stipulate appropriate restrictions on scale and timeframe such that the activities practiced under this permission will not diminish natural populations or hinder the rehabilitation of natural populations of the threatened plants, as determined by the best available science at the time of granting.

The Ministry of Environment shall develop permitting procedures, criteria, and regulations in a legal instrument.

### **ARTICLE 16 SCIENTIFIC PURPOSES**

The Ministry of Environment may grant special permission for the collection of threatened plants for scientific purposes, unless such collection is determined to have the potential to cause the extinction of the threatened plant, or cause irreparable damage to the natural population of the threatened plant as determined by the best available science at the time of granting. Permits granted for scientific purposes may only be granted to those representing a recognized academic institution, research institution, conservation organisation, herbarium, or botanical garden. Under no circumstances may special permission for the collection of threatened plants for scientific purposes be granted to any person or entity with commercial interests in such collection.

The Ministry of Environment shall develop permitting procedures, criteria and regulations in a new legal instrument.

### **ARTICLE 17 ABSENCE OF SUFFICIENT SCIENTIFIC INFORMATION**

The Ministry of Environment shall deny special permissions under this chapter where there is not sufficient scientific information to make a determination of the impact of the activities on the threatened plant species or its habitat, with the exception of special permissions being granted strictly for scientific purposes. In such cases where special permissions are granted for scientific purposes despite the absence of sufficient scientific information to make a clear determination, the Ministry of Environment shall use its best judgment to place restrictions on the scope of collection that will minimize the possibility that the activities will cause the extinction of the threatened plant, or cause irreparable damage to the natural population of the threatened plant.

### **ARTICLE 18 SUSPENSION OR CANCELLATION OF PERMITS**

The Ministry of Environment shall retain the authority to temporarily or indefinitely suspend



or cancel any permits granted under this Chapter based upon new data, scientific information, or newly identified threats to the threatened plant species or its habitat.

## **CHAPTER 5 PLANT SPECIES MANAGEMENT AND RECOVERY PLANS**

### **ARTICLE 19 SPECIES MANAGEMENT AND RECOVERY PLANS**

The Ministry of Environment shall develop Species Management and Recovery Plans for all threatened plant species native to the Kingdom of Cambodia listed on Schedule 1 of The National List of Threatened Plant Species. Plans shall cover a ten (10) year period and a single plan may cover multiple species, including wildlife species.

The Ministry of Environment shall coordinate with other relevant government entities and technical experts to develop the Species Management and Recovery Plan. The Ministry of Environment shall also provide for public consultation during the development of the Species Management and Recovery Plan in accordance with Book 1 General Provisions Title 3 Public Participation of this Code.

All proposed Species Management and Recovery Plans shall be reviewed and approved by the Biodiversity Technical Working Group of the National Council for Sustainable Development prior to being implemented.

Provincial Departments of Environment shall be the primary implementing government entities, with oversight from Ministry of Environment and the Biodiversity Technical Working Group, and in coordination with other relevant government entities and technical partners.

### **ARTICLE 20 REQUIREMENTS**

The Ministry of Environment shall define within Species Management and Recovery Plans the necessary conservation and management actions required to ensure that ecologically functional populations of listed species persist in the Kingdom of Cambodia. An ecologically functional population is a population of a size and dynamism such that it is not only viable, but also able to provide the ecological services and roles of natural, undisturbed population to the surrounding ecosystem.

Species Management and Recovery Plans shall include identification of threats both direct and indirect and the actions required to mitigate these threats and secure populations. Species Management and Recovery Plans shall identify the important habitats for the conservation of species and shall prescribe habitat-specific and landscape-specific management actions necessary to achieve the Species Management and Recovery Plan's goal for the conservation and survival of the species. Specific Species Management and Recovery Plans may be incorporated within Biodiversity Conservation Corridor or protected area management plans.

Species Management and Recovery Plans shall include objective, measurable criteria which, when met, shall result in improved conservation status of the target species and its habitat, and said Species Management and Recovery Plans shall also include estimates of the time and financial resources required to carry out those measures.

## **ARTICLE 21 ENVIRONMENTAL IMPACT ASSESSMENTS**

All Environmental Impact Assessments for projects, plans, or activities that may potentially impact known habitats of threatened plant species, shall, in accordance with Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code, consider and incorporate by reference that plant species' Species Management and Recovery Plan, and shall demonstrate that the project, plan, or activity will not diminish natural populations of threatened plants or hinder the rehabilitation of natural populations of the threatened plants through implementation of the Species Management and Recovery Plan.

In instances where a plant species has been added to the National List of Threatened Plant Species but the Species Management and Recovery Plan for that species has not yet been completed, all Environmental Impact Assessments for projects, plans, or activities that will potentially impact such species shall demonstrate that the project, plan, or activity will not diminish any natural populations of the species.

## **CHAPTER 6 CLASSIFICATION OF THREATENED ECOSYSTEMS**

### **ARTICLE 22 NATIONAL LIST OF THREATENED ECOSYSTEMS**

The Ministry of Environment shall create and maintain a publicly available National List of Threatened Ecosystems occurring within the Kingdom of Cambodia, which shall document ecosystems that are threatened irrespective of the presence or absence of threatened plants or wildlife within said ecosystem. Upon enactment of this Code, The National List of Threatened Ecosystems shall adopt all ecosystems that occur in the Kingdom of Cambodia that are listed on the International Union for Conservation of Nature Red List of Ecosystems. The National List of Threatened Ecosystems shall continually adopt any new ecosystems added to the International Union for Conservation of Nature Red List of Ecosystems that occur in the Kingdom of Cambodia, effective immediately upon their listing with the International Union for Conservation of Nature Red List of Ecosystems.

### **ARTICLE 23 CATEGORIES OF THREATENED ECOSYSTEMS**

Ecosystems listed on The National List of Threatened Ecosystems shall be further categorized into the following schedules:

- a) Schedule 1. All ecosystems listed as Extinct in the Wild, Critically Endangered, or Endangered on the International Union for Conservation of Nature Red List of Threatened Ecosystems, or those ecosystems that have been added to the

aforementioned categories on The National List of Threatened Ecosystems;

- b) Schedule 2. All ecosystems listed as Vulnerable, Near Threatened, Data Deficient, or Not Evaluated, on the International Union for Conservation of Nature Red List of Threatened Ecosystems, and those ecosystems that have been added to the aforementioned categories on The National List of Threatened Ecosystems; and
- c) Schedule 3 - All ecosystems listed as Least Concern on the International Union for Conservation of Nature Red List of Threatened Ecosystems.

## **ARTICLE 24 UPDATING THE LIST OF THREATENED ECOSYSTEMS**

The Biodiversity Technical Working Group of the National Council for Sustainable Development shall meet no less than every one (1) year to review and provide recommendations to the Ministry of Environment to update the List of Threatened Ecosystems and the Schedule classifications of threatened ecosystems.

Threatened ecosystems in the Kingdom of Cambodia that do not occur on the International Union for Conservation of Nature Red List of Ecosystems may be added to The National List of Threatened Ecosystems. Such additions shall be made with reference to the criteria set forth in the International Union for Conservation of Nature Red List of Ecosystems Categories and Criteria.

## **ARTICLE 25 PETITION TO UPDATE**

Any interested person or organisation may petition the Ministry of Environment to add any ecosystem to the National List of Threatened Ecosystems. Such petitions shall provide data and information to support the listing of the Ecosystem on the National List. The Ministry of Environment shall respond to such petitions, with reasons as to why the petition was either granted or rejected, within sixty (60) days of the receipt of the petition.

Any documents, data, or other information used for the listing of an ecosystem shall be made publicly available by the Ministry of the Environment or other relevant government entity in possession of such documents, data, or other information, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **CHAPTER 7 THREATENED ECOSYSTEM MANAGEMENT AND RECOVERY PLANS**

### **ARTICLE 26 ECOSYSTEM MANAGEMENT AND RECOVERY PLANS**

The Ministry of Environment shall develop Ecosystem Management and Recovery Plans for all threatened ecosystems listed on The National List of Threatened Ecosystems. Plans shall cover a ten (10) year period.

The Ministry of Environment shall coordinate with other relevant government entities to develop the Ecosystem Management and Recovery Plan. The Ministry of Environment shall also provide for public consultation during the development of the Ecosystem Management and Recovery Plan in accordance with Book 1 General Provisions Title 3 Public Participation of this Code.

All proposed Ecosystem Management and Recovery Plans shall be reviewed and approved by the Biodiversity Technical Working Group of the National Council for Sustainable Development prior to being implemented.

### **ARTICLE 27 REQUIREMENTS**

The Ministry of Environment shall define within Ecosystem Management and Recovery Plans the necessary conservation and management actions required to ensure persistence and ecological integrity of listed ecosystems in the Kingdom of Cambodia. In this Title, ecological integrity denotes the ability of an ecological system to support and maintain a community of organisms that has a species composition, diversity, and functional organisation comparable to those of natural habitats within a region.

Ecosystem Management and Recovery Plans shall include identification of their ecological functions and values, geographical scope, the key focal ecological resources within the ecosystem, ecological threats both direct and indirect, ecological indicators that can be actively monitored, and a range of ecologically acceptable and unacceptable values for each of the ecological indicators. In this Title, ecological threat denotes any man-made, introduced, or unnatural element that has the potential to disrupt a natural ecosystem and/or cause ecological indicators to have values outside of the ecologically acceptable range of variation.

An ecological indicator is a specific, measurable property, component, or condition of an ecosystem that is sensitive to the changes in key attributes of the ecological system, wherein the ecological indicator will have an ecologically acceptable range of variation. Examples include. total number of mature individuals in a population, or ratio of natural to non-natural vegetation.

Upon any ecological indicator having a value that is deemed not acceptable, the relevant government entities shall take mitigation steps determined by the best available science at that time that aim to achieve an acceptable value for the ecological indicator.

### **ARTICLE 28 ENVIRONMENTAL IMPACT ASSESSMENTS**

All Environmental Impact Assessments for projects, plans, or activities that will potentially impact listed Threatened Ecosystems shall, in accordance with Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code, consider and

incorporate by reference that ecosystem's Ecosystem Management and Recovery Plan and shall demonstrate that the project will not diminish the ecological integrity of the ecosystem or hinder the rehabilitation and/or management of the threatened ecosystem through implementation of the Ecosystem Management and Recovery Plan.

In instances where an ecosystem has been added to the National List of Threatened Ecosystems but the Ecosystem Management and Recovery Plan for that ecosystem has not yet been completed, all Environmental Impact Assessments for projects, plans, or activities that will potentially impact such ecosystems shall demonstrate that the project, plan, or activity will not diminish the ecological integrity of the ecosystem.

## **CHAPTER 8 MANAGEMENT OF INVASIVE SPECIES**

### **ARTICLE 29 NATIONAL LIST OF INVASIVE SPECIES**

The Ministry of Environment shall create and maintain a National List of Invasive Species that either currently occur in the Kingdom of Cambodia or would pose a threat if introduced in the Kingdom of Cambodia. Invasive species are those that are not native to a specific location or ecosystem, and which have the ability and/or tendency to spread to a degree that can cause damage to the environment, economy, or human health.

The introduction of invasive species into the natural environment or agricultural landscape, unless approved by the Ministry of Environment, shall be prohibited.

### **ARTICLE 30 INVASIVE SPECIES MANAGEMENT PLAN**

The Ministry of Environment shall develop an Invasive Species Management Plan to address all invasive species currently known to occur in the Kingdom of Cambodia. The Invasive Species Management Plan will seek to eradicate and/or minimize the impacts of invasive species on the environment, economy, and human health. An Invasive Species Management Plan may address the management of one species in isolation or a group of more than one invasive species, and shall be valid for a period of ten (10) years.

The Ministry of Environment shall coordinate with other relevant government entities to develop the Invasive Species Management Plan. The Ministry of Environment shall also provide for public consultation during the development of the Invasive Species Management Plan in accordance with Book 1 General Provisions Title 3 Public Participation of this Code.

All proposed Invasive Species Management Plans shall be reviewed and approved by the Biodiversity Technical Working Group of the National Council for Sustainable Development prior to being implemented.

## **CHAPTER 9 MANAGEMENT OF CONFISCATED THREATENED PLANTS OR**

## **DERIVATIVES THEREOF**

### **ARTICLE 31 MANAGEMENT OF CONFISCATED THREATENED PLANTS OR DERIVATIVES**

All threatened plants or derivatives thereof confiscated under this law shall either be:

- a) In the case of living specimens, whenever possible, appropriately re-introduced into the original habitat or given to an appropriate institution for propagation or research purposes. Example of appropriate institutions include recognized academic institution, research institution, conservation organisation, herbarium, or botanical garden; or
- b) In the case of dead plants or non-propagative derivatives thereof; maintained, stored, or destroyed following approved procedures by the Ministry of Environment.

### **ARTICLE 32 MANAGEMENT OF EVIDENCE PRIOR TO COMPLETION OF COURT CASE**

In instances where confiscated items need to be maintained as evidence for court cases, all high-value plant materials or derivatives shall be kept secure by the Ministry of Environment or Provincial Department of Environment following appropriate management and security protocols until such time as the court case is completed.

### **ARTICLE 33 MANAGEMENT OF EVIDENCE FOLLOWING COMPLETION OF COURT CASE**

Once a court case has been completed, all plant materials or derivatives thereof maintained as evidence shall be returned to the Ministry of Environment for public benefit, or, in the case of high-value or luxury timber, destroyed. Plant and timber products shall not be sold at public auction.

## **CHAPTER 10 PROCEDURES TO RESOLVE OFFENCES**

### **ARTICLE 34 ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

Officials of the Ministry of Environment having duties as Environment and Natural Resources Judicial Police Officers shall implement the missions pursuant to Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code with regard to offences involving the destruction, sale, trade, or transport of threatened plants, or the destruction of threatened ecosystems or habitats of threatened plants, which are criminal offences specifically defined by this Title. All provisions regarding Environment and Natural Resources Judicial Police Officers in Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of

this Code shall apply.

Operations by Ministry of Environment officials who are commissioned as Environment and Natural Resources Judicial Police Officers shall be carried out in accordance with the Criminal Code of the Kingdom of Cambodia.

### **ARTICLE 35 FILING AND RECORDING OF CASES**

Environment and Natural Resources Judicial Police Officers shall file cases of offences under this Title with the court in accordance with this Code and the relevant provisions of the Criminal Code of the Kingdom of Cambodia.

The Ministry of Environment and the Ministry of Justice shall develop a joint legal instrument on the procedures for recording offences against threatened plants and ecosystems.

### **ARTICLE 36 INVESTIGATION**

Officials of the Ministry of Environment, in cooperation with sub-national authorities and enforcement agencies, shall take prompt action to investigate any case of alleged offences regarding threatened plants and ecosystems. Such action shall be done in accordance with the requirements and procedures of Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code and the relevant provisions of the Criminal Code of the Kingdom of Cambodia.

### **ARTICLE 37 COOPERATION IN INVESTIGATIONS**

All levels of sub-national authorities, armed forces, and relevant stakeholders, shall cooperate and assist in the work of the Environment and Natural Resources Judicial Police Officers in regard to environment and natural resource offences as provided in Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code.

In the course of facilitating this work, it is strictly prohibited to consume or re-sell any confiscated evidence.

### **ARTICLE 38 EVIDENCE**

Evidence of offences regarding threatened plants and ecosystems shall include, but not be limited to:

- a) Plants, leaves, roots, timber, extracts, or other derivatives of a plant that are the actual evidence of illegal activities; and
- b) Equipment and means of transport used for committing illegal activities.

### **ARTICLE 39 CONFISCATED EVIDENCE**

Any confiscated evidence shall be managed in accordance with the procedures of the Ministry of Environment as outlined in Chapter 9 of this Title and Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code, and other relevant legal instruments. Evidence shall be stored securely and appropriately at an institution deemed suitable by the Ministry of Environment. With appropriate recording, the Ministry of Environment has the authority to release, destroy, or keep for public benefit any confiscated natural resources products and by-products.

### **ARTICLE 40 RESTRICTIONS**

Officials of the Ministry of Environment and Provincial Department of Environment have the authority to impose restrictions on the activities of any person or other legal entity, or issue an order to temporarily stop any activity, if such officials have reason to believe that the activity has resulted in offences against the provisions of this Title. Such restrictions shall remain in effect until the matter is resolved.

### **ARTICLE 41 DISAGREEMENTS WITH DECISIONS**

Any person, company or other entity who disagrees with a decision made by the Ministry of Environment, in exercising its powers under this Title or by virtue of the powers granted to it, has the right to make a written complaint to the Ministry of Environment in accordance with Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code.

Any complaint made under this Article shall not affect the authority of, or prevent the process of enforcement by Ministry of Environment officers under this Title.

## **CHAPTER 11 OTHER REGULATIONS**

### **ARTICLE 42 REGULATIONS**

The Minister of Environment may make such regulations as may be expedient or necessary for better carrying out the provisions of this Code or for prescribing anything that may be, or is required to be, prescribed under this Code.

Regulations may be made in respect of the following:

- a) The administration and management of threatened plants;
- b) The maintenance and preservation of threatened ecosystems;
- c) The importation and use of invasive species;



- d) The means of disposing of any high value confiscated plant products such as timber; and
- e) The fees payable under this Code.

## **TITLE 7 COASTAL ZONE MANAGEMENT**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is to ensure the effective management and sustainable development of the Coastal Zone.

#### **ARTICLE 2 NATIONAL COMMITTEE ON COASTAL DEVELOPMENT AND MANAGEMENT**

The National Committee on Coastal Development and Management shall have the authority to manage the Coastal Zone of the Kingdom of Cambodia and to oversee and regulate all development or other activities affecting the Coastal Zone in accordance with the provisions of this Title, including to provide for:

- a) The incorporation of environmental conservation and sustainable development objectives into Coastal Zone management;
- b) Public participation and access to information on all decisions about the management of the Coastal Zone in accordance with Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code; and
- c) The incorporation of climate change mitigation and adaptation strategies into projects and activities in the Coastal Zone.

#### **ARTICLE 3 RESPONSIBILITIES**

Consistent with the criteria set forth in Article 2 of this Title, the National Committee on Coastal Development and Management shall:

- a) Take full account of, and minimize, the potential impacts to coastal waters by managing natural resources and human activity in the coastal watershed, consisting of the river basins that flow directly to the Gulf of Thailand;
- b) Manage natural resources and human activity in the Coastal Zone in a fully integrated way in order to avoid or minimize unintended impacts to Coastal Waters;

- c) Actively and comprehensively manage all land-based and shoreline sources of solid, liquid, and airborne environmental contaminants that may enter coastal waters;
- d) Control and manage defence of the Coastal Zone from erosion, storm surges, and similar impacts;
- e) Protect the shoreline through appropriate zoning and development guidelines; and
- f) Implement the recommendations contained in relevant reports from National Committee for the Management and Development.

#### **ARTICLE 4 ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

All activity, development, construction, or other type of projects that have a significant impact on the environment in the Coastal Zone shall be subject to an Initial Environmental Evaluation or Environmental Impact Assessment in accordance with the provisions of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code and any legal instrument identifying those proposed projects or activities that require an Initial Environmental Evaluation or Environmental Impact Assessment.

### **CHAPTER 2 COASTAL SUBZONES**

#### **ARTICLE 5 COASTAL SUBZONES**

The Coastal Zone consists of three subzones:

- a) Coastal waters, including those waters extending seaward 5 km. from the shoreline, including the associated submerged lands;
- b) Coastal lands, including those emergent lands extending inland from the shoreline for a distance of five (5) km, including the intertidal zone; and
- c) Coastal watershed, including the entirety of the combined watersheds draining to the marine waters of Cambodia.

#### **ARTICLE 6 FUTURE DEVELOPMENT IMPACTS**

The National Committee on Coastal Development and Management, in coordination with other relevant government entities, shall develop a legal instrument in order to sustainably manage proposed future development and associated environmental impacts.

### **CHAPTER 3 CLIMATE CHANGE PLANNING AND SUSTAINABLE DEVELOPMENT IN THE COASTAL ZONE**

#### **ARTICLE 7 NATIONAL COUNCIL ON SUSTAINABLE DEVELOPMENT**

## **RESPONSIBILITIES**

The National Council on Sustainable Development shall provide technical support to the National Committee on Coastal Development and Management to ensure the effective and efficient implementation of policies to protect and enhance the environment and natural resources and ensure the sustainable development of the Coastal Zone.

## **ARTICLE 8 CONSIDERATIONS**

Prior to determining any approval or permit for any project or activity in the Coastal Zone, the National Committee on Coastal Development and Management shall take into account the climate change related matters, including but not limited to the following:

- a) Impacts caused by climate change, including but not limited to coastal erosion and inundation;
- b) Evacuation procedures;
- c) Disaster risk management; and
- d) Climate change strategies, plans, policies, and reports developed by the National Council on Sustainable Development, other relevant government entities, and relevant non-governmental organisations.

## **ARTICLE 9 RESTRICTIONS**

No development or activity shall be approved in the Coastal Zone unless there is clear evidence that the development or activity will include full consideration of the potential impacts of climate change in the Coastal Zone on the proposed project. This shall include any impacts on or from the proposed project or development as a result of storm events, inundation, coastal erosion, and any other factor.

## **ARTICLE 10 REQUIREMENTS**

Prior to issuing any approval or permit for development in the Coastal Zone, the National Committee on Coastal Development and Management shall ensure:

- a) The proposed project is consistent with the planning and management objectives of the subzone or subzone in which is occurs;
- b) The project owners or proponents have demonstrated that they have taken all reasonable steps to avoid and minimize impacts to streams, wetlands, and marine waters within the Coastal Zone;
- c) The conditions of the approval or permit are in accordance with the environmental

impact assessment provisions of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code;

- d) Potential impacts of climate change, including future inundation hazard areas for coastal lands, have been considered, and infrastructure protections from climate change have been ensured;
- e) Potential impacts from sediment and effluent discharges into the Coastal Zone have been minimized or avoided, with efficient management of waste; and
- f) Land reclamation works have been fully minimized.

#### **ARTICLE 11 PROHIBITED ACTIVITIES**

All activity, construction, or other type of project, including sand mining and infrastructure projects, that results in loss or damage to any of the following shall be prohibited in the Coastal Zone:

- a) Coral reefs;
- b) Sea grass or sea grass areas;
- c) Fisheries breeding areas; and
- d) Mangrove forest or remnant mangrove forest.

### **CHAPTER 4 PUBLIC PARTICIPATION IN COASTAL ZONE MANAGEMENT**

#### **ARTICLE 12 PUBLIC PARTICIPATION AND ACCESS TO INFORMATION**

The National Committee on Coastal Development and Management shall comply with all the requirements for public participation and access to information in accordance with the provisions of Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

#### **ARTICLE 13 PROMOTION OF PUBLIC PARTICIPATION**

The National Committee on Coastal Development and Management may issue further instruments to promote public participation in the management of the Coastal Zone.

## **TITLE 8 SUSTAINABLE WATER RESOURCES MANAGEMENT**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **SECTION 1 PURPOSE AND PRINCIPLES**

## **ARTICLE 1 PURPOSE**

The purpose of this Title is to foster the sustainable management and efficient use of the Kingdom of Cambodia's water resources, which include rivers, streams, waterfalls, canals, wetlands, marshes, lakes, ponds, and reservoirs or other means of water storage, by establishing a system for the planning, allocation, and use of water in order to support environmental protection, natural resource conservation, sustainable development, and the welfare of the people. Water includes surface water, underground groundwater, and atmospheric water.

## **ARTICLE 2 OBJECTIVES**

Consistent with the relevant national-level water resources policies, the objectives of this Title are to:

- a) Define the fundamental principles of water resources management;
- b) Determine the rights and obligations of water users; and
- c) Ensure the participation of water users and their associations in the sustainable management of water resources.

## **ARTICLE 3 PRINCIPLES OF INTEGRATED WATER RESOURCES MANAGEMENT**

Water and water resources shall be managed and developed based on the following principles of integrated water resources management:

- a) Social equity, which ensures equal access for all users, particularly marginalised and underrepresented groups, to an adequate quantity and quality of water necessary to sustain human well-being;
- b) Economic efficiency, which brings the greatest benefit to the greatest number of users possible with the available financial and water resources; and
- c) Ecological sustainability, which requires that adequate allocation be made to sustain the natural functioning of threatened species and water-dependent ecosystems, which are a dynamic combination of plant, animal, micro-organism species, communities, their non-living environment, and the ecological processes between them interacting as a functional unit.

## **ARTICLE 4 CONSIDERATIONS IN IMPLEMENTATION**

When implementing integrated water resources management, the Ministry of Water Resources and Meteorology shall take into account:

- a) All aspects of water resources;
- b) Linkages between water resources and other components of the natural environment, including land, fisheries, flora, and fauna; and
- c) The requirements for effective and sustainable water use by human beings and the natural environment.

## **ARTICLE 5 COOPERATIVE FRAMEWORK**

The implementation of integrated water resources management shall be carried out jointly and within a cooperative framework involving all relevant government entities with mandated responsibilities for water use, development, and sustainable management of living aquatic resources and their associated ecosystems.

## **ARTICLE 6 STAKEHOLDER PARTICIPATION**

The Royal Government of Cambodia shall encourage the collaboration with and participation of all stakeholders including relevant government entities, private sector, non-government organizations, and international organizations in all activities related to the management, investment, exploitation, conservation, and development of water resources.

## **SECTION 2 OWNERSHIP OF WATER AND WATER RESOURCES**

### **ARTICLE 7 OWNERSHIP OF WATER RESOURCES**

All water and water resources are owned by the Kingdom of Cambodia.

### **ARTICLE 8 DIVERSION OF WATER**

The diversion of water from the territory of the Kingdom of Cambodia shall be permitted and agreed to only by the Royal Government of Cambodia with due ratification by the National Assembly.

## **CHAPTER 2 WATER RESOURCES MANDATES**

### **SECTION 1 LEAD MINISTRY MANDATES**

#### **ARTICLE 9 LEAD MINISTRY**

The Ministry of Water Resources and Meteorology shall manage, lead, and supervise the implementation of this Title, including conducting consultations with other concerned ministries and stakeholders in the course of carrying out its mandates.

#### **ARTICLE 10 CENTRALIZED INVENTORY**

The Ministry of Water Resources and Meteorology shall maintain a centralized inventory of the water resources of the Kingdom of Cambodia, including the location, quantity, and quality of the resources during each year.

#### **ARTICLE 11 DATA ON WATER RESOURCES**

Data on quantity and quality, and any other water-related information collected by all levels of government entities, shall be submitted to the Ministry of Water Resources and Meteorology on the Ministry of Water Resources and Meteorology's request in the format requested by the Ministry of Water Resources and Meteorology. The submission of data collected by other government entities to the Ministry of Water Resources and Meteorology shall occur at least once every one (1) year.

#### **ARTICLE 12 AVAILABILITY OF DATA**

The data and information submitted under Article 11 of this Title, except for information classified as confidential, shall be provided free of charge to all government entities and any other interested stakeholders for the public interest. The Ministry of Water Resources and Meteorology may require the payment of a fee for data and information requested for commercial purpose.

#### **ARTICLE 13 LEGAL INSTRUMENTS**

The Ministry of Water Resources and Meteorology may establish legal instruments to give effect to the objectives and provisions of this Title, including but not limited to the following:

- a) Areas where the take or interference of water, or the construction of infrastructure, is prohibited;
- b) The regulation of infrastructure to take or interfere with water resources;
- c) The creation and management of authorities for river basins, which are geographical areas determined by the watershed limits of the system of waters, including surface and underground waters;
- d) Priority matters for inclusion in river basin water resources plans;
- e) Incentives for research on, or the development of, new technologies that will contribute to the reduction of waste and improvement in water quality, and increase water use efficiency;
- f) Incentives and disincentives, including financial mechanisms such as use charges and inclining block tariffs, to encourage the efficient use of water resources;
- g) The creation and management of water user communities, including farmer water user

communities;

- h) The declaration of protected water use zones;
- i) The designation and management of flood retention areas;
- j) The infilling or alteration of wetlands, marshes, ravines, or gulches;
- k) The regulation of the development of groundwater, which is water flowing within a saturated soil, rock medium, fractures, or other cavities within the ground, and the groundwater development industry, including but not limited to:
  - i) Qualifications for bore contractors and bore pump installers;
  - ii) Evidence required by a holder of a certificate that a drilling machine is being operated under a certificate;
  - iii) The taking of samples, tests, analyses, surveys, logs, and other bore data, and the submission of them to the Ministry of Water Resources and Meteorology;
  - iv) The reclamation of bores and the methods and requirements to be observed in reclamation operations;
  - v) Remedial action to be taken with respect to problem bores;
  - vi) The control of flowing bores;
  - vii) The methods of drilling and digging bores, and of determining sources of groundwater;
  - viii) The precautions and measures to be taken prior to and during the drilling, digging and development of a bore;
  - ix) Respecting the maintenance of inactive bores;
  - x) Respecting the on-going maintenance and operation of active bores; and
- l) The imposition of fees and charges to cover the costs of managing water resources in accordance with this Title.

## **SECTION 2 GOVERNMENT COORDINATION**

### **ARTICLE 14 NATIONAL COMMITTEE OF RIVER BASIN PLANNING AND MANAGEMENT**

A National Committee of River Basin Planning and Management shall be established by



relevant legal instrument under the jurisdiction of the Ministry of Water Resources and Meteorology, involving Secretaries of State from at least fifteen (15) key ministries and the Cambodia National Mekong Committee.

#### **ARTICLE 15 DUTIES OF THE NATIONAL COMMITTEE OF RIVER BASIN PLANNING AND MANAGEMENT**

The duties of the National Committee of River Basin Planning and Management shall include:

- a) Coordinating and overseeing the development of a national level strategic plan for water;
- b) Monitoring and evaluating the implementation of a national level strategic plan for water for the management, protection, conservation, and development of river basins;
- c) Mediating and resolving any conflicts in management, protection, conservation, and development of river basins; and
- d) Undertaking any other tasks as directed by the Royal Government of Cambodia.

#### **ARTICLE 16 RIGHT AND DUTY TO PARTICIPATE**

The Kingdom of Cambodia has the right and duty to participate in the utilization, development, and management of an equitable and reasonable share of the basins in its territory of an international river, which is a river geographically situated in the territory of two or more states, consistent with the obligations arising from the international agreements to which the Kingdom of Cambodia is a party.

#### **ARTICLE 17 OPTIMUM AND EFFECTIVE USE**

The Ministry of Water Resources and Meteorology shall consider the optimum and effective use of the Mekong River Basin, consistent with the governing principles of the Cambodia National Mekong Committee.

### **CHAPTER 3 WATER RESOURCES PLANNING**

#### **SECTION 1 OBJECTIVES AND PRINCIPLES**

#### **ARTICLE 18 NATIONAL LEVEL STRATEGIC PLAN**

The Ministry of Water Resources and Meteorology shall plan for the allocation and sustainable management of water to meet the Kingdom of Cambodia's future water requirements through a national level strategic plan for water and by preparing river basin water resources plans.

#### **ARTICLE 19 STAKEHOLDER PARTICIPATION**

In preparing a national level strategic plan for water and river basin water resources plans, the Ministry of Water Resources and Meteorology shall coordinate with all interested and relevant stakeholders including sub-national administrations, private sector, beneficiary groups, non-governmental organizations, and international organizations. At a minimum, the preparation of a national level strategic plan for water and any river basin water resources plans shall meet the public participation and access to environmental information requirements contained in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of the Code.

#### **ARTICLE 20 DELEGATION OF AUTHORITY**

The preparation and implementation of river basin water resources plans may be delegated from the Ministry of Water Resources and Meteorology to river basin authorities established under the relevant legal instrument.

#### **ARTICLE 21 DUTY TO COMPLY**

A river basin authority preparing or implementing a river basin water resources plan in accordance with Article 19 of this Title shall comply with the provisions of this Title.

#### **ARTICLE 22 INFORMATION FOR PLANNING PURPOSES**

The Ministry of Water Resources and Meteorology shall collect, store, make available, and use information for planning purposes by:

- a) Regularly measuring and keeping publicly available records of the volume and quality of water in the Kingdom of Cambodia;
- b) Collecting information, including from other Ministries and non-government organisations, on the water requirements of, and impacts of water management on, natural ecosystems, fish habitats and populations, and threatened species;
- c) Collecting information about future water requirements; and
- d) Continually upgrading the national monitoring network to ensure that information under this Article can be collected.

#### **ARTICLE 23 TECHNICAL ADVISORY BOARD**

The Ministry of Water Resources and Meteorology may establish a technical advisory board that is comprised of technical experts who meet qualifications established by the Ministry of Water Resources and Meteorology to advise on matters about:

- a) A proposed or draft river basin water resources plan;

- b) A proposed amendment to a river basin water resources plan; and
- c) The grant of authorisations under Chapter 4 of this Title.

## **SECTION 2 NATIONAL STRATEGIC WATER PLAN**

### **ARTICLE 24 PURPOSE OF NATIONAL STRATEGIC WATER PLAN**

A national level strategic plan for water shall be prepared to provide guidance for pursuing the:

- a) Objectives of this Title;
- b) Long-term water supply security within the Kingdom of Cambodia;
- c) Sustainability of the water resources of the Kingdom of Cambodia;
- d) Protection of water and flow dependent ecosystems; and
- e) Fair and effective allocation and utilization of water to prevent disasters and conflicts.

### **ARTICLE 25 REQUIREMENTS FOR NATIONAL STRATEGIC WATER PLAN**

The national level strategic plan for water shall include but shall not be limited to the following matters:

- a) Identification of ecosystems and species of concern that are dependent on water and environmental flows;
- b) Predictions of long term water demand;
- c) Identification of long term climate and weather trends;
- d) Predictions of future water availability and variability;
- e) Options for meeting future water requirements;
- f) Options for managing future water demand;
- g) Prioritization of water uses;
- h) Ensuring that infrastructure does not block water flows, and that there is sufficient flow for navigable passage;
- i) Drought management strategies;
- j) Flood management strategies; and

- k) Water quality performance objectives.

### **SECTION 3 RIVER BASIN WATER RESOURCES PLANS**

#### **ARTICLE 26 PURPOSE OF RIVER BASIN WATER RESOURCES PLAN**

The Ministry of Water Resources and Meteorology shall prepare river basin water resources plans to:

- a) Define the availability of water for any purpose;
- b) Provide a framework for sustainably managing water and the taking of water;
- c) Identify priorities and mechanisms for dealing with future water requirements;
- d) Provide a framework for establishing water allocations; and
- e) Provide a framework for reversing, where practicable, degradation that has occurred in natural ecosystems, including but not limited to stressed rivers.

#### **ARTICLE 27 GROUNDWATER**

River basin water resources plans shall also regulate the extraction of groundwater in circumstances where the Ministry of Water Resources and Meteorology is satisfied that there is a risk that extracting, or interfering with, groundwater in the area may significantly affect the:

- a) Availability of water for existing users;
- b) Water requirements of natural ecosystems;
- c) Quality of water; or
- d) Achievement of any of the other objectives or outcomes in a plan.

#### **ARTICLE 28 MORATORIUM ON DEVELOPMENT**

When the Ministry of Water Resources and Meteorology issues a notice of intent to prepare a river basin water resources plan, a moratorium on development within the watershed of that river basin shall take effect and remain in force until either:

- a) The water resources plan is approved in a relevant legal instrument; or
- b) The Ministry of Water Resources and Meteorology issues a notice withdrawing the intent to prepare a water resources plan and stating the reasons for withdrawal.

## **ARTICLE 29 RULES OF MORATORIUM ON DEVELOPMENT**

While a moratorium under Article 28 of this Title is in effect:

- a) No application under this Code shall be accepted or processed, even if submitted before the moratorium came into effect, if granting the application could have one or more of the following effects on the water to which the application relates:
  - i) Increase the amount of water that may be taken;
  - ii) Change the location from which water may be taken;
  - iii) Increase the rate at which water may be taken;
  - iv) Change the flow conditions under which water may be taken; or
  - v) Change the purpose for which the water may be taken;
- b) New works shall not be physically started in the area covered by the moratorium;
- c) Works that have been started may be completed only with the express written approval of the Ministry of Water Resources and Meteorology and subject to any conditions, including a completion date, imposed by the Ministry of Water Resources and Meteorology; and
- d) Completed works in existence shall not be raised, enlarged, deepened, or changed.

## **ARTICLE 30 NUMBER OF PLANS IN EFFECT**

Only one (1) river basin water resources plan shall be in effect at any given time within a single river basin, except when separate plans are prepared for surface water and groundwater resources.

## **ARTICLE 31 REQUIREMENTS OF RIVER BASIN WATER RESOURCES PLAN**

A draft river basin water resources plan shall:

- a) State the purpose of the draft plan;
- b) Contain a map of the proposed plan area;
- c) State the water to which the draft plan is intended to apply;
- d) In accordance with Articles 24 and 25 of this Title, state the prioritisation of water and water resource users such that critical human needs and ecosystem services receive sufficient water and water resources prior to allocation of surplus water and water

resources to other users;

- e) State the outcomes, including but not limited to, the ecological outcomes, pertaining to any ecosystem in its component parts, including aquifers; drainage basins; catchments; sub-catchments; all permanent and intermittent watercourses, which are a river, creek, or other stream, including in the form of an anabranch or and all natural or modified channels, for the sustainable management of the water;
- f) To the extent possible using the best scientific information available, state the strategies proposed to achieve the outcomes identified under subsection e), including but not limited to limits on total abstractions from the basin;
- g) State the strategies proposed for the establishment of water allocations for the proposed plan area;
- h) State the environmental management rules and water sharing rules for the water to which the draft plan is intended to apply;
- i) Identify any water infrastructure, (including large and minor dams, weirs, diversion canals, dykes or embankments, large and minor drainage systems, irrigation system, large and small reservoirs, aqua-ducts or conduits, wells pumps and boreholes, hydropower dams, and such other structures or installations as are constructed or used for the purpose of diverting, storing, conveying, abstracting, using, conserving, and protecting water resources for drainage purposes of inundated areas, or for the prevention and mitigation of the effects of floods and of other water-related emergency situations,) including their operations to which the draft plan is intended to apply ;
- j) Identify the full supply levels, which are the levels of a dam's water surface when water storage is at maximum operating level without being affected by flood, for any dams included in the infrastructure identified in subsection f);
- k) State the water and natural ecosystem monitoring and reporting requirements, which may include indicators of river basin health, to assist in assessing the effectiveness of the proposed management strategies in achieving the outcomes mentioned in subsection e);
- l) State the periodic reporting requirements for the draft plan;
- m) Include a schedule of proposed arrangements for implementing the draft plan;
- n) Include information about any unallocated water available for future consumptive purposes and the priorities and processes for allocating or reserving of the water;
- o) Establish a process for granting, reserving or otherwise dealing with any unallocated water to which the draft plan is intended to apply;

- p) State criteria for adjusting existing water access entitlements if necessary to achieve the plan outcomes; and
- q) State criteria for addressing any degradation that has occurred in natural ecosystems.

### **ARTICLE 32 MEKONG RIVER PLANS**

A river basin water resources plan that covers water resources of the Mekong River shall also consider:

- a) Transboundary flows of water into the Kingdom of Cambodia;
- b) Any legal or equitable requirements for transboundary flows of water downstream of the Kingdom of Cambodia in accordance with the provisions of the United Nations Convention on the Law of Non-Navigational Uses of International Watercourses;
- c) Other transboundary environmental matters; and
- d) The existence, operation, and requirements of intergovernmental agreements relating to the Mekong River.

### **ARTICLE 33 DRAFT RIVER BASIN WATER RESOURCES PLAN**

The draft river basin water resources plan shall provide a framework for establishing water access entitlements by stating the following:

- a) Environmental flow objectives (flow objectives for the protection of the health of natural ecosystems for the achievement of ecological outcomes including details about the timing, duration, frequency, rate, and magnitude of flow);
- b) Water access entitlement security objectives (objectives that may be expressed as a performance indicator and stated in a river basin water resources plan for the protection of the probability of being able to obtain water in accordance with a water access entitlement);
- c) Performance indicators (measures that can be calculated to assess the impact of an allocation and management decision or proposal on water access entitlements and natural ecosystems) for environmental flow objectives and water access entitlement security objectives; and
- d) Priorities for the granting of water access entitlements.

### **ARTICLE 34 CONSIDERATIONS FOR DRAFT PLAN**

The Ministry of Water Resources and Meteorology shall consider the following when

preparing a draft river basin water resources plan:

- a) The volume and quality of water in the plan area;
- b) National, and sub-national objectives and priorities for promoting sustainable development;
- c) Any regional plan for the area;
- d) The duration, frequency, size, and timing of water flows necessary to support natural ecosystems and species of concern as assessed using the best scientific information available;
- e) Any beneficial flooding and drying necessary to support natural ecosystems and species of concern;
- f) The underground water levels and underground water recharge processes necessary to support natural ecosystems and species of concern;
- g) The contribution to water management of associated habitats and ecosystems, including forests and wetlands, that support the objectives of the river basin water resources plan;
- h) Existing entitlements to access, use or interfere with water;
- i) The Kingdom of Cambodia's future water requirements, including cultural, economic, environmental, and social requirements;
- j) Cultural, economic, environmental, and social values;
- k) Technical assessments for the draft plan;
- l) The effects the draft plan will have on water not covered by the draft plan;
- m) The effects the taking, or interfering with, water not covered by the draft plan will have on water covered by the draft plan;
- n) The sustainable resource management strategies and policies for the river basin or underground water basin, including any relevant coastal zone;
- o) All submissions about the proposed draft plan; and
- p) The public interest.

#### **ARTICLE 35 NOTICE OF DRAFT PLAN**

The Ministry of Water Resources and Meteorology shall publish a notice when the draft river



basin water resources plan has been prepared, stating:

- a) Where copies of the draft plan may be obtained;
- b) That written submissions may be made by any entity about the draft plan; and
- c) A day by which submissions shall be made, and the person to whom and the place where such submissions shall be made.

#### **ARTICLE 36 PUBLIC PARTICIPATION**

Any natural person or legal entity may make a submission to the Ministry of Water Resources and Meteorology about any aspect of a draft river basin water resources plan, including any matters not included in that draft plan by the date stated in the notification published under Article 35 of this Title in accordance with the public participation provisions in Book 1 General Provisions Title 3 Public Participation of this Code.

#### **ARTICLE 37 CONSIDERING PUBLIC COMMENT**

Before finalizing the river basin water resources plan, the Ministry of Water Resources and Meteorology shall consider all submissions made in accordance with Article 36 of this Title about the draft plan.

#### **ARTICLE 38 FINAL PLAN**

A final river basin water resources plan does not have effect until it is approved by the Council of Ministers and takes the form of a relevant legal instrument.

#### **ARTICLE 39 APPROVED PLAN**

An approved river basin water resources plan expires after ten (10) years unless prior to that time it is:

- a) Repealed; or
- b) Replaced by another water resources plan that has commenced and that states it is a replacement plan.

#### **ARTICLE 40 AMENDMENTS AND NEW PLANS**

The Ministry of Water Resources and Meteorology may, of its own accord or in response to a petition filed with the Ministry of Water Resources and Meteorology by a natural person or legal entity:

- a) Amend a river basin water resources plan; or

- b) Prepare a new river basin water resources plan to replace an existing plan.

#### **ARTICLE 41 JUSTIFICATIONS FOR AMENDMENTS OR NEW PLANS**

The Ministry of Water Resources and Meteorology shall act under Article 40 of this Title if it is satisfied that either:

- a) The outcomes of a river basin water resources plan are not being achieved; or
- b) The objectives of a river basin water resources plan, or the strategies for achieving the plan's outcomes, are no longer appropriate for the plan area.

#### **ARTICLE 42 PUBLIC PARTICIPATION**

When amending an existing river basin water resources plan under Article 40 of this Title, the Ministry of Water Resources and Meteorology shall comply with this Chapter and the public participation and access to information requirements contained in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code as though preparing a new river basin water resources plan, unless the amendment is to make minor corrections to the existing plan that do not change its substantive effect.

### **CHAPTER 4 AUTHORISATIONS**

#### **SECTION 1 GENERAL PROVISIONS**

#### **ARTICLE 43 RIGHT TO USE WATER RESOURCES**

Every natural person has the right to take and use water resources without the need for an authorisation under this Chapter for:

- a) Vital human needs, including drinking, washing, bathing, sanitation, the irrigation of domestic gardens and orchards, and other domestic purposes; and
- b) Emergency purposes, including firefighting.

#### **ARTICLE 44 PROTECTION OF LEGAL RIGHTS OF OTHERS**

Taking and using water resources under Article 43 of this Title shall be done in a manner that does not affect any legal rights of any other natural person.

#### **ARTICLE 45 RIGHTS OF LAND OWNERS AND OCCUPIERS**

Land owners and occupiers have the right to collect and use rainwater and water naturally flowing over their land without authorisation under this Chapter if done in accordance with

Article 43 of this Title, unless the natural flow of water is hindered by the construction of roads, fences, dykes, impoundments, or ponds.

#### **ARTICLE 46 ACTIVITIES REQUIRING AUTHORISATION**

The following activities are prohibited unless allowed by an authorisation issued in accordance with this Chapter and undertaken in accordance with all conditions of the authorisation:

- a) Any interference, diversion, abstraction, or use of water resources, other than in accordance with Article 43 and Article 44 of this Title, and subject to Article 45 of this Title;
- b) The construction or operation of any infrastructure to interfere with, divert, or abstract water resources, other than in accordance with Article 44 and Article 45 of this Title;
- c) The extraction of sand, soil, stones, gravel, minerals, petroleum, and gas from the beds (which in relation to any body of water is the portion of land normally covered by water) and banks, (which in relation to any body of water is the land normally inundated by the water contained in such body of water, together with soil, rock, or any other material immediately adjacent thereto, but not including any land which is only occasionally inundated by such water), of any watercourse, lake, wetland, floodplain, spring, or reservoir; and
- d) The filling, lining, channelling, or alteration of any watercourse, lake, wetland, floodplain, spring, or reservoir.

#### **ARTICLE 47 THRESHOLDS FOR INTERFERENCE, DIVERSION, ABSTRACTION, OR USE**

The Ministry of Water Resources and Meteorology may establish by relevant legal instrument thresholds for the interference, diversion, abstraction, or use of water resources for certain purposes that do not require an authorisation under Article 46 of this Title.

#### **ARTICLE 48 APPLICATION FOR AN AUTHORISATION**

An application for an authorisation under this Chapter shall be accompanied by all other approvals required under this Code.

### **SECTION 2 INFRASTRUCTURE LICENCES**

#### **ARTICLE 49 INFRASTRUCTURE LICENCES**

The Ministry of Water Resources and Meteorology shall grant infrastructure licences to all infrastructure identified in a river basin water resources plan under Article 31 i) of this Title.

## **ARTICLE 50 RIVER BASIN WATER RESOURCES PLAN REQUIREMENTS**

Infrastructure licences shall be granted in accordance with the river basin water resources plan under which the infrastructure is identified.

## **ARTICLE 51 PURPOSE OF INFRASTRUCTURE LICENCE**

An infrastructure licence authorises its holder to interfere with the flow of water to the extent necessary to operate the water infrastructure to which the licence applies.

## **ARTICLE 52 INFORMATION FOR INFRASTRUCTURE LICENCE**

The Ministry of Water Resources and Meteorology shall determine in a legal instrument the requirements for an infrastructure licence.

## **ARTICLE 53 CONDITIONS OF INFRASTRUCTURE LICENCE**

The conditions of an infrastructure licence shall be determined in the relevant legal instrument.

### **SECTION 3 WATER ACCESS ENTITLEMENTS**

## **ARTICLE 54 REGISTER OF WATER ACCESS ENTITLEMENTS**

The Ministry of Water Resources and Meteorology shall maintain a register of all water access entitlements.

## **ARTICLE 55 CONDITIONS OF WATER ACCESS ENTITLEMENTS**

Subject to Section 1 of this Title, the abstraction, taking, or diversion of water resources can only be undertaken in accordance with a water access entitlement issued by the Ministry of Water Resources and Meteorology.

## **ARTICLE 56 LEGAL RIGHT TO WATER ACCESS ENTITLEMENT**

A natural person with a legal right to a parcel of land may apply to the Ministry of Water Resources and Meteorology for a water access entitlement to take or interfere with water from:

- a) A watercourse, lake, or spring on or adjoining any of the land;
- b) An aquifer (a geological formation where underground water accumulates permanently) under any of the land;
- c) Water flowing across any of the land; or
- d) Infrastructure operated under an infrastructure licence that can supply the water to the land.

## **ARTICLE 57 PROCEDURES AND REQUIREMENTS FOR APPLICATION**

The Ministry of Water Resources and Meteorology shall determine in a legal instrument the procedure and requirements for an application for a water access entitlement.

## **ARTICLE 58 PUBLIC NOTICE**

Once the Ministry of Water Resources and Meteorology is satisfied that it has sufficient information to decide the application, it shall issue a public notice, in accordance with the access to information provisions of Book 1 General Provisions Title 4 Access to Environmental Information of this Code, about the application stating:

- a) Details of the application;
- b) Where the application may be viewed; and
- c) A date, at least thirty (30) days after the public notice is issued, by which written submissions on the application may be made to the Ministry of Water Resources and Meteorology.

## **ARTICLE 59 PROCEDURE AND REQUIREMENTS FOR DETERMINATION**

The procedure and requirements for determining approval or denial of a water access entitlement shall be determined in the relevant legal instrument.

## **ARTICLE 60 REQUIREMENT INFORMATION**

The information required to be included in a water access entitlements shall be determined in the relevant legal instrument.

## **ARTICLE 61 THRESHOLD AMOUNTS**

The nominal volume stated on a water allocation is the maximum amount of water that may be taken during a particular period of time or in particular circumstances, subject to any water sharing rules established by a river basin water resources plan that applies to the water access entitlement. However, environmental flows are not subject to a maximum amount.

## **ARTICLE 62 ANNOUNCEMENTS OF WATER ACCESS ENTITLEMENTS**

Prior to the start of each water year, which is the accounting period prescribed under a river basin water resources plan, legal instrument, or water access entitlement for the plan area or entitlement, the Ministry of Water Resources and Meteorology shall declare the announced entitlement that can be taken under a water access entitlement for that year, in accordance with the water sharing rules and priority groups established by a river basin water resources plan.

## **ARTICLE 63 ANNOUNCED ENTITLEMENT**

The announced entitlement:

- a) Is a percentage of the nominal volume of a water access entitlement that may be taken in a water year;
- b) Shall be decided before the start of the water year to which the announced entitlement relates;
- c) Is determined based on the actual seasonal availability of water from which the entitlement is accessed;
- d) May be increased during the water year;
- e) May be different in different sub-areas of a basin;
- f) May be announced differently for each water access entitlement within a priority group; and
- g) Does not apply to authorisations with the purpose of urban or town water supply.

## **ARTICLE 64 ENTITLEMENTS MANAGED UNDER A RIVER BASIN WATER RESOURCES PLAN**

For a water access entitlement that is managed under a river basin water resources plan:

- a) Water can only be taken in accordance with that plan;
- b) If there is a conflict between the plan and the water access entitlement, the plan prevails; and
- c) The water access entitlement cannot be changed in any way that would reduce the amount of, or negatively impact on the conditions under which, water can be taken for the duration of the plan, unless the Ministry of Water Resources and Meteorology provides the entitlement holder with agreed compensation.

## **ARTICLE 65 ADJUSTMENTS TO THE NOMINAL VOLUME**

The nominal volume of a water allocation and any other conditions may be adjusted at the end of the life of the river basin water resources plan under which it is managed, without any compensation payable.

## **ARTICLE 66 SUPPLY AGREEMENT FOR INFRASTRUCTURE LICENCES**

If a water access entitlement relates to water resources provided by infrastructure that is

managed under an infrastructure licence, a supply agreement shall exist between the water access entitlement holder and the infrastructure licence holder unless they are the same legal entity.

#### **ARTICLE 67 STANDARD SUPPLY AGREEMENT**

The Ministry of Water Resources and Meteorology shall prepare a standard supply agreement for the storage and or delivery by infrastructure licence holders of water under water access entitlements, which:

- a) Shall be publicly accessible, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code; and
- b) May vary for different locations.

#### **ARTICLE 68 APPLICATION OF STANDARD SUPPLY AGREEMENT**

The standard supply agreement under Article 67 of this Title for the location to which the water access entitlement relates applies to the water access entitlement unless a separate supply agreement has been:

- a) Agreed between the infrastructure licence holder and the water access entitlement holder; and
- b) Submitted to the Ministry of Water Resources and Meteorology.

### **SECTION 4 RIVERINE PROTECTION**

#### **ARTICLE 69 PERMITTED ACTIVITIES**

A person may apply to the Ministry of Water Resources and Meteorology for a permit to do either or both of the following activities:

- a) Excavate in a watercourse, lake, wetland, floodplain, spring, or reservoir; and
- b) Place fill in a watercourse, natural lake, wetland, floodplain, spring, or reservoir.

#### **ARTICLE 70 PROCEDURE AND REQUIREMENTS FOR APPLICATIONS**

The Ministry of Water Resources and Meteorology shall determine in a legal instrument the procedure and requirements for an application for a permit under this Section.

#### **ARTICLE 71 PUBLIC NOTICE**

Once the Ministry of Water Resources and Meteorology is satisfied that it has sufficient

information to decide the application, it shall issue a public notice, in accordance with the access to information provisions of Book 1 General Provisions Title 4 Access to Environmental Information of this Code, about the application stating:

- a) Details of the application;
- b) Where the application may be viewed; and
- c) A date, at least thirty (30) days after the public notice is issued, by which written submissions on the application may be made to the Ministry of Water Resources and Meteorology.

## **ARTICLE 72 PROCEDURE AND CONSIDERATIONS FOR APPROVAL**

The procedure and required considerations for determining approval or denial of an application for a permit under this Section, and the conditions of a permit if an application is approved, shall be determined in the relevant legal instrument.

## **SECTION 5 GROUNDWATER DEVELOPERS**

### **ARTICLE 73 CERTIFICATIONS**

A natural person may apply to the Ministry of Water Resources and Meteorology to be a certified:

- a) Water bore driller;
- b) Water bore digger; or
- c) Groundwater pump installer.

### **ARTICLE 74 PROCEDURE FOR APPLICATION**

The Ministry of Water Resources and Meteorology shall determine in a legal instrument the procedure for an application for a certificate.

### **ARTICLE 75 PROCEDURE FOR APPROVAL**

The procedure for determining approval or denial of an application for a certificate shall be determined in the relevant legal instrument.

### **ARTICLE 76 CONDITIONS OF CERTIFICATE**

The conditions of the certificate shall be determined in the relevant legal instrument.

### **ARTICLE 77 PROCEDURE TO CANCEL A CERTIFICATE**



The procedure to cancel a certificate shall be determined in the relevant legal instrument.

#### **ARTICLE 78 PROOF OF CERTIFICATE**

An authorised officer may require any natural person to produce a certificate under this section for inspection, if the officer reasonably suspects such person is:

- a) Drilling, digging, deepening, enlarging, or casing a water bore;
- b) Removing, replacing, altering or repairing the casing, lining, or screening of a water bore;
- c) Decommissioning a water bore; or
- d) Installing, replacing, altering, or decommissioning a pump.

#### **ARTICLE 79 PROHIBITED ACTIVITIES**

It is prohibited to fail to produce a certificate for inspection under Article 78 of this Title without a reasonable excuse.

#### **ARTICLE 80 REPORTING REQUIREMENTS**

Any person undertaking work in relation to water bores for professional or commercial purposes shall supply the Ministry of Water Resources and Meteorology with a detailed report on the work. The information required to be included in the report shall be determined in the relevant legal instrument.

#### **ARTICLE 81 RECORD OF ACTIVITIES**

A certificate holder shall keep information prescribed under the relevant legal instrument about any activity the holder may carry out under this Code and provide this information to the Ministry of Water Resources and Meteorology if requested.

### **SECTION 6 FORFEITURE OF AUTHORISATIONS**

#### **ARTICLE 82 CONDITIONS FOR FORFEITURE**

The Ministry of Water Resources and Meteorology shall determine in a legal instrument the conditions for starting a procedure to forfeit an authorisation.

#### **ARTICLE 83 PROCEDURE OF FORFEITURE**

The procedure to forfeit an authorisation shall be determined in the relevant legal instrument.

### **CHAPTER 5 REQUIRED AUTHORISATIONS**

#### **ARTICLE 84**

A person shall not take, supply, or interfere with water to which this Title applies unless authorised to do so under this Title and unless the take, supply or interference is in accordance with the authorisation.

#### **ARTICLE 85**

The holder of an authorisation under this Title shall not contravene a condition of the authorisation.

#### **ARTICLE 86**

The owner or occupier of any privately owned land shall not refuse access to that land by any competent officer of the Ministry of Water Resources and Meteorology tasked to conduct technical surveys, assessments or monitoring of matters related to this Title, unless:

- a) The Ministry of Water Resources and Meteorology has not provided the land owner or occupier with prior written notice; or
- b) The competent officer does not provide identification evidence and possess a letter of authorisation from the Ministry of Water Resources and Meteorology.

### **CHAPTER 6 TRANSITIONAL ARRANGEMENTS**

#### **ARTICLE 87**

The Ministry of Water Resources and Meteorology shall establish an implementation schedule, including a list of priority actions, for the preparation of river basin water resources plans in accordance with Chapter 3 of this Title within one (1) year of the enactment of this Code.

#### **ARTICLE 88**

A water access entitlement is not required for the following purposes:

- a) Irrigation of land of a total area less than ten (10) hectares;
- b) Clean water supply, in which the water used is less than forty (40) cubic meters per day;  
or
- c) Run-of-river hydropower, or other hydropower techniques, that do not require the impoundment, diversion or abstraction of water.

#### **ARTICLE 89**

Article 88 of this Title has effect until the earlier of the following dates:

- a) 1 January 2019; or
- b) The date on which a relevant legal instrument, established in accordance with Article 13 of this Title, takes effect.

#### **ARTICLE 90**

Any legal entity that has been undertaking activities covered by Chapter 4 of this Title without any prior authorisation from the Ministry of Water Resources and Meteorology, or sub-national Department of Water Resources and Meteorology, shall take action to comply with Chapter 4 of this Title within six (6) months of the enactment of this Code.

#### **ARTICLE 91**

The banks and shores (referring to the land covered with sand or soil and declining towards the water in a body of water, occasionally inundated by such water) of river basin components and features are measured as follows:

- a) Beach and estuary are measured to be one hundred (100) meters from the shore and mouth (the highest tide);
- b) River is measured to be fifty (50) meters from the river bank;
- c) Tributary is measured to be thirty (30) meters from the tributary bank;
- d) Creek is measured to be twenty (20) meters from the creek bank;
- e) Stream is measured to be ten (10) meters from the stream bank;
- f) Main Canal is measured to be ten (10) meters from the external part of canal dikes;
- g) Sub Canal is measured to be five (5) meters from the external part of canal dikes;
- h) Irrigated Canal is measured to be three (3) meters from the external part of canal dikes;
- i) Lake is measured to be fifty (50) meters from the maximum setting of water level in the basin;
- j) Floodplain is not measured in distance, but is defined as an area of reasonably flat land adjacent to a watercourse that:
  - i) Is covered from time to time by floodwater overflowing from the watercourse; and
  - ii) Does not, other than in an upper valley reach, restrict floodwater to generally

following the path of the watercourse.

## **ARTICLE 92**

Article 91 of this Title only has effect until the earlier of the following dates:

- a) 1 January 2019; or
- b) The date on which a legal instrument established by the Ministry of Water Resources and Meteorology to establish the measurements for features of river basins takes effect.

## **TITLE 9 SUSTAINABLE FISHERIES**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is to apply the Book 1 General Provisions of this Code to the administration of fisheries and fisheries resources management in the Kingdom of Cambodia to provide for the:

- a) Incorporation of environmental conservation and sustainable development objectives and principles into fisheries and fisheries resources management;
- b) Incorporation of public participation and access to information provisions into fisheries administration and fisheries resources management; and
- c) Management and mitigation of environmental risks and consequences of aquaculture development.

#### **ARTICLE 2 APPLICABLE RESOURCES**

This Title applies to the administration of fisheries and fisheries resources management in the Kingdom of Cambodia, including but not limited to:

- a) The application and interpretation of laws on fisheries in line with international laws, covenants, and agreements;
- b) The implementation of, and any revisions to, strategic planning frameworks for fisheries with reference to the Cambodian Code of Conduct for Responsible Fisheries; and
- c) The administration of fisheries and fisheries resources management actions undertaken by the Fisheries Administration and other government entities, and non-state actors.

In those instances where the Ministry of Environment and Fisheries Administration share jurisdiction, duties and responsibilities regarding certain fisheries resources or geographic and administrative zones containing fisheries resources, the Ministry of Environment and Fisheries Administration shall cooperatively exercise their jurisdiction so as to manage those fishery resources and geographic and administrative zones in the most effective and sustainable manner possible.

### **ARTICLE 3 CONSERVATION AND MANAGEMENT MEASURES**

The relevant government entities shall develop and implement conservation and management measures to prevent overfishing and destructive fishing for any given fisheries stock or stock complex, and to ensure food security, income, and employment. Such measures shall be:

- a) Based on the best scientific evidence available; and
- b) Supported by ongoing scientific research and data collection.

## **CHAPTER 2 SUSTAINABLE FRESHWATER FISHERIES MANAGEMENT**

### **ARTICLE 4 APPLICABLE RESOURCES**

This Chapter applies to the administration of freshwater fisheries and fisheries resources in the Kingdom of Cambodia.

### **ARTICLE 5 REGULATIONS**

The relevant government entities shall establish by legal instrument regulations to support the conservation and sustainable management of freshwater fisheries including but not limited to the following:

- a) Community fisheries, rice field fisheries, community fish refuge ponds, community fisheries management and community benefit sharing, including integration, as applicable, with Book 4 Sustainable Management of Natural Resources Title 3 Collaborative Management of Natural Resources of this Code;
- b) Incorporation of data on water resources, water quality and flow, stock abundance, catch and effort, biodiversity, and other environmentally relevant factors into fisheries administration and management of fisheries resources;
- c) Strategies and management tools to conserve biodiversity, including non-target species, aquatic habitats including but not limited to wetlands, lakes, pools, and riffles, flooded forest, vegetation, and riparian and riverine features, and ecosystems;
- d) Mapping and monitoring of fisheries resources, including critical habitats, fisheries production, hydrological flow requirements, and significant riparian areas;

- e) Provision of fisheries information, including as contemplated in Article 5(d) of this Chapter, to other relevant government entities responsible for natural resources management and environmental conservation;
- f) Activities prohibited in the inland fisheries, including a prohibition on the harvest and landing of nationally and internationally listed endangered and threatened species;
- g) Fishing gear types prohibited for sale, possession, or use in the inland fisheries;
- h) In relation to migratory fish stocks, cooperation directly, or through relevant regional and international organisations, with riparian States, in particular those along the Mekong River, with a view to ensuring conservation and promoting the achievement of sustainable yield of such species throughout their ranges;
- i) Criteria for conservation and restoration of aquatic habitats including pollution management and maintaining connectivity between aquatic habitats;
- j) Monitoring the impacts from water management infrastructure including but not limited to fish migration, sedimentation, and water temperature;
- k) Monitoring climate change impacts on fisheries resources; and
- l) Methods for assessing the environmental impact of new fishing gear and methods prior to allowing or prohibiting their use.

### **CHAPTER 3 SUSTAINABLE MARINE FISHERIES MANAGEMENT**

#### **ARTICLE 6 APPLICABLE RESOURCES**

This Chapter applies to the administration of marine fisheries and fisheries resources in the Kingdom of Cambodia.

#### **ARTICLE 7 REGULATIONS**

The relevant government entities shall establish by legal instrument regulations to support the conservation and sustainable management of marine fisheries including but not limited to the following matters:

- a) Regulating and limiting access to marine resources in the waters under the Kingdom of Cambodia's jurisdiction by Cambodian and foreign vessels by comprehensive vessel recording and licensing, the development of fishing access agreements, and enforcement;
- b) The collection of data on marine fisheries efforts, catch, and landings from all legal entities and natural persons that harvest fisheries resources or purchase fisheries

resources harvested from the Kingdom of Cambodia's marine fisheries;

- c) Protection from fishing activities that negatively impact the benthic habitat connectivity between critical habitats, including mangroves, sea grasses, and coral reefs;
- d) Protection from fishing and non-fishing activities such as land filling, sedimentation, waste disposal, and bottom trawling;
- e) The creation and management of Marine Fisheries Management Areas to regulate fishing activities and protect mangrove, coral reef, and seagrass habitats;
- f) The management of community fisheries and community fishing areas and community benefit sharing;
- g) In relation to migratory fisheries stocks, cooperation directly or through relevant regional fisheries bodies and international organisations with relevant States with a view to ensuring conservation and promoting the achievement of sustainable yield of such species throughout their ranges;
- h) Activities prohibited in the marine fisheries, including the prohibition of the harvest, purchase, possession, landing, and offering to sell of any endangered or threatened species in accordance with national and international law or any internationally recognized listing of such species;
- i) Fishing gear types prohibited for sale, possession, or use in the marine fisheries;
- j) The import into the Kingdom of Cambodia of marine fisheries resources, including requiring importers to certify that such resources have been harvested in compliance with the fisheries laws of the country where the catch originates;
- k) Managing fishing capacity through monitoring control and surveillance;
- l) Combatting illegal, unreported, and unregulated fishing;
- m) Limiting fisheries by-catch of non-target species, including but not limited to seabirds, marine mammals, and sea turtles, including through the use of by-catch excluder devices and observer programmes; and
- n) Marine fisheries research.

## **ARTICLE 8 FISHERIES MANAGEMENT PLANS**

The relevant government entities shall, in collaboration with relevant sub-national administrations, communities, and community fisheries, establish gear- and species-specific Fisheries Management Plans based on the best available scientific information and local

knowledge and shall include, but not be limited to, the following matters:

- a) Closed seasons and areas;
- b) Details of the relevant fisheries, including the number of vessels involved, the type and quantity of fishing gear used, the species of marine life harvested, prohibited areas, and the geographic extent of the fisheries;
- c) An estimate of sustainable yield from the fisheries and its probable future condition, including a summary of the information used in making this determination;
- d) Definition of the conservation and management measures to be applied to the fisheries to reduce overfishing and destructive fishing such as bottom trawling; and
- e) Processes for monitoring and reviewing individual Fisheries Management Plans in close collaboration with relevant sub-national administrations, communities, and community fisheries.

## **ARTICLE 9 CONSERVATION AND MANAGEMENT MEASURES**

The relevant government entities may establish in a legal instrument the following conservation and management measures in order to ensure sustainability of marine fisheries resources:

- a) Daily individual limits or quotas over a period of time for specific species of marine life,
- b) Minimum and maximum size and weight limits for any species of marine life, below or above which harvest is not permitted;
- c) Limited entry systems in relation to a harvest of any particular marine fisheries resource, stock, or stock complex, or in relation to a particular geographic area;
- d) Seasonal closures for any particular marine fisheries resource, stock, or stock complex, or in relation to a particular geographic area;
- e) Permanent or temporary area closures for the harvest of any particular marine fisheries resource, stock, or stock complex, or in relation to a particular geographic area; and
- f) Restrictions on the type, size, and amount of gear used to harvest any particular marine fisheries resource, or their use in any particular geographic area.

## **ARTICLE 10 ANNUAL REPORT**

The relevant government entities shall publish an annual report on the state of marine fisheries resources, with reference to coral reefs, seagrass beds, and mangroves, and analysing links to



climate change, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **CHAPTER 4 AQUACULTURE**

### **ARTICLE 11 NATIONAL AQUACULTURE STRATEGIES**

The development of, and subsequent revisions to, the national aquaculture strategies within Fisheries Administration plans and policies shall take into account the following matters:

- a) Proximity to and interactions with areas of significant ecosystems or high conservation value;
- b) Ambient water quality, water quality objectives and management arrangements, and water resources management arrangements; and
- c) Other uses of water that could be impacted by aquaculture, including but not limited to local communities.

### **ARTICLE 12 AVOIDANCE AND MITIGATION MEASURES**

The relevant government entities may establish by legal instrument measures to avoid or mitigate environmental impacts of aquaculture, including but not limited to the following:

- a) Ensuring the implementation of good aquaculture practices and biosecurity measures;
- b) Permitted types, methods, and areas of aquaculture;
- c) Environmental monitoring and reporting requirements;
- d) The use of genetically modified stocks, exotic species, indigenous aquaculture species, small or juvenile fish, and the use of genetically modified feed;
- e) Procedures for the selection of broodstock and the production of eggs, larvae, and fry to avoid and mitigate risks to aquatic ecosystems;
- f) The use of therapeutants, hormones, antibiotics, and other disease control chemicals or methods;
- g) Certification standards for aquaculture operations, fish, and fish products, including source and quality of feed; and
- h) Traceability guidelines to improve the identification of fish and fisheries product origins.

# **BOOK 5 CULTURAL HERITAGE CONSERVATION AND MANAGEMENT**

## **CHAPTER 1 OBJECTIVES AND SCOPE**

### **ARTICLE 1 OBJECTIVES**

This Book has the following objectives:

- a) To preserve, protect, and manage cultural heritage;
- b) To preserve and protect the cultural identity of the nation which is the workmanship of our forefathers (intellectual property of national identity);
- c) To preserve the beauty and protect the historical identity of the capital, province, urban areas and ancient sites and shrines (worship place);
- d) To strengthen the role of Ministry of Culture and Fine Arts and promote the collaboration between the Ministry of Environment and relevant government entities and development partners; and
- e) To improve the livelihood, tradition, culture, and custom of indigenous peoples.

### **ARTICLE 2 EXISTING ROLES AND RESPONSIBILITIES**

Nothing in this Book amends the role and responsibility of the APSARA Authority, the National Authority on Preah Vihear, any other National Authority that may be established by the Royal Government of Cambodia, or the obligations or management of the Kingdom of Cambodia's World Heritage Properties.

### **ARTICLE 3 PROHIBITION OF SIGNIFICANT IMPACT ON CULTURAL HERITAGE**

No government entity shall take any action, or grant any permit or approval, that will, or is likely to have, a significant impact on the cultural heritage values or an item or place in the Kingdom of Cambodia covered by this Book, except in accordance with a permit or approval granted by the Ministry of Culture and Fine Arts.

### **ARTICLE 4 PROHIBITED ACTIONS**

No natural person or legal entity shall take any action that will, or is likely to have, a significant impact on the cultural heritage values of an item or place in the Kingdom of Cambodia covered by this Book except in accordance with a permit or approval granted by the Ministry of Culture and Fine Arts.

## **CHAPTER 2 CRITERIA FOR CULTURAL HERITAGE**

### **ARTICLE 5 CATEGORIES**

Cultural heritage shall include tangible as well as intangible heritage and shall include pre-historic, pre-Angkor, Angkor, post-Angkor, colonial, and modern heritage of Cambodia.

### **ARTICLE 6 CRITERIA**

For the purposed of this Book, the following shall be considered as "cultural heritage":

- a) Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings, and combinations of features, which are of local, provincial, or national value from the point of view of history, art, or science;
- b) Groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity, or their place in the landscape, are of local, provincial, or national value from the point of view of history, art, or science;
- c) Sites: works of man, or the combined works of nature and man, and areas including archaeological sites which are of local, provincial, or national value from the historical, aesthetic, ethnological, or anthropological point of view; and
- d) Other items or things, of an intangible or tangible nature which are of local, provincial, or national value from the historical, aesthetic, ethnological, or anthropological point of view.

### **ARTICLE 7 DETERMINATION OF CULTURAL HERITAGE VALUE**

Determination of cultural heritage value may be made by:

- a) Determining the number of years, the age of the property, or based on its era, for example French Colonization Era and Sangkim Reas Niyum Era;
- b) A new innovation which is valuable to the society;
- c) Cultural property which is of a special value for the nation;
- d) Cultural property which is of a special value to a province, local community, or indigenous community;
- e) A movement of architecture which reflects national identity; and
- f) An architectural workmanship which influences the next generations.

## **CHAPTER 3 RESPONSIBILITY FOR CULTURAL HERITAGE PROTECTION**

### **SECTION 1 SUPREME COUNCIL ON NATIONAL CULTURE**

#### **ARTICLE 8 RESPONSIBILITIES OF THE SUPREME COUNCIL ON NATIONAL CULTURE**

The Supreme Council on National Culture is responsible for policy formulation in the domain of national cultural property, in particular in view of protecting and enhancing the national cultural heritage.

#### **ARTICLE 9 REACTIVATION OF THE SUPREME COUNCIL ON NATIONAL CULTURE**

The Supreme Council on National Culture is to be reactivated in accordance with the provisions of this Code.

#### **ARTICLE 10 RESPONSIBILITIES OF THE MINISTRY OF CULTURE AND FINE ARTS**

The Ministry of Culture and Fine Arts is responsible for policy implementation and for action to protect cultural heritage.

#### **ARTICLE 11 RESPONSIBILITIES OF APSARA AUTHORITY**

In the Angkor/Siem Reap region, the Authority for the Protection and Management of Angkor and the Region of Siem Reap, called APSARA, is responsible for the protection, the preservation, and the enhancement of the national cultural heritage.

#### **ARTICLE 12 COORDINATION OF RESPONSIBLE ENTITIES**

Coordination of work carried out jointly by the Ministry of Culture and Fine Arts and concerned relevant government entities, including provincial authorities and legal entities, is to be defined by legal instrument.

### **SECTION 2 MEMBERS OF THE SUPREME COUNCIL ON NATIONAL CULTURE**

#### **ARTICLE 13 THE SUPREME COUNCIL ON NATIONAL CULTURE**

The Supreme Council on National Culture shall be reconstituted and shall meet every six (6) months to protect the cultural heritage of the Kingdom of Cambodia.

#### **ARTICLE 14 MEMBERS OF THE SUPREME COUNCIL ON NATIONAL CULTURE**

The members of the Supreme Council on National Culture shall be the Ministers and shall include:

- a) Prime Minister;
- b) Minister of Culture and Fine Arts (Chair);
- c) Minister of Environment;
- d) Minister of Industry and Handicraft;
- e) Minister of Land Management, Urban Planning, and Construction;
- f) Representative of the APSARA Authority;
- g) Governor of Phnom Penh City;
- h) Two Representatives of non-governmental organizations involved in heritage protection and conservation;
- i) Two professionals with heritage qualifications or expertise; and
- j) Any other Ministries that the Supreme Council on National Culture shall invite.

#### **ARTICLE 15 NOMINATED REPRESENTATIVES**

The Prime Minister and relevant Ministers may nominate a representative to attend on their behalf.

#### **ARTICLE 16 ROLE OF THE SUPREME COUNCIL ON NATIONAL CULTURE**

The role of the Supreme Council on National Culture is to identify, protect, preserve, record, and promote the protection of the cultural heritage of the Kingdom of Cambodia for present and future generations.

#### **ARTICLE 17 OTHER MEMBERS**

The Supreme Council on National Culture may, if necessary, invite ministries, representatives of the National Assembly, and representatives of national and international entities whose activities concern the field of national culture to participate in its work.

#### **ARTICLE 18 RESPONSIBILITIES OF THE SUPREME COUNCIL ON NATIONAL CULTURE**

The Supreme Council on National Culture is in charge of:

- a) Examining cultural sites, pre-historic and historic monuments, and listing them as national cultural heritage;

- b) Protecting pre-historic and historic cultural property and antiquities of a physical nature;
- c) Administering and controlling the regions where listed monuments are situated, together with the collections of art objects associated with them;
- d) Delivering authorisations for all archaeological research, conservation works, and any other activities concerning monumental sites and other cultural property of the nation; and
- e) Administering pre-historic and historic sites in order to protect the national heritage.

#### **ARTICLE 19 JOINT RESPONSIBILITIES**

The Supreme Council on National Culture will work with the Ministry of Culture and Fine Arts and other relevant government entities and legal entities to:

- a) Develop a policy for the enhancement of cultural heritage;
- b) Organize facilities to allow the public access to cultural heritage;
- c) Appoint supervisory and other staff to carry out this work;
- d) Organize a tourist network;
- e) Promote cultural values, mobilizing the necessary funds, educating the public, training, and carrying out research on physical cultural and historic heritage;
- f) Provide guarantees concerning the management responsibilities and obligations established by cultural conventions and other normative instruments to which the Kingdom of Cambodia is party;
- g) Take the necessary steps to execute projects and any other action relating to the protection, preservation, restoration, and enhancement of the national heritage; and
- h) Develop legal instruments to implement the Kingdom of Cambodia's international obligations for the protection of cultural heritage.

#### **ARTICLE 20 MEETING PROCEDURES**

The Supreme Council on National Culture shall determine its meeting procedures subject to approval by the Minister of Culture and Fine Arts and in accordance with international best practice.

#### **ARTICLE 23 ACCESS TO INFORMATION**

The Supreme Council on National Culture shall ensure that all documents relating to its meetings are made publicly available in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **CHAPTER 4 APPOINTMENT OF HERITAGE PROTECTION OFFICERS**

### **ARTICLE 24 HERITAGE PROTECTION OFFICER**

The Ministry of Culture and Fine Arts shall appoint a Heritage Protection Officer for each province and city. The Ministry of Culture and Fine Arts shall appoint the Heritage Protection Officer in consultation with the relevant government entities of each province and city.

### **ARTICLE 25 DUTIES OF HERITAGE PROTECTION OFFICER**

The duties of the Heritage Protection Officer shall be to liaise with provincial and city governments and the Ministry of Culture and Fine Arts to protect heritage items and to assist in the implementation of this Book.

### **ARTICLE 26 ROLE, FUNCTIONS, AND QUALIFICATIONS OF HERITAGE PROTECTION OFFICERS**

The role, functions, and qualifications of Heritage Protection Officers shall be determined by legal instrument issued by the Ministry of Culture and Fine Arts. The Heritage Protection Officers may work with other Heritage Protection Officers in other provinces and the Ministry of Environment to protect heritage in the Kingdom of Cambodia. The Heritage Protection Officers may also be appointed as Heritage Judicial Police Officers in accordance with this Book and the Criminal Code of the Kingdom of Cambodia.

## **CHAPTER 5 CREATION OF NATIONAL HERITAGE LIST**

### **ARTICLE 27 NATIONAL HERITAGE LIST**

The Ministry of Culture and Fine Arts shall establish a National Heritage List for the Kingdom of Cambodia.

### **ARTICLE 28 ITEMS FOR THE NATIONAL HERITAGE LIST**

The Minister for Culture and Fine Arts and the Minister of Environment may add items to the National Heritage List for the Kingdom of Cambodia.

### **ARTICLE 29 CATEGORIES FOR THE NATIONAL HERITAGE LIST**

The Ministry of Culture and Fine Arts shall determine the categories to be listed on the National Heritage List for the Kingdom of Cambodia.

### **ARTICLE 30 MANDATORY LISTING**

All heritage items and any heritage area recorded on any draft inventory list and the existing inventory by the Ministry of Culture and Fine Arts, the APSARA Authority, or any item recognised as an item of cultural heritage shall be placed on the interim listing on the National Heritage List.

#### **ARTICLE 31 EMERGENCY LISTING**

Any heritage item, or heritage area, in immediate danger of destruction may be given emergency listing on the National Heritage List.

#### **ARTICLE 32 LEGAL PROTECTIONS FOR INTERIM AND EMERGENCY LISTINGS**

Legal protection granted to items listed on National Heritage List shall be granted to all items on the interim listing on the National Heritage List for the Kingdom of Cambodia or any emergency listing on the National Heritage List.

#### **ARTICLE 33 PROCEDURES FOR UPDATING THE NATIONAL HERITAGE LIST**

The Ministry of Culture and Fine Arts shall determine procedures for updating the National Heritage List in consultation with the Supreme Council on National Culture and other relevant government entities and legal entities.

#### **ARTICLE 34 PROTECTION AND CLASSIFICATION**

Culture heritage items shall remain on the National Heritage List and be protected from harm in accordance with the provisions of this Code until the Ministry of Culture and Fine Arts has classified them in accordance with the provisions of the 1996 Law on Cultural Heritage.

#### **ARTICLE 35 LIST OF CLASSIFIED CULTURAL HERITAGE ITEMS**

The Ministry of Culture and Fine Arts shall draw up a list of the cultural heritage items classified each year. This list shall be incorporated into the National Heritage List.

### **CHAPTER 6 CREATION OF NATIONAL HERITAGE PROTECTED AREAS**

#### **ARTICLE 36 ESTABLISHMENT OF NATIONAL HERITAGE PROTECTED AREAS**

National Heritage Protected Areas containing archaeological reserves or other sites of archaeological, anthropological, cultural, or historic value may be established.

#### **ARTICLE 37 ESTABLISHMENT OF BOUNDARIES AND MAPPING**

The boundaries of such National Heritage Protected Areas shall be defined by legal instrument and mapped by the Ministry of Culture and Fine Arts.



## **ARTICLE 38 NATIONAL HERITAGE PROTECTED AREAS**

Areas containing heritage sites shall be called National Heritage Protected Areas. Existing Biodiversity Conservation Corridors, nationally-designated Protected Areas, and any other protected areas established at the provincial, district, or commune level may also include in their boundaries items of cultural heritage.

## **ARTICLE 39 PROTECTION OF ALL ITEMS OF CULTURAL HERITAGE**

Items of cultural heritage are to be protected in accordance with the provisions of this Code whether or not those items are contained within a National Heritage Protected Area.

## **CHAPTER 7 CREATION OF URBAN HERITAGE ZONES**

### **ARTICLE 40 ESTABLISHING URBAN HERITAGE ZONES**

The Ministry of Culture and Fine Arts may recommend to the Supreme Council on National Culture an urban area for designation as an Urban Heritage Zone.

### **ARTICLE 41 PLANS FOR URBAN HERITAGE ZONES**

The Ministry of Culture and Fine Arts shall require preparation of a plan for the Urban Heritage Zone and the classification of the site in accordance with these provisions.

### **ARTICLE 42 NOTIFICATION**

The Ministry of Culture and Fine Arts shall notify the Ministry of Environment, the Ministry of Land Management, Urban Planning, and Construction, and other relevant government entities of the proposed Urban Heritage Zone.

### **ARTICLE 43 ASSESSMENT OF HERITAGE VALUES**

Prior to approving construction, demolition, or redevelopment within the proposed Urban Heritage Zone, an assessment of heritage values shall be conducted and considered by the Ministry of Culture and Fine Arts.

## **CHAPTER 8 PROTECTION OF CULTURAL HERITAGE**

### **SECTION 1 CHANCE DISCOVERIES DURING DEMOLITION, CONSTRUCTION, OR OTHER ACTIVITIES**

#### **ARTICLE 44 OBLIGATION TO SUSPEND WORK AND OF NOTIFICATION**

When construction work or any other activity bring to light cultural property such as monuments, ruins, ancient objects, remains of inhabited sites, ancient burial sites, engravings, or any property likely to be of interest in the study of pre-history, history, archaeology,

ethnology, palaeontology- or other branches of science dealing with the past or of human sciences in general, the project proponent or owner, the person finding the property, and the owner or lessee of the land where it was discovered are obliged to stop the construction work and immediately make a declaration to the local police, who shall transmit it to the governor of the province without delay.

#### **ARTICLE 45 NOTIFICATION OF MINISTRY OF CULTURE AND FINE ARTS**

The governor shall in turn inform the Ministry of Culture and Fine Arts and shall take the measures necessary to ensure the protection of the objects and the site.

#### **ARTICLE 46 SUSPENSION OF WORK FOR INSPECTION**

Once the chance discovery has occurred, all work that may impact on the heritage item must be suspended until the Ministry of Culture and Fine Arts has had the opportunity to inspect the site.

#### **ARTICLE 47 NOTIFIED ENTITIES**

The owner or lessee of the land, the project proponent or owner, and any person aware of the chance find have an obligation to notify the local police, the Provincial Heritage Protection Officer, or the Ministry of Culture and Fine Arts.

#### **ARTICLE 48 PRELIMINARY DETERMINATION OF HERITAGE SIGNIFICANCE**

Within fourteen (14) days the Provincial Heritage Protection Officers and Ministry of Culture and Fine Arts shall make a preliminary determination of heritage significance. The Provincial Heritage Protection Officer or the Ministry of Culture and Fine Arts may extend the suspension of work by a further fourteen (14) day period. This shall be done by notice in writing to the owner of the land or the project proponent or owner.

#### **ARTICLE 49 TEMPORARY SUSPENSION OF WORK AND SAFEGUARDING MEASURES**

The Ministry of Culture and Fine Arts shall, within thirty (30) days of the preliminary determination, announce the temporary suspension of the work and the safeguarding measures to be taken. If no such measures are announced within that time limit, the effects of temporary halt to work shall no longer apply.

#### **ARTICLE 50 REQUIRED PERMISSIONS**

If it is determined that the item is an item of cultural heritage then specific permission is required before the removal or destruction of the heritage item.

#### **ARTICLE 51 PERMANENT MEASURES**

The Ministry of Culture and Fine Arts shall decide on the permanent measures to be taken concerning chance discoveries and any activities to salvage the heritage item.

#### **ARTICLE 52 OBLIGATION TO RECORD**

The owner or lessee of the land and the project proponent or owner have an obligation to record and photograph the heritage item in accordance with any instructions from the Ministry of Culture and Fine Arts or the Provincial Heritage Protection Officer.

#### **ARTICLE 53 PROHIBITION TO FAIL TO COMPLY**

It is prohibited to fail to comply with the provisions of this Section. The failure to report a chance discovery or to destroy an item before the determination of heritage value shall result in cancellation of any permits or approvals issued under any law.

### **SECTION 2 MARINE AND UNDERWATER CULTURAL HERITAGE PROTECTION**

#### **ARTICLE 55 UNDERWATER CULTURAL HERITAGE**

For the purposes of this Title, “underwater cultural heritage” means all traces of human existence having a cultural, historical, or archaeological character that have been partially or totally under water, periodically or continuously, for at least one hundred (100) years, and includes but is not limited to:

- a) Sites, structures, buildings, artefacts, and human remains, together with their archaeological and natural context;
- b) Vessels, aircraft, other vehicles or any part thereof, and their cargo or other contents, together with their archaeological and natural context; and
- c) Objects of prehistoric character.

#### **ARTICLE 56 DECLARATION FOR NATIONAL HERITAGE LIST**

The Ministry of Culture and Fine Arts shall make a declaration in respect of any item of underwater cultural heritage to place the item on the National Heritage List.

#### **ARTICLE 57 REPORTING REQUIREMENTS**

Any underwater item discovered or identified must be reported to the Ministry of Culture and Fine Arts and the Provincial Heritage Protection Officer to then determine if the item shall be placed on the National Heritage List.

#### **ARTICLE 58 PROHIBITION TO DAMAGE, DESTROY, SALVAGE OR DISTURB**

It shall be prohibited to damage or destroy or salvage or disturb any underwater cultural heritage.

#### **ARTICLE 59 PROTECTION, SCIENTIFIC EVALUATION, AND EXPLORATION**

The Ministry of Culture and Fine Arts shall develop a legal instrument to allow for the protection, scientific evaluation, and exploration of underwater cultural heritage.

#### **ARTICLE 60 INTERNATIONAL OBLIGATIONS**

The Ministry of Culture and Fine Arts shall have regard to international obligations and conventions and international best practice in developing legal instruments under this Book.

#### **ARTICLE 61 PERMITS AND APPROVALS**

The Supreme Council of National Heritage and the Ministry of Culture and Fine Arts may issue permits and approvals in accordance with the legal instruments for activities affecting underwater cultural heritage.

### **SECTION 3 PERMITS FOR DEVELOPMENT PROJECTS AFFECTING CULTURAL HERITAGE**

#### **ARTICLE 62 ENVIRONMENTAL IMPACT ASSESSMENT**

All projects or activities requiring Environmental Impact Assessment, in accordance with Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code, in a Heritage Protection Area or Urban Heritage Zone shall make an assessment of the impact of the project or activity on the heritage values that shall be submitted with the Environmental Impact Assessment.

#### **ARTICLE 63 PROJECTS AND ACTIVITIES REQUIRING PERMITS**

All projects or activities having an impact or potential impact on an item of heritage or an item listed on the National Heritage List must have a permit before any work can be done that may harm the item.

#### **ARTICLE 64 PERMIT PROCEDURES**

Procedures to grant a permit shall be determined by Supreme Council on National Heritage.

#### **ARTICLE 65 PROHIBITION TO DAMAGE, DESTROY, OR HARM**

It is prohibited to damage or destroy or harm an item on the National Heritage List without a permit.

#### **ARTICLE 66 PERMITS OR APPROVALS REQUIRING PERMITS FROM THE**

## **MINISTRY OF CULTURE AND FINE ARTS OR THE PROVINCIAL HERITAGE PROTECTION OFFICER**

Any construction permit or approval by relevant government entities cannot be granted until a permit has been granted by the Ministry of Culture and Fine Arts or the Provincial Heritage Protection Officer in accordance with the procedures of this Code.

### **ARTICLE 67 ASSESSMENT OF HERITAGE VALUE**

No permit can be granted until the Ministry of Culture and Fine Arts or Provincial Heritage Protection Officer has assessed the heritage value of the item in accordance with the procedures of this Code and any relevant legal instruments.

## **CHAPTER 9 ARCHAEOLOGICAL ENTITIES**

### **ARTICLE 68 ROLES AND RESPONSIBILITIES**

The Supreme Council on National Culture shall determine the roles and responsibilities of entities responsible for archaeological items in accordance with this Code and the laws of the Kingdom of Cambodia. The roles and responsibilities of entities responsible for archaeological items shall be determined by legal instrument.

### **ARTICLE 69 ROLES AND RESPONSIBILITIES OF EXISTING ENTITIES**

Nothing in this Book amends the role and responsibility of the APSARA Authority, the National Authority on Preah Vihear, any other National Authority that may be established by the Royal Government of Cambodia, or the obligations or management of the Kingdom of Cambodia's World Heritage Properties in relation to archaeological entities.

## **CHAPTER 10 DISPUTE RESOLUTION AND EMERGENCY ORDERS**

### **SECTION 1 DISPUTE RESOLUTION PROCEDURES**

#### **ARTICLE 70 DISPUTE RESOLUTION PROCEDURES**

In the event of any disputes the parties shall following the procedures established under this Code in Book 9 Environmental Offences, Enforcement, and Remedies.

#### **ARTICLE 71 REPRESENTATION OF THE MINISTRY OF CULTURE AND FINE ARTS IN DISPUTES**

The Ministry of Culture and Fine Arts shall be represented in any dispute resolution procedures that impact of cultural heritage values.

### **SECTION 2 ORDER TO HALT CONSTRUCTION OR CLEARING IF A HERITAGE ITEM IS THREATENED OR ENDANGERED**

## **ARTICLE 72 EMERGENCY ORDERS TO HALT THREATENING OR ENDANGERING ACTIONS FOR HERITAGE ITEMS**

The Supreme Council on Heritage, the Ministry of Culture and Fine Arts, the Ministry of Environment, or a Heritage Protection Officer may all issue an emergency order to halt work, construction, or clearing if a heritage item or site is threatened or endangered.

## **ARTICLE 73 EMERGENCY ORDERS TO HALT THREATENING OR ENDANGERING ACTIONS FOR ITEMS ON THE NATIONAL HERITAGE LIST**

The Supreme Council on Heritage, the Ministry of Culture and Fine Arts, the Ministry of Environment, or a Heritage Protection Officer may all issue an emergency order to halt work, construction, or clearing if an item on the National Heritage List is threatened or endangered.

## **ARTICLE 74 PERIOD OF ORDER**

The order to halt will last for fourteen (14) days and may be extended for a further 14 days at the discretion of the relevant government entity who issued the original emergency order to halt work.

## **ARTICLE 75 PROHIBITIONS TO FAIL TO COMPLY**

It is prohibited for any natural person or legal entity to fail to follow the order to halt work.

# **CHAPTER 11 HERITAGE MANAGEMENT PLANS**

## **ARTICLE 76 HERITAGE MANAGEMENT PLAN**

The Ministry of Culture and Fine Arts may require for a Heritage Management Plan to be prepared for a cultural heritage site listed on the National Heritage List or an Urban Heritage Zone. The Heritage Management Plan shall also establish protected zones and core zones for heritage management of the site.

## **ARTICLE 77 STAKEHOLDER PARTICIPATION**

The Heritage Management Plan shall be developed in consultation with the local community and interested stakeholders, in accordance with the public participation provisions in Book 1 General Provisions Title 3 Public Participation of this Code.

## **ARTICLE 78 PREPARATION OF HERITAGE MANAGEMENT PLANS**

The Ministry of Culture and Fine Arts shall develop legal instruments for the preparing of Heritage Management Plans in accordance with principles developed by the International Council on Monuments and Sites and other international best practices and in accordance with the principles of this Code in Book 1 General Provisions Title 1 General Provisions.

## **ARTICLE 79 CONSIDERATION OF IMPACTS ON LOCAL AND INDIGENOUS COMMUNITIES**

In developing the management plan for a heritage site, the relevant authority must take into account the impact of the heritage site on the local community, including indigenous communities.

## **ARTICLE 80 PUBLIC PARTICIPATION**

This Book is subject to the provisions on public participation in accordance with the Book 1 General Provisions Title 3 Public Participation of this Code. All relevant government entities shall ensure that local communities and indigenous communities are meaningfully consulted prior to any decision being taken that may impact on the cultural heritage value.

## **CHAPTER 12 PROMOTION AND PROTECTION OF INTANGIBLE HERITAGE**

### **ARTICLE 81 MEASURES TO PROMOTE AND PROTECT INTANGIBLE HERITAGE**

The Supreme Council on National Heritage in consultation with Ministry of Culture and Fine Arts shall develop an appropriate legal instrument to promote and protect intangible heritage. This shall examine the use of measures to protect copyright and intellectual property rights. The legal instrument shall be in accordance with international good practice and the Convention for the Safeguarding of Intangible Cultural Heritage.

### **ARTICLE 82 PUBLIC PARTICIPATION**

The legal instrument shall be made publicly available for comment prior to adoption by the Supreme Council on National Heritage in accordance with the public participation provisions in Book 1 General Provisions Title 3 Public Participation of this Code.

## **CHAPTER 13 FUND FOR CULTURAL HERITAGE**

### **ARTICLE 84 EDUCATION AND PUBLIC AWARENESS**

The Ministry of Culture and Fine Arts together with other relevant government entities and non-governmental organizations shall develop education and public awareness programs for the conservation and protection of heritage items and sites.

### **ARTICLE 86 FEES AND CHARGES**

Management Plans for Heritage Areas may include the provision of entrance fees and charges to be used for the promotion and protection of cultural heritage.

## **CHAPTER 14 MUSEUMS AND CULTURAL INSTITUTIONS**

## **ARTICLE 87 LICENCING AND MANAGEMENT**

The Ministry of Culture and Fine Arts shall prepare a legal instrument for the licencing and management of museums and cultural institutions in accordance with international good practices and Cambodia's international obligations.

## **CHAPTER 15 ANTI TRAFFICKING PROVISIONS**

### **ARTICLE 88 TASK FORCE**

The Ministry of Culture and Fine Arts shall establish with the Ministry of Environment and other relevant government entities and legal entities, including international government entities and non-governmental organizations, a task force to stop the trade and trafficking in cultural heritage.

### **ARTICLE 89 INTERNATIONAL COLLABORATION**

The Ministry of Culture and Fine Arts shall work with international government entities and non-governmental organizations and anti-trafficking organizations to stop the trade and trafficking in cultural heritage.

### **ARTICLE 90 RULES FOR RETURN**

The Ministry of Culture and Fine Arts shall work with other relevant government entities and international governmental entities and non-governmental organisations to develop rules, based on international best practice, for the return of the Kingdom of Cambodia's cultural heritage that has been taken out of the country.

## **CHAPTER 16 JUDICIAL POLICE OFFICERS**

### **ARTICLE 91 ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

Officials of the Ministry of Culture and Fine Arts may be appointed as Environment and Natural Resources Judicial Police Officers in accordance with the Criminal Code of the Kingdom of Cambodia. Composition of Environment and Natural Resources Judicial Police Officers includes:

- a) Officials appointed as Heritage Protection Officers; and
- b) Officials of the capital or provincial departments of the Ministry of Culture and Fine Arts.

### **ARTICLE 92 DUTIES**



Such Environment and Natural Resources Judicial Police Officers shall implement the missions pursuant to Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code in regard to heritage protection, specifically defined in this Code. All provisions regarding Environment and Natural Resources Judicial Police Officers in Book 9 Environmental Offences, Enforcement, and Remedies, Title 2 Investigation, Enforcement, and Remedies of this Code shall apply.

#### **ARTICLE 93 ACCREDITATION**

The formalities and procedures for the accreditation as Environment and Natural Resources Judicial Police Officer shall be determined by an inter-ministerial legal instrument between the Ministry of Culture and Fine Arts and the Ministry of Justice. The formula of the oath shall be determined by the Ministry of Justice.

#### **ARTICLE 94 COMPLAINTS**

Any natural person or legal entity who disagrees with a decision made by the Ministry of Environment, in exercising its powers under this Title or by virtue of the powers granted to it, has the right to make a written complaint to the Ministry of Environment in accordance with Book 9 Environmental Offences, Enforcement, and Remedies, Title 2 Investigation, Enforcement, and Remedies of this Code.

Any complaint made under this Article shall not affect the authority of, or prevent the process of enforcement by Ministry of Environment officers under this Title.

### **BOOK 6 WASTE AND POLLUTION MANAGEMENT**

#### **TITLE 1 GENERAL OBLIGATIONS FOR POLLUTION CONTROL**

##### **CHAPTER 1 PROHIBITION ON POLLUTION**

#### **ARTICLE 1 AIR, WATER, SOIL AND LAND**

A natural person or legal entity shall not pollute the air, any water or waters or cause or permit the pollution of the soil or the land.

#### **ARTICLE 2 WASTE**

Except in accordance with the conditions of a permit that has been lawfully issued in accordance with the provisions of this Code, a natural person or legal entity shall not transport, manage, store, treat or dispose of any waste, whether solid or liquid or gas, or hazardous substances or waste.

### **ARTICLE 3 NOISE AND VIBRATION**

A natural person or legal entity shall not cause any noise pollution or cause any vibration above the lawful standards.

### **ARTICLE 4 OBLIGATION TO COMPLY WITH PERMIT AND APPROVAL TERMS AND CONDITIONS**

A natural person or legal entity shall comply with any permit or approval issued in accordance with the provisions of this Code and must comply with the terms and conditions of the permit or approval.

## **CHAPTER 2 MATTERS FOR CONSIDERATION UNDER THIS BOOK**

### **ARTICLE 5 PRINCIPLES**

The Ministry of Environment shall take into account the principles of this Code in Book 1 General Provisions Title 1 General Provisions and the principle of sustainable production and consumption when granting permits or approval in accordance with this Book.

### **ARTICLE 6 ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

In determining whether to grant a permit or approval under this Book, the Ministry of Environment must apply any relevant environmental quality standards or effluent standards and take into account the matters specified in the relevant titles of this Code.

## **TITLE 2 ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

### **CHAPTER 1 MAKING OF ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

### **ARTICLE 1 ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

The Ministry of Environment shall draft and promulgate environmental quality standards and effluent standards, in accordance with the procedures specified in this Code and subsequent legal instruments, that may cover all pollution and waste emission limits and point source emissions and ambient environmental quality.

### **ARTICLE 2 REQUIREMENTS**

Environmental quality standards and effluent standards shall be drafted taking into consideration the following:

- a) The principles of this Code in Book 1 General Provisions Title 1 General Provisions ;
- b) The potential for harm to human health;
- c) The potential harm to the environment; and
- d) Relevant Association of Southeast Asian Nations standards.

### **ARTICLE 3 CONSIDERATIONS**

Environmental quality standards and effluent standards may also take into consideration the following:

- a) The potential for harm to vulnerable groups, such as children and older people;
- b) Relevant international standards;
- c) Best available techniques; and
- d) Industry best practice.

### **ARTICLE 4 APPLICABLE CATEGORIES**

Environmental quality standards and effluent standards may be promulgated for the following:

- a) Air emissions;
- b) Water quality in coastal and estuary areas;
- c) Underground water quality;
- d) Atmospheric ambient air quality;
- e) Noise and vibration;
- f) Other emissions;
- g) Effluent including waste water;
- h) Solid, liquid, and hazardous waste;
- i) Sustainable production and consumption;
- j) Energy efficiency; and
- k) Other environmental quality goals as determined by the Ministry of the Environment

or the Royal Government of Cambodia.

## **ARTICLE 5 WATER QUALITY STANDARDS**

The Ministry of Environment may make environmental water quality standards for some or all rivers, streams, canals, springs, marshes, swamps, lakes, reservoirs, and other public inland water sources, according to their usage or environmental value or based on any request received from any natural person or legal entity.

## **CHAPTER 2 APPLICATION OF ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

### **ARTICLE 6 APPLICATION OF STANDARDS**

Environmental quality standards and effluent standards shall be applied to all activities, actions, and any permits and licences that are issued under this Code or any other legislation.

### **ARTICLE 7 APPROVALS, LICENCES, AND AUTHORISATIONS**

The Ministry of Environment or any other government entity shall not issue any approval, licence, permit, or authorisation that does not comply with environmental quality standards or effluent standards.

### **ARTICLE 8 NON-COMPLIANCE**

Any approval, license, permit or authorisation that does not comply with environmental quality standards or effluent standards shall be null and void.

## **CHAPTER 3 INTERIM ENVIRONMENTAL QUALITY STANDARDS OR EFFLUENT STANDARDS**

### **ARTICLE 9 EXISTING AND INTERIM STANDARDS**

All existing environmental quality standards or effluent standards currently in force in the Kingdom of Cambodia will remain in force until amended or repealed. If any specific environmental quality standard or effluent standard does not exist, the Ministry of Environment may apply, as interim standards, any relevant international standards or industry best practice.

### **ARTICLE 10 DRAFT STANDARDS**

The Ministry of Environment shall prepare draft environmental quality standards or draft effluent standards. In preparing the draft, the Ministry of Environment shall consult with all other relevant government entities.

### **ARTICLE 11 PUBLIC PARTICIPATION**

The Ministry of Environment shall place the draft environmental quality standards or draft effluent standards on public exhibition and receive comments for a period of no less than forty (40) days in accordance with the public participation provisions in Book 1 General Provisions Title 3 Public Participation of this Code.

#### **ARTICLE 12 REVISED DRAFT STANDARDS**

The Ministry of Environment shall take into consideration the submissions received on the draft environmental quality standards or draft effluent standards, revise the draft environmental quality standards or draft effluent standards taking into account the submissions, and explain the reasons for rejection of any submissions.

#### **ARTICLE 13 UPDATES, AMENDMENTS, AND MODIFICATIONS**

The Ministry of Environment shall ensure that the environmental quality standards and effluent standards are regularly updated. The Ministry of Environment may add, amend, or modify the environmental quality standards and effluent standards in accordance with scientific and technological advances or requirement of work as and when necessary in the public interest.

#### **ARTICLE 14 REQUIREMENTS**

Any amendments to the environmental quality standards and effluent standards shall be done in accordance with the provisions set out in this Title.

#### **ARTICLE 15 RIGHT TO REQUEST TO AMEND**

Any natural person or legal entity may request the Ministry of Environment to amend environmental quality standards or effluent standards based on new information.

#### **ARTICLE 16 PROCEDURES**

The Ministry of Environment may make legal instruments to provide further details for drafting, amendments, and making of environmental quality standards and effluent standards.

#### **ARTICLE 17 ACCESS TO INFORMATION**

The Ministry of Environment shall make the environmental quality standards and effluent standards publicly available in accordance with Book 1 General Principles Title 4 Access to Environmental Information in this Code.

### **TITLE 3 ENVIRONMENTAL POLLUTION CHECK AND INSPECTION**

#### **CHAPTER 1 ENVIRONMENTAL POLLUTION INSPECTION OFFICERS**

## **ARTICLE 1 PURPOSE**

The Ministry of Environment shall appoint Environmental Pollution Inspection Officers for the purpose of performing inspections on sources of pollution to determine whether they are in compliance with the requirements and standards of this Code.

## **ARTICLE 2 STATUS**

Environmental Pollution Inspection Officers duly appointed by the Ministry of Environment shall have the status of Judicial Police Officers. All provisions regarding Environment and Natural Resources Judicial Police Officers in Book 9 Environmental Offences, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code shall apply.

## **ARTICLE 3 QUALIFICATIONS AND APPOINTMENT**

Prior to appointing any Environmental Pollution Inspection Officers, the Ministry of Environment shall issue a legal instrument to establish:

- a) The minimum level of training and qualifications that a person shall have in order to be qualified as an Environmental Pollution Inspection Officer; and
- b) The procedures for nomination, review, and appointment of Environmental Pollution Inspection Officers.

The Ministry of Environment may authorize government entities responsible for environmental protection at the sub-national and municipal levels to appoint Environmental Pollution Inspection Officers in accordance with the minimum requirements of the this Code, the legal instrument issued by the Ministry of Environment, and any other relevant national laws or guidelines.

## **CHAPTER 2 ENVIRONMENTAL POLLUTION INSPECTIONS**

### **ARTICLE 4 RESPONSIBILITIES**

In the performance of their duties, Environmental Pollution Inspection Officers shall be authorized to:

Enter the premises of any facility, project, or activity regulated under this Code, or any other source of pollution, and perform an inspection of the premises, including any pollution control technology or other measures at the premises;

Collect and take samples of any effluent, air emissions, or any other potential sources of pollution to be tested at a Ministry of Environment laboratory or other laboratory that has been approved by the Ministry of Environment, and collect and take photographic or video documentation of any operations on the premises, including but not limited to the operation of any potential sources of pollution and the technology or measures designed to control such pollution;

Gain access to and inspect any records, approvals, permits, reports, or other documents pertaining to pollution or pollution control technologies or measures that are required to be kept under this Code or other relevant law or legal instrument;

Interview the owner or responsible person in charge of the operation of the premises, including any persons responsible for the operation of the premises' pollution control measures or technology, and any other persons on

the premises deemed necessary; and

Issue an order to adopt a corrective measure if the Environmental Pollution Inspection Officer discovers that any activity or operation on the premises is in violation of this Code, or that any pollution control technology or other measure is not functioning or operating in accordance with the premises' applicable permits, authorisations, Environmental Management Plans, or Environmental Protection Agreements, as the case may be.

## **ARTICLE 5 PROCEDURES**

The Ministry of Environment shall establish the procedures that Environmental Inspection Officers and owners and operators of any facility, activity, or project under inspection shall follow to initiate and conduct an inspection.

Environmental Pollution Inspection Officers shall be required to wear an easily identifiable uniform and badge and shall identify themselves to owners or operators of any facility, activity, or project under inspection prior to performing the inspection.

Environmental Pollution Inspection Officers shall also be required to keep and maintain records of each inspection that they perform. Records of inspections shall be made publicly available in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 6 PROHIBITION TO DENY ENTRY**

Under no circumstances may the owner or operator of any facility, activity, or project that is subject to inspection deny entry to their premises when the Environmental Pollution Officer has followed the procedures established by the Ministry of Environment to seek entry to the premises.

## **CHAPTER 3 CORRECTIVE MEASURES**

### **ARTICLE 7 AUTHORIZED ACTIONS**

If, during the course of an inspection, an Environmental Pollution Inspection Officer discovers any source of pollution or failure of the proper operation of any pollution control technology or other measures that may pose an imminent threat to public health, property, the environment, or natural resources, the Environmental Pollution Inspection Officer shall be authorized to:

- a) Immediately notify any persons or other entities that may be under threat;

Order the owner or operator of the premises under inspection to immediately adopt corrective measures to ensure the proper operation of any pollution control technology or measures or to otherwise stop the pollution; and

Order the owner or operator of the premises to immediately cease any operations that are causing the pollution if, in the judgement of the Environmental Pollution Inspection Officer, any immediately implementable corrective measures will not be sufficient to abate the potential harm the pollution may pose to the environment.

The Ministry of Environment may establish the procedures that Environmental Pollution Inspection Officers and owners or operators of premises under inspection must follow upon the discovery of any source of pollution or failure of the proper operation of any pollution control technology or other measures that may pose an imminent threat to the environment.

## **ARTICLE 8 POLLUTION ASSESSMENT REPORT**

Within fourteen (14) days of the discovery of any source of pollution or failure of the proper operation of any pollution control technology or other measures that may pose an imminent threat to the environment and the issuing of an order to adopt corrective measures, the responsible Environmental Pollution Inspection Officer shall produce a Pollution Assessment Report on the discovery and subsequent measures adopted to address it.

The Ministry of Environment may establish the procedures and requirements for the production of Pollution Assessment Reports. All Pollution Assessment Reports shall be made publicly available in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 9 COSTS FOR CORRECTIVE MEASURES AND POLLUTION ASSESSMENT REPORT**

The costs associated with any action to adopt corrective measures to minimize, control, or stop any pollution source discovered during the course of an inspection are the sole responsibility of the owner and/or operator of the premises.

Reasonable costs associated with the production of a Pollution Assessment Report under this Title shall be the responsibility of the owner and/or operator of the premises that is the subject of the Pollution Assessment Report.

## **ARTICLE 10 RIGHT TO FILE PETITION**

Any natural person or legal entity that is not satisfied with any action taken by an Environmental Pollution Inspection Officer may file a petition to the Ministry of Environment for a review of the action in accordance with Book 9 Environmental Offences, Enforcement, and Remedies Title 1 Environmental Offences and Penalties of this Code within thirty (30) days after the action being taken.

The Ministry of Environment shall make a decision as to whether to rescind, modify, or affirm the action taken by the Environmental Inspection Officer and make a written record of the decision within forty (40) days after receiving the petition. The written record of the decision shall include the reasoning, information, and data that formed the basis of the decision. It shall be provided to the natural person or other legal entity that made the petition and shall also be made publicly available in accordance with the access to information provisions in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

If the natural person or legal entity that made the petition is not satisfied with the decision of the Ministry of Environment, that natural person or legal entity has the right to file a complaint in court to seek review of the decision in accordance with the relevant court procedures of the



Kingdom of Cambodia.

## **TITLE 4      MANAGEMENT OF HAZARDOUS SUBSTANCES**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is the protection of the environment and human health from risks and hazards caused by use, misuse, and mishandling of hazardous substances and products throughout their life cycle.

A hazardous substance or product includes any organic or inorganic substance of a particular molecular identity, including any combination of such substances occurring in whole or in part as a result of a processed chemical reaction or occurring in nature, and whose properties include being toxic, flammable, corrosive, an irritant, or otherwise harmful to human health or the environment. Hazardous substances and products can take the form of solids, liquids, gases, mists or fumes.

#### **ARTICLE 2 OBJECTIVES**

This Title has the following objectives:

- a) To promote effective management, safe use and disposal of hazardous substances and products in the Kingdom of Cambodia;
- b) To ensure proper registration, classification, and labelling of hazardous substances and products in order to prevent misuse and to promote safe handling in the work place;
- c) To enhance public awareness and access to information, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code, on safety and mitigation of risks throughout the life cycle of hazardous substances and products, including production, storage, transportation, use and disposal;
- d) To set up appropriate institutional coordination mechanisms and information systems for effective management and control of hazardous substances products in all stages of their life cycle; and
- e) To ensure an operational national system to incorporate cleaner production solutions in all manufacturing and service sectors, as well as in households.

#### **ARTICLE 3 APPLICABLE SUBSTANCES AND PRODUCTS**

This Title covers all hazardous substances or hazardous products and applies to all legal entities or natural persons that produce, transport, purchase, sell, use, store, release, or dispose of these

substances and their derivatives at any stage of their life cycles.

This Title does not apply to radioactive substances, pharmaceuticals, cosmetics, food additives or food products that are governed by separate laws and regulations.

## **CHAPTER 2 INSTITUTIONAL RESPONSIBILITY**

### **ARTICLE 4 RESPONSIBLE ENTITY**

The Ministry of Environment is responsible for administration and implementation of this Title in cooperation with relevant government entities and in harmonization with existing laws and regulations related to the management of hazardous substances and hazardous wastes in the Kingdom of Cambodia.

### **ARTICLE 5 MANAGEMENT AND CONTROL MECHANISMS**

The Ministry of Environment, in coordination with relevant government entities, shall establish by legal instrument appropriate mechanisms for effective management and control of hazardous substances throughout their life cycles, including but not limited to information sharing, inspection, classification, and hazard communication and risk assessment of registered and new hazardous substances circulating in the Kingdom of Cambodia.

### **ARTICLE 6 INTERNATIONAL TREATIES**

The Ministry of Environment shall coordinate implementation of international treaties or conventions relevant to the management of hazardous substances, including but not limited to the Stockholm Convention and Rotterdam Convention.

### **ARTICLE 7 CRITERIA**

The Ministry of Environment shall establish by legal instrument criteria, based on international agreements to which the Kingdom of Cambodia is a party, best practices, and best available scientific information, to define and categorize, based on their level of hazard, hazardous substances.

### **ARTICLE 8 REVIEW OF CRITERIA**

The Ministry of Environment shall review and update the legal instrument setting criteria for a substance to be considered a hazardous substance as required, taking into account international agreements to which the Kingdom of Cambodia is a party, best practices, and best available scientific information.

## **CHAPTER 3 PROHIBITION ON HAZARDOUS SUBSTANCES**

### **ARTICLE 9 PROHIBITION OF MISBRANDING**

No natural person or legal entity shall undertake the following activities:

- a) The introduction or delivery of any misbranded hazardous substance or banned hazardous substance;
- b) The alteration, destruction, or removal of the whole or any part of the label of any hazardous substance during shipment or sale (whether or not the first sale); and
- c) The receipt of any misbranded hazardous substance or banned hazardous substance and the delivery or proffered delivery thereof for pay or otherwise.

#### **ARTICLE 10 PROHIBITION OF PERSISTENT ORGANIC POLLUTANTS**

No natural person or legal entity shall manufacture, use, or distribute persistent organic pollutants totally banned by the Stockholm Convention. The Ministry of Environment shall develop a list of banned persistent organic pollutants that includes all those persistent organic pollutants banned by the Stockholm Convention. When the Kingdom of Cambodia becomes a party to any decision by the Stockholm Convention Conference of the Parties to add a substance to Annex A, B, or C of that Convention, that substance shall be added to this list.

#### **ARTICLE 11 PROHIBITION OF LEAD IN PAINT AND CHILDREN'S PRODUCTS**

Subject to the effective dates in Article 12, paints that contain lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 90 ppm of the total non-volatile content of the paint or the weight of the dried paint film, are banned products.

Subject to the effective dates in Article 12, children's products, which include but are not limited to toys and other articles that are intended to be entrusted to or for use by children twelve (12) years of age or younger, bearing lead paint in which the lead content (calculated as lead metal) is in excess of 90 ppm by weight of the total non-volatile content of the paint or the weight of the dried paint film, are banned products.

#### **ARTICLE 12 EFFECTIVE DATES FOR LEAD PAINT BAN**

The lead paint and lead product bans specified in Article 11 shall be effective as follows: a) production, manufacturing, importing or sale of children's products containing lead paint in which the lead content is in excess of 90 ppm by weight of the total non-volatile content of the paint or the weight of the dried paint film -- three (3) years from the enactment of this Code; b) production, manufacturing, or importing of paints (as a pigment, a drying agent, or other intentional use), with more than 90 ppm of the total non-volatile content of the paint or the weight of the dried paint film – (i) three (3) years from the enactment of this Code for architectural, decorative, and household applications, and (ii) six (6) years from the enactment of this Code for industrial applications.

### **ARTICLE 13 PROCEDURES FOR MONITORING AND ENFORCEMENT OF LEAD PAINT BAN**

The Ministry of Environment shall prepare procedures for the monitoring and enforcement of the ban on lead paint and children's products bearing lead paint.

### **ARTICLE 14 CONFISCATION AND SEIZURE OF BANNED OR MISBRANDED SUBSTANCES**

Any misbranded hazardous substance or hazardous product or banned hazardous substance or hazardous product shall be subject to confiscation and seizure.

### **ARTICLE 15 PROHIBITION OF UN-REGISTERED SUBSTANCES**

No natural person or legal entity shall manufacture, possess, handle, store, transport, import, export, distribute, or use a hazardous substance or hazardous product that is not registered in accordance with the procedures under this Title. No natural person or legal entity shall manufacture, possess, handle, store, transport, import, export, distribute, or use a hazardous substance or hazardous product in a manner that is inconsistent with the conditions of its registration.

### **ARTICLE 16 PROHIBITION OF NON-COMPLIANT PACKAGING**

No natural person or legal entity shall store, import, export, or distribute a hazardous substance or hazardous product that is not packaged in accordance with the regulations and the conditions of registration.

### **ARTICLE 17 PROHIBITION OF FALSE OR MISLEADING PACKAGING AND ADVERTISING**

No natural person or legal entity shall package or advertise a hazardous substance or hazardous product in a way that is false, misleading, or likely to create an erroneous impression regarding its character, value, quantity, composition, safety, or registration.

### **ARTICLE 18 STANDARDS FOR SUBSTANCES CAUSING CORROSION, BURN, OXIDATION, OR OTHER INJURY**

No natural person or legal entity is allowed to use substances such as acid, gasoline, or toxic chemicals that can cause corrosion, burn, oxidation, or other injury impacting health and human life, except in accordance with international safety standards. In the case of hazardous substances causing reactions, burns, or oxidation resulting in damage to human health or environmental impact, responsible natural persons or legal entities shall pay a fine and compensation for the damages.

## **CHAPTER 4 REGISTRATION AND INFORMATION DISCLOSURE OF**

## **HAZARDOUS SUBSTANCES**

### **ARTICLE 19 REGISTRATION REQUIREMENTS AND PROCEDURES**

Natural persons and legal entities shall hold valid official registration of any hazardous substances and hazardous products intended for manufacture, distribution, sale, and use in the Kingdom of Cambodia. Registration procedures shall be established by legal instrument.

### **ARTICLE 20 APPLICATION REQUIREMENTS**

An application for registration shall be submitted to the relevant government entities with at least a minimum information on the manufacturing company, chemical and common trade names of substances, hazard classification, amount, purpose of import or use, safety data sheets, hazard statement, potential risks to human health, and address of delivery.

### **ARTICLE 21 REVIEW OF APPLICATION AND APPROVAL OF REGISTRATION**

Information on hazardous substances shall be reviewed and endorsed by the Ministry of Environment before submission to the respective government entity for approval. The Ministry of Environment in cooperation with respective government entities may conduct additional tests and consultation to verify the accuracy of information provided. The Ministry of Environment shall endorse registration if it has been demonstrated that registration does not pose a significant risk to human health or the environment

The proponent of registration shall bear the burden of demonstrating that the standard for registration has been met.

### **ARTICLE 22 OBLIGATION TO PROVIDE INFORMATION**

The relevant government entities having the mandate to approve registration shall provide information on all hazardous substances and products to the Ministry of Environment for inventory, monitoring, risk assessment, and inspection purposes. If at any time a manufacturer or importer of a substance has additional factual information regarding significant adverse effects of the substance, the manufacturer or importer shall submit such information to the Ministry of Environment without delay.

### **ARTICLE 23 PREVENTION, EMERGENCY RESPONSE, MITIGATION, MONITORING, AND RISK MANAGEMENT ACTION PLANS**

Following official registration, the natural person or legal entity shall prepare appropriate action plans for prevention, emergency response, mitigation, monitoring, and risk management for hazardous substances. He or she shall act in good faith to provide accurate information on the hazardous substances to the relevant government entities when requested.

### **ARTICLE 24 REVOCATION OF REGISTRATION**

The Ministry of Environment shall revoke registration of a hazardous substance or of specific uses of a hazardous substance if it determines that the hazardous substance or the use of the hazardous substance poses a significant risk to human health or the environment, consistent with the principles of this Code in Book 1 General Provisions Title 1 General Provisions.

The Ministry of Environment shall suspend registration of a hazardous substance or of specific uses of a hazardous substance if it determines that the hazardous substance or the use of the hazardous substance may pose a significant risk of imminent endangerment to human health or the environment, consistent with the principles outlined in Book 1 General Provisions Title 1 General Provisions of this Code.

## **CHAPTER 5 INVENTORY, CLASSIFICATION, AND LABELLING OF HAZARDOUS SUBSTANCES**

### **ARTICLE 25 CLASSIFICATION AND LABELLING**

Classification and labelling of hazardous substances shall follow regulations specified by the 2009 Sub-Decree on Management of Classification and Labelling of Chemicals.

### **ARTICLE 26 HAZARD CRITERIA**

Hazard criteria for physical hazards, health hazards, and environmental hazards shall be based on the Globally Harmonized System for Classification and Labelling.

### **ARTICLE 27 REGULATIONS FOR LABELLING**

Natural persons or legal entities involved in packaging, distribution, transportation, or sale of hazardous substances or products shall apply correct labelling on hazardous substances and products following regulations specified by legal instrument before distribution, transportation, or sale.

### **ARTICLE 28 OBLIGATION TO PROVIDE INFORMATION**

Natural persons or legal entities involved in the production, packaging, distribution, transportation, or sale of hazardous substances or products shall make available information on the safety data sheets, hazards prevention and mitigation, and health risks for all hazardous substances intended for distribution and sale in the Kingdom of Cambodia.

## **CHAPTER 6 PRODUCTION, DISTRIBUTION, STORAGE, TRANSPORTATION, USAGE, AND DISPOSAL**

### **ARTICLE 29 TRANSPORTATION**

Any natural person or legal entity that transports hazardous substances shall abide by the

provisions on transportation of hazardous substances or products as prescribed in this Title and other relevant laws.

Transport operators and transport owners shall prepare staff health and safety plans and response plans for substance specific hazardous materials incident response plans in order to:

- a) Identify and take necessary measures to minimize potential incidents and remedy consequences if they take place, including training all staff involved in transportation in safety measures and response plans; and
- b) Identify and notify the nearest concerned government entities if an incident occurs en route – either on road, inland waterway, railway, air, or sea transport.

Transport operators and transport owners shall ensure that any vehicle used in the transport of hazardous substances or products is suitable for the transport of that substance or product and that the vehicle is visibly marked with the appropriate hazard warning marks and symbols.

### **ARTICLE 30 TECHNICAL REGULATIONS FOR TRANSPORTATION**

The Ministry of Environment shall coordinate with the Ministry of Public Works and Transport and other relevant government entities to formulate additional technical regulations on transportation of hazardous substances or products.

### **ARTICLE 31 RIGHTS AND OBLIGATIONS FOR USE**

All natural persons and legal entities have the right to use hazardous substances according to conditions stipulated by this Code and shall follow technical specifications, labelled description, and safety instructions of any hazardous substance.

### **ARTICLE 32 LIABILITY FOR DAMAGE**

A natural person or legal entity that uses hazardous substances for manufacturing or production of goods and products shall be responsible for compensation or rehabilitation of human health and environmental damage caused by substance hazards and accidents for which they have been deemed responsible.

### **ARTICLE 33 DISPOSAL OF HAZARDOUS SUBSTANCES**

No natural person or legal entity shall burn and dispose of any part or whole of hazardous substances or wastes into the environment, including water, soil, and air, without the approval of the Ministry of Environment.

Disposal of any part of a hazardous substance and its package shall follow regulations and guidelines specified in Title 5 Waste Management of this Book or by legal instrument.

Additional guidelines on disposal of hazardous substances and wastes in accordance with best practices and best available techniques shall be specified by legal instrument of the Ministry of Environment.

#### **ARTICLE 34 SCIENTIFIC RESEARCH**

A natural person or legal entity using hazardous substances for scientific research shall have the following duties:

- a) Use of hazardous substances following regulations stipulated by this Title;
- b) The laboratory shall have sufficient equipment for safe storage and handling of hazardous substances and personal protective equipment for workers;
- c) Hazardous substances shall have correct labelling according to the regulations specified by the 2009 Sub-Decree on Management of Classification and Labelling of Chemicals;
- d) The laboratory shall have appropriate filing systems and records of hazardous substances being used;
- e) Disposal of hazardous substance or wastes shall follow regulations specified under Title 5 Waste Management of this Book; and
- f) Identifying and minimizing any potential hazards which may be caused by the use and disposal of hazardous substance or wastes through setting up effective mechanisms to minimize risk and mitigate effects of any hazard which may occur.

#### **ARTICLE 35 PROHIBITED USES**

No natural person or legal entity shall use hazardous substances in food products, cosmetics, and toys that can cause health hazards to human beings.

### **CHAPTER 7 HAZARDOUS SUBSTANCES SAFETY AND ACCIDENT PREVENTION, PREPAREDNESS, AND RESPONSES**

#### **ARTICLE 36 TECHNICAL CAPACITY**

A natural person or legal entity engaged in production of hazardous substances shall have technical capacity for environmental and social safeguarding as shown below:

- a) Workshops, storehouse, and technological equipment;
- b) Safety equipment and devices, equipment and devices for prevention and fighting of fire, explosions, lightning, hazardous substances leakages, or dispersal, and other



hazardous substances incidents;

- c) Labour protection equipment and devices;
- d) Environmental protection equipment and devices,
- e) Waste disposal and treatment systems; and
- f) Prevention and response plan, including posting visible hazard pictogram and hazard communication.

### **ARTICLE 37 QUALIFICATIONS**

Natural persons and legal entities engaged in production of hazardous substances shall have professional staff with qualifications relevant to the scope, type, and scale of the hazardous substance-related activity along with thorough knowledge about technologies and hazardous substances safety plans and measures.

### **ARTICLE 38 MANUFACTURING PROCESSES**

Natural persons and legal entities shall review manufacturing processes that can produce hazardous substances or products to reduce greenhouse gases emission, reduce energy consumption, and avoid hazard and toxicity to the environment and human health.

### **ARTICLE 39 REGISTRATION AND PERMIT REQUIREMENTS**

Natural persons and legal entities engaged in production of hazardous substances or products shall have proper registration of the substances and manufacturing permits issued by the relevant responsible government entity.

### **ARTICLE 40 REPORTING REQUIREMENTS**

In case of production of hazardous substances or products, legal entities or natural persons shall provide to the respective government entities and the Ministry of Environment an annual report, on manufacturing processes, the amount of hazardous ingredients, intended use, point of delivery, waste disposal and treatment systems, and safety plan and measures. The format of reports shall be developed by the responsible government entity in cooperation with the Ministry of Environment.

### **ARTICLE 41 SAFETY REGULATIONS**

Natural persons and legal entities shall:

- qq) Strictly follow technical specifications, labelling, and safety instructions defined by each hazardous substance;

- rr) Have prevention and emergency response measures (first aid, evacuation plan, fire elimination equipment) including personal protective equipment for workers at the work place;
- ss) Organize training on safe use and safe handling of hazardous substances; and
- tt) Establish a hazardous substances emergency response plan.

## **ARTICLE 42 ACCIDENT NOTIFICATION**

In case of accidents caused by hazardous substances, a natural person or legal entity shall cease immediately the activities relevant to the accident and immediately inform the relevant authorities and the Ministry of Environment. Adequate action shall be taken according to the prevention and emergency response plan to reduce impacts to human health, the environment, and property.

Any natural person or legal entity directly involved in an accident shall immediately inform any local members of the public who may be affected by the accident of the exact risks posed to the public's health and property and advise the public on measures to mitigate those risks.

## **TITLE 5 WASTE MANAGEMENT**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is to enhance waste management with effectiveness, transparency, and accountability to ensure aesthetics, social infrastructure, public health, and environmental protection.

#### **ARTICLE 2 OBJECTIVES**

This Title has the following objectives:

- a) Manage waste in a manner that protects the environment and human health;
- b) Promote sustainable production and reduce consumption, including the reduce, reuse and recycle (3R) strategy;
- c) Strengthen responsibilities of government entities responsible for waste management;
- d) Determine necessary measures to improve efficiency and safety in waste management; and
- e) Promote effective waste management, transportation, treatment, recycling and disposal.

### **ARTICLE 3 APPLICABLE WASTES**

This Title applies to all hazardous and solid wastes within the Kingdom of Cambodia and applies to all natural persons, legal entities, and government entities that generate, possess, transport, manage, store, treat, dispose, reclaim, or recycle hazardous or solid wastes in the Kingdom of Cambodia.

### **ARTICLE 4 HAZARDOUS WASTES**

Hazardous wastes are those wastes that:

- a) Belong to one or more of the categories in Annex I of the Basel Convention; and
- b) Have one or more of the characteristics in Annex III of that Convention.

Hazardous wastes include but may not be limited to solids, liquids, gases, radioactive substances, explosives, inflammable substances, infectious substances, or substances causing inflammation, rust, oxidation, pollution, cancer or other pollutants causing danger to humans, public property, or the environment.

### **ARTICLE 5 SOLID WASTES**

Solid wastes include but may not be limited to liquids, solids, semi-solids, sludges, hard objects, hard substances, products or refuse or spent materials which are useless without further reclamation, are disposed of, are intended to be disposed of, or required to be disposed of.

### **ARTICLE 6 SOURCES OF WASTE**

Sources of waste include but may not be limited to housing, markets, supermarkets, recreational sites, public buildings, educational institutions, public and private business activities, services, handicrafts, factories and manufacturing facilities, agricultural activities, and mining activities.

## **CHAPTER 2 RESPONSIBLE INSTITUTIONS**

### **ARTICLE 7 RESPONSIBLE ENTITY**

The Ministry of Environment is responsible for administration and implementation of this Title in cooperation with other relevant government entities, and in harmonization with existing laws and regulations related to the management of hazardous and solid wastes in the Kingdom of Cambodia.

### **ARTICLE 8 ROLES AND RESPONSIBILITIES OF THE MINISTRY OF ENVIRONMENT**

The Ministry of Environment has the following roles and responsibilities for waste management:

- a) Prepare policies, national strategic plans, legal instruments, and technical guidelines relating to the management of hazardous and solid wastes in cooperation with relevant government entities and stakeholders;
- b) Provide technical advice and capacity building to government entities, including sub-national administrations, responsible for the management of hazardous and solid wastes;
- c) Certify and provide accreditation to government entities, including sub-national administrations, responsible for the management of hazardous and solid wastes;
- d) Coordinate with development partners, the private sector, and relevant government entities, to gather financial resources, means, and materials to support government entities, including sub-national administrations, in the management of hazardous and solid wastes;
- e) Support and cooperate with relevant government entities, including sub-national administrations, to promote formal and informal education and awareness of environmentally safe management of hazardous and solid wastes and programs to reduce, reuse, and recycle waste and use recycled products.
- f) Monitor, inspect, and evaluate government entities, including sub-national administrations, responsible for the management of hazardous and solid wastes.

## **ARTICLE 9 ROLES AND RESPONSIBILITIES OF OTHER GOVERNMENT ENTITIES**

The Royal Government of Cambodia shall establish the roles and responsibilities of other government entities, including sub-national administrations, in the management of hazardous and solid wastes by legal instrument.

## **ARTICLE 10 INTERNATIONAL AGREEMENTS**

The Ministry of Environment shall coordinate implementation of international agreements relevant to the management, import, and export of hazardous wastes or solid wastes.

## **CHAPTER 3 CLASSIFICATION OF WASTES**

### **ARTICLE 11 CLASSIFICATION OF WASTES**

The Ministry of Environment shall develop, within eighteen (18) months of the enactment of this Code, a legal instrument to classify waste into two main categories:

- a) Hazardous waste; and
- b) Solid waste.

Wastes may include but are not limited to industrial waste, agricultural waste, construction waste, household waste, and sewage sludge. The Ministry of Environment shall develop the legal instrument to classify waste taking into account but not limited to such considerations as the objectives and principles in Book 1 General Provisions Title 1 General Provisions of this Code, volumes and patterns of waste generation, status of waste management infrastructure, new technology developments, latest advancements of science, and international agreements.

#### **ARTICLE 12 REVIEW AND UPDATE CLASSIFICATION**

The legal instrument classifying hazardous and solid wastes shall be reviewed and updated every five (5) years, taking into account but not limited to such considerations as the objectives and principles in Book 1 General Provisions Title 1 General Provisions of this Code, volumes and patterns of waste generation, status of waste management infrastructure, new technology developments, latest advancements of science, and international agreements.

### **CHAPTER 4 HAZARDOUS WASTE MANAGEMENT**

#### **ARTICLE 13 MANAGEMENT AND CONTROL OF HAZARDOUS WASTE**

The Ministry of Environment shall set up appropriate mechanisms for effective management and control of hazardous waste from generation through final disposal or treatment, including for information sharing, inspection, classification, and hazard communication and risk assessment of waste streams, by legal instrument.

#### **ARTICLE 14 LIABILITY TO STORE, MANAGE, AND DISPOSE OF HAZARDOUS WASTE**

The producer of the hazardous waste shall bear the legal liability to store, manage, and dispose of the hazardous waste in accordance with the procedures established under this Title and shall be liable for any harm or damage caused by the hazardous waste. The legal instrument may provide further legal responsibility for those responsible for the transport, storage, and treatment of hazardous waste.

#### **ARTICLE 15 OBLIGATIONS OF WASTE GENERATOR**

All plans and legal instruments relevant to this Chapter shall ensure that the waste generator pays for waste collection and disposal.

#### **ARTICLE 16 ENVIRONMENTAL IMPACT ASSESSMENT**

In accordance with the provisions in Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code, all waste management entities and facilities, including but not limited to treatment, storage, and disposal entities and facilities, shall be subject to Environmental Impact Assessment.

## **CHAPTER 5 SOLID WASTE MANAGEMENT**

### **ARTICLE 17 NATIONAL STRATEGIC WASTE MANAGEMENT PLAN**

The Ministry of Environment, in cooperation with other relevant government entities, shall develop a National Strategic Plan Waste Management Plan, focusing on reducing, reusing, and recycling waste, in accordance with the provisions of Strategic Environmental Assessment in Book 2 Assessment and Monitoring Title 2 Strategic Environmental Assessment of this Code.

### **ARTICLE 18 IMPLEMENTATION OF THE NATIONAL STRATEGIC WASTE MANAGEMENT PLAN**

The Ministry of Environment shall develop regulations to implement the National Strategic Waste Management Plan in a legal instrument.

### **ARTICLE 19 SECTOR-SPECIFIC PLANS**

The Ministry of Environment, in cooperation with other relevant government entities, shall, based on the National Strategic Waste Management Plan, develop sector-specific plans for individual categories of waste including but not limited to industrial waste, agricultural waste, medical waste, construction waste, and sewage sludge. The plans for each category of waste shall include goals for progressive reduction of volume of waste through measures of reduction, reuse and recycling.

### **ARTICLE 20 IMPLEMENTATION OF SECTOR-SPECIFIC PLANS**

The Ministry of Environment shall development regulations to implement sector-specific waste management plans in a legal instrument.

### **ARTICLE 21 REVIEW AND UPDATE WASTE MANAGEMENT PLANS**

The Ministry of Environment, in cooperation with other relevant government entities, shall review and update waste management plans developed under Articles 17 through 20 every ten (10) years, with a focus on improving the reduction, reuse, and recycling of waste.

### **ARTICLE 22 OBLIGATIONS OF WASTE GENERATOR**

All plans and legal instruments relevant to this Chapter shall ensure that the waste generator pays for waste collection and disposal.

## **ARTICLE 23 ENVIRONMENTAL IMPACT ASSESSMENT**

In accordance with the provisions in Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code, all waste management entities and facilities shall be subject to Environmental Impact Assessment.

## **CHAPTER 6 INVESTIGATIONS AND ORDERS**

### **ARTICLE 24 INSPECTIONS BY AN ENVIRONMENTAL POLLUTION INSPECTION OFFICER**

In accordance with Title 3 Environmental Pollution Check and Inspection of this Book, an Environmental Pollution Inspection Officer may inspect any premises to determine if there is any breach of requirements for waste management.

### **ARTICLE 25 BREACH OF WASTE MANAGEMENT REQUIREMENTS**

If there is a breach of the requirements for waste management, the Environmental Pollution Inspection Officer may issue an order to adopt corrective measures. The order to adopt corrective measures may be issued if the Environmental Pollution Inspection Officer discovers that any activity or operation on the premises is in violation of this Code or that any waste management control technology or other measure is not functioning or operating in accordance with the premises' applicable permits, authorisations, Environmental Management Plans, or Environmental Protection Agreements, as the case may be. The order to adopt corrective measures must be complied with by the date stipulated in the written order to adopt corrective measures given to the owner or operator of the premises or the project proponent.

### **ARTICLE 26 IMMINENT THREATS TO PUBLIC HEALTH, PROPERTY, THE ENVIRONMENT, OR NATURAL RESOURCES**

If, during the course of an inspection, an Environmental Pollution Inspection Officer discovers any breach of requirements for waste management that may pose an imminent threat to public health, property, the environment, or natural resources, the Environmental Pollution Inspection Officer shall be authorized to:

- a) Immediately notify any persons or other entities that may be under threat;
- b) Order the owner or operator of the premises under inspection to immediately adopt corrective measures to ensure the proper waste management; and
- c) Order the owner or operator of the premises to immediately cease any operations that are causing breach of waste management requirements if, in the judgement of the Environmental Pollution Inspection Officer, any immediately implementable corrective measures will not be sufficient to abate the potential harm the breach of waste

management requirements may pose to the environment.

The Ministry of Environment may establish the procedures that Environmental Pollution Inspection Officers and owners or operators of premises under inspection must follow upon the discovery of any breach of waste management requirements or failure of the proper operation of any pollution control technology or other measures that may pose an imminent threat to the environment.

## **ARTICLE 27 WASTE MANAGEMENT ASSESSMENT REPORT**

Within fourteen (14) days of the discovery of any breach of waste management requirements that may pose an imminent threat to the environment and the issuing of an order to adopt corrective measures, the responsible Environmental Pollution Inspection Officer shall produce a Waste Management Assessment Report on the discovery and subsequent measures adopted to address it.

## **TITLE 6 WATER POLLUTION CONTROL**

### **CHAPTER 1 MEASURES TO PREVENT WATER POLLUTION**

#### **ARTICLE 1 PROHIBITION OF POINT SOURCE POLLUTANT DISCHARGE**

The discharge of any pollutant by any point source into any surface water or groundwater resource, which include rivers, streams, waterfalls, canals, swamps, marshes, lakes, ponds, and reservoirs or other means of water collection or storage, is prohibited except in compliance with this Title.

#### **ARTICLE 2 DISCHARGE**

Discharge is the addition of a water pollutant by a point source or nonpoint source to a surface water or groundwater resource.

#### **ARTICLE 3 WATER POLLUTANT**

A water pollutant is any liquid, solid, or gaseous waste that is discharged by a point source or nonpoint source to a surface water or groundwater resource.

#### **ARTICLE 4 POINT SOURCE**

A point source is any single, identifiable source of pollution discharge to a surface water or groundwater resource, including pipes, and may come from activities including sewage treatment plants, manufacturing operations, hotels, hospitals, landfills, fish or shellfish farms, printing shops, and construction activity.

#### **ARTICLE 5 NONPOINT SOURCE**



A nonpoint source is a source of pollution that cannot be easily attributed to one discharge location and often accumulates over a wide area, including runoff from agricultural and urban areas.

## **CHAPTER 2 WATER POLLUTION POINT SOURCE CONTROL**

### **ARTICLE 6 RESPONSIBILITY FOR TREATMENT AND DISCHARGE**

The owner or operator of a point source is responsible for any discharge of pollutants, and any treatment operation prior to the discharge of pollutants, from the point source.

### **ARTICLE 7 DISCHARGE PERMITS**

One (1) or more pollutants may be discharged from a point source into a surface water or groundwater resource only in compliance with a discharge permit issued by the Ministry of Environment for that point source.

### **ARTICLE 8 PERMIT REQUIREMENTS**

A permit issued in accordance with Article 7:

- a) Must contain limits and/or control requirements consistent with this Title and any applicable legal instruments that are in force;
- b) May contain additional limits and/or requirements to control the discharge of any pollutant from a point source to protect the quality of the receiving surface water or groundwater and/or ecosystem and any other downstream water that may be affected by the discharge, including marine waters;
- c) Must contain monitoring and reporting requirements, including related to:
  - i) Monitoring of the discharge quantity, quality, time, and duration;
  - ii) Monitoring of the quality of the receiving water and any other affected downstream waters, including marine waters and/or transboundary waters;
  - iii) Recordkeeping and reporting of monitoring information to the Ministry of Environment; and
  - iv) Indicators for monitoring purposes;
- d) Expires after one (1) year unless otherwise provided for in the permit; and
- e) May be revised or revoked at any time by a written notification, including reasons for the decision, issued to the permit holder by the Ministry of Environment.

## **ARTICLE 9 ADDITIONAL CONDITIONS**

The Ministry of Environment, in consultation with relevant government entities, may establish:

- a) Procedures for the application and renewal of permits issued in accordance with Article 7;
- b) Permit fees for each permit applied for, issued, and/or renewed in accordance with Article 7; and
- c) Standard limits or requirements to control the discharge using concentration levels and/or load based levels of any pollutant from a point source based on best available technology and best environmental management practices that are economically feasible, in accordance with the provisions in Title 2 Environmental Quality Standards and Effluent Standards of this Book.

## **ARTICLE 10 STANDARD LIMITS**

For standard limits or requirements developed in accordance with Article 9(c) for a certain sector or pollutant, the Ministry of Environment shall:

- a) Use limits and/or requirements as least as stringent as any existing limits or requirements in existing legal instruments or permits; and
- b) Calculate such limits and/or requirements using the best professional judgment of competent experts.

## **CHAPTER 3 WATER POLLUTION NONPOINT SOURCE CONTROL**

### **ARTICLE 11 RESPONSIBILITY FOR BEST MANAGEMENT PRACTICES**

Land use activities that generate nonpoint source pollution shall implement applicable best management practices, as prescribed by the Ministry of Environment.

### **ARTICLE 12 CATEGORIES OF NONPOINT SOURCES AND BEST MANAGEMENT PRACTICES**

The Ministry of Environment shall prescribe, and update as appropriate over time, categories of nonpoint sources and best management practices to reduce water pollution from each category.

## **CHAPTER 4 MONITORING**

### **ARTICLE 13 RESPONSIBILITY FOR POINT SOURCE DISCHARGE PERMIT MONITORING**

The monitoring of a point source discharge permit, and compliance with the limits, control requirements, and conditions of that permit, is the responsibility of the permit holder.

#### **ARTICLE 14 SAMPLING AND MONITORING CERTIFICATION**

The permit holder shall certify that the sampling and monitoring are done in accordance with the requirements of the permit and any conditions set by the Ministry of the Environment.

#### **ARTICLE 15 NOTIFICATION REQUIREMENTS**

The permit holder shall immediately inform the Ministry of the Environment if any of the following occurs:

- a) A breach of the permit limits or control requirements, whether intentional or otherwise;
- b) A problem with the sampling equipment or results; or
- c) A failure in any pollution control equipment.

#### **ARTICLE 16 MONITORING ORDERS**

The Ministry of Environment may, upon appropriate notice given to the relevant owner or occupier, monitor and/or order an appropriate entity to monitor the discharge of any pollutant from any point source to any surface water or groundwater resource.

#### **ARTICLE 17 SURFACE WATER AND GROUNDWATER MONITORING**

The Ministry of Environment may monitor the water quality of any surface water or groundwater resource.

#### **ARTICLE 18 MONITORING SAMPLES**

The Ministry of Environment may receive and consider any monitoring samples taken by any person of any surface water or groundwater resource.

#### **ARTICLE 19 ANALYSIS OF MONITORING SAMPLES**

All monitoring samples, regardless of who collected them, must be analysed by a Ministry of Environment laboratory or other laboratory that has been approved by the Ministry of Environment.

#### **ARTICLE 20 INSPECTIONS**

The Ministry of Environment may, upon appropriate notice given to the relevant owner or occupier, inspect any actual or suspected point source or nonpoint source with respect to the

discharge of any pollutant from such source to a surface water or groundwater resource. Such inspection need not be based on any report or evidence of any permit violation and shall be in accordance with the provisions of Title 3 Environmental Pollution Check and Inspection of this Book.

## **CHAPTER 5 TREATMENT AND REUSE OF WASTEWATER AND REMAINS**

### **ARTICLE 21 SEWAGE SLUDGE AND BIO-SOLIDS**

The Ministry of Environment may establish requirements and/or guidelines related to sewage sludge or bio-solids, which are the solid remains after treatment of wastewater by a sewage treatment plant, including but not limited to:

- a) Guidelines to encourage the use of sewage sludge or bio-solids;
- b) Guidelines for the responsible and safe use of sewage sludge or bio-solids;
- c) Minimum standards for wastewater treatment levels and/or methods for sewage sludge or bio-solids use;
- d) Incentives for the use of sewage sludge or bio-solids by agricultural applications; and
- e) Incentives for the use of sewage sludge or bio-solids in energy generation.

### **ARTICLE 22 WATER REUSE**

The Ministry of Environment shall establish requirements and guidelines related to water reuse, including but not limited to:

- a) Guidelines to encourage the reuse of treated wastewater;
- b) Guidelines for the responsible and safe reuse of treated wastewater;
- c) Obligations for operators of wastewater treatment facilities;
- d) Obligations for operators of water distribution systems;
- e) Applications for wastewater reuse;
- f) Minimum standards for wastewater treatment levels, methods, and distribution for reuse applications, in accordance with the provisions in Title 2 Environmental Quality Standards and Effluent Standards of this Book; and
- g) Incentives for wastewater reuse.

## **CHAPTER 6 OPERATOR CERTIFICATION**

### **ARTICLE 23 CRITERIA FOR CERTIFICATION**

The Ministry of Environment may establish, by way of a legal instrument, criteria and/or levels of certification for operators of point sources.

### **ARTICLE 24 CRITERIA REQUIREMENTS**

Such criteria and/or levels of certification could include requirements for education, training, experience, and/or proficiency.

## **CHAPTER 7 MARINE POLLUTION CONTROL**

### **ARTICLE 25 NON-WATER-BASED SOURCES OF POLLUTION**

This Title applies to sources of pollution that discharge to or may affect marine waters within the Kingdom of Cambodia's territorial sea.

### **ARTICLE 26 MARINE WATER-BASED SOURCES OF POLLUTION**

This Title applies to marine water-based sources of pollution within the Kingdom of Cambodia's territorial sea.

### **ARTICLE 27 INTERNATIONAL AGREEMENTS**

The Ministry of Environment, in coordination with other relevant government entities, shall carry out its responsibilities, such as monitoring, evaluating, reporting, and taking other reasonable actions, consistent with all international agreements to which the Kingdom of Cambodia is a party that deal with marine water pollution control.

### **ARTICLE 28 POLLUTION FROM SHIPS**

The Ministry of Environment, in cooperation with other relevant government entities, may develop by legal instrument, regulations in addition to those in this Title, to further prevent and minimize pollution from ships, both accidental and from routine operations.

## **TITLE 7 AIR POLLUTION CONTROL**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is to protect the quality of the environment from air pollutants through emission standards, permitting, monitoring, reporting, and inspection activities.

## **ARTICLE 2 MOBILE AND IMMOBILE SOURCES OF AIR POLLUTION**

This Title applies to all mobile and immobile sources of air pollution. All private entities and public authorities have the duty to cooperate fully with the Ministry of Environment in satisfying the provisions of this Title.

## **ARTICLE 3 CATEGORIES OF AIR POLLUTANTS**

Air pollutants include but are not limited to smoke, dust, ash particle substance, gas, vapour, fog, odour, and radioactive substances.

Sources of air pollution are divided into two (2) types:

- uu) A mobile source, which refers to an emission source without a permanent location including but not limited to an aircraft, ship, vehicle, and machinery; and
- vv) An immobile source, which refers to sources with a permanent location including but not limited to a factory, enterprise, warehouse, construction site, incinerator, handicraft, and all kinds of farms.

## **ARTICLE 4 AIR QUALITY STANDARDS**

Within one (1) year of the enactment of this Code, the Ministry of Environment shall either substantially revise an existing legal instrument or develop a new legal instrument to establish air quality standards in accordance with Title 2 Environmental Quality Standards and Effluent Standards of this Book. The legal instrument shall include:

- a) Ambient air quality standards that the Ministry of Environment has determined, based on scientific evidence and data, is sufficient to protect the environment; and
- b) Standards for the emissions of air pollutants designed to achieve the ambient air quality standards.

## **ARTICLE 5 REVIEW AND UPDATE OF AIR QUALITY STANDARDS**

The Ministry of Environment shall review and update the legal instrument for air quality standards every ten (10) years. This review of air quality standards shall follow the public participation and access to information requirements in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 6 SMALL SOURCES EXCEPTION**

Small sources shall be excluded from the scope of this Title. The Ministry of Environment shall establish in the legal instrument for air quality standards the definition and list of small sources

for the purposes of this Title.

## **CHAPTER 2 INDOOR AIR POLLUTION**

### **ARTICLE 7 REDUCTION**

The reduction of indoor air pollution is a goal of the Ministry of Environment.

### **ARTICLE 8 REGULATIONS**

The Ministry of Environment shall establish regulations for indoor air pollution in the legal instrument for air quality standards.

## **CHAPTER 3 AIR POLLUTION FROM MOBILE SOURCES**

### **ARTICLE 9 PROHIBITION OF EMISSION OF AIR POLLUTANTS**

The emission of any air pollutant by any mobile source into the atmosphere is prohibited except in compliance with this Title.

The Ministry of Environment shall establish standards for the maximum level of air pollutants allowed to be emitted by mobile sources in the legal instrument for air quality standards. Such standards shall be designed to achieve the ambient air quality standards.

### **ARTICLE 10 PROHIBITION TO EXCEED STANDARDS**

It is strictly prohibited for any mobile source to emit any air pollutant in excess of the applicable standards established in the legal instrument for air quality standards.

### **ARTICLE 11 PROHIBITION OF IMPORTATION, UTILISATION, AND PRODUCTION OF MOBILE SOURCES THAT EXCEED STANDARDS**

It is strictly prohibited for the importation, utilisation, and production of vehicles and machinery that emit air pollutants exceeding the standard as stipulated in the legal instrument for air quality standards in the Kingdom of Cambodia.

### **ARTICLE 12 REGULATION OF FUELS AND FUEL ADDITIVES**

The Ministry of Environment shall specify any fuel or fuel additive, including any fuel or fuel additive used in non-road mobile sources, that manufacturers or processors of such fuel or fuel additives may sell, offer for sale, or introduce into commerce in the legal instrument for air quality standards.

### **ARTICLE 13 REGISTRATION OF FUELS AND FUEL ADDITIVES**

The Ministry of Environment shall require the registration of fuels and fuel additives with the

Ministry of Environment for the purposes of determining which fuels and fuel additives will not produce emissions that will endanger the environment in the legal instrument for air quality standards. The Ministry may establish the procedures and requirements for the registration of fuel and fuel additives in a legal instrument.

#### **ARTICLE 14 PROHIBITED FUELS AND FUEL ADDITIVES**

The Ministry of Environment shall specify any fuel or fuel additives, including any fuel or fuel additive used in non-road mobile sources, that are strictly prohibited from sale, being offered for sale, or introduced into commerce in the legal instrument for air quality standards. Such prohibitions must be based on determinations of the Ministry of Environment, based on scientific evidence and data or other available information, that such fuels or fuel additives will produce emissions that are reasonably anticipated to endanger the environment or significantly impair the performance of a mobile source's emission control device or generally-used system.

The Ministry of Environment may temporarily waive a prohibition regarding the use of fuel or fuel additives if the Ministry of Mines and Energy determines that extreme and unusual circumstances exist in a province or region in the Kingdom of Cambodia that prevents an adequate supply of fuel or fuel additives to consumers. Such extreme and unusual circumstances are the result of a natural disaster, pipeline or refinery equipment failure, or other event that could not have been foreseen or prevented and was not due to a lack of prudent planning on the part of the suppliers of fuel or fuel additives to the province or region.

#### **ARTICLE 15 MAXIMUM CONCENTRATION FOR FUELS OF FUEL ADDITIVES**

The Ministry of Environment shall specify the maximum concentration that any fuel or fuel additives, including those used in fuel for non-road mobile sources, approved for sale by the Ministry of Environment in accordance with this Title, may contain in the legal instrument for air quality standards. Such concentrations shall be based on scientific evidence and data and shall take into account the protection of the environment.

#### **ARTICLE 16 MAXIMUM CONCENTRATION OR RATE OF EMISSIONS OF MOBILE SOURCE AIR POLLUTANTS**

The Ministry of Environment shall specify the maximum concentration or rate of emissions of nitrogen oxides, volatile organic compounds, and any other air pollutant that may be emitted by mobile sources in the legal instrument for air quality standards.

#### **ARTICLE 17 MAXIMUM SULPHUR CONTENT REQUIREMENTS FOR DIESEL FUEL**

The Ministry of Environment shall specify maximum sulphur content requirements for diesel fuel, including diesel fuel used for non-road mobile sources, in the legal instrument for air quality standards.



## **ARTICLE 18 VEHICLE BUY-BACK PROGRAM**

The Ministry of Environment shall develop in the legal instrument for air quality standards a voluntary program to promote clean air by purchasing older vehicles from citizens. This program shall provide a cash incentive to retire older polluting vehicles. The cash incentive shall not be based on the market value of the vehicle, but on whether the vehicle is running and driveable, the number of kilometers the vehicle has recorded, and whether there is any major damage to the vehicle.

## **CHAPTER 4 AIR POLLUTION FROM IMMOBILE SOURCES**

### **ARTICLE 19 PROHIBITION OF EMISSION OF AIR POLLUTANTS**

The emission of any air pollutant into the atmosphere by any immobile source is prohibited except in compliance with a permit issued by the Ministry of Environment under this Title and any relevant legal instruments.

### **ARTICLE 20 OWNER AND OPERATOR RESPONSIBILITIES**

The owner or operator shall be responsible for all air pollutants, including toxic air pollutants emitted into the atmosphere. The owner or operator shall also be responsible for compliance with emission standards established in the legal instrument for air quality standards and any permit issued by the Ministry of Environment, as well as compliance with any other obligations that the Ministry of Environment may determine under this Title.

### **ARTICLE 21 CATEGORY-WIDE EMISSIONS STANDARDS**

The Ministry of Environment shall establish category-wide emissions standards for categories of immobile sources of air pollutants in the legal instrument for air quality standards. Such standards shall be based on the best available technology that is economically feasible for the category of immobile sources, as determined by the Ministry of Environment using its best professional judgment.

### **ARTICLE 22 STANDARDS FOR PERMITS FOR NEW SOURCES**

Where the owner or operator of a new immobile source of air pollution has applied for a permit, and the Ministry of Environment has previously established an applicable category-wide standard for new sources, the Ministry shall include a standard in the permit at least as stringent as the category-wide standard. Where a category-wide standard is not applicable, but the Ministry of Environment has previously issued a permit containing a standard based on the best available economically feasible technology for a new immobile source in the same category, the Ministry of Environment shall include a standard as least as stringent as that in the earlier permit into such permit. In any case, the Ministry of Environment may apply an air pollutant emissions standard that is more stringent than any applicable category-wide standard

if the Ministry determines, based on scientific information and data, that the more stringent standard is required to achieve the applicable ambient air quality standards.

### **ARTICLE 23 STANDARDS FOR PERMITS FOR EXISTING SOURCES**

Where the owner or operator of an existing source has applied for a permit, and the Ministry of Environment has previously established an applicable category-wide standard for existing sources, the Ministry of Environment shall include a standard in the permit at least as stringent as the category-wide standard, except as provided in Article 24. Where a category-wide standard is not applicable, but the Ministry of Environment has previously issued a permit containing a standard based on the best available technology economically feasible for an existing immobile source in the same category, the Ministry of Environment shall include a standard as least as stringent as that in the earlier permit into such permit, except as provided in the next paragraph. In any case, the Ministry of Environment may apply an air pollutant emissions standard that is more stringent than any applicable category-wide standard if the Ministry determines, based on scientific information and data, that the more stringent standard is required to achieve the applicable ambient air quality standards.

### **ARTICLE 24 VARIANCES**

The owner or operator of an existing source may apply for a variance from an otherwise applicable category-wide standard or prior permit determination of best available economically feasible technology. The owner or operator shall demonstrate through specific information that a less stringent standard is warranted because the best available economically feasible technology is either not available or not economically feasible for the particular existing source. If the Ministry of Environment determines that a less stringent standard is warranted, the Ministry of Environment shall determine the standard based on the best technology that is available and economically feasible for the particular existing source.

### **ARTICLE 25 CALCULATION OF LIMITS**

Where the Ministry of Environment has not previously developed limits or requirements based on the best available economically feasible technology for an immobile source in a certain sector, the Ministry of Environment shall calculate such limits and/or requirements using its best professional judgment.

## **CHAPTER 5 THE TECHNOLOGY TO REDUCE AND PREVENT AIR POLLUTION**

### **ARTICLE 26 DEVELOPMENT OF TECHNOLOGY TO REDUCE AND PREVENT AIR POLLUTION**

The Ministry of Environment shall promote and support research to develop technology to reduce and prevent air pollution from both mobile and immobile sources.

## **ARTICLE 27 USE OF TECHNOLOGY TO REDUCE AND PREVENT AIR POLLUTION**

The Ministry of Environment shall promote and support the use of technology to reduce air pollution from both mobile and immobile sources.

### **CHAPTER 6 THE REQUEST FOR APPROVAL OF A PERMIT**

## **ARTICLE 28 PERMITS TO EMIT AIR POLLUTANTS FROM IMMOBILE SOURCES**

Upon the enactment of this Code, any owner or operator of an immobile source shall apply to the Ministry of Environment for permission to emit air pollutants into the atmosphere. A copy of such application shall be sent to the relevant government entities.

Upon receipt of an application, the Ministry of Environment shall issue a permit in accordance with the schedule set forth in Article 32. The Ministry of Environment shall send a copy of the permit to the relevant government entities.

## **ARTICLE 29 PERMIT APPLICATION PROCEDURES**

The Ministry of Environment shall establish reasonable and effective application and re-application procedures for permits for immobile sources in a legal instrument. Such procedures shall meet the minimum requirements for public participation and access to information contained in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

## **ARTICLE 30 PERMIT REQUIREMENTS**

At minimum, a permit for the emission of air pollutants by an immobile source issued by the Ministry of Environment shall contain the following elements:

- a) Limits for the emission of any air pollutant that are designed to achieve the applicable ambient air quality standard and based on the best available technology that is economically feasible, as determined by the Ministry of Environment;
- b) Requirements for the installation and operation of systems or mechanisms to monitor the emissions of air pollutants;
- c) Requirements for the reporting of any monitoring results to the Ministry of Environment. At minimum, an immobile source shall report its monitoring results to the Ministry of Environment no less frequently than once every six (6) months, in accordance with the reporting requirements in Book 2 Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code. Any

and all instances of exceedances of any air pollutant emissions limits contained in the applicable permit shall be clearly identified in the monitoring report. All monitoring reports shall be signed and certified by a responsible official of the owner or operator; and

- d) Requirements that the immobile source retain records of any air pollutant emissions monitoring results for a minimum of five (5) years from the date on which the monitoring results were obtained; and that the immobile source retain records of any monitoring reports submitted to the Ministry of Environment, including the data and information used for such reports, for a minimum of five (5) years from the date on which the report was submitted to the Ministry. All such records shall be kept and maintained on the premises of the permitted immobile source.

### **ARTICLE 31 NEW AND EXISTING AIR POLLUTION SOURCES**

The requirement to obtain a permit to emit air pollutants as stipulated in Article 28 of this Title shall be applicable to both new and existing air pollution sources.

### **ARTICLE 32 PERMIT APPLICATION PERIOD**

The owner or operator as stipulated in Article 28 of this Title shall apply for the permit to release air pollution from the Ministry of Environment:

- a) In Phnom Penh ninety (90) days before commencement of development of the project that will emit air pollutants; or
- b) In another province or municipality one hundred twenty (120) days before commencement of development of the project that will emit air pollutants.

If the Ministry of Environment does not issue the permit or deny the application before the scheduled commencement of the development of the project, the owner or operator may proceed with the development of the project at their own risk. If the owner or operator proceeds with the development of the project and the Ministry of Environment later issues a permit containing standards and other requirements, the owner or operator shall install or implement any necessary measures or technology to meet the air pollutant emissions standards contained in the permit prior to commencing the operation of the project. If the Ministry of Environment later denies the permit, the owner or operator shall not complete or operate the project regardless of the status of the project. Under no circumstances shall a project commence operation without a permit for the emission of air pollutants issued by the Ministry of Environment.

### **ARTICLE 33 PERMIT VALIDITY PERIOD**

Any permit issued by the Ministry of Environment to an owner or operator of an immobile

source shall expire five (5) years from the date on which the permit is issued. An owner or operator shall apply for a renewal of its air pollutant emission permit no later than six (6) months prior to the expiration of its current permit.

#### **ARTICLE 34 AUTHORITY TO REVISE OR REVOKE PERMIT**

The Ministry of Environment may revise or revoke a permit for any immobile source at any time. The Ministry of Environment shall provide its reasons to the owner or operator in writing.

#### **ARTICLE 35 PERMIT FEES**

The Ministry of Environment, in consultation with relevant government entities, may require the owner or operator to pay a reasonable fee for each permit and/or permit renewal.

### **CHAPTER 7 THE CONTROL AND MONITORING OF ATMOSPHERIC QUALITY**

#### **ARTICLE 36 AMBIENT AIR QUALITY MONITORING**

The monitoring of ambient air quality shall be the responsibility of the Ministry of Environment, in conjunction with the owners and/or operators of any immobile sources. The Ministry of Environmental shall issue procedures and guidelines for the monitoring of ambient air quality.

The monitoring of a permit issued by the Ministry of Environment and compliance with the permit is the responsibility of the permit holder.

#### **ARTICLE 37 IMMOBILE SOURCE MONITORING REPORTS**

A responsible official of a permit holder shall certify in the required monitoring reports that sampling and monitoring have been performed in accordance with the requirements of the permit and any conditions established by the Ministry of the Environment.

#### **ARTICLE 38 IMMOBILE SOURCE EXCEEDANCES OF AIR POLLUTANT EMISSIONS LIMITS**

The permit holder shall clearly identify any and all instances of exceedances of any air pollutant emissions limits contained in the applicable permit in the monitoring reports.

The permit holder shall immediately inform the Ministry of the Environment if there is a problem with the sampling, or if there is a failure in any pollution control equipment, within twenty-four (24) hours from the time the permit holder becomes aware of the failure in any pollution control equipment.

#### **ARTICLE 39 IMMOBILE SOURCE OBLIGATIONS**

The permit holder shall orally report breaches of its permit that may endanger the environment to the Ministry of Environment or other competent authority no later than twenty-four (24) hours from the time the permit holder becomes aware of the breach. Such a report shall, at minimum, describe the nature and severity of the breach, the potential threat that the breach poses to the environment, and any measures taken or planned to be taken to stop the breach and minimize its impacts. The permit holder shall submit a written report containing this information to the Ministry of Environment no later than three (3) days from the time it becomes aware of the breach.

#### **ARTICLE 40 IMMOBILE SOURCE EMISSIONS MONITORING**

The Ministry of Environment may monitor and/or order an authorized representative to monitor the emissions of any pollutant from any immobile source into the atmosphere upon appropriate notice given to the owner or operator. The Ministry of Environment or its authorized representatives is permitted to enter the premises of any immobile source in order to conduct such monitoring.

#### **ARTICLE 41 IMMOBILE SOURCE MONITORING SAMPLES**

Any monitoring samples, regardless of who collected and presented them to the Ministry of Environment, shall not be considered valid or reliable unless and until they have been analysed and certified by a Ministry of Environment laboratory or other laboratory that has been approved by the Ministry of Environment.

#### **ARTICLE 42 MONITORING AIR POLLUTANT EMISSIONS FROM MOBILE SOURCES**

The monitoring of air pollutant emissions from mobile sources is the responsibility of the Ministry of Environment with the cooperation of relevant government entities. The monitoring procedure shall be determined by relevant joint legal instrument of the relevant government entities.

#### **ARTICLE 43 TECHNICAL GUIDELINES FOR MOBILE AND IMMOBILE POLLUTION SOURCES**

The Ministry of Environment shall prepare technical guidelines on the methods for monitoring both mobile and immobile pollution sources, sampling locations, and air quality analysis.

#### **ARTICLE 44 EMISSIONS SAMPLING**

Within one (1) month of the commencement of operation of an immobile source of air pollution, the permit holder shall conduct sampling of emissions from all emissions points in order to verify the proper operation of the source's air pollution control mechanisms or technology. The permit holder shall immediately submit the results of such sampling to the

Ministry of Environment.

#### **ARTICLE 45 SAMPLE ANALYSIS**

During an environmental inspection or other activity aimed at controlling air pollution sources, the Ministry of Environment inspectors shall analyse the sample on site or take them to an environmental laboratory for analysis.

#### **ARTICLE 46 COSTS SAMPLE ANALYSIS**

The owner or operator shall bear the cost of analysis of his/her own sample following the fee determined by the Ministry of Environment and the Ministry of Economy and Finance.

#### **ARTICLE 47 FAILURE TO MEET STANDARDS**

If it is found that the discharge of any air pollution source fails to meet the standard as stipulated in the legal instrument on air quality standards, the Ministry of Environment shall:

- a) Issue a written order requiring the owner or operator of such air pollution source to correct the violation activities immediately within a specified period of time not exceeding thirty (30) days; and/or
- b) Issue a written order requiring the owner or operator of such pollution source to stop his/her activities temporarily until the violation is corrected if the violation activities may cause any harm to the environment.

#### **ARTICLE 48 AIR QUALITY DATA**

The Ministry of Environment shall maintain data relating to the result of air quality testing and for use in assessing the status of air quality. The Ministry of Environment shall publicly disseminate the status of air quality and the situation concerning air pollution within the Kingdom of Cambodia.

#### **ARTICLE 49 PUBLIC NOTIFICATION**

If it is found that any area is affected by air pollution that may threaten the environment, the Ministry of Environment shall immediately notify the public about such danger, investigate the sources of such air pollution, and take measures to prevent air pollution and restore air quality.

### **CHAPTER 8 THE PROCEDURE OF INSPECTIONS AND INFORMATION COLLECTION**

#### **ARTICLE 50 AUTHORITY TO INSPECT**

The Ministry of Environment may, upon reasonable notice, enter the premises of any immobile

source to conduct an inspection with respect to the emission of any air pollutant from such source. Such inspection need not be based on any report or evidence of any permit violation. During the course of such an inspection, the permit holder shall provide the inspector with access to all emissions points, all emissions control systems and technology, and all records in the possession of the permit holder that pertain to monitoring and sampling of air pollutant emissions.

#### **ARTICLE 51 PROCEDURES FOR ON-SITE INSPECTIONS**

Within one (1) year of the adoption of this Code, the Ministry of Environment shall issue a legal instrument to establish the procedures for the on-site inspection of immobile sources of air pollutants, in accordance with Title 3 Environmental Pollution Check and Inspection of this Book.

#### **ARTICLE 52 URGENT INSPECTIONS**

In case of serious incident or imminent danger resulting from air pollution, the Ministry of Environment shall make an urgent inspection of such incident or danger and shall inform the relevant government entities of such incident or danger.

### **CHAPTER 9 OPERATOR CERTIFICATION**

#### **ARTICLE 53 CRITERIA AND CERTIFICATION**

The Ministry of Environment may establish criteria and/or levels of certification for owners or operators of air pollution sources.

#### **ARTICLE 54 CERTIFICATION REQUIREMENTS**

Criteria and/or levels of certification may include requirements for education, training, experience, and/or proficiency.

### **CHAPTER 10 TRANSBOUNDARY AIR POLLUTION**

#### **ARTICLE 55 AIR POLLUTION ORIGINATING IN A FOREIGN COUNTRY**

When the Ministry of Environment, upon receipt of reports, surveys, or studies from any duly constituted international entity, has reason to believe that air pollution emitted in a foreign country is endangering the environment in the Kingdom of Cambodia, the Ministry of Environment shall work with the relevant government entities to undertake the appropriate diplomatic processes to inform and consult with the foreign country with the goal of reducing the impact of such pollutants.

#### **ARTICLE 56 AIR POLLUTION ORIGINATING IN THE KINGDOM OF CAMBODIA**

The Ministry of Environment shall work with foreign countries who, based on reports, surveys, or studies from any duly constituted international entity, have reason to believe air pollution originating



in the Kingdom of Cambodia is endangering the environment in another country.

#### **ARTICLE 57 RECIPROCAL RIGHTS**

The Ministry of Environment shall grant only the same rights regarding air pollution originating in the Kingdom of Cambodia and impacting another country as the rights given by those countries to the Kingdom of Cambodia to foreign countries under this Chapter.

### **CHAPTER 11 OZONE LAYER PROTECTION**

#### **ARTICLE 58 REGULATIONS**

The Ministry of Environment shall develop a legal instrument to regulate ozone layer protection. This legal instrument shall be based on the 2016 Paris Agreement.

#### **ARTICLE 59 REVIEW AND UPDATE OF REGULATIONS**

The legal instrument regulating ozone layer protection shall be updated every five (5) years.

### **CHAPTER 12 OZONE DEPLETING SUBSTANCES**

#### **ARTICLE 60 REGULATIONS**

The Ministry of Environment shall develop a legal instrument to regulate ozone depleting substances

#### **ARTICLE 61 REVIEW AND UPDATE OF REGULATIONS**

The legal instrument regulating ozone depleting substances shall be updated every five (5) years.

## **TITLE 8 NOISE AND VIBRATION CONTROL**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is to protect public health and the environment through the regulation of noise and vibration emissions in accordance with best available techniques and international best practice.

#### **ARTICLE 2 GENERAL AUTHORITY**

The Ministry of Environment has the authority to regulate the sale of goods and items that emit noise and produce vibrations and to set threshold standards for noise and vibration emissions in accordance with Title 2 Environmental Quality Standards and Effluent Standards of this

Book.

## **CHAPTER 2 NOISE AND VIBRATION REGULATION**

### **ARTICLE 3 THRESHOLD STANDARDS**

The Ministry of Environment shall establish in a legal instrument threshold standards for noise and vibration emissions in accordance with the provisions in Title 2 Environmental Quality Standards and Effluent Standards of this Book.

Such standards shall categorize emissions according to type of source, including but not limited to factories, machinery, construction equipment, mining equipment, motor or other vehicles, or vessels; whether the source is mobile or immobile; and whether a source must be fitted with noise or vibration control equipment.

Such standards shall also define and may include more stringent standards for workplaces and sensitive receptors, which include but are not limited to areas including houses, universities, kindergartens, libraries, hospitals, hotels, temples or other religious places. Standards for workplaces and sensitive receptors may be determined on a case-by-case basis.

### **ARTICLE 4 COMPLIANCE WITH STANDARDS**

Any natural person or legal entity responsible for noise and/or vibration emissions shall comply with the standards for noise and vibration emissions.

### **ARTICLE 5 MONITORING REQUIREMENTS**

The Ministry of Environment shall establish in a legal instrument monitoring requirements to ensure compliance with the noise and vibration emissions standards. These monitoring requirements shall apply to and be included in any permit or approval, including but not limited to any construction permit or approval issued by the Ministry of Land Management, Urban Planning, and Construction, for any activity or project that causes noise or vibrations impact.

### **ARTICLE 6 LIABILITY FOR HARM**

Any natural person or legal entity that is responsible for noise or vibration emissions shall be liable for any harm or damage caused by such noise or vibration emissions to any public or private property, and shall be responsible to ensure that any harm or damage is compensated in accordance with this Code and any other relevant legal instrument.

### **ARTICLE 7 DUTY TO REMEDY**

Any natural or legal person that is responsible for noise or vibration emissions in excess of the noise and vibration emissions standards shall remedy the excess noise or vibration emissions in accordance with any order issued by the Environmental Pollution Inspection Officer

pursuant to Chapter 2 Inspections and Orders, of this Title or relevant government entity.

## **CHAPTER 2 INSPECTIONS AND ORDERS**

### **ARTICLE 8 RIGHT TO INSPECT**

In accordance with Title 3 Environmental Pollution Check and Inspection of this Book, an Environmental Pollution Inspection Officer may inspect any premises to determine if there is any breach of the noise and vibration emissions standards.

### **ARTICLE 9 RIGHT TO REQUIRE TESTS**

In accordance with Title 3 Environmental Pollution Check and Inspection of this Book, an Environmental Pollution Inspection Officer may require any test to be carried out to ensure compliance with the noise and vibration emissions standards.

### **ARTICLE 10 DUTY TO ISSUE ORDER**

If an Environmental Pollution Inspection Officer finds a breach of the noise and vibration emissions standards that is in violation of this Code, or that any noise or vibration control technology or other measure is not functioning or operating in accordance with the applicable permits, authorisations, Environmental Management Plans, or Environmental Protection Agreements, the Environmental Pollution Inspection Officer shall issue a written order for the natural person or legal entity responsible for the noise or vibrations emissions to adopt corrective measures by the date stipulated in the order.

## **TITLE 9 RESTORATION OF CONTAMINATED SITES**

### **CHAPTER 1 RESTORATION PURPOSE AND APPLICABILITY**

#### **ARTICLE 1 PURPOSE**

The purpose of conducting restoration of a contaminated site shall be to reduce or eliminate significant impacts to human health or the environment through utilization of a Risk Assessment or risk reduction approach. A Risk Assessment process according to Book 2 Environmental Assessment and Monitoring Title 1 Risk Assessment of this Code shall be utilized to determine the appropriate extent of restoration required for any contaminated site.

#### **ARTICLE 2 APPLICABILITY**

This Title applies to the restoration of significant impacts to human health or the environment at a contaminated site whether the source or circumstances causing or contributing to the contamination occurred prior to, on, or after the effective date of this Code. The Ministry of Environment shall develop a general list or categories of potential contaminated sites that may be subject to this Title. A contaminated site may include property or an area either privately or

publicly owned or operated.

For restoration of contaminated sites, this Title shall apply. However, restoration of contaminated sites may also be subject to the provisions of Book 9 Environmental Offences, Enforcement, and Remedies Title 3 Restoration and Compensation for Harm to the Environment of this Code, particularly regarding rights of non-government parties claiming compensation.

According to circumstances, the Ministry of Environment may select at its discretion to determine to proceed under this Title or Book 9 Environmental Offences, Enforcement, and Remedies Title 3 Restoration and Compensation for Harm to the Environment of this Code. However, in any circumstances where the Ministry of Environment selects to proceed under this Title, non-governmental parties retain all rights under Book 9 Environmental Offences, Enforcement, and Remedies Title 3 Restoration and Compensation for Harm to the Environment of this Code regarding such matter.

### **ARTICLE 3 PROCEDURES**

The Ministry of Environment, in consultation with other relevant government entities, shall develop a legal instrument to provide further detail on the implementation of the procedures for the restoration of contaminated sites, which shall include:

- a) Identification of contaminated sites;
- b) Risk Assessment process to assess environmental impact, including the acceptable risk range for any restoration;
- c) Notification and reporting of environmental impacts from contaminated sites;
- d) Public consultation;
- e) Accreditation of experts;
- f) Technical guidelines on restorations including investigations and standards;
- g) Preparation of site assessments;
- h) Monitoring and reporting requirements;
- i) Preparation of Restoration Agreements; and
- j) Funding, carrying out, and completion of restoration work.

## **CHAPTER 2 REPORTING OF ENVIRONMENTAL IMPACTS**

#### **ARTICLE 4 OBLIGATION TO REPORT**

The discovery of a contaminated site or an environmental impact shall be reported by any responsible natural person or legal entity to the Ministry of Environment or any government entity designated by the Ministry of Environment.

The discovery of a contaminated site or an environmental impact may be reported by any member of the general public in accordance with the provisions on public participation in Book 1 General Provisions Title 3 Public Participation of this Code.

#### **ARTICLE 5 NOTICE AND REPORT SUMMARY**

Within seven (7) days of receiving any report under this Chapter, the Ministry of Environment shall provide notice and summary of such report to any other government entities whose jurisdiction could extend over the environmental impacts that are the subject to the report.

### **CHAPTER 3 INVESTIGATION AND RESTORATION**

#### **ARTICLE 6 INVESTIGATION**

The Ministry of Environment shall establish and oversee a coordinated response among the Ministry of Environment and other relevant government entities to investigate any discovered contaminated site for the purposes of securing the site, reducing immediate risks, determining the extent of contamination, and selecting preferred restoration options. The Ministry of Environment shall establish by legal instrument the precise procedures for this response and investigation.

A written report shall be made publicly available following the site response and investigation, in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

#### **ARTICLE 7 RESTORATION AGREEMENT**

In accordance with the principles of this Code in Book 1 General Provisions Title 1 General Provisions, the Ministry of Environment may require any natural person or legal entity to enter into a Restoration Agreement to provide the implementation of all specific activities and requirements for the restoration of a contaminated site. If a Restoration Agreement is in place, restoration activities shall be completed in accordance with the specifications and timeframes for such work as stated in the Restoration Agreement.

If no Restoration Agreement is in place, active restoration shall be completed pursuant to any specific requirements and timeframes established by the Ministry of Environment.

### **CHAPTER 4 RESTORATION MONITORING**

## **ARTICLE 8 RESTORATION MONITORING**

The Ministry of Environment shall establish and oversee a coordinated response among the Ministry of Environment and other government entities to monitor restoration activities and certify the completed restoration of any contaminated site. The Ministry of Environment shall establish by legal instrument the precise procedures for this monitoring and certification.

## **ARTICLE 9 MONITORING REPORT**

A written report shall be made publicly available following the site monitoring and certification.

## **CHAPTER 5 CERTIFICATION OF COMPLETION OF RESTORATION**

### **ARTICLE 10 CERTIFICATION OF RESTORATION**

The Ministry of Environment shall make a certification that restoration of environmental impacts at a contaminated site has been completed only when it has been satisfactorily demonstrated that restoration work has met:

- ww) The general obligations for pollution control set forth in this Book in Title 1 General Obligations for Pollution Control of this Code;
- xx) Any applicable environmental quality standards and effluent standards which have been established under this Book in Title 2 Environmental Quality Standards and Effluent Standards of this Code; and
- yy) The established risk range according to a post-restoration risk assessment.

### **ARTICLE 11 DETERMINATION NOTICE**

Upon finalization of any determination of contaminated site restoration, the Ministry of Environment shall provide notice of such finalization to any interested stakeholders and in accordance with Book 1 General Provisions Title 4 Access to Environmental Information of this Code. Additionally, the Ministry of Environment shall maintain a list of all final contamination site restoration determinations as a reference source and publicly accessible repository for future review and use by other governmental entities, natural persons, or legal entities.

## **CHAPTER 6 RESTORATION RELATED TECHNICAL DOCUMENTS, STANDARDS, AND REPORTS**

### **ARTICLE 12 REFERENCE LIST**

The Ministry of Environment shall develop and maintain a list of technical and scientific

guidelines and information sources that may pertain to and be utilized to conduct the work of restoration of environmental impacts at any contaminated site.

### **ARTICLE 13 ACCESS TO REFERENCE LIST**

The reference list maintained by the Ministry of Environment under Article 12 of this Title may be utilized by the Ministry of Environment, other government entities, any natural person or legal entity responsible for restoration of a contaminated site, and any authorized consultants, as well as any member of the general public or civil society for purposes of either conducting the restoration referenced or monitoring any work or actions undertaken for the restoration of a contaminated site.

## **TITLE 10 NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **ARTICLE 1 PURPOSE**

The purpose of this Title is to establish a National Pollutant Release and Transfer Register for the Kingdom of Cambodia. A National Pollutant Release and Transfer Register is a publicly accessible database or inventory of chemicals or pollutants released to air, water and soil and transferred off-site for treatment.

#### **ARTICLE 2 INTERNATIONAL AGREEMENTS**

This Title shall be applied with regards to the international agreements to which the Kingdom of Cambodia is a party, which may include but are not limited to the following:

- a) Stockholm Convention on Persistent Organic Pollutants;
- b) United Nations Framework Convention on Climate Change;
- c) Kiev Protocol on Pollutant Release and Transfer Registers; and
- d) Minamata Convention on Mercury.

### **CHAPTER 2 ESTABLISHMENT OF A NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER**

#### **ARTICLE 3 LIST OF INDUSTRIES**

The Ministry of Environment shall develop by legal instrument the List of Industries covered by the National Pollutant Release and Transfer Register based on the International Standard Industrial Classification of All Economic Activities and the Organisation for Economic Co-

operation and Development Global Pollutant Release and Transfer Registers Proposal for a Harmonised List of Reporting Sectors. The Ministry of Environment shall modify the list as necessary.

#### **ARTICLE 4 LIST OF ENVIRONMENTAL POLLUTANTS**

The Ministry of Environment shall develop by legal instrument the List of Environmental Pollutants Covered by the National Pollutant Release and Transfer Register based on the Organisation for Economic Co-operation and Development Global Pollutant Release and Transfer Register Proposal for a Harmonised List of Pollutants. The Ministry of Environment shall modify the list as necessary.

### **CHAPTER 3 COVERED OWNERS AND OPERATORS OF FACILITIES**

#### **ARTICLE 5 ENVIRONMENTAL POLLUTANT RELEASE FORM**

The owner or operator of a premises covered by the List of Industries shall complete an Environmental Pollutant Release Form for each of the environmental pollutants mentioned in the List of Environmental Pollutants covered by the legal instrument.

The details of the Environmental Pollutant Release Form and the time-frame shall be determined by the legal instrument.

#### **ARTICLE 6 APPLICABLE FACILITIES**

The requirements of this Title shall apply to owners and operators of facilities that are covered in the List of Industries Covered by the National Pollutant Release and Transfer Register and that manufactured, processed, or otherwise used an environmental pollutant in excess of the threshold quantity described by the legal instrument during the calendar year for which a release form is required under this Title.

#### **ARTICLE 7 APPLICABLE TRANSPORTATION**

The requirements of this Title shall apply to the transportation, including the storage incident to such transportation, of any environmental pollutant, off-site from any facility for purposes of storage, treatment or disposal.

### **CHAPTER 4 ACCESS TO INFORMATION**

#### **ARTICLE 8 NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER**

In accordance with the provisions of Book 1 General Provisions Title 4 Access to Environmental Information, The Ministry of Environment shall establish and maintain a National Pollutant Release and Transfer Register based on data submitted to the Ministry of Environment under this Title.



## **ARTICLE 9 PURPOSE OF REGISTER**

The National Pollutant Release and Transfer Register shall be maintained as a publicly available, interactive database to inform the government, the private sector, any legal entity or natural person and the public about releases of environmental pollutants to the environment; to assist government entities, researchers, and other legal entities or natural persons in the conduct of research and data gathering; to support the development of appropriate regulations, guidelines, and standards; and for other similar purposes.

# **BOOK 7 ENVIRONMENTAL EDUCATION AND AWARENESS**

## **CHAPTER 1 GENERAL PROVISIONS**

### **ARTICLE 1 PURPOSE**

The purpose of this Book is to promote public awareness and knowledge of environmental protection, natural resource conservation, and sustainable development issues; environmental education and training; environmental protection, natural resource conservation, and sustainable development research and innovation; and public participation in environmental decision-making.

### **ARTICLE 2 OBJECTIVES**

The objectives of this Title, consistent with the 2007 Law on Education, are to:

- a) Strengthen the capacity of the educational system and relevant processes to address environmental protection and natural resource conservation, and sustainable development challenges in the Kingdom of Cambodia;
- b) Increase scientific and intellectual innovation;
- c) Ensure continuous development of professional skills and environmental and sustainable development knowledge for all sectors including but not limited to education, government, private business and industry, agriculture, transportation, media, and civil society organizations;
- d) Ensure inclusion of knowledge and skills relevant to environmental protection, natural resource conservation and sustainable development and associated issues into education;
- e) Ensure inclusion of scientific and technological advances into education and development;

- f) Ensure that relevant environmental education content, methods, and materials are provided for trainings and learning;
- g) Ensure a variety of opportunities to engage in learning processes at the levels of communities, professional associations, and interest groups; and
- h) Ensure regulatory, policy, and operational frameworks for the integration of environmental education and training into education at all levels.

## **CHAPTER 2 TRAINING**

### **SECTION 1 GENERAL PROVISIONS**

#### **ARTICLE 3 PROFESSIONAL QUALIFICATIONS**

All relevant government entities shall develop policies and plans for the inclusion of knowledge and skills relevant for sustainable development into their employment requirements for professional qualifications and certificates.

#### **ARTICLE 4 GENERAL TRAININGS**

All relevant government entities shall develop policies and plans to ensure that content, methods, and materials relating to knowledge and skills for sustainable development are incorporated into their trainings and other learning processes.

#### **ARTICLE 5 STAFF TRAINING**

All relevant government entities shall develop policies and plans for the provision of specific training programs on environmental protection, natural resource conservation, and sustainable development for their staff.

#### **ARTICLE 6 DEVELOPMENT OF TRAINING MATERIALS**

The Ministry of Environment shall collaborate with other relevant government entities to develop appropriate training materials and curricula on environmental protection, natural resource conservation, and sustainable development.

#### **ARTICLE 7 IDENTIFYING AREAS OF NEED**

The Ministry of Environment shall collaborate with other relevant government entities for the purpose of identifying areas of need and developing a national plan to provide training and learning opportunities on environmental protection, natural resource conservation, and sustainable development to local communities, civil society, and the private sector.

### **SECTION 2 NATIONAL ENVIRONMENTAL AND NATURAL RESOURCES TRAINING ACADEMY**

## **ARTICLE 8 NATIONAL ENVIRONMENTAL AND NATURAL RESOURCES TRAINING ACADEMY**

Within eighteen (18) months of the enactment of this Code, the Royal Government of Cambodia shall establish a National Environmental and Natural Resources Training Academy.

## **ARTICLE 9 TRAINING FOR FIELD STAFF**

The National Environmental and Natural Resources Training Academy shall provide professional training and certification for all field based Directors, other staff, and rangers in Biodiversity Conservation Corridors, other protected areas, and any provincial, municipal, or local protected areas.

## **ARTICLE 10 CAPACITY BUILDING FOR GOVERNMENT STAFF**

The National Environmental and Natural Resources Training Academy shall provide professional capacity building for staff from the Ministry of Environment, other government entities, and sub-national administrations on a range of subject areas.

## **ARTICLE 11 CERTIFICATION PROGRAMS**

The National Environmental and Natural Resources Training Academy shall provide professional training and certification programs in a range of subject areas for government officials, Biodiversity Conservation Corridor and Protected Areas staff, Collaborative Management committee and community members, and the public.

## **ARTICLE 12 TRAINING FOR RESOLUTION OF ENVIRONMENTAL COMPLAINTS**

The National Environmental and Natural Resources Training Academy shall provide training for commune council members who have been selected for resolution of environmental complaints within each commune.

## **ARTICLE 13 OTHER PROGRAMS**

The National Environmental and Natural Resources Training Academy may develop other programs in research, policy, education, and awareness as appropriate.

## **CHAPTER 3 AWARENESS**

### **ARTICLE 14 STAKEHOLDER AWARENESS**

The Ministry of Environment shall develop guidelines for engaging and informing stakeholders involved in policy and project development and other relevant decision-making processes on the potential implications of these processes for environmental protection, natural resource

conservation, and sustainable development in accordance with Book 1 General Provisions Title 4 Access to Environmental Information in this Code.

#### **ARTICLE 15 NATIONAL STRATEGIC PLAN**

The Ministry of Environment shall collaborate with other relevant government entities to develop a national strategic plan for public awareness campaigns to promote environmental protection, natural resource conservation, and sustainable development.

### **CHAPTER 4 FORMAL EDUCATION**

#### **ARTICLE 16 ENVIRONMENTAL AND SUSTAINABILITY REQUIREMENTS**

The relevant government entities shall, in collaboration with the Ministry of Environment, develop guidelines to ensure inclusion of requirements for environmental and sustainability knowledge into qualification criteria, including certification and re-certification, for professionals, where appropriate.

#### **ARTICLE 17 ENVIRONMENTAL PROTECTION, NATURAL RESOURCE CONSERVATION, AND SUSTAINABLE DEVELOPMENT**

The relevant government entities shall, in collaboration with the Ministry of Environment, develop guidelines for the integration of environmental protection, natural resource conservation, and sustainable development themes into all levels of education, including general and tertiary education and professional and vocational trainings, across relevant subjects, and into specific programs and courses.

#### **ARTICLE 18 DEVELOPMENT PRIORITIES AND SCIENTIFIC AND TECHNOLOGICAL RESEARCH ADVANCES**

The relevant government entities shall, in collaboration with the Ministry of Environment, develop guidelines to ensure that environmental protection, natural resource conservation, and sustainable development themes and curricula reflect development priorities and scientific and technological research advances.

#### **ARTICLE 19 TRAINING PROGRAMS FOR EDUCATORS**

The relevant government entities shall, in collaboration with the Ministry of Environment, develop guidelines for integration of environmental protection, natural resource conservation, and sustainable development into training programs for educators at all levels.

#### **ARTICLE 20 EDUCATIONAL MATERIALS**

The relevant government entities shall, in collaboration with the Ministry of Environment, develop and keep up-to-date educational materials, including pedagogic, didactic, and

methodological publications and textbooks and other relevant resources, to support teaching and learning processes related to environmental protection, natural resource conservation, and sustainable development.

#### **ARTICLE 21 ENVIRONMENTAL MANAGEMENT SYSTEMS**

The relevant government entities shall, in collaboration with the Ministry of Environment, develop guidelines to ensure support for the development of environmental management systems at schools, institutions of higher education, and other learning organizations.

#### **ARTICLE 22 QUALIFICATION CRITERIA**

The relevant government entities shall develop well-defined qualification criteria relating to environmental protection, natural resource conservation, and sustainable development knowledge and training for educators at all levels of education.

#### **ARTICLE 23 COMPETENCIES, METHODOLOGIES, AND APPROACHES**

The Ministry of Education, Youth, and Sport, the Ministry of Environment, and other relevant government entities shall collaborate to develop and support a national network on environmental protection, natural resource conservation, and sustainable development competencies, methodologies, and approaches.

### **CHAPTER 5 RESEARCH AND INNOVATION**

#### **ARTICLE 24 IN-SERVICE TEACHER TRAINING PROGRAMS**

The relevant government entities shall develop a process for implementation of in-service teacher training programs based on scientific and technological advances in knowledge related to environmental protection, natural resource conservation, and sustainable development.

#### **ARTICLE 25 EDUCATION AND RESEARCH PROGRAMS**

The relevant government entities shall support development and implementation of programs that bring together education and research and aim at solutions for environmental protection, natural resource conservation, and sustainable development challenges.

#### **ARTICLE 26 UPDATES TO EDUCATIONAL AND TRAINING MATERIALS**

The relevant government entities shall regularly update educational and training materials ensuring that these are based on the latest scientific knowledge.

#### **ARTICLE 27 RESOURCES AND SUPPORT FOR RESEARCH, STUDIES, AND EXCHANGE**

The relevant government entities shall facilitate support for relevant research and education by

providing resources for research as well as opportunities for studies and exchange.

## **ARTICLE 28 DEVELOPING KNOWLEDGE ON SUSTAINABLE DEVELOPMENT GOALS**

The relevant government entities shall develop policies and plans to align knowledge on environmental protection and sustainable resource use with development of knowledge and expertise in other areas of sustainable development in line with the Sustainable Development Goals for the Kingdom of Cambodia by:

- a) Ensuring collaboration with traditional knowledge-holders;
- b) Supporting cross-sectoral collaboration, stimulating interaction between science, technology development, and business, and supporting the development of appropriate technologies with a smaller negative impact on the environment;
- c) Supporting transdisciplinary research and innovation; and
- d) Developing research programs that aim at identifying innovative solutions for environmental protection, natural resource conservation, and sustainable development challenges.

## **CHAPTER 6 REGULATION AND OPERATIONAL FRAMEWORK**

### **ARTICLE 29 REGULATORY, FINANCIAL AND ORGANIZATIONAL SUPPORT**

The Royal Government of Cambodia shall develop the necessary legal instruments to establish regulatory, financial, and organizational support for environmental education and research. These legal instruments shall address:

- a) Defining sector-specific priorities, in collaboration with relevant stakeholders;
- b) Creating mechanisms for coordination of education and training on environmental protection, natural resource conservation, and sustainable development between relevant national government entities and between relevant national and sub-national government entities and higher education institutions;
- c) Using economic and organizational instruments to promote international scientific and educational exchanges and international programs for research and technology development; and
- d) Creating informational resources to support environmental education.

### **ARTICLE 30 ENVIRONMENTAL EDUCATION ACTION PLAN**

Within eighteen (18) months of the enactment of this Code, the Ministry of Education, Youth, and Sport, the Ministry of Environment, and other relevant government entities shall develop a National Environmental Education Action Plan establishing the framework for an integrated effort among all government entities including sub-national administrations for achieving the implementation of the provisions of this Title pertaining to formal education, research and innovation, awareness, and training benchmarks.

The National Environmental Education Action Plan shall set schedules and assign roles and responsibilities among government entities and other stakeholders.

The National Environmental Education Action Plan shall be updated no less than every five (5) years.

## **BOOK 8 ECONOMIC MEASURES, ACCOUNTS, FEES, AND FUNDS FOR THE ENVIRONMENT**

### **TITLE 1 ECONOMIC MEASURES AND ACCOUNTS**

#### **CHAPTER 1 ECONOMIC MEASURES**

##### **ARTICLE 1 PERIODIC ASSESSMENT OF OPPORTUNITIES AND MECHANISMS TO INCENTIVISE ENVIRONMENTAL AND NATURAL RESOURCES INVESTMENT**

To support implementation of national strategic development policies, the Ministry of Environment with the cooperation of the Ministry of Economy and Finance and other relevant government entities shall periodically assess opportunities and mechanisms for incentivising investment in the protection, restoration, and enhancement of the environment and natural resources. The assessment may include a consideration of the priorities for mobilization, determination of an effective management framework, and a three (3) to five (5) year business plan to promote diversification and sustainability of financing.

##### **ARTICLE 2 ENVIRONMENTAL MEASURES TO SUPPORT GOVERNMENT POLICIES**

The Ministry of Environment and other relevant government entities shall collaborate with the Ministry of Economy and Finance to develop economic measures in support of the relevant government policies for strategic development; biodiversity; conservation; climate change; sustainable development; and environmental and natural resource protection, restoration and enhancement. Such measures shall be determined by legal instrument. Such measures shall be developed with regard to internationally recognized standards, and shall at a minimum establish economic measures, including taxation, subsidies and other appropriate fiscal measures, relating to:

- a) Incorporation of standards, concerning environmental and social performance and risk management, into decision-making by entities from the business and finance sectors;
- b) Private sector investment;
- c) Reduction of deforestation and promotion of biodiversity and natural resource conservation;
- d) Sustainable forestry and sustainable fisheries;
- e) Community-based natural resource management;
- f) Development of and investment in renewable energy infrastructure;
- g) Efficient use of natural resources by industry, including the use of clean energy, resource efficient and low-carbon modes of production and the reduction of pollution from industrial and agricultural sources;
- h) Use of best available and verified environmental technology;
- i) Development of infrastructure and services with the purpose of environmental protection, including but not limited to public transportation;
- j) Equitable allocation of revenue from carbon-offset mechanisms in a list to be determined by the National Council for Sustainable Development and approved by the Ministry of Economy and Finance. This list will be updated and reapproved every three (3) years, based on the strength of the respective measuring, reporting and verification for the claimed emission reductions and sustainable development deliverables;
- k) Payments for the generation or maintenance of natural resource goods and services to individuals and communities in collaboration with local authorities, in accordance with the Law on Public Finance;
- l) Promoting import and purchase of environmentally friendly vehicles and preventing import of vehicles with high environmental impact;
- m) Conservation and protection of heritage items and sites; and
- n) Energy conservation through improvement in combustion and electricity-use efficiency, preventing energy loss, recycling energy wastes, substituting with renewable energy, and other means of energy conservation as determined by the relevant government entities.

### **ARTICLE 3 TAX INCENTIVES FOR SUSTAINABLE ENERGY**



In order to promote the adoption of sustainable energy, the Royal Government of Cambodia establishes the following taxation rules:

Businesses shall receive a reduction of their income tax rate of ten (10) percentage points for five (5) years after they start to report profits (or a twenty percent (20%) reduction of the income tax rate, whichever is applicable), when they execute the following activities:

- a) Generate greater than twenty percent (20%) of their energy for their industrial activities using sustainable energy sources; or
- b) When the generation based on sustainable energy sources is partial and less than twenty percent (20%), the company may use the exemption proportionately.

Businesses that commercialize, install or provide technical support or maintenance to sustainable energy devices will be exempt from the payment of national income tax for five (5) years, after they start to report profits (or a twenty percent (20%) reduction of the income tax rate, whichever is applicable).

Businesses that import, produce, distribute, or sell devices that produce sustainable energy or increase energy efficiency, such as solar panels, bio-digesters, wind turbines, light-emitting diode lights, energy efficient appliances, among others, as well as services to install, maintain and repair such devices, are to be exempt from paying value-added tax. In order to qualify for the exemption, businesses shall only sell devices duly qualified as compliant with health, safety and environment regulations, following the rules of this Code. The Ministry of Economy and Finance shall grant the exemption in a legal instrument to be developed by the Ministry within a period of one (1) year after the approval of this Code.

The import of devices for the generation of sustainable energy or increasing energy efficiency, shall have no tariffs applied to them upon entry into the Kingdom of Cambodia as to be stipulated in a legal instrument issued by the Ministry of Economy and Finance within a period of one (1) year after the enactment of this Code.

#### **ARTICLE 4 PROPOSALS FOR PUBLIC PRIVATE PARTNERSHIPS**

The Ministry of Environment may, on its own or in cooperation with a relevant government entity, issue requests for proposals for potential public private partnerships for developing infrastructure in support of a sustainability or environmental purpose in accordance with the 2007 Law on Concessions.

The Ministry of Environment shall follow the procurement process as defined in the relevant policy guidelines. The Ministry of Environment may require the proposal to include proof of financial resources and health, market study, use of sustainable sourcing plans, demonstration of the project's contribution to low-carbon resilient sustainable development, and capacity for

providing ongoing technical support.

The Procurement Committee must include a representative of local communities residing in the areas most affected by the infrastructure and related services to be developed through the public private partnership. The process for participation shall be determined by relevant legal instrument of the Ministry of Economy and Finance and in accordance with the provisions in Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

All proposal documents must be prepared pursuant to the Law on Concessions and the relevant policy guidelines.

## **CHAPTER 2 ACCOUNTS**

### **ARTICLE 5 PAYMENTS FOR NATURAL RESOURCE SERVICES**

The Ministry of Environment shall develop mechanisms for providing payments to natural persons, communities, or legal entities for the natural resource services they contribute to providing, including natural resource services originating from parts of ecosystems under their control, stewardship, or management. The design and operation of such mechanisms shall take into account best available data and statistics concerning both the status and assessed values of natural resource services. Payments for natural resource services shall be allocated and distributed on an equitable basis taking into account the rights of local communities.

### **ARTICLE 6 COOPERATION OF RELEVANT GOVERNMENT ENTITIES**

All relevant government entities shall support and cooperate with the Ministry of Environment in order to establish, implement, and administer the mechanisms referred to in Article 5 of this Title.

### **ARTICLE 7 PUBLIC ACCESS TO REPORTS**

The relevant government entities shall on a regular basis publish and make accessible reports that present organised data and statistics concerning the status and values of the Kingdom of Cambodia's environment and natural resources.

## **TITLE 2 ENVIRONMENTAL FEES, FUNDS, AND FUND MANAGEMENT**

### **CHAPTER 1 ENVIRONMENTAL FEES**

#### **ARTICLE 1 ENVIRONMENTAL PROTECTION FEE**

Regardless of any other law, legal instrument, or agreement, any project proponent requiring

an Environmental Impact Assessment shall pay an Environmental Protection Fee calculated to be one percent (1%) of the total project costs. The Environmental Protection Fee shall be paid to the Environmental and Social Fund.

The Ministry of Environment shall define the method of calculation of total project costs by legal instrument. Payment of this fee shall be mandatory for all Environmental Impact Assessments commenced after the date of enactment of this Code, regardless of the issuance of the legal instrument.

## **ARTICLE 2 EXEMPTION OF PAYMENT OF THE ENVIRONMENTAL PROTECTION FEE**

To assist with the promotion of sustainable energy in accordance with the relevant government policies, any natural person or legal entity developing renewable alternative energy sources in the form of wind, solar and sustainable biomass may apply for exemption of payment of the Environmental Protection Fee.

To assist with the promotion of national sustainable strategies, project proponents able to prove that they have invested in climate change adaptation measures and/or resource efficiency measures may apply for exemption of payment of the Environmental Protection Fee. Procedures for such application shall be determined by relevant legal instrument of the Ministry of Economy and Finance and Ministry of Environment.

## **ARTICLE 3 SCHEMES FOR SUSTAINABLE CONSUMPTION**

The Ministry of Environment shall develop and support schemes for sustainable consumption, including conducting research and development, publishing research results, developing appropriate measures and subsidies, requiring standards and labelling, and other relevant activities. The Ministry of Environment may engage in education and awareness campaigns to promote public awareness and participation in such schemes in the Kingdom of Cambodia.

## **ARTICLE 4 RESPONSIBILITY FOR OTHER FEES**

The project proponent shall continue to be responsible for fees required by legislation other than this Code.

# **CHAPTER 2 ENVIRONMENTAL FUNDS AND FUND MANAGEMENT**

## **SECTION 1 ENVIRONMENTAL AND SOCIAL FUND**

### **ARTICLE 5 ESTABLISHMENT OF THE ENVIRONMENTAL AND SOCIAL FUND**

The Environmental and Social Fund is established by the 2016 Sub-Decree on Establishment of the Environmental and Social Funds.

## **ARTICLE 6 SOURCES OF INCOME FOR THE ENVIRONMENTAL AND SOCIAL FUND**

Sources of income for the Environmental and Social Fund shall be as provided in 2016 Sub-Decree on Establishment of the Environmental and Social Funds. Other sources of income shall include but not be limited to any civil remedy arising out of a citizen's public interest complaint, any monies recovered for the implementation of restoration, and monies recovered as compensation for harm.

## **ARTICLE 7 ENVIRONMENTAL AND SOCIAL FUND COMMITTEE**

The management, administration and responsibility of the Environmental and Social Fund by the Environmental and Social Fund Committee shall be as provided in the 2016 Sub-Decree on Establishment of the Environmental and Social Funds. All policies and strategies developed pursuant to the 2016 Sub-Decree on Establishment of the Environmental and Social Funds for the management of the Environmental and Social Fund shall take account of relevant national policy and environmental, social, and corporate governance criteria.

## **ARTICLE 8 GOVERNANCE BY ENVIRONMENTAL AND SOCIAL FUND COMMITTEE**

The Environmental and Social Fund Committee shall govern the fund in accordance with the reporting and management requirements of the 2016 Sub-Decree on Establishment of the Environmental and Social Funds. The Committee shall ensure that all reports provided pursuant to the 2016 Sub-Decree on Establishment of the Environmental and Social Funds on the Establishment of the Environmental and Social Fund are made publicly available.

## **ARTICLE 9 DISBURSEMENT OF FUNDS OF THE ENVIRONMENTAL AND SOCIAL FUND**

The funds of the Environmental and Social Fund shall be disbursed in accordance with the objectives identified in the 2016 Sub-Decree on Establishment of the Environmental and Social Funds. Procedures and priorities for management, collection, and disbursement from the Environmental and Social Fund shall be determined by an appropriate legal instrument of the Ministry of Environment and the Ministry of Economy and Finance.

In support of its responsibilities pursuant to the 2016 Sub-Decree on Establishment of the Environmental and Social Fund, the Committee of the Environmental and Social Fund shall develop a strategy to ensure the long-term health of the fund. Such strategy shall include a consideration of procurement methods, appropriate management of the fund including capitalization and investment, administrative and legal measures to collect amounts determined by the environmental management plan from environmental impact assessment, and any other necessary policies to ensure the long-term health of the fund. The Environmental and Social Fund Committee may commission a study to support the drafting of this strategy.

## **SECTION 2 TRUST FUNDS**

### **ARTICLE 10 ESTABLISHMENT, REVOCATION, AND PURPOSE OF ENVIRONMENTAL TRUST FUND**

Any settlor, as defined in Article 11 of this Title, may on their own or in collaboration with any Domestic Association or Foreign Association as defined by the Law on Associations and non-governmental organizations with environmental protection as their purpose or any development partner, establish or operate a revocable trust fund, as defined in Article 11 of this Title, with a set term. Such Environmental Trust Fund must be in support of the priorities and actions identified in national and local level environmental protection, collaborative management, sustainability and conservation plans and for the purpose of:

- a) Conservation, protection, restoration and enhancement of the environment and natural resources;
- b) Protection of cultural heritage or biodiversity;
- c) Promoting sustainable management of natural resources and natural resource goods and services;
- d) Promoting research or environmental education;
- e) Capacity development or institutional strengthening;
- f) Social responsibility in support of a community directly affected by development; or
- g) Any other purpose in the public interest and for the benefit of the environment that the Minister of the Ministry of Environment determines is appropriate.

A duly constituted Environmental Trust Fund shall be established by a written instrument consistent with a procedure and form determined by the Ministry of Economy and Finance and registered with the Ministry of Economy and Finance. Any settlor intending to establish or operate a trust fund must prepare a trust instrument and register it at the Ministry of Economy and Finance in accordance with the relevant rules and procedures.

### **ARTICLE 11 DEFINITION OF ENVIRONMENTAL TRUST FUND FOR THE PURPOSES OF THIS CODE**

An Environmental Trust Fund for the purposes of this Code is defined as funds transferred by a settlor to and managed by a trustee for the benefit of a beneficiary in accordance with the trust instrument and for a purpose as defined in Article 10 of this Title. Environmental Trust Funds may include conservation trust funds, wildlife trusts, climate and forest funds, rehabilitation and restoration funds, collaborative management funds, or other forms of delivery of environmental, social and economic benefits.

Revocable means that the purpose and the duration of the trust fund may be modified with the permission of the relevant regulator and notice to the Ministry of Economy and Finance.

A trustee is natural or legal person with the authority to manage a trust fund for the benefit of a beneficiary in accordance with the trust instrument. A trust fund may have one or more trustees. For clarity, a trustee for the purposes of this Code may include representatives of any community directly impacted by development or legal entity.

A beneficiary is one or more natural person(s) or legal entity(ies) entitled to receive benefit from a trust fund. A beneficiary may also be the settlor.

A settlor is a natural or legal person who establishes the purposes and conditions of a trust fund and provides the initial funds for the trust fund.

## **ARTICLE 12 ESTABLISHMENT OF LEGAL INSTRUMENTS GOVERNING MANAGEMENT AND CONTROL OF ENVIRONMENTAL TRUST FUNDS**

The Ministry of Economy and Finance, in coordination with the Ministry of Environment, shall establish by relevant legal instruments, rules and procedures for the management and control of Environmental Trust Funds.

## **ARTICLE 13 REGISTRATION OF ENVIRONMENTAL TRUST FUNDS**

An Environmental Trust Fund shall only be valid if it is registered at the Ministry of Economy and Finance. The Ministry of Economy and Finance shall approve the registration within ninety (90) days after receiving a proposal that meets requirements for the registration of a financial trust. In case of refusal, the Ministry of Economy and Finance shall provide written explanation to the proposal owner within thirty (30) days of receiving the proposal.

## **ARTICLE 14 ASSETS OF AN ENVIRONMENTAL TRUST FUND**

The assets of an Environmental Trust Fund may be constituted from the National Budget; official development aid; grants from international organizations; payments for natural resource goods and services; natural resources stewardship services; and/or direct donations from private sector actors, charitable individuals and non-governmental organizations. All interest arising from the Environmental Trust shall be paid into and form part of the Environmental Trust Fund.

The details of the establishment and functioning of an Environmental Trust Fund and its accounts shall be determined by legal instrument of the Ministry of Economy and Finance and the Ministry of Environment.

## **ARTICLE 15 RIGHTS AND OBLIGATIONS OF SETTLORS**

Settlers have rights as follows:

- a) Receive documents relevant to trust management including financial report, audit report and other relevant documents; and
- b) Appoint and terminate the trust in accordance with conditions set out in the trust instrument.

Settlers have obligations as follows:

- a) Transfer funds to the trustee;
- b) Provide written notice to the Ministry of Economy and Finance for the modification of the trust, trustee, trust contributor or the modification of conditions of trust instrument; and
- c) Follow conditions set out by the trust instrument

Where the Settlor is not capable or able to fully exercise his or her obligations, the Ministry of Economy and Finance may step in as the substitute Settlor.

#### **ARTICLE 16 RIGHTS OF BENEFICIARIES**

Beneficiaries have rights as follows:

- a) Receive benefits as stipulated in the trust instrument;
- b) Require the trustee to fulfil obligations as determined in the trust instrument;
- c) Access to information relating to management and allocation of the trust; and
- d) Other rights as stipulated the trust instrument.

Unless otherwise stated in the trust instrument, all beneficiaries receive equal benefits. For clarity, a beneficiary for the purposes of an Environmental Trust Fund may include a legal entity or representatives of any community directly impacted by development.

#### **ARTICLE 17 RIGHTS AND OBLIGATIONS OF TRUSTEES**

Trustees have rights as follows:

- a) Receive remuneration commensurate with experience and qualifications for the management of the trust fund;
- b) Seek additional funds and investment opportunities for the benefit of the trust;

- c) Represent the settlor or beneficiary before the law or competent authority;
- d) Follow the conditions determined by the trust instrument or in-force provisions;
- e) Manage and allocate the trust funds in accordance with the purpose and conditions of the trust instrument and for the benefit of the beneficiary; and
- f) Spend on social activities that are consistent with the purpose and conditions of the trust instrument.

Trustees have obligations as follows:

- a) Submit the request for registration of trust in accordance with the requirements of the Ministry of Economy and Finance;
- b) Report and provide information regarding the trust to settlor, beneficiary and all relevant regulators;
- c) Keep minutes of meetings for annual account management;
- d) Respond to all relevant regulators;
- e) Pay taxes relating to trust property;
- f) Provide benefits as determined by the trust instrument to the beneficiary;
- g) Take all appropriate actions in case of breach of trust; and
- h) Enter into a contract of insurance for trustee responsibilities.

Trustees may not transfer their function to another person except in circumstance of death, incapacity, or if it has been determined that the trustee has failed in fulfilling their function as a trustee in accordance with the trust instrument.

#### **ARTICLE 18 PERSONAL RESPONSIBILITY OF TRUSTEES**

Trustees shall be personally responsible for:

- a) Loss and decrease of trust without reasonable reasons;
- b) Failure to accumulate profit in the trust;
- c) Use of trust inconsistent with the purposes of a financial trust;
- d) Any intentional or negligent mistake made in carrying out their functions; and



- e) Any expenses violating the purposes of a financial trust.

## **ARTICLE 19 FURTHER RESPONSIBILITIES OF TRUSTEES**

Trustees shall:

- a) Ensure clear separation between trust assets and his or her private assets;
- b) Take appropriate action for protection of trust property and beneficiary(ies) with reasoning based on knowledge, skill, and professional knowledge;
- c) Fulfil their duties with attention and caution, good faith and honesty, and with all due care and caution as in their own work;
- d) Avoid directly and indirectly any conflicts of interest, including situations in which personal interests would be served to the detriment of the interests of the trust; and
- e) Decline any benefit from any third party that is a conflict of interest to the trust.

## **ARTICLE 20 CONFLICT OF INTEREST TO THE ENVIRONMENTAL TRUST FUND**

If during the course of its duties a trustee has reason to believe that it may be acting in conflict of interest to the Environmental Trust Fund, the trustee must report this conflict to the Ministry of Economy and Finance. If, on the evidence, the Ministry of Economy and Finance has reason to believe that the trustee is acting in conflict of interest to the Environmental Trust Fund, or is acting contrary to the benefit of the environment and/or the public, the Ministry of Economy and Finance may coordinate with the Ministry of Environment to initiate an investigation on the issue.

The Ministry of Economy and Finance may suspend the responsibilities of the trustee for the duration of the investigation. If the Ministry of Environment suspends the responsibilities of the Environmental Fund trustee, the Ministry of Economy and Finance must appoint an interim trustee that meets the requirements of the Code and in accordance with the trust instrument.

## **ARTICLE 21 PUBLICLY ACCESSIBLE REGISTRY OF ANNUAL REPORTS**

The Ministry of Environment shall maintain a publicly accessible registry of the annual reports of the Environmental Trust Funds.

## **ARTICLE 22 USE OF ASSETS OF ENVIRONMENTAL TRUST FUNDS**

The trustee may use the assets of the Environmental Trust Fund to:

- a) Fund activities and/or projects that meet the purpose of Environmental Trust Funds as

stated in this Code;

- b) Pay for operational costs of the Environmental Trust Fund, including reasonable remuneration of the trustee and the costs of administering the Fund;
- c) Spend on social activities which are consistent with the purpose and conditions of the trust instrument; and
- d) Invest in environmentally and socially responsible investments and/or securities.

### **ARTICLE 23 TERMINATION OF ENVIRONMENTAL TRUST FUNDS**

Termination of the Trust Fund prior to term requires consent from the Ministry of Economy and Finance, and shall only be terminated in the following cases:

- a) Decision with discretion or the majority vote of settlors;
- b) Reach of deadline determined in financial trust instrument; or
- c) Severe violation of trustee on the financial trust.

The Ministry of Economy and Finance shall be informed of all steps of the termination process.

### **ARTICLE 24 ADMINISTRATION OF TERMINATED ENVIRONMENTAL TRUST FUNDS**

If a Trust Fund is terminated, the Settlor shall appoint a professional trust administrator to manage and evaluate the trust. The trust administrator shall have the following responsibilities:

- a) Complete and finish remaining work of the trustee;
- b) Collect and pay the remaining debt; and
- c) Evaluate the remaining trust.

On completion of these requirements, the trust administrator shall render a final accounting and provide a report to the Ministry of Economy and Finance and Ministry of Environment. Any remaining Trust Fund assets shall be distributed in accordance with the Trust Fund documents. Reasonable fees for the trust administrator shall be calculated on the basis of standard professional rates and shall be paid from the assets of the trust.

### **ARTICLE 25 REQUIREMENTS WHEN TERMINATING ENVIRONMENTAL TRUST FUNDS**

The Trust shall be terminated once the trust administrator has discharged the debts, if any, of the Trust; the funds remaining in the Trust Accounts and all Trust Assets have been transferred

pursuant to the procedures in the Code and other relevant subordinate legislation; and all disputes related to the final accounting are settled. The trustee remains liable after the termination of the trust for any losses or damages caused, or resulting from, the wilful default, gross negligence, fraud, or dishonesty of the trustee

#### **ARTICLE 26 DISPUTES RELATING TO OPERATION OF ENVIRONMENTAL TRUST FUNDS**

Any dispute relating to the operation of a financial trust shall be resolved by reconciliation or mediation by the legislation council of the Ministry of Economy and Finance. For any dispute relating to the operation of an unregistered financial trust, the legislation council of the Ministry of Economy and Finance is authorized to cancel such trust.

Any party not satisfied with the decision made by legislation council of the Ministry of Economy and Finance may bring a complaint in accordance with Book 9, Environmental Offences, Investigation, Enforcement, and Remedies Title 2 Investigation, Enforcement, and Remedies of this Code within one (1) month of the decision.

The outcome of all dispute resolution processes shall be made publicly available.

#### **ARTICLE 27 INAPPROPRIATE MANAGEMENT OR USE OF ENVIRONMENTAL TRUST FUNDS**

Any trustee who manages or uses an Environmental Trust inappropriately or against the purposes of the Environmental Trust such that environmental harm is caused shall be subject to the Criminal Code of the Kingdom of Cambodia, the Civil Code of the Kingdom of Cambodia, and any relevant provisions in this Code. This provision shall also apply for trust administrators pursuant to Article 24 of this Section.

#### **ARTICLE 28 TRANSITIONAL PROVISIONS**

Within six (6) months of the enactment of this Code, an Environmental Trust being managed shall be registered as stipulated in this Chapter.

### **SECTION 3 OTHER FUNDS**

#### **ARTICLE 29: FUNDS FOR RESOLVING ENVIRONMENT AND NATURAL RESOURCE DISPUTES**

The Ministry of Environment shall establish a fund to resolve environment dispute at Commune/Sangkat level which is subject to the budget of the Ministry of Interior and a fund to resolve environment and natural resource of the National Committee for Environment Dispute Resolution which is subject to the budget of the Ministry of Environment.

### **ARTICLE 30 SOURCES OF FUNDS**

The sources of funds to resolve environment and natural resource resolution above are derived from:

- a) National budget provided;
- b) Donation from national and international legal entities;
- c) Charity; and/or
- d) Other sources.

### **ARTICLE 31 USE OF FUNDS**

The procedure to use the fund to resolve environment and natural resource dispute shall be determined by relevant legal instrument of the Ministry of Environment and the Ministry of Interior.

## **CHAPTER 3 FINANCING FOR CLOSURE, REHABILITATION, REMEDIATION, AND RESTORATION OF ACTIVITIES AFFECTING THE ENVIRONMENT**

### **ARTICLE 32 PROCEDURES FOR FINANCIAL SURETY**

Any natural person or legal entity required to provide a financial surety for closure, rehabilitation, remediation, and restoration shall do so in the format and using the method prescribed by the relevant law, sub-decree, or agreement. If no requirements for financial surety are specified, the procedures pursuant to this Code shall apply.

### **ARTICLE 33 COST OF CLOSURE**

Any project proponent required to conduct an Environmental Impact Assessment and file an Environmental Management Plan shall include in the Environmental Management Plan an estimate of the cost of closure, to be approved by the Ministry of Environment. The estimated cost of closure shall form the basis of the amount required to be provided as financial surety.

The financial surety must produce enough income to meet the following closure requirements:

- a) Decommissioning costs;
- b) Clean-up costs;
- c) Rehabilitation costs;
- d) Maintenance, monitoring and perpetual care costs;
- e) Administrative costs; and

f) Fifteen percent (15%) contingency on total costs.

The amounts shall be calculated based on third party costs of restoring affected areas to the most appropriate economic and social value, taking into account inflation.

The full amount of the required financial surety in the agreed form or forms as defined in Article 34 must be lodged prior to the commencement of work on a project for projects with lifespans of five (5) years or less or in exploration phase. Incremental payment may be arranged for projects with a lifespan of over five (5) years or in exploitation phase such that the full amount of the required financial surety is lodged by the end of the fifth (5<sup>th</sup>) year of operation.

#### **ARTICLE 34 FORMS OF FINANCIAL SURETY**

The financial surety may take the form of a letter of credit, an insurance bond, a trust fund, or a cash fund.

The project proponent may request to provide a corporate guarantee in lieu of a financial guarantee. At minimum, the project proponent shall be able to show that it has sufficient funds to cover at minimum the costs of complying with the applicable closure requirements. In determining whether a corporate guarantee is appropriate the Ministry of Environment may take into account the financial history of the project proponent, evidence of current financial status of the project proponent, and any other factors the Ministry of Environment deems applicable.

#### **ARTICLE 35 MANAGEMENT OF FINANCIAL SURETY**

If the financial surety is provided in the form of a trust fund or cash fund, the money shall be deposited into an interest-bearing account to be held by an entity independent of the project proponent. Following successful closure, the funds shall be returned to the project proponent.

The project proponent shall designate a qualified investment professional as fund manager to be responsible for maintaining the Closure, Rehabilitation, Remediation, and Restoration Fund and ensuring that all transactions are properly recorded and made publicly available.

#### **ARTICLE 36 AUDITING AND REPORTING**

Any project proponent required to provide financial surety to cover costs of closure, rehabilitation, remediation, and restoration shall comply with auditing and reporting requirements pursuant to the 2016 Law on Accounting and Auditing.

In addition, the project proponent shall annually conduct and file a review of closure cost estimates with the Ministry of Environment. The estimates must be completed by a certified engineer.

If the annual audit report indicates that the requirements for financial surety are no longer met, the project proponent must file a notification to the Ministry of Environment and any other relevant Ministry. The project proponent shall meet their updated requirements for financial guarantee within thirty (30) days of the filing of this notification. The Ministry of Environment may require additional reports or documentation.

If the annual audit report indicates that there is a surplus in a financial surety required by the Ministry of Environment, the Ministry of Environment may request to the Ministry of Economy and Finance to authorize the reimbursement of excess funds upon request by the project proponent.

#### **ARTICLE 37 GUIDELINES ON PROCEDURES**

The Ministry of Environment shall develop guidelines on the calculation of closure costs, form of application and approval, requirements for review, procedures for return, and any reductions or exemptions.

#### **ARTICLE 38 RESTORATION OF INJURIES AND RECOVERY OF COSTS AND EXPENSES**

Notwithstanding any other provision of the Code, the Minister of Environment may undertake the necessary restoration of injuries to resources of the Kingdom of Cambodia and may recover those costs and expenses in accordance with the provisions of this Code and the Civil Code of Cambodia.

### **CHAPTER 4 OTHER PROVISIONS**

#### **ARTICLE 39 ENTERPRISES CONCERNED WITH NATIONAL SECURITY OF THE KINGDOM OF CAMBODIA**

Enterprises concerned with matters of the Kingdom of Cambodia's national security shall be controlled by a State-owned entity, the request for which shall be forwarded by the Ministry of Economy and Finance and the Ministry of Environment or other relevant government entities in accordance with the 1996 Kram on the General Statute of Public Enterprises.

#### **ARTICLE 40 CREATION OF STATE-OWNED ENTERPRISES**

The Ministry of Environment and Ministry of Economy and Finance may, in accordance with the 1996 Kram on the General Statute of Public Enterprises, propose the creation of State-owned enterprises, including those with power delegated to an appropriate and competent sub-national authority, for the purposes of supporting the Royal Government of Cambodia's goals of sustainability, environmental protection, biodiversity protection, and waste management.

#### **ARTICLE 41 CONSERVATION OR MITIGATION BANK**

The State, through its agent the Ministry of Environment, in cooperation with the National Bank of Cambodia and the Ministry of Economy and Finance, may sponsor development of a conservation or mitigation bank. The State, through its agent the Ministry of Environment, may enter into a joint venture, pursuant to requirements of the 1996 Kram on the General Statute of Public Enterprises, with the State retaining majority control. All conservation or mitigation banks must have majority government entity or State control.

## **BOOK 9 ENVIRONMENTAL OFFENCES, ENFORCEMENT, AND REMEDIES**

### **TITLE 1 ENVIRONMENTAL OFFENCES AND PENALTIES**

#### **CHAPTER 1 GENERAL PROVISIONS**

##### **ARTICLE 1 TYPES OF PENALTIES**

Penalties under this Code include written warning, revocation or suspension of approvals or permits, transitional fines, compensation for damages, and criminal penalties.

##### **ARTICLE 2 COMPETENCIES FOR PENALTIES**

Written warning, suspension, or revocation of a registration certificate and other relevant permits is under the competency of the relevant government entity.

Enforcement of transitional fines is under the competency of Ministry of Environment.

Compensation for damages to the environment or natural resources under the provisions of this Code is under the competency of the Ministry of Environment or other relevant Ministries as specified in Title 3 Restoration and Compensation for Harm to the Environment of this Book.

##### **ARTICLE 3 TRANSITIONAL FINES**

The Ministry of Environment shall have the rights to implement transitional fines for an offence under this Code.

A transitional fine shall be implemented in cases where the perpetrator admits guilt and agrees to pay a transitional fine in accordance with provisions under this Code. Payment of a transitional fine shall lead to the extinguishment of a criminal case.

If an offender refuses to pay the transitional fine, the Ministry of Environment shall file a case of the offence to lodge in court in accordance with the Code of Criminal Procedure of the Kingdom of Cambodia.

Procedures and documentation for transitional fines shall be defined by a legal instrument of the Ministry of Environment.

#### **ARTICLE 4 PROCEEDS FROM TRANSITIONAL FINES**

Proceeds from a transitional fine, a fine by court, and other items which the court has decided to confiscate as State property, may be paid into the national budget. Such proceeds may also be used to provide rewards to officials and citizens who take part in law enforcement activities, including to incentivize the law enforcement teams who have conducted a specific crack down, arrested an offender, or seized evidence, and to citizens who have provided information that led to a seizure or arrest. A legal instrument shall be developed to specify allocation procedures for these proceeds.

### **CHAPTER 2 ENVIRONMENTAL ISSUES IN CRIMINAL PROCEEDINGS**

#### **ARTICLE 5 BREACH OF GENERAL DUTY**

Any natural person or legal entity who breaches the general duty to avoid environmental harm and causes harm to the environment commits a crime against the environment and natural resources and shall be guilty of a Class 1 Offence.

#### **ARTICLE 6 CIVIL CLAIMS NOT PRECLUDED BY CRIMINAL PROCEEDINGS**

A criminal proceeding pursuant to this Code shall not preclude a civil claim for compensation or restoration of environmental harm against the party causing the harm.

#### **ARTICLE 7 ENVIRONMENTAL RESTORATION**

In cases of environmental pollution offences or incidents discovered by Environmental Pollution Inspection Officers that affect or harm the environment or damage public property, the Ministry of Environment is authorized to make a complaint to the court to seek a payment for damages to apply to the restoration of the affected environment or public property in accordance with Title 3 Restoration and Compensation for Harm to the Environment of this Book.

#### **ARTICLE 8 INTERFERENCE WITH OFFICIALS**

Any person who threatens to or causes obstruction, injury, or interference to a Ministry of Environment official, or any other official, in performing his functions and duty shall be guilty of a Class 2 Offence.

Accomplices or collaborators shall receive the same punishment as the offender.

#### **ARTICLE 9 FAILURE TO COMPLY WITH ORDER TO STOP BY OFFICIAL**



Any person who fails to comply or follows an order to stop by a Ministry of Environment official or any other official, and any person who flees the scene of a crime against the environment shall be guilty of a Class 3 Offence.

Accomplices or collaborators shall receive the same punishment as the offender.

#### **ARTICLE 10 PUBLIC OFFICIAL FAILING TO COMPLY**

Any public official who violates or fails to comply with the duties under this Code shall face administrative punishment or be prosecuted.

Accomplices or collaborators shall receive the same punishment as the offender.

#### **ARTICLE 11 REPORTING OF MISCONDUCTS COMMITTED BY PUBLIC OFFICIALS**

In accordance with Article 82 of the Code of Criminal Procedures of the Kingdom of Cambodia, all misconducts committed by public officials during the performance of his or her duties shall be reported to the Prosecutor General of the Court of Appeal by a Prosecutor or an investigating judge. The Prosecutor General shall inform the Minister in charge of the civil servant or public agent to initiate disciplinary procedures. The Prosecutor General shall be informed of the aftermath of disciplinary procedures. A disciplinary sanction shall not be an obstacle for a criminal action, if an offence has been committed.

#### **ARTICLE 12 PROPERTY USED IN THE COMMISSION OF AN OFFENCE**

In accordance with Article 28 of the Criminal Code of the Kingdom of Cambodia, any public official or military officer who is responsible for property, including land and vehicles, used in the commission of an offence, shall be deemed to be an instigator of the offence unless that person can prove that they had no control over the perpetrator of the offence or over the property used in the offence. In such cases that person shall be dealt with under administrative sanctions for negligence and dereliction of duty and be punished accordingly.

### **CHAPTER 3 SPECIAL PROVISIONS FOR CRIMINAL PROCEEDINGS**

#### **ARTICLE 13 INTENTION NOT REQUIRED**

A criminal offence pursuant to this Code may result from recklessness, carelessness, negligence, or a failure to fulfil an obligation, regardless of whether or not there was intent to commit the offence.

For crimes against the environment proof of intention is not required unless otherwise specified in this Code.

## **ARTICLE 14 RESPONSIBILITY OF LEGAL ENTITIES**

Legal entities shall be held criminally or civilly responsible for crimes against the environment committed on their behalf by their agents or representatives, including but not limited to directors, senior managers, and majority shareholders of the legal entity acting in the course of their duty for the benefit of the legal entity. Liability may also be imposed personally on the legally authorized representatives.

## **ARTICLE 15 DEFENCE OF HOLDING A VALID PERMIT**

It is a defence to any criminal offence that a natural person or legal entity holds a valid permit or approval that has been legally issued.

If a defendant relies upon a permit or approval for a defence to a criminal offence, the burden shall be on the defendant to prove that the terms of the permit or approval was being complied with at the time of the offence.

## **ARTICLE 16 ADDITIONAL PENALTIES FOR CRIMES AGAINST THE ENVIRONMENT BY NATURAL PERSONS**

The additional penalties in Article 53 of the Criminal Code of the Kingdom of Cambodia apply for each and every offence against this Code.

## **ARTICLE 17 ADDITIONAL PENALTIES FOR CRIMES AGAINST THE ENVIRONMENT BY LEGAL ENTITIES**

The additional penalties in Article 168 of the Criminal Code of the Kingdom of Cambodia apply to legal entities for each and every offence against the environment under this Code.

The following additional penalties shall be incurred for each and every offence against the environment:

- a) Dissolution of the legal entity;
- b) Cancellation of permit or authority;
- c) Suspension of permit or authority;
- d) Cancellation of any Environmental Impact Assessment Approval Certificate;
- e) Suspension of any Economic Land Concession or other concession;
- f) Cancellation of any Economic Land Concession or other concession;
- g) Seizure of equipment involved in the offence;

- h) Confiscation of any and all profits attributable from the offence; and
- i) Publication of offence, and penalties.

## **CHAPTER 4 APPLICATION OF THE CODE OF CRIMINAL PROCEDURE TO CRIMES AGAINST THE ENVIRONMENT**

### **ARTICLE 18 SPECIAL PROVISIONS FOR CRIMES AGAINST THE ENVIRONMENT**

The Supreme Court, Court of Appeals, and Court of First Instance may publish special provisions for the investigation, conduct, and hearing on crimes against the environment in accordance with the requirements of the Code of Criminal Procedure of the Kingdom of Cambodia.

### **ARTICLE 19 STATUTE OF LIMITATIONS**

The statute of limitations related to crimes against the environment shall be in accordance with the provisions in the Code of Criminal Procedure of the Kingdom of Cambodia.

Offences against the environment are continuing offences for which the statute of limitations is counted from the date the offence is discovered by an authorised public official.

## **CHAPTER 5 CLASSIFICATION OF OFFENCES**

### **ARTICLE 20 CLASSES OF OFFENCES**

Crimes against the environment shall be classed into four (4) offences:

**Class 1 Offence** shall receive a penalty of a fine of between four hundred million riels (400,000,000) and two hundred million riels (200,000,000) and by imprisonment between five (5) years and ten (10) years

**Class 2 Offence** shall receive a penalty of a fine of between two hundred million riels (200,000,000) and twenty million riels (20,000,000) and by imprisonment from one (1) years and five (5) years.

**Class 3 Offence** shall receive a penalty of a fine of between twenty million riels (20,000,000) and two million riels (2,000,000) and by imprisonment from seven (7) days and one (1) year.

**Class 4 Offence** shall receive a penalty of a fine of between two million riels (2,000,000) and twenty thousand riels (20,000) and by imprisonment from one (1) day to six (6) days.

### **ARTICLE 21 DAILY PENALTIES FOR CONTINUING OFFENCES**

If the offence was committed by a legal entity, the Court shall impose a penalty by way of fine for each day that the offence continues. The daily penalty shall be between twenty million riels (20,000,000) and two million riels (2,000,000).

#### **ARTICLE 22 ADDITIONAL PENALTIES FOR CRIMES AGAINST THE ENVIRONMENT BY LEGAL ENTITIES**

If the offence was committed by a legal entity, the fine shall be doubled in each class of offences subject to the maximum penalty for the offence.

#### **ARTICLE 23 AGGRAVATING FACTORS**

If the offence was committed with aggravating circumstances as defined in this Code or the Criminal Code of the Kingdom of Cambodia, the fine shall be doubled in each class of offences subject to the maximum penalty for the offence.

### **CHAPTER 6 APPLICATION OF CIVIL PENALTIES FOR CRIMES AGAINST THE ENVIRONMENT**

#### **ARTICLE 24 AUTHORISATION OF REPRESENTATIVES**

For the purposes of civil actions under the Code of Criminal Procedure of the Kingdom of Cambodia the Minister of the Environment may authorise in writing an officer of the Ministry of the Environment, any person, or civil society organisation to represent the interests of the environment.

#### **ARTICLE 25 USE OF DAMAGES**

Any damages awarded in the civil actions shall be used for the restoration and rehabilitation of the damage caused to the environment and restoration of the livelihoods of any communities adversely affected by the matter.

#### **ARTICLE 26 LEGAL INSTRUMENT ON MANAGEMENT AND ALLOCATION OF DAMAGES**

The Ministry of Environment may prepare a legal instrument on the management and allocation of damages.

### **CHAPTER 7 LIST OF OFFENCES**

#### **SECTION 1 BOOK 1 GENERAL PROVISIONS TITLE 3 PUBLIC PARTICIPATION**

#### **ARTICLE 26 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 1 General Provisions Title 3 Public

Participation of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 1 General Provisions Title 3 Public Participation of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 27 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

#### **ARTICLE 28 FAILURE TO COMPLY WITH REQUIREMENTS FOR PUBLIC PARTICIPATION**

Any natural person or legal entity who fails to comply with the obligations for public participation in accordance with the provisions of this Code, in breach of Articles 5, 11, 12, or 13 of Book 1 General Provisions Title 3 Public Participation of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 29 FAILURE TO COMPLY WITH REQUIREMENTS FOR PUBLIC PARTICIPATION WITH INDIGENOUS PEOPLE**

Any natural person or legal entity who fails to comply with the specific obligations for public participation process with indigenous people in accordance with the provisions of this Code, in breach of Articles 8, 9, 10, or 12 of Book 1 General Provisions Title 3 Public Participation of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 30 ADDITIONAL PENALTIES**

Any natural person or legal entity who commits an act against Articles 5, 8, 9, 10, 11, 12 or 13 of Book 1 General Provisions Title 3 Public Participation of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment approval, suspension or cancellation of economic land concession agreement, suspension or cancellation of other concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **SECTION 2 BOOK 1 GENERAL PROVISIONS TITLE 4 ACCESS TO ENVIRONMENTAL INFORMATION**

### **ARTICLE 31 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 1 General Provisions Title 4 Access to Environmental Information of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

### **ARTICLE 32 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

### **ARTICLE 33 FAILURE TO PROVIDE INFORMATION**

Any natural person or legal entity who fails to provide information in accordance with the obligations of Book 1 General Provisions Title 4 Access to Environmental Information of this Code , fails to comply with the provisions of Book 1 General Provisions Title 4 Access to Environmental Information of this Code , withholds information in breach of Book 1 General Provisions Title 4 Access to Environmental Information of this Code , or falsifies any information submitted to the Ministry of Environment in breach of Articles 1, 9, 26, or 33 of Book 1 General Provisions Title 4 Access to Environmental Information of this Code is guilty of a Class 2 Offence.

### **ARTICLE 34 ADDITIONAL PENALTIES**

Any natural person or legal entity who fails to provide information in breach of Book 1 General Provisions Title 4 Access to Environmental Information of this Code, fails to comply with the provisions of Book 1 General Provisions Title 4 Access to Environmental Information of this Code, withholds information in breach of Book 1 General Provisions Title 4 Access to Environmental Information of this Code, or falsifies any information submitted to the Ministry of Environment in breach of Articles 1, 9, 26, 33 of Book 1 General Provisions Title 4 Access

to Environmental Information of this Code, shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment approval, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

**SECTION 3 BOOK 2 ENVIRONMENTAL ASSESSMENT AND MONITORING  
TITLE 1 RISK ASSESSMENT**

**ARTICLE 35 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 3 Environmental Management and Sustainable Management Title 7 Responsible Extractive Industries of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 2 Environmental Assessment and Monitoring Title 1 Risk Assessment of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

**ARTICLE 36 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences shall receive the same punishment as the offender.

**SECTION 4 BOOK 2 ENVIRONMENTAL ASSESSMENT AND MONITORING  
TITLE 2 STRATEGIC ENVIRONMENTAL ASSESSMENT**

**ARTICLE 37 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 2 Environmental Assessment and Monitoring Title 2 Strategic Environmental Assessment of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 2 Environmental Assessment and Monitoring Title 2 Strategic Environmental Assessment of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil

compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 38 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

### **SECTION 5 BOOK 2 ENVIRONMENTAL ASSESSMENT AND MONITORING TITLE 3 ENVIRONMENTAL ASSESSMENT**

#### **ARTICLE 39 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 40 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

#### **ARTICLE 41 FAILURE TO CONDUCT ASSESSMENT**

Any natural person or legal entity who fails to conduct Environmental Impact Assessment, Initial Environmental Evaluation, or enter into an Environment Protection Agreement, in breach of Articles 7, 12 or 44 of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 42 EARLY COMMENCEMENT OF ACTIVITY**



Any natural person or legal entity who commences any construction activities or project operations before an Environmental Protection Agreement has been signed and Approval Letter and Certificate have been issued for the project, in breach of Articles 14 or 17 of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 43 FAILURE TO COMPLY WITH CONDITIONS**

Any natural person or legal entity who fails to comply with any condition of an Approval Letter or an Environmental Protection Agreement issued by the Ministry of Environment, including any obligations relating to resettlement and livelihood matters, in breach of Article 26, 27, 28, or 30 of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 44 FAILURE TO FOLLOW PROCEDURES OR PROVIDE INFORMATION**

Any natural person or legal entity who fails to follow the procedures for Environmental Impact Assessment or Initial Environmental Evaluation, or fails to provide information in breach of Articles 7, 13, 38, 39, 41, 43, 44, 67 of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 45 FAILURE TO ESTABLISH AND MAINTAIN ENVIRONMENTAL MANAGEMENT SYSTEM**

Any natural person or legal entity who fails to establish and maintain an Environmental Management System and comply with the Environmental Management Plan, in breach of Articles 71 or 72 of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code is guilty of a Class 3 Offence.

#### **ARTICLE 46 FAILURE TO REPORT**

Any natural person or legal entity that fails to notify of a change of owner of the project, report breaches of any conditions of the Approval Certificate, report any pollution incidents caused by the project, or to submit any monitoring reports required by the Ministry of Environment in breach of Articles 31, 73, 75, 77 of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code is guilty of a Class 2 Offence

#### **ARTICLE 47 FAILURE TO REGISTER OR USING FALSE INFORMATION**

Any natural person or legal entity engaged as an Environmental Impact Assessment Consultant or Environmental Impact Assessment Consulting Firm that fails to obtain prior registrations or breaches any requirements of the Ministry of Environment, or who falsifies any information or submits information that is false in breach of Book 2 Environmental Assessment and

Monitoring Title 3 Environmental Assessment of this Code is guilty of a Class 3 Offence.

#### **ARTICLE 48 FAILURE OF CONSULTANT TO COMPLY**

Any natural person or legal entity engaged as an Environmental Impact Assessment Consultant or Environmental Impact Assessment Consulting Firm that fails to comply with any obligation or requirement in breach of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code shall be subject to additional penalties including cancelation or suspension of business registration, loss of profits associated with the breach, cancellation of permit or authority, suspension of registration for a period up to five (5) years, publication of offence, and penalties.

#### **ARTICLE 49 DENIAL OF OFFICERS**

Any natural person or legal entity who denies entry to their premises, or prevents the carrying out of the duties of inspection of any officer of the Ministry of Environment under Article 76 of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 50 ADDITIONAL PENALTIES**

Any natural person or legal entity who fails to comply with any obligation or requirement in breach of Articles 7, 14, 17, 26, 27, 28, 30, 38, 39, 41, 43, 44, 67, 72 or 76 of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of concession agreement, loss of profits associated with the breach, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

### **SECTION 6 BOOK 2 ENVIRONMENTAL ASSESSMENT AND MONITORING TITLE 4 ENVIRONMENTAL AUDITS, MONITORING, AND REPORTING**

#### **ARTICLE 51 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 2 Environmental Management and Sustainable Management Title 4 Environmental Audits, Monitoring, and Reporting of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles in order to stop the enforcement of Book 2 Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or

be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 52 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences shall receive the same punishment as the offender.

#### **ARTICLE 53 FAILURE TO CONDUCT ENVIRONMENTAL AUDIT**

Any natural person or legal entity who fails to conduct an environmental audit as required or as ordered by the Ministry of Environment, provide information in accordance with the obligations of Book 2 Environmental Assessment and Monitoring Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code , take action in response to the environmental audit, comply with the provisions of Book 2 Environmental Assessment and Monitoring Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code , withholds information in breach of Book 2 Environmental Assessment and Monitoring Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code , or falsifies any information submitted to the Ministry of Environment in breach of Articles 3, 5, or 7 of Book 2 Environmental Assessment and Monitoring Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 54 FAILURE TO CONDUCT MONITORING AND REPORTING**

Any natural person or legal entity who fails to conduct monitoring or reporting as required or as ordered by the Ministry of Environment, withholds information in breach of Book 2 Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code or falsifies any information submitted in a monitoring report to the Ministry of Environment in breach of Articles 11, 12, 13, or 14 of Book 2 Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 55 AIR POLLUTION OFFENCES**

Any natural person or legal entity that fails to monitor air quality and air emissions, report breaches of any conditions of a permit, report air pollution incidents, or who falsifies any information or monitoring reports submitted to the Ministry of Environment in breach of Articles 16 and 17 of Book 2 Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code is guilty of a Class 2 Offence.

## **ARTICLE 56 ADDITIONAL PENALTIES**

Any natural person or legal entity in breach of Articles 3, 5, 7 11, 12, 13, 14, 16 or 17 of Book 2 Environmental Assessment and Monitoring Title 4 Environmental Audits, Monitoring, and Reporting of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **SECTION 7 BOOK 3 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY MECHANISMS TITLE 1 DISASTER RISK MANAGEMENT**

### **ARTICLE 57 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 3 Environmental Management and Sustainability Mechanisms Title 1 Disaster Risk Management of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 3 Environmental Management and Sustainability Mechanisms Title 1 Disaster Risk Management of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

### **ARTICLE 58 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

## **SECTION 8 BOOK 3 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY MECHANISMS TITLE 2 CLIMATE CHANGE**

### **ARTICLE 59 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 3 Environmental Management and Sustainability Mechanisms Title 2 Climate Change of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles

in order to stop the enforcement of Book 3 Environmental Management and Sustainability Mechanisms Title 2 Climate Change of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 60 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

### **SECTION 9 BOOK 3 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY MECHANISMS TITLE 3 SUSTAINABLE CONSUMPTION AND PRODUCTION**

#### **ARTICLE 61 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 3 Environmental Management and Sustainability Mechanisms Title 3 Sustainable Consumption and Production of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 3 Environmental Management and Sustainability Mechanisms Title 3 Sustainable Consumption and Production of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 62 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

### **SECTION 10 BOOK 3 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY MECHANISMS TITLE 4 ENVIRONMENTAL LAND USE PLANNING AND SUSTAINABLE CITIES**

## **ARTICLE 63 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 3 Environmental Management and Sustainable Management Title 4 Environmental Land Use Planning and Sustainable Cities of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 3 Environmental Management and Sustainable Management Title 4 Environmental Land Use Planning and Sustainable Cities of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties or be liable for civil compensation and any other injuries resulting from his or her acts.

## **ARTICLE 64 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

## **ARTICLE 65 FAILURE TO COMPLY WITH LAND USE PLAN**

Any natural person or legal entity who fails to comply with the obligations imposed under Articles 8, 11, 14, 15 or 19 of Book 3 Environmental Management and Sustainable Management Title 4 Environmental Land Use Planning and Sustainable Cities of this Code, or contravenes the provisions of any Land Use Plan in breach of Article 20 of Book 3 Environmental Management and Sustainable Management Title 4 Environmental Land Use Planning and Sustainable Cities of this Code is guilty of a Class 3 Offence. Daily penalties in accordance with Book 3 Environmental Management and Sustainable Management Title 4 Environmental Land Use Planning and Sustainable Cities of this Code may be imposed for each day that the offence continues.

## **ARTICLE 66 ADDITIONAL PENALTIES**

Any natural person or legal entity who is breach of Articles 8, 11, 14, 15, 19 or 20 of Book 3 Environmental Management and Sustainable Management Title 4 Environmental Land Use Planning and Sustainable Cities of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

**SECTION 11 BOOK 3 ENVIRONMENTAL MANAGEMENT AND  
SUSTAINABILITY MECHANISMS TITLE 5 SUSTAINABLE TOURISM**

**ARTICLE 67 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 3 Environmental Management and Sustainability Mechanisms Title 5 Sustainable Tourism of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 3 Environmental Management and Sustainability Mechanisms Title 5 Sustainable Tourism of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

**ARTICLE 68 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

**ARTICLE 69 FAILURE TO PERFORM RESOURCE EFFICIENCY ASSESSMENT**

Any natural person or legal entity who fails to perform a resource efficiency assessment when required by this Code in breach of Article 6 of Book 3 Environmental Management and Sustainable Management Title 5 Sustainable Tourism of this Code is guilty of a Class 3 Offence.

**ARTICLE 70 FAILURE FO CONDUCT ENVIRONMENTAL IMPACT ASSESSMENT  
OR INITIAL ENVIRONMENTAL EVALUATION**

Any natural person or legal entity who fails to conduct Environmental Impact Assessment or Initial Environmental Evaluation, in breach of Articles 7, 8, or 9 of Book 3 Environmental Management and Sustainable Management Title 5 Sustainable Tourism of this Code is guilty of a Class 1 Offence.

**ARTICLE 71 ADDITIONAL PENALTIES**

Any natural person or legal entity who fails to conduct Environmental Impact Assessment or Initial Environmental Evaluation in breach of Articles 7, 8, or 9 of Book 3 Environmental Management and Sustainable Management Title 5 Sustainable Tourism of this Code shall be

subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **SECTION 12 BOOK 3 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY MECHANISMS TITLE 6 SUSTAINABLE ENERGY**

### **ARTICLE 72 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 3 Environmental Management and Sustainable Management Title 6 Sustainable Energy of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 3 Environmental Management and Sustainable Management Title 6 Sustainable Energy of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from her or her acts.

### **ARTICLE 73 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

### **ARTICLE 74 FAILURE TO COMPLY WITH ENVIRONMENTAL ASSESSMENT**

Any natural person or legal entity who fails to comply with the obligations imposed under Articles 7 or 8 of Book 3 Environmental Management and Sustainable Management Title 6 Sustainable Energy of this Code is guilty of a Class 1 Offence. Daily penalties in accordance with this Book may be imposed for each day that the offence continues.

### **ARTICLE 75 ADDITIONAL PENALTIES**

Any natural person or legal entity who is breach of Articles 7 or 8 of Book 3 Environmental Management and Sustainable Management Title 6 Sustainable Energy of this Code of this Title shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of concession agreement, cancellation of permit or authority,



suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

**SECTION 13 BOOK 3 ENVIRONMENTAL MANAGEMENT AND  
SUSTAINABILITY MECHANISMS TITLE 7 RESPONSIBLE EXTRACTIVE  
INDUSTRIES**

**ARTICLE 76 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 3 Environmental Management and Sustainable Management Title 7 Responsible Extractive Industries of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 3 Environmental Management and Sustainable Management Title 7 Responsible Extractive Industries of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

**ARTICLE 77 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

**ARTICLE 78 FAILURE TO COMPLY WITH OBLIGATIONS TO REDUCE HARM**

Any natural person or legal entity who undertakes an extractive industry in a prohibited area, or fails to conduct Environmental Impact Assessment or Initial Environmental Assessment or fails to comply with the obligations to reduce and minimise harm, or causes pollution in breach of Articles 9, 10, 11, or 15 of Book 3 Environmental Management and Sustainable Management Title 7 Responsible Extractive Industries of this Code is guilty of a Class 1 Offence.

**ARTICLE 79 FAILURE TO COMPLY WITH OBLIGATIONS ON CYANIDE AND MERCURY USE**

Any natural person or legal entity who fails to comply with the obligations in Chapter 4 of Book 3 Environmental Management and Sustainable Management Title 7 Responsible Extractive Industries of this Code is guilty of a Class 2 Offence.

## **ARTICLE 80 ADDITIONAL PENALTIES FOR FAILURE TO CONDUCT ASSESSMENT**

Any natural person or legal entity who undertakes an extractive industry in a prohibited area or fails to conduct Environmental Impact Assessment or Initial Environmental Assessment, in breach of Articles 9 or 10 of Book 3 Environmental Management and Sustainable Management Title 7 Responsible Extractive Industries of this Code, shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **ARTICLE 81 ADDITIONAL PENALTIES FOR CYANIDE AND MERCURY USE**

Any natural person or legal entity who fails to comply with the obligations in Chapter 4 of Book 3 Environmental Management and Sustainable Management Title 7 Responsible Extractive Industries of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **SECTION 14 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES**

### **ARTICLE 82 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences shall receive the same punishment as the offender.

Any sub-national administrations, police officers, armed forces, or other authorities that directly or indirectly allow any destruction of natural resources, including but not limited to illegal timber or wildlife harvesting, obstructing or threatening any rangers, officers, or Collaborative Management committee members, or any of their deputies or members, is guilty of a Class 2 Offence.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 4 Sustainable Management of Natural Resources of this Code shall be liable for administrative penalty according to existing laws, and shall face

related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 83 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources of this Code.

#### **ARTICLE 84 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who denies entry to their premises, or who does not produce any authorisation, permit, or certification on request, or prevents the carrying out of the duties of inspection of any officer of the Ministry of Environment under Book 4 Sustainable Management of Natural Resources of this Code is guilty of a Class 2 Offence

#### **ARTICLE 85 ADDITIONAL PENALTIES**

Any natural person or legal entity who acts in breach of the obligations established in Book 4 Sustainable Management of Natural Resources of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation of permit or authority, cancelation of economic land concession or other concession agreement, suspension of permit or authority, confiscation of proceeds of criminal act, seizure of equipment involved in the offence, publication of offence, and penalties.

### **SECTION 15 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES TITLE 1 BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS**

#### **ARTICLE 86 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources Title 1 Biodiversity Conservation Corridors and Protected Areas. of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 4 Sustainable Management of Natural Resources Title 1 Biodiversity Conservation Corridors and Protected Areas of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 87 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise

fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

#### **ARTICLE 88 ILLEGAL COMMENCEMENT OF NEW ACTIVITY**

Any natural person or legal entity who commences any new commercial activity or new development activity in any Biodiversity Conservation Corridor, nationally-designated Protected Area, and any other protected area established at the sub-national level before the zoning and management processes contained in Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors or Title 3 Collaborative Management of Natural Resources of this Code are completed without an Environmental Impact Assessment and without an Approval Letter and Certificate have been issued for the project by the Ministry of the Environment, in breach of Article 6 of Book 4 Sustainable Management of Natural Resources Title 1 Biodiversity Conservation Corridors and Protected Areas of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 89 ADDITIONAL PENALTIES**

Any natural person or legal entity who acts in breach of the obligations established in Article 6 of Book 4 Sustainable Management of Natural Resources Title 1 Biodiversity Conservation Corridors and Protected Areas of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation of permit or authority, cancellation of any concession agreement, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

### **SECTION 16 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES TITLE 2 MANAGEMENT OF BIODIVERSITY CONSERVATION CORRIDORS AND PROTECTED AREAS**

#### **ARTICLE 90 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal

penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 91 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

#### **ARTICLE 92 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who denies entry to his or her premises, who does not produce any authorisation, or permit or certification on request, or prevents the carrying out of the duties of inspection of any officer of the Ministry of the Environment or Environment and Natural Resources Judicial Police Officer carrying out his or her duties under Article 2 of Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 93 FAILURE TO COMPLY WITH LAND USE PLAN**

Any natural person or legal entity who fails to comply with the obligations imposed under any Land Use Plan, or contravenes the provisions of any Land Use Plan approved under Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code is guilty of a Class 3 Offence.

If the contravention or failure to comply with the Land Use Plan causes actual harm to the environment then the natural person or legal entity shall be guilty of a Class 2 Offence.

#### **ARTICLE 94 BREACH OF ZONING OR SUB-ZONING REQUIREMENTS**

Any natural person or legal entity who fails to comply with the obligations or prohibitions imposed under any Zoning or Sub-Zone of any Biodiversity Conservation Corridor, or contravenes the provisions of any Zoning or Sub-Zone of any Biodiversity Conservation Corridor established under Article 17 of Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 95 ILLEGAL CONSTRUCTION**

Any natural person or legal entity who commence any construction activities or project operations in any Zone or Sub-Zone of any Biodiversity Conservation Corridor before conducting and Environmental Impact Assessment of Initial Environmental Assessment in

accordance with Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code or before Environmental Protection Agreement and Approval Letter and Certificate have been issued for the project, under Article 17 of Book 2 Environmental Assessment and Monitoring Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 96 FAILURE TO COMPLY WITH PERMIT**

Any natural person or legal entity who fails to comply with the obligations imposed under Chapter 7 of Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code or contravenes the conditions of any permit or approval granted by the Ministry of Environment is guilty of a Class 3 Offence.

#### **ARTICLE 97 USING DESTRUCTIVE PRACTICES**

Any natural person or legal entity who uses destructive practices or causes harm to a Biodiversity Conservation Corridor, nationally-designated Protected Area, or any other protected area established at the sub-national level including those actions specified in Articles 33, 34, or 35 of Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 98 ADDITIONAL PENALTIES**

Any natural person or legal entity who fails to comply with any obligation or requirement in breach of Article 33 of Book 4 Sustainable Management of Natural Resources Title 2 Management of Biodiversity Conservation Corridors and Protected Areas of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of concession agreement, loss of profits associated with the breach, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

### **SECTION 17 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES TITLE 3 COLLABORATIVE MANAGEMENT OF NATURAL RESOURCES**

#### **ARTICLE 99 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources Title 3 Collaborative Management of Natural Resources of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 4 Sustainable Management of Natural Resources Title 3 Collaborative Management of Natural Resources of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 100 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences shall receive the same punishment as the offender.

#### **ARTICLE 101 FAILURE TO COMPLY WITH OBLIGATIONS**

Any natural person or legal entity who fails to comply with the obligations imposed under any Collaborative Management Agreement, or contravenes the provisions of any Collaborative Management Agreement approved under Book 4 Sustainable Management of Natural Resources Title 3 Collaborative Management of Natural Resources of this Code is guilty of a Class 3 Offence.

If the contravention or failure to comply with the Collaborative Management Agreement causes actual harm to the environment the natural person or legal entity shall be guilty of a Class 2 Offence.

#### **ARTICLE 102 CLASS 4 OFFENCES**

Any natural person or legal entity who commits the following offences more than two times shall be guilty of a Class 4 Offence:

- a) Entering into the Core Zone of the Biodiversity Conservation Corridor, other protected area, or any sub-national protected area unless with an approved permit for research and law enforcement purposes;
- b) Entering into the Conservation Zone of the Biodiversity Conservation Corridor, other protected area, or any sub-national protected area without permit or valid reason;
- c) Grazing livestock in Core or Conservation Zones except as permitted under Book 4 Sustainable Management of Natural Resources Title 3 Collaborative Management of Natural Resources of this Code ;

- d) Accessing protected area without lawful permit for the purposes of natural scientific study and making a tour; or
- e) Causing unintentional fire within a Biodiversity Conservation Corridor, other protected area, or any sub-national protected area.

### **ARTICLE 103 CLASS 3 OFFENCES**

Any natural person or legal entity who commits the following offences shall be guilty of a Class 3 Offence:

- a) Constructing any infrastructure including, but not limited to, roads, buildings, kilns, dams, channels, and permanent camps inside Sustainable Use or Community Zones of any Biodiversity Conservation Corridors and other protected areas, and any sub-national protected areas unless prescribed within the Protected Area management plan and receiving approved Environmental Impact Assessment;
- b) Intentionally causing forest fire unless as a prescribed management activity under the protected area management plan;
- c) Collecting or transporting any timber, firewood, or non-timber forest products without correct permit within Sustainable Use or Community Zones of any Biodiversity Conservation Corridors and other protected areas, and any sub-national protected areas;
- d) Destroying, changing, removing, or damaging signage of all kinds; or
- e) Removing water from Biodiversity Conservation Corridors and other protected areas, and any sub-national protected areas for irrigation or other means.

### **ARTICLE 104 CLASS 2 OFFENCES**

Any natural person or legal entity who commits the following offences shall be guilty of a Class 2 Offence:

- a) Constructing any infrastructure including, but not limited to, roads, buildings, kilns, dams, channels, or permanent camps inside Conservation or Core Zones of any Biodiversity Conservation Corridors and other protected areas, and any sub-national protected areas unless prescribed within the Protected Area management plan and receiving approved Environmental Impact Assessment;
- b) Collecting or transporting any timber, firewood and non-timber forest products without correct permit within Conservation zone of any Biodiversity Conservation Corridors and other protected areas, and any sub-national protected areas;
- c) Bringing in hunting or any other dogs into Conservation or Core Zones of any



Biodiversity Conservation Corridors and other protected areas, and any sub-national protected areas unless with a permit for valid research or conservation purposes;

- d) Possessing or transporting snares, traps, home-made guns, and other dangerous means of hunting, or the materials used to construct them, within Conservation or Core Zones of any Biodiversity Conservation Corridors and other protected areas, and any sub-national protected areas;
- e) Bringing in chainsaw or other logging machinery and transportation equipment into a Biodiversity Conservation Corridor, other protected area, or any sub-national protected area without a permit;
- f) Destroying, including but not limited to collecting, logging, uprooting, pruning, cutting, or felling trees to collect fruit, of any non-threatened plant or tree species within Conservation or Core Zones of any Biodiversity Conservation Corridor, other protected area, or any sub-national protected area without a permit;
- g) Clearing land greater than one half (0.5) hectare through removing or destroying vegetation within any protected area for any reason, including to claim ownership, develop agriculture outside permitted Community Zones identified within protected area management plans;
- h) Engaging in illegal fishing practices harmful to national resources, both marine and freshwater, including flooded forests, mangroves, corals and seaweeds, rivers, and wetlands in Sustainable Use or Community Zones of any Biodiversity Conservation Corridors and other protected areas, and any sub-national protected areas;
- i) Building or installing boundary posts or markers, fences, or putting signs for the purposes of ownership; or
- j) Interfering or otherwise causing obstruction or injury to the Ministry of Environment in performing its functions and duty effectively.

#### **ARTICLE 105 CLASS 1 OFFENCES**

Any natural person or legal entity who commits the following offences shall be guilty of a Class 1 Offence:

- a) Destroying, including but not limited to collecting, logging, uprooting, pruning, cutting, and felling trees to collect fruit, any plant or tree species the International Union for Conservation of Nature has listed as Critically Endangered, Endangered, Vulnerable, or Near Threatened in any Biodiversity Conservation Corridor, other protected area, or any sub-national protected area;

- b) Transporting any plant or tree species the International Union for Conservation of Nature has listed as Critically Endangered, Endangered, Vulnerable, or Near Threatened in any Biodiversity Conservation Corridor, other protected area, or any sub-national protected area;
- c) Clearing land greater than one half (0.5) hectare through removing or destroying vegetation within any Biodiversity Conservation Corridor, other protected area, or any sub-national protected area for any reason including to claim ownership, develop agriculture outside permitted Community Zones identified within protected area management plans;
- d) Engaging in illegal fishing practices harmful to national resources, both marine and freshwater, including flooded forests, mangroves, corals and seaweeds, rivers and wetlands in inside Conservation or Core Zones of any Biodiversity Conservation Corridors and other protected areas, and any sub-national protected areas;
- e) Using any poisonous substances that can have adverse impacts to natural resources and wildlife;
- f) Hiding, stealing, selling, destroying, or damaging evidence of offences;
- g) Establishing bases for processing Klem Chan (*Aquilaria crassna*), Mreah Prov (*Ocimum sanctum*), Vor Romeat (*Teramnus labialis*, *Coscinium fenestratus*);
- h) Falsifying legal documents or permits of relevant institutions to commit illegal activities; or
- i) Digging, moving, bulldozing, or removing soil, stone, pebbles, gravel, sand, and minerals without permit and approved Environmental Impact Assessment.

**SECTION 18 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL  
RESOURCES TITLE 4 SUSTAINABLE FOREST MANAGEMENT**

**ARTICLE 106 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

## **ARTICLE 107 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

## **ARTICLE 108 FAILURE TO ASSIST OFFICIALS**

Any natural person or legal entity who denies entry to their premises, or who does not produce any authorisation, or permit or certification on request, or prevents the carrying out of the duties of inspection of any officer of the any government entity under Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code is guilty of a Class 2 Offence.

## **ARTICLE 109 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who is found guilty of assaulting, obstructing, impeding or interfering with any enforcement officer in the performance of his or her functions under this Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code causing the disappearance, damaging, or destroying of any item seized under Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code or destroying any item to prevent the seizure thereof, is guilty of a Class 2 Offence

## **ARTICLE 110 FAILURE TO COMPLY WITH PERMIT**

A natural person or a legal entity who fails to comply with the obligations imposed under Article 14 of Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code or contravenes the conditions of any permit or approval granted by the relevant government entity is guilty of a Class 2 Offence.

## **ARTICLE 111 PROHIBITIONS ON EQUIPMENT**

A natural person or a legal entity who is found in production, possession, erection, maintenance, manufacturing, purchase and transport of equipment that is able to be used in the commission of an offence within a Sustainably Managed Forest Area without lawful excuse or a valid permit is in breach of Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code and is guilty of a Class 4 Offence

## **ARTICLE 112 FAILURE TO CONDUCT MONITORING AND REPORTING**

A natural person or legal entity who fails to conduct monitoring or reporting as required or as ordered by the relevant government entity, or withholds information in breach of Book 4

Sustainable Management of Natural Resources Title 4 Sustainable Forest Management or falsifies any information submitted in a monitoring report to the Ministry of Environment in breach of Article 14 of Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 113 FAILURE TO CONDUCT ENVIRONMENTAL ASSESSMENT**

A natural person or a legal entity who fails to conduct Environmental Impact Assessment or Initial Environmental Evaluation, prior to the change in classification of a forest in breach of Article 14 of Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 114 BREACH OF SPECIES MANAGEMENT AND RECOVERY PLANS**

A natural person or a legal entity who fails to comply with the obligations imposed under any Sustainable Forest Management Plan, or contravenes the provisions of any Sustainable Forest Management Plans approved under Article 17 of Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code is guilty of a Class 3 Offence.

If the contravention or failure to comply with the Sustainable Forest Management Plan causes actual harm to the forest the subject of the Sustainable Forest Management Plan then the natural person or legal entity shall be guilty of a Class 2 Offence.

#### **ARTICLE 115 FAILURE TO PAY ROYALTIES AND PREMIUMS**

A natural person or a legal entity who fails to pay royalties and premiums in breach of Article 36 of Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code is guilty of a Class 4 Offence and subject to the provisions of Article 41 of Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code.

#### **ARTICLE 116 ADDITIONAL PENALTIES**

A natural person or a legal entity in breach of Articles 14 or 17 of Book 4 Sustainable Management of Natural Resources Title 4 Sustainable Forest Management of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, cancellation of permit or authority, suspension of permit or authority, seizure of forestry products, or equipment involved in the offence, publication of offence, and penalties.

### **SECTION 19 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES TITLE 5 WILDLIFE PROTECTION, CONSERVATION, AND MANAGEMENT**

#### **ARTICLE 117 VIOLATIONS BY OFFICIAL**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 118 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who denies entry to their premises, or who does not produce any authorisation, or permit on request, fails to provide information upon request, or prevents the carrying out of the duties of inspection of any officer of the Ministry of Environment under Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 119 ENFORCEMENT OFFENCES**

Any natural person or legal entity who is found guilty of assaulting, obstructing, impeding, or interfering with any enforcement officer in the performance of his or her functions under Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code causing the disappearance, damaging or destroying of any item seized under Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code or destroying any item to prevent the seizure thereof, is guilty of a Class 2 Offence.

#### **ARTICLE 120 PROHIBITIONS ON HUNTING**

Any natural person or legal entity who fails to comply with the prohibition on hunting imposed under Articles 9 or 10 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code or contravenes the provisions of any permit approved under Articles 12, 14, or 15 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 121 TRANSFER OF HUNTING PERMIT**

Any natural person or legal entity who transfers a hunting permit to another person not named as the permit holder is guilty of a Class 4 Offence and will result in the suspension of the permit for one (1) year.

## **ARTICLE 122 PROHIBITIONS ON EQUIPMENT**

Any natural person or legal entity who is found in production, possession, erection, maintenance, manufacturing, purchase, and transport of snares, home-made or manufactured guns, poisons, and other prohibited means of hunting, including any materials that could be used to make equipment to hunt animals using prohibited means, is guilty of the intention to commit prohibited hunting in breach of Articles 9 or 10 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code and is guilty of a Class 2 Offence

## **ARTICLE 123 PROHIBITIONS ON TRADE AND TRAFFICKING OF WILD ANIMALS**

Any natural person or legal entity who contravenes Article 17 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code is guilty of a Class 1 Offence.

The provisions of the Criminal Code of the Kingdom of Cambodia apply to any organised criminal activity, instigators and all those who may profit from a breach of Article 17 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code. These shall be deemed to be co-conspirators in the principle offence and be punished in accordance with this Article.

## **ARTICLE 124 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA OFFENCES**

Any natural person or legal entity who fails to hold a valid Convention on International Trade in Endangered Species of Wild Fauna and Flora permit or contravenes the provisions of any Convention on International Trade in Endangered Species of Wild Fauna and Flora permit in breach of Article 19 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code is guilty of a Class 1 Offence.

The provisions of the Criminal Code apply to any organised criminal activity, instigators, and all those who may profit from a breach of Article 19 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code. These shall be deemed to be co-conspirators in the principle offence and be punished in accordance with this Article.

## **ARTICLE 125 BREACH OF SPECIES MANAGEMENT AND RECOVERY PLANS**

Any natural person or legal entity who fails to comply with the obligations imposed under any Species Management and Recovery Plans, or contravenes the provisions of any Species Management and Recovery Plans approved under Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code is guilty of

a Class 3 Offence.

If the contravention or failure to comply with the Species Management and Recovery Plans causes actual harm to the species the subject of the Species Management and Recovery Plan then the natural person or legal entity shall be guilty of a Class 2 Offence.

#### **ARTICLE 126 FAILURE TO HOLD OR COMPLY WITH PERMIT**

Any natural person or legal entity who fails to hold a valid permit, or specific exemption, or contravenes the provisions by keeping an animal in captivity in breach of Articles 28 or 29 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 127 OFFENCES MANAGEMENT OF WILDLIFE FARMS**

Any natural person or legal entity who fails to hold a valid permit, or specific exemption, or contravenes the provisions of the Management of Wildlife Farms in breach of Articles 35, 37, 38, 39, 40, 41, 42, 43, 44, or 46 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 128 ADDITIONAL PENALTIES**

Any natural person or legal entity who is breach of Articles 9, 10, 12, 14, 15, 17, 18, 19, 28, 29, 35, 37, 38, 39, 40, 41, 42, 43, 44, or 46 of Book 4 Sustainable Management of Natural Resources Title 5 Wildlife Protection, Conservation, and Management of this Code shall be subject to additional penalties including cancelation or suspension of business registration, suspension or cancellation of concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment including land and vehicles, involved in the offence, publication of offence, and penalties.

### **SECTION 20 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES TITLE 6 PROTECTION OF THREATENED PLANTS AND ECOSYSTEMS**

#### **ARTICLE 129 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 4 Sustainable Management of Natural Resources Title 6

Protection of Threatened Plants and Ecosystems of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 130 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who denies entry to their premises, who does not produce any authorisation, fails to produce a permit on request, fails to provide information upon request, or prevents the carrying out of the duties of inspection of any officer of the Ministry of Environment under Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 131 ENFORCEMENT OFFENCES**

Any natural person or legal entity who is found guilty of assaulting, obstructing, impeding or interfering with any enforcement officer in the performance of his or her functions under this Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code causing the disappearance, damaging or destroying of any item seized under the Title or destroying any item to prevent the seizure thereof, is guilty of a Class 2 Offence.

#### **ARTICLE 132 TRANSFER OF PERMIT**

Any natural person or legal entity who transfers a permit to another person not named as the permit holder is guilty of a Class 4 Offence and will result in the suspension of the permit for one (1) year.

#### **ARTICLE 133 OFFENCES AGAINST THREATENED PLANTS SPECIES**

Any natural person or legal entity who is involved in the collection, destruction, consumption, sale, trade or transport of any threatened plants, or derivatives thereof, that are listed on the National List of Threatened Plant Species in breach of Article 7 of Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code is guilty of a Class 2 Offence. This includes perpetrators, organisers, participants, inciters, and those who offer aid and counsel to the offence.

#### **ARTICLE 134 OFFENCES AGAINST PLANTS**

Any natural person or legal entity who fails to hold a valid permit or specific exemption, or contravenes the provisions of Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code by the collection or destruction of any plants inside of a protected area in breach of Article 12 of Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code is guilty of a Class 2 Offence.



### **ARTICLE 135 DESTRUCTION OR ALTERATION OF HABITAT**

Any natural person or legal entity who causes the destruction or alteration of the natural habitat of a threatened plant species that causes, directly or indirectly, the destruction of a threatened plant in breach of Article 13 of Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code shall be guilty of a Class 2 Offence.

### **ARTICLE 136 BREACH OF SPECIES MANAGEMENT AND RECOVERY PLANS**

Any natural person or legal entity who fails to comply with the obligations imposed under any Species Management and Recovery Plans, or contravenes the provisions of any Species Management and Recovery Plans approved under Chapter 5 of Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code is guilty of a Class 3 Offence.

If the contravention or failure to comply with the Species Management and Recovery Plans causes actual harm to the species the subject of the Species Management and Recovery Plan then the natural person or legal entity shall be guilty of a Class 2 Offence.

### **ARTICLE 137 BREACH OF ECOSYSTEM MANAGEMENT AND REHABILITATION PLANS**

Any natural person or legal entity who fails to comply with the obligations imposed under any Ecosystem Management and Recovery Plans, or contravenes the provisions of any Ecosystem Management and Recovery Plans approved under Chapter 7 of Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code is guilty of a Class 3 Offence.

If the contravention or failure to comply with the Ecosystem Management and Recovery Plans causes actual harm to the species the subject of the Ecosystem Management and Recovery Plans then the natural person or legal entity shall be guilty of a Class 2 Offence.

### **ARTICLE 138 INVASIVE SPECIES**

Any natural person or legal entity who introduces an invasive species to Cambodia or fails to comply with the obligations in an Invasive Species Management Plan in breach of Chapter 8 of Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and Ecosystems of this Code shall be guilty of a Class 3 Offence.

### **ARTICLE 139 ADDITIONAL PENALTIES**

Any natural person or legal entity who is breach of Articles 12, 14, 19, 26, or 30 of Book 4 Sustainable Management of Natural Resources Title 6 Protection of Threatened Plants and

Ecosystems of this Code shall be subject to additional penalties including cancelation or suspension of business registration, suspension, or cancellation of concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment including land and vehicles, involved in the offence, publication of offence, and penalties.

## **SECTION 21 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES TITLE 7 COASTAL ZONE MANAGEMENT**

### **ARTICLE 140 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources Title 7 Coastal Zone Management of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 4 Sustainable Management of Natural Resources Title 7 Coastal Zone Management of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

### **ARTICLE 141 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

### **ARTICLE 142 FAILURE TO CONDUCT ENVIRONMENTAL ASSESSMENT**

Any natural person or legal entity who fails to conduct Environmental Impact Assessment or Initial Environmental Evaluation and obtain approval prior to the commencement of any construction or work, in breach of Article 4 of Book 4 Sustainable Management of Natural Resources Title 7 Coastal Zone Management of this Code is guilty of a Class 1 Offence.

### **ARTICLE 143 DEVELOPMENT IN A PROHIBITED AREA**

Any natural person or legal entity who undertakes development or an activity in a prohibited area of the Coastal Zone in breach of Article 11 of Book 4 Sustainable Management of Natural Resources Title 7 Coastal Zone Management of this Code is guilty of a Class 1 Offence

### **ARTICLE 144 ADDITIONAL PENALTIES**

Any natural person or legal entity who undertakes an extractive industry in a prohibited area in breach of Article 4 of Book 4 Sustainable Management of Natural Resources Title 7 Coastal Zone Management of this Code shall be subject to additional penalties including cancellation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **SECTION 22 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES TITLE 8 SUSTAINABLE WATER RESOURCES MANAGEMENT**

### **ARTICLE 145 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources Title 8 Sustainable Water Resources Management of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 4 Sustainable Management of Natural Resources Title 8 Sustainable Water Resources Management of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

### **ARTICLE 146 OFFENCES BY OFFICIALS**

Any official or inspection, or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

### **ARTICLE 147 FAILURE TO COMPLY WITH OBLIGATIONS**

Any natural person or legal entity who fails to comply with the obligations for sustainable water management by the legal instrument established under Article 13 of Book 4 Sustainable Management of Natural Resources Title 8 Sustainable Water Resources Management of this Code is guilty of a Class 2 Offence.

### **ARTICLE 148 FAILURE TO OBTAIN PERMIT FOR INFRASTRUCTURE LICENCE**

Any natural person or legal entity who fails to obtain an authorisation or permit for a prohibited activity, or who fails to obtain an infrastructure licence under Articles 47 or 50 of Book 4

Sustainable Management of Natural Resources Title 8 Sustainable Water Resources Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 149 FAILURE TO OBTAIN PERMIT FOR WATER ACCESS ENTITLEMENT**

Any natural person or legal entity who fails to obtain an authorisation or permit for a water access entitlement under Article 57 of Book 4 Sustainable Management of Natural Resources Title 8 Sustainable Water Resources Management of this Code is guilty of a Class 3 Offence.

#### **ARTICLE 150 FAILURE TO OBTAIN PERMIT FOR WORKS**

Any natural person or legal entity who fails to obtain an authorisation or permit to excavate or place fill in a watercourse, lake, wetland, floodplain, spring, or reservoir under Article 73 of Book 4 Sustainable Management of Natural Resources Title 8 Sustainable Water Resources Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 151 FAILURE TO OBTAIN CERTIFICATION**

Any natural person or legal entity who undertakes water bore construction activities without prior certification as a water bore driller; water bore digger; or groundwater pump installer in accordance with Articles 78 of Book 4 Sustainable Management of Natural Resources Title 8 Sustainable Water Resources Management of this Code is guilty of a Class 3 Offence.

#### **ARTICLE 152 INTERFERENCE WITH OFFICIALS**

Any natural person or legal entity who denies entry to their premises, or who does not produce any authorisation, or permit or certification on request, or prevents the carrying out of the duties of inspection of any officer of the Ministry of Water Resources and Meteorology under Book 4 Sustainable Management of Natural Resources of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 153 ADDITIONAL PENALTIES**

Any natural person or legal entity who acts in breach of the obligations established in Articles 47, 50, 57, 73, or 78 of Book 4 Sustainable Management of Natural Resources Title 8 Sustainable Water Resources Management of this Code shall be subject to additional penalties including cancellation or suspension of business registration, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

### **SECTION 23 BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES TITLE 9 SUSTAINABLE FISHERIES**

#### **ARTICLE 154 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 4 Sustainable Management of Natural Resources Title 9 Sustainable Fisheries of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 4 Sustainable Management of Natural Resources Title 9 Sustainable Fisheries of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 155 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences shall receive the same punishment as the offender

#### **ARTICLE 156 BREACH OF FISHERIES MANAGEMENT PLANS**

Any natural person or legal entity who undertakes freshwater or marine fishing in breach of a Fisheries Management Plan established under Articles 5 or 8 of Book 4 Sustainable Management of Natural Resources Title 9 Sustainable Fisheries of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 157 BREACH OF CONSERVATION MEASURES**

Any natural person or legal entity who undertakes freshwater or marine fishing in breach of conservation and management measures established under Articles 5 or 9 of Book 4 Sustainable Management of Natural Resources Title 9 Sustainable Fisheries of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 158 FAILURE TO COMPLY WITH OBLIGATIONS**

Any natural person or legal entity who fails to comply with the obligations in Articles 3 or 7 of Book 4 Sustainable Management of Natural Resources Title 9 Sustainable Fisheries of this Code on the conservation and sustainable management of freshwater and marine fisheries is guilty of a Class 2 Offence.

#### **ARTICLE 159 FAILURE TO AVOID OR MITIGATE IMPACTS OF AQUACULTURE**

Any natural person or legal entity who fails to avoid or mitigate environmental impacts of

aquaculture under the measures established in Article 12 of Book 4 Sustainable Management of Natural Resources Title 9 Sustainable Fisheries of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 160 ADDITIONAL PENALTIES**

Any natural person or legal entity who acts in breach of the obligations established in Articles 5, 7, 8, 9 or 12 of Book 4 Sustainable Management of Natural Resources Title 9 Sustainable Fisheries of this Code shall be subject to additional penalties including cancelation or suspension of business registration, suspension or cancellation of concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

### **SECTION 24 BOOK 5 CULTURAL HERITAGE CONSERVATION AND MANAGEMENT**

#### **ARTICLE 161 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 5 Cultural Heritage Conservation and Management of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 5 Cultural Heritage Conservation and Management of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 162 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

#### **ARTICLE 163 HARMING HERITAGE WITHOUT PERMIT**

Any natural person or legal entity who harms, damages, or destroys cultural heritage without a permit issued by the Ministry of Culture and Fine Arts, or harms an item on the National Heritage List, or without prior notification and assessment of the item of cultural heritage, in breach of Article 4, 32, 39, 43, 46, 50, 61, or 65 of Book 5 Cultural Heritage Conservation and Management of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 164 HARMING HERITAGE WITHOUT PRIOR ENVIRONMENTAL ASSESSMENT**

Any natural person or legal entity who harms, damages, or destroys cultural heritage without an Approval Certificate issued by the Ministry of Environment, or without an Environmental Impact Assessment or Initial Environmental Evaluation and approval prior to the commencement of any construction or work, in breach of Article 12, 62, or 63 of Book 2 Environmental Assessment and Monitoring Title 3 Environmental Assessment of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 165 FAILURE TO NOTIFY CHANCE DISCOVERIES**

Any natural person or legal entity who fails to notify chance discoveries and stop work or comply with the provisions of Chapter 8 of Book 5 Cultural Heritage Conservation and Management of this Code in breach of Article 44, 46, or 53 of Book 5 Cultural Heritage Conservation and Management of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 166 FAILING TO NOTIFY UNDERWATER HERITAGE**

Any natural person or legal entity who damage or disturb underwater heritage, fails to notify discoveries of underwater heritage, or fails to comply with any requirements established by the Ministry of Culture and Fine Arts, in breach of Articles 57, 58, or 59 of Book 5 Cultural Heritage Conservation and Management of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 167 FAILING TO COMPLY WITH ORDER**

Any natural person or legal entity who fails to comply with an order, including an emergency order given by the Supreme Council on Heritage, the Ministry of Culture and Fine Arts, the Ministry of Environment, or an Environmental and Natural Resource Judicial Police Officer under Articles 72 or 75 of Book 5 Cultural Heritage Conservation and Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 168 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who denies entry to their premises, or prevents the carrying out of the duties of inspection of any officer of the Ministry of Culture and Fine Arts, the Ministry of Environment, or a Heritage Protection Officer under Book 5 Cultural Heritage Conservation and Management of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 169 ENGAGING IN TRAFFICKING OR TRADE OF HERITAGE WITHOUT PERMIT**

Any natural person or legal entity who engages in trafficking or trade in cultural heritage without a permit issued by the Ministry of Culture and Fine Arts, in breach of Book 5 Cultural Heritage Conservation and Management of this Code is guilty of a Class 1 Offence.

## **ARTICLE 170 ADDITIONAL PENALTIES**

Any natural person or legal entity who is in breach of Articles 44, 46, 53, 57, 58, 59, 62, 63, 65, 72, or 75 of Book 5 Cultural Heritage Conservation and Management of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **SECTION 25 BOOK 6 WASTE AND POLLUTION MANAGEMENT**

### **ARTICLE 171 GENERAL PROVISIONS**

In cases of environmental pollution offences or incidents discovered by Environmental Pollution Inspection Officers that affect or harm the environment or damage public property, the Ministry of Environment is authorized to make a complaint to the court to seek a payment for damages to apply to the restoration of the affected environment or public property in accordance with Book 9 Environmental Offences, Enforcement and Remedies Title 3 Restoration and Compensation for Harm to the Environment of this Code.

### **ARTICLE 172 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 6 Waste and Pollution Management of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

### **ARTICLE 173 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences shall receive the same punishment as the offender.

## **SECTION 26 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 1 GENERAL OBLIGATIONS FOR POLLUTION CONTROL**



## **ARTICLE 174 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management Title 1 General Obligations for Pollution Control of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 6 Waste and Pollution Management Title 1 General Obligations for Pollution Control of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

## **ARTICLE 175 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

## **ARTICLE 176 OFFENCE TO POLLUTE**

Any natural person or legal entity shall not pollute the air, any water or waters, or cause or permit the pollution of the soil or the land, and shall not cause any noise pollution or vibration above the lawful standards. Any natural person or legal entity shall not transport, manage, store, treat, or dispose of any waste, whether solid or liquid or gas, or hazardous substances or waste except in accordance with a permit that has been issued under Book 6 Waste and Pollution Management of this Code. Any natural person or legal entity must comply with any permit issue under the provisions of Book 6 Waste and Pollution Management of this Code t. Any natural person or legal entity who breaches Articles 1, 2, 3, or 4 of Book 6 Waste and Pollution Management Title 1 General Obligations for Pollution Control of this Code is guilty of a Class 1 Offence.

## **ARTICLE 177 ADDITIONAL PENALTIES**

Any natural person or legal entity who commits an act against Articles 1, 2, 3, or 4 of Book 6 Waste and Pollution Management Title 1 General Obligations for Pollution Control of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, suspension or cancellation of economic land concession agreement, suspension or cancellation of other concession agreement, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

**SECTION 27 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 2  
ENVIRONMENTAL QUALITY STANDARDS AND EFFLUENT STANDARDS**

**ARTICLE 178 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management Title 2 Environmental Quality Standards and Effluent Standards of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 6 Waste and Pollution Management Title 2 Environmental Quality Standards and Effluent Standards of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

**ARTICLE 179 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

**SECTION 28 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 3  
ENVIRONMENTAL POLLUTION CHECK AND INSPECTION**

**ARTICLE 180 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management Title 3 Environmental Pollution Check and Inspection of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 6 Waste and Pollution Management Title 3 Environmental Pollution Check and Inspection of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

**ARTICLE 180 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

#### **ARTICLE 182 FAILURE TO COMPLY WITH ORDER**

Any natural person or legal entity who fails to comply with an order given by an Environmental Pollution Inspection Officer or Environment and Natural Resources Judicial Police Officers under Article 7 of Book 6 Waste and Pollution Management Title 3 Environmental Pollution Check and Inspection is guilty of a Class 2 Offence.

#### **ARTICLE 183 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who denies entry to their premises, or prevent the carrying out of the duties of inspection of any Environmental Pollution Inspection Officer under Articles 4 or 6 of Book 6 Waste and Pollution Management Title 3 Environmental Pollution Check and Inspection of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 184 ADDITIONAL PENALTIES**

Any natural person or legal entity who commits an act against Articles 4, 6, or 7 of Book 6 Waste and Pollution Management Title 3 Environmental Pollution Check and Inspection of this Code shall be subject to additional penalties including cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

### **SECTION 29 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 4 MANAGEMENT OF HAZARDOUS SUBSTANCES**

#### **ARTICLE 185 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management Title 4 Management of Hazardous Substances of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 6 Waste and Pollution Management Title 4 Management of Hazardous Substances of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 186 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative

punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender

#### **ARTICLE 186 OFFENCES FOR HAZARDOUS SUBSTANCES**

Any natural person or legal entity who fails to comply with the obligations for the management, use, transport or disposal of hazardous substances or banned hazardous substances in breach of Articles 9, 10, 15, 16, 17, 18, 29, 33, 34, 35, 38, or 39 of Book 6 Waste and Pollution Management Title 4 Management of Hazardous Substances of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 187 CONTROL OF LEAD PAINT**

Any natural person or legal entity who fails to comply with the obligations for the control and banning of lead paint and lead paint in children's toys in breach of Articles 11, 12, or 13 of Book 6 Waste and Pollution Management Title 4 Management of Hazardous Substances of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 188 BREACH OF REGISTRATION REQUIREMENTS**

Any natural person or legal entity who fails to comply with the obligations for the registration and use of hazardous substances and hazardous products in breach of Articles 19, 20, 21, 22, or 23 of Book 6 Waste and Pollution Management Title 4 Management of Hazardous Substances of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 189 FALSIFYING INFORMATION**

Any natural person or legal entity who falsifies any information or monitoring reports submitted to the Ministry of Environment in breach of Articles 11, 12, 16, 17, 19, 20, 21, or 29 of Book 6 Waste and Pollution Management Title 4 Management of Hazardous Substances of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 190 FAILURE TO HAVE TECHNICAL CAPACITY**

Any natural person or legal entity who fails to have technical capacity, professional staff with appropriate qualifications, hold trainings or establish emergency response planning in breach of Articles 36, 37, or 41 of Book 6 Waste and Pollution Management Title 4 Management of Hazardous Substances of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 191 FAILURE TO NOTIFY ACCIDENTS**

Any natural person or legal entity who fails to notify accidents caused by hazardous substances to the Ministry of Environment and to the local community in breach of Article 42 of Book 6

Waste and Pollution Management Title 4 Management of Hazardous Substances of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 182 ADDITIONAL PENALTIES**

Any natural person or legal entity who commits an act against Articles 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 29, 33, 34, 35, or 42 of Book 6 Waste and Pollution Management Title 4 Management of Hazardous Substances of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

### **SECTION 30 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 5 WASTE MANAGEMENT**

#### **ARTICLE 193 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management Title 5 Waste Management of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 6 Waste and Pollution Management Title 5 Waste Management of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 194 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender

#### **ARTICLE 195 FAILURE TO COMPLY WITH OBLIGATIONS FOR WASTE**

Any natural person or legal entity who fails to comply with the obligations for the management, use, transport or disposal of waste, including hazardous waste, in breach of Articles 14, 16, 20, 22, or 23 of Book 6 Waste and Pollution Management Title 5 Waste Management of this Code is guilty of a Class 1 Offence.

### **ARTICLE 196 FAILURE TO COMPLY WITH ORDER**

Any natural person or legal entity who fails to comply with an order given by an Environmental Pollution Inspection Officer under Articles 25 or 26 of Book 6 Waste and Pollution Management Title 5 Waste Management of this Code is guilty of a Class 2 Offence.

### **ARTICLE 197 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who denies entry to their premises of any Environmental Pollution Inspection Officer or interferes with the exercise of their investigation under Article 25 of Book 6 Waste and Pollution Management Title 5 Waste Management of this Code is guilty of a Class 2 Offence.

### **ARTICLE 198 ADDITIONAL PENALTIES**

Any natural person or legal entity who commits an act against Articles 14, 16, 20, 22, 23, 25, or 26 of Book 6 Waste and Pollution Management Title 5 Waste Management of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation or suspension of Environmental Impact Assessment Approval, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **SECTION 31 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 6 WATER POLLUTION CONTROL**

### **ARTICLE 199 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management Title 6 Water Pollution Control of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 6 Waste and Pollution Management Title 6 Water Pollution Control of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

### **ARTICLE 200 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences shall receive the same punishment as the offender.

#### **ARTICLE 201 DISCHARGE OF POLLUTION FROM POINT SOURCE**

Any natural person or legal entity that discharges any pollutant from any point source into any surface water or groundwater resource, fails to obtain a water pollution permit in accordance with Book 6 Waste and Pollution Management Title 6 Water Pollution Control of this Code, or fails to comply with the conditions of a permit in breach of Articles 1, 6, or 7 of Book 6 Waste and Pollution Management Title 6 Water Pollution Control of this Code is guilty of a Class 1 Offence.

#### **ARTICLE 201 FAILURE TO REPORT BREACH OF PERMIT OR POLLUTION**

Any natural person or legal entity that fails to monitor water quality and water pollution, report breaches of any conditions of a permits, report water pollution incidents, or who falsifies any information or monitoring reports submitted to the Ministry of Environment in breach of Articles 13, 14, 15, 16, or 20 of Book 6 Waste and Pollution Management Title 6 Water Pollution Control of this Code is guilty of a Class 2 Offence.

#### **ARTICLE 203 ADDITIONAL PENALTIES**

Any natural person or legal entity who commits an act against Articles 1, 6, 7, 13, 14, 15, 16, or 20 of Book 6 Waste and Pollution Management Title 6 Water Pollution Control of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

### **SECTION 32 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 7 AIR POLLUTION CONTROL**

#### **ARTICLE 204 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management Title 7 Air Pollution Control of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 6 Waste and Pollution Management Title 7 Air Pollution Control of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

## **ARTICLE 205 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender

## **ARTICLE 206 POLLUTION OF AIR**

Any natural person or legal entity emits air pollution or fails to obtain an air pollution permit or fails to comply with the conditions of permit in breach of Articles 9, 10, 19, 20, 32, or 36 of Book 6 Waste and Pollution Management Title 7 Air Pollution Control of this Code is guilty of a Class 1 Offence.

## **ARTICLE 207 IMPORTATION OF PROHIBITED VEHICLES AND MACHINERY**

Any natural person or legal entity that is responsible for importation, utilization, and production of vehicles and machinery that emit air pollutants exceeding the standard in breach of Article 11 of Book 6 Waste and Pollution Management Title 7 Air Pollution Control of this Code is guilty of a Class 2 Offence.

## **ARTICLE 208 FAILURE TO REPORT OR MONITOR AIR POLLUTION**

Any natural person or legal entity that fails to monitoring air quality and air emissions, or fails to report breaches of any conditions of a permit, who fails to report air pollution incidents, or who falsifies any information or monitoring reports submitted to the Ministry of Environment in breach of Article 36, 37, 38, 39, or 44 of Book 6 Waste and Pollution Management Title 7 Air Pollution Control of this Code is guilty of a Class 2 Offence.

## **ARTICLE 209 FAILURE TO COMPLY WITH ORDER**

Any natural person or legal entity who fails to comply with an order given by an Environmental Pollution Inspection Officer under Article 47 of Book 6 Waste and Pollution Management Title 7 Air Pollution Control of this Code is guilty of a Class 2 Offence.

## **ARTICLE 210 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who denies entry to their premises of any Environmental Pollution Officer or interferes with the exercise of their investigation under Article 50 of Book 6 Waste and Pollution Management Title 7 Air Pollution Control of this Code is guilty of a Class 2 Offence.

## **ARTICLE 211 ADDITIONAL PENALTIES**



Any natural person or legal entity who commits an act against Articles 9, 10, 11, 19, 20, 32, 36, 37, 38, 39, 44, 47, or 50 of Book 6 Waste and Pollution Management Title 7 Air Pollution Control of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **SECTION 33 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 8 NOISE AND VIBRATION CONTROL**

### **ARTICLE 212 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 6 Waste and Pollution Management Title 8 Noise and Vibration Control of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

### **ARTICLE 213 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender

### **ARTICLE 214 FAILURE TO COMPLY WITH NOISE OR VIBRATION STANDARDS**

Any natural person or legal entity who is responsible for noise or vibration emissions and fails to comply with the standards or monitoring for noise and vibration emissions is in breach of Articles 4 or 5 of Book 6 Waste and Pollution Management Title 8 Noise and Vibration Control of this Code is guilty of a Class 4 Offence.

### **ARTICLE 215 FAILURE TO COMPLY WITH ORDER**

Any natural person or legal entity who is responsible for noise or vibration emissions and fails to comply with an order given by an Environmental Pollution Inspection Officer to remedy the excess noise or vibration under Articles 7, 9, or 10 of Book 6 Waste and Pollution Management Title 8 Noise and Vibration Control of this Code is guilty of a Class 3 Offence.

## **ARTICLE 216 OBSTRUCTION OF OFFICIALS**

Any natural person or legal entity who denies entry to their premises of any Environmental Pollution Inspection Officer or interferes with the exercise of their investigation under Articles 8, 9, or 10 of Book 6 Waste and Pollution Management Title 8 Noise and Vibration Control of this Code is guilty of a Class 2 Offence.

## **ARTICLE 217 FAILURE TO COMPLY WITH REPORTING OBLIGATIONS**

Any natural person or legal entity who fails to comply with the reporting or notification obligations, or who makes false reports or provides false information to the Ministry of Environment in accordance with Book 6 Waste and Pollution Management Title 8 Noise and Vibration Control of this Code is a Class 2 Offence.

## **ARTICLE 218 LIABILITY FOR HARM CAUSED BY NOISE OR VIBRATION**

Any natural person or legal entity that is responsible for noise or vibration emissions shall be liable for any harm or damage caused by such noise or vibration emissions to any public or private property, and shall be responsible to ensure that any harm or damage is compensated in accordance with this Code and any other relevant legal instrument.

## **ARTICLE 219 ADDITIONAL PENALTIES**

Any natural person or legal entity who commits an act against Articles 4, 5, 7, 8, 9, or 10 of Book 6 Waste and Pollution Management Title 8 Noise and Vibration Control of this Code shall be subject to additional penalties including cancelation or suspension of business registration, cancellation of permit or authority, suspension of permit or authority, seizure of equipment involved in the offence, publication of offence, and penalties.

## **SECTION 34 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 9 RESTORATION OF CONTAMINATED SITES**

### **ARTICLE 220 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management Title 9 Restoration of Contaminated Sites of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 6 Waste and Pollution Management Title 9 Restoration of Contaminated Sites of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 221 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender

#### **ARTICLE 222 FAILURE TO REPORT OR MAKE FALSE REPORTS**

Any natural person or legal entity who fails to comply with the reporting or notification obligations, or who makes false reports or provides false information to the Ministry of Environment about contamination of land and any restoration obligations under Articles 4 or 9 of Book 6 Waste and Pollution Management Title 9 Restoration of Contaminated Sites of this Code is a Class 2 Offence.

#### **ARTICLE 223 FAILURE TO COMPLY WITH RESTORATION AGREEMENT**

Any natural person or legal entity who fails to comply with the provision of a Restoration Agreement and implement of all specific activities and requirements, including monitoring, for the restoration of a contaminated site and any restoration obligations under Articles 7 or 8 of Book 6 Waste and Pollution Management Title 9 Restoration of Contaminated Sites of this Code is a Class 2 Offence.

#### **ARTICLE 224 FAILURE TO COMPLY WITH ORDER**

Any natural person or legal entity who is responsible contamination to comply with an order for the restoration of a contaminated site is guilty of a Class 2 Offence.

#### **ARTICLE 225 SPECIFIED OFFENCES BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Articles 5, 6, 7, 8, 9 or 10 of Book 6 Waste and Pollution Management Title 9 Restoration of Contaminated Sites of this Code.

### **SECTION 35 BOOK 6 WASTE AND POLLUTION MANAGEMENT TITLE 10 NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER**

#### **ARTICLE 226 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 6 Waste and Pollution Management Title 10 National Pollutant Release and Transfer Register of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 6 Waste and Pollution Management Title 10 National Pollutant Release and Transfer Register of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 227 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

#### **ARTICLE 228 WARNING OR TRANSITIONAL FINE**

The Ministry of Environment may issue a warning or impose transitional fines to any legal entity or natural person that is in violation of Book 6 Waste and Pollution Management Title 10 National Pollutant Release and Transfer Register of this Code.

#### **ARTICLE 229 FAILURE TO COMPLY WITH REPORTING OBLIGATIONS**

Any natural person or legal entity who fails to comply with the reporting or notification obligations, or who makes false reports or provides false information to the Ministry of Environment under Book 6 Waste and Pollution Management Title 10 National Pollutant Release and Transfer Register of this Code is a Class 2 Offence.

### **SECTION 36 BOOK 7 ENVIRONMENTAL EDUCATION AND AWARENESS**

#### **ARTICLE 230 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her roles as provided for in Book 7 Environmental Education and Awareness of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal the offences, or to cause obstacles in order to stop the enforcement of Book 7 Environmental Education and Awareness of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

#### **ARTICLE 231 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender.

## **SECTION 37 BOOK 9 ENVIRONMENTAL OFFENCES, ENFORCEMENT, AND REMEDIES TITLE 3 RESTORATION AND COMPENSATION FOR HARM TO THE ENVIRONMENT**

### **ARTICLE 232 VIOLATIONS BY OFFICIALS**

It is punishable by administrative sanction for any government official who violates or does not fulfil his or her role as provided for in Book 9 Environmental Offences, Enforcement, and Remedies Title 3 Restoration and Compensation for Harm to the Environment of this Code.

Any competent official who enforces this law or other relevant civil servant who abuses his or her authority, uses his or her authority or colludes to conceal offences or to cause obstacles to stop the enforcement of Book 9 Environmental Offences, Enforcement, and Remedies Title 3 Restoration and Compensation for Harm to the Environment of this Code shall be liable for administrative penalty according to existing laws, and shall face related criminal penalties, or be liable for civil compensation and any other injuries resulting from his or her acts.

### **ARTICLE 233 OFFENCES BY OFFICIALS**

Any official or inspection or environment officer who acts negligently, carelessly, or otherwise fails to abide by any order of the relevant government entities shall face administrative punishment or be prosecuted.

Any official or inspection or environment officer who conspires with an offender or facilitates the offences, shall receive the same punishment as the offender

### **ARTICLE 234 FAILURE TO ASSIST OFFICIALS**

Any natural person or legal entity who denies entry to their premises, or who does not produce any information on request, or share information as required, or prevents the carrying out of the duties of inspection of any officer of the Ministry of Environment under Article 4 of Book 9 Environmental Offences, Enforcement, and Remedies Title 3 Restoration and Compensation for Harm to the Environment of this Code is guilty of a Class 4 Offence.

### **ARTICLE 235 FAILURE TO COMPLY WITH EMERGENCY RESTORATION ORDER**

Any natural person or legal entity who fails to comply with order to undertake emergency restoration actions from the Ministry of Environment under Article 22 of Book 9 Environmental Offences, Enforcement, and Remedies Title 3 Restoration and Compensation for Harm to the Environment of this Code is guilty of a Class 2 Offence.

## **TITLE 2 INVESTIGATION, ENFORCEMENT, AND REMEDIES**

### **CHAPTER 1 PROCEDURE FOR RESOLVING ENVIRONMENTAL AND NATURAL RESOURCE COMPLAINTS OF A CIVIL OR ADMINISTRATIVE NATURE**

#### **SECTION 1 ENVIRONMENTAL AND NATURAL RESOURCE COMPLAINTS**

##### **ARTICLE 1 CIVIL COMPLAINTS**

A civil complaint is a lawsuit with the objective of ensuring that the right to compensation for physical, material, and/or psychological harm is reserved.

In a civil complaint, the civil party may use all rights as stipulated in this Code, the Code of Civil Procedure of the Kingdom of Cambodia in force and the Code of Criminal Procedure of the Kingdom of Cambodia in force.

##### **ARTICLE 2 CRIMINAL COMPLAINTS**

A criminal complaint is a lawsuit to provide public order and common social benefits. Thus, in the case that there is any offence concerning the environment and natural resources, or any offence against a provision stipulated in this Code, the victim or the public reserves the right to bring a complaint to the relevant court authority.

All legal forms and procedures in bringing a criminal complaint to the court shall follow this Code and the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

##### **ARTICLE 3 COMPLAINTS AGAINST ENVIRONMENT AND NATURAL RESOURCES DECISIONS OF AN ADMINISTRATIVE NATURE**

Complaints against environment and natural resources decisions of an administrative nature are made to oppose decisions related to measures for protecting the environment and managing natural resources under the responsible authorities.

A natural person, legal entity, or the public who suffers or is affected by an environment and natural resources decision of an administrative nature, as stipulated in the above paragraph, can use their right to file a complaint in accordance with this Code.

##### **ARTICLE 4 COMPLAINTS AGAINST ENVIRONMENT AND NATURAL**

## **RESOURCES ACTIVITIES OF AN ADMINISTRATIVE NATURE**

Complaints against environment and natural resources activities of an administrative nature are conducted for the purpose of claiming compensation for environment and natural resources damage caused by the fulfilment of the work of public officials or jurisdictional authorities whose duties relate to the protection of the environment; natural resources; or activities, action-taking, or measures regarding the activities or management of the environment and natural resources; which cause environmental damage or pollution or violate any right or benefit of affected parties.

A natural person or legal entity can use the right to file a complaint, as stipulated in the above paragraph, to jurisdictional authorities or courts in accordance with this Code.

### **ARTICLE 5 PUBLIC INTEREST COMPLAINTS**

Public interest complaints are conducted with the purpose of protecting the public interest against environment and natural resources offences or non-compliance with provisions stipulated in this Code, and other relevant provisions.

A natural person or legal entity can use the right to file a complaint, as stipulated in the above paragraph, to jurisdictional authorities or courts in accordance with this Code.

### **ARTICLE 6 STRATEGIC LITIGATION TO DETER PUBLIC PARTICIPATION COMPLAINTS**

Strategic litigation to deter public participation complaints is conducted for the purpose of preventing, obstructing, menacing, or suppressing a natural person, legal entity or the public from conducting complaint activities against such entity bringing the strategic litigation to deter public participation or their economic interests.

## **SECTION 2 PARTIES TO NATURAL RESOURCE AND ENVIRONMENTAL COMPLAINTS**

### **ARTICLE 7 AFFECTED PERSON(S)**

Person(s) directly or indirectly affected by environment and natural resources offences shall reserve the right to file a complaint with the competent court for mitigation or compensation of the relevant damages and inflictions in compliance with this Code and the in-force Code of Civil Procedure of the Kingdom of Cambodia.

The complaint may be filed by a relevant community to oppose any environmental or natural resource offence, or any offence against the provisions stipulated in this Code and in-force Code of Civil Procedure of the Kingdom of Cambodia, and filed by a community representative. The community representative shall do so with relevant evidence to prove the

representation right granted by the affected community.

#### **ARTICLE 8 ASSOCIATIONS OR ORGANIZATIONS WITH ACCREDITATION**

All organizations or associations registered and acknowledged by the legal authority of the Kingdom of Cambodia with the objective of protecting the environment and natural resources shall reserve the right to file a natural resource and environmental complaint with the competent authorities and court.

The complaint filed by the accredited association or organization shall only be with the objective of claiming for environmental restoration or relevant compensation or damages for the victims and communities.

In a case where the complaint is filed for the purpose of claiming for compensation or damages, there shall be evidence showing the grant of rights by the community representative or the community.

#### **ARTICLE 9 ADMISSIBILITY OF COMPLAINTS MADE BY THE RELEVANT ASSOCIATION OR ORGANIZATION**

As stipulated in Article 8 of this Title, a complaint made by the relevant association shall be admitted upon proven evidence that the complaint is with the acceptance of victim or legal representative of this individual or community or representative of the community in claiming for civil compensation.

However, the complaint made by the association or organization as stipulated in the above paragraph shall be admitted without proven evidence that it is with either the victim's or community's admission, when the complaint made is with the purpose of demanding the environmental protection or environmental restoration to serve the public interest.

#### **ARTICLE 10 ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS MADE BY COMPETENT AUTHORITY**

The Ministry of Environment or relevant competent authority reserves the right to bring a complaint related to environment and natural resources damages, environmental restoration, or closure-related activities that harm or pollute the environment and natural resources, or failure to comply with the provisions stipulated in this Code at the competent institution or court.

### **SECTION 3 ENVIRONMENTAL AND NATURAL RESOURCES DISPUTE RESOLUTION**

#### **ARTICLE 11 OBJECTIVE OF ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION**



An out-of-court environment and natural resources dispute resolution has the objective of determining a rule to resolve environment and natural resources complaints of a civil nature and outside of the court administration voluntarily.

## **ARTICLE 12 SCOPE OF ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION**

Out-of-court environment and natural resources dispute resolution for environment and natural resources complaints has the scope to make environment and natural resources complaint of a civil nature on the complaint as follows:

- a) Compensation for damages;
- b) Restoration of the environment;
- c) Determination of measures to prevent environmental pollution or environmental damage by the polluter;
- d) Determination of measures to prevent or minimise negative impacts to the environment and natural resource; and
- e) No scope to implement environment and natural resources complaint of a criminal nature determined by this Code and relevant legal instruments.

The environment and natural resources dispute resolution as stipulated above shall be under the jurisdiction of the commune or Sangkat Environmental Mediation Committee and the National Committee of Environmental Dispute Resolution.

## **ARTICLE 13 DISPUTE RESOLUTION FOR ENVIRONMENT AND NATURAL RESOURCES DECISIONS OR ACTIVITIES OF AN ADMINISTRATIVE NATURE**

Complaints against environmental or natural resource decisions or activities of an administrative nature under the provisions of this Code and other legal instruments relevant to the protection and management of the environment and natural resources shall be subject to the resolution jurisdiction of the National Committee of Environmental Dispute Resolution.

## **ARTICLE 14 COMMUNE/SANGKAT ENVIRONMENTAL MEDIATION COMMITTEE**

Each commune/Sangkat council shall establish and organize the functioning of an Environmental Mediation Committee to resolve environment and natural resources complaints of a civil nature at their own commune/Sangkat office.

The jurisdiction of this Environmental Mediation Committee shall be determined by this Code. The preparation of budgets for the process of environment and natural resources dispute

resolution services by this Environmental Mediation Committee shall be determined by inter-ministerial legal instrument between the Ministry of Environment and the Ministry of Interior.

## **ARTICLE 15 JURISDICTION OF COMMUNE/SANGKAT ENVIRONMENTAL MEDIATION COMMITTEES**

Commune/Sangkat Environmental Mediation Committees shall have jurisdiction to do the following:

- a) Receive environment and natural resources dispute applications;
- b) Send environment and natural resources disputes which are not under their jurisdiction to other units, jurisdictional institutions, or the National Committee of Environmental Dispute Resolution, when the environment and natural resources complaint cannot be resolved in the mediation stage in their jurisdiction;
- c) Provide environment and natural resources dispute consultative services and maintain confidentiality;
- d) Visit sites of disputes;
- e) Provide resolution of environment and natural resources disputes of a civil nature;
- f) Prepare agreements with the approval of the parties in dispute, and monitor the implementation of compromise settlement agreements;
- g) Keep records or files of the processes of Commune/Sangkat Environment Mediation Committee, such as application forms of other compromise settlement agreements or other relevant documents; and
- h) Submit cases and compromise settlement agreements to the National Committee of Environmental Dispute Resolution if the dispute parties do not implement the agreement by the Commune/Sangkat Environmental Mediation Committee.

Commune/Sangkat Environmental Mediation Committees cannot resolve any environment and natural resources disputes that were resolved or are being resolved by the procedure under the in-force law even if the complaint falls under the jurisdiction of the Commune/Sangkat Environmental Mediation Committee.

The preparation and functioning of the environment and natural resources dispute resolution procedure of Commune/Sangkat Environmental Mediation Committee shall be determined by inter-ministerial legal instrument between the Ministry of Environment and Ministry of Interior.

## **ARTICLE 16 COMPOSITION OF THE COMMUNE/SANGKAT ENVIRONMENTAL**

## **MEDIATION COMMITTEE**

There are three (3) persons who are the members of the Commune/Sangkat Environmental Mediation Committee, of which one (1) person is the director whose duty is to lead the procedure of environment and natural resources dispute resolution, and two (2) persons are the members. The two members are selected by the parties in dispute and are to select a mediator as the director.

Preparation of the selection procedure and environment and natural resources mediator name list shall be determined by legal instrument of the Ministry of Interior.

## **ARTICLE 17 QUALIFICATIONS OF THE COMPOSITION OF COMMUNE/SANGKAT ENVIRONMENTAL MEDIATION COMMITTEE**

The qualifications of members of the Commune/Sangkat Environmental Mediation Committee shall be as follows:

- a) Age of thirty (30) years or above;
- b) At least Bac 1 Level;
- c) At least two years of ability and environment related work experience;
- d) Frank, unbiased, and acting in good faith; and
- e) Respecting confidentiality.

Each Commune/Sangkat Environmental Mediation Committee can select one or more technical expert(s) in science as technical counsellor if necessary in accordance with the complexity of the case. Technical experts shall fulfil their work limited to only the level requested by Commune/Sangkat Environmental Mediation Committee and provide technical conclusion to only the Commune/Sangkat Environmental Mediation Committee and the parties.

Preparation of the selection procedure and name lists of technical experts in environmental science shall be determined by legal instrument of the Ministry of Interior.

## **ARTICLE 18 PERIOD OF THE PROCESS OF RECONCILIATION OF COMMUNE/SANGKAT ENVIRONMENTAL MEDIATION COMMITTEE**

There is a period of forty-five (45) days of the process of environment and natural resources reconciliation of the Commune/Sangkat Environmental Mediation Committee. This timeframe can be extended when the parties in dispute agree with the proposal from Commune/Sangkat Environmental Mediation Committee

In the case where the process of environment and natural resources reconciliation of the Commune/Sangkat Environmental Mediation Committee cannot be achieved within the timeframe stipulated in the above paragraph, the Commune/Sangkat Environmental Mediation Committee shall submit the complaint to National Committee of Environmental Dispute Resolution to proceed within twenty-one (21) days at the latest.

#### **ARTICLE 19 TERMINATION OF ENVIRONMENTAL MEDIATION PROCESS**

The environmental mediation process shall be terminated as follows:

- a) Parties approve to terminate the procedure of environmental mediation process;
- b) One party does not approve or cooperate in the dispute resolution through environmental mediation process;
- c) Parties do not reach agreement on the environment and natural resources dispute in the period of period of forty-five (45) days or in an extended time as agreed by the parties by the end of that time; or
- d) Parties reach an agreement in written form through the reconciliation of the Commune/Sangkat Environmental Mediation Committee.

Compromise settlement agreements of Commune/Sangkat Environmental Mediation Committee are not legally binding.

#### **ARTICLE 20 RESOLUTION**

Each agreement that shall be reconciled by Commune/Sangkat Environmental Mediation Committee with the approval of participation parties may include some points as follows:

- a) Determine compensation for environment and natural resources damages;
- b) Determine the methodology of environment and natural resources restoration of occurring damages;
- c) Determine the procedure to ensure that there will not be extra hazard to environment and natural resources; and/or
- d) Determine the rule to prevent environment and natural resources damages. Environment and natural resources assessment shall be determined by separate guideline of the Ministry of Environment.

#### **ARTICLE 21 NATIONAL COMMITTEE OF ENVIRONMENTAL DISPUTE RESOLUTION**

The National Committee of Environmental Dispute Resolution shall be established by legal instrument developed by the Ministry of Environment. The National Committee of Environmental Dispute Resolution shall consist of a Permanent Secretariat made up of staff in the Ministry of Environment. This Secretariat shall be led by one General Secretary and one or more Deputy General Secretary(ies) as the assistant(s) if necessary.

The organization and functioning of the Permanent Secretariat as stipulated in the above paragraph shall be determined by legal instrument following the proposal from the Ministry of Environment.

The National Committee of Environmental Dispute Resolution consists of two separate councils. The first national council functions as Environmental Mediation Panel responsible for dispute resolution for environment and natural resources dispute sent from commune/Sangkat Environmental Mediation Committees whereas the second national council functions as Dispute Resolution Panel against administrative environmental decisions or environmental activities relevant to environment and natural resources management.

#### **ARTICLE 22 NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

The organization and functioning of the National Council on Environmental Mediation shall be determined by legal instrument following the proposal of the Ministry of Environment.

The composition of the National Council on Environmental Mediation is as follows:

- a) Skilled officers of the Ministry of Environment -- Director(s);
- b) Skilled officers of relevant ministries related to Environment and Natural Resources Dispute -- Member(s);
- c) Group of Technical Experts in science as necessary -- Member(s); and
- d) National Civil Society Organization working relevant to environment and natural resources as members -- As necessary.

Members of the National Council on Environmental Mediation having a five (5) year mandate shall be appointed except resign, death, or revocation by fault which is stipulated in this Code of conduct and internal rule.

#### **ARTICLE 23 JURISDICTION OF THE NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

The National Council on Environmental Mediation has jurisdiction as follows:

- a) Resolve environment and natural resources disputes that are sent from the commune/Sangkat Environment Mediation Committee;
- b) Has right and power in investigations and information questioning relevant to dispute;
- c) Prepares compromise settlement agreements with the approval from both parties on complaints related to environment and natural resources disputes;
- d) Examines and resolves proposals for dispute resolution of environment and natural resources of parties in dispute;
- e) Has right and power to order parties to put and show documents and information related to dispute point;
- f) Has right to request assistance from other experts from other ministries and institutions;
- g) Has right to request cooperation from the relevant ministries and institutions; and
- h) Prepares and creates internal rule and code of conduct.

#### **ARTICLE 24 QUALIFICATION OF MEMBERS OF THE NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

Members of the National Council on Environmental Mediation shall have the following qualifications:

- a) Age of thirty-five (35) or above;
- b) At least Bachelor Degree;
- c) Capacity and experience relevant to environment sector of at least five (5) years;
- d) Loyal, acting in good faith, and just; and
- e) Respecting confidentiality.

#### **ARTICLE 25 PERIOD OF CONCILIATION PROCESS OF NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

The National Council on Environmental Mediation has a the period of six (6) months at the longest starting from the date of receiving a complaint to process the dispute conciliation.

The period as stipulated in the above paragraph can be extended with the agreement from the parties in dispute as proposed by the National Council on Environmental Mediation.

In the case where the process of the conciliation of the National Council on Environmental

Mediation cannot be achieved in the period stipulated in the above paragraph, the National Council on Environmental Mediation or parties in dispute can file a complaint to Juridical Municipal/ Provincial Court of First Instance to resolve the dispute following the in-force legal procedure.

#### **ARTICLE 26 ENDING OF ENVIRONMENTAL MEDIATION PROCESS OF NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

The environmental mediation process of the National Council on Environmental Mediation shall be ended with reasons as follows:

- a) Parties agree to end the procedure of the environmental mediation process;
- b) Any party disagrees or does not cooperate in resolving the dispute through the environmental mediation procedure;
- c) Parties do not reach agreement on the environment and natural resources dispute in the period of six (6) months or in the extended period determined through agreement of the parties; or
- d) Parties agree on a written agreement through reconciliation of the National Council on Environmental Mediation.

A compromise settlement agreement of the National Council on Environmental Mediation shall be legally binding.

#### **ARTICLE 27 COSTS FOR RESOLVING ENVIRONMENTAL AND NATURAL RESOURCE DISPUTES BY THE PARTIES**

In the event that the environment and natural resources dispute is related to a private individual's interest, the parties to the dispute shall be responsible for the costs for resolving the environment and natural resources dispute, except if a complaint of the dispute has been lodged by the competent authority or institution or the general public for the purpose of protecting the interest of the public or community in which case the fund established in Book 8 of this Code to resolve environment and natural resources shall be used.

The procedure to determine the type of expenses shall be determined by an inter-ministerial legal instrument of the Ministry of Environment and the Ministry of Interior.

#### **ARTICLE 28 INDEPENDENCE AND NEUTRALITY OF ENVIRONMENTAL MEDIATOR**

The appointed environment and natural resources mediator shall fulfil his or her duties in an independent and neutral manner in his or her scope of jurisdiction in accordance with the laws

and regulations in force.

#### **ARTICLE 29 COMPROMISE SETTLEMENT AGREEMENT OF NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

A compromise Settlement Agreement of National Committee on Environmental Mediation shall be in written form and shall be made publicly available.

#### **ARTICLE 30 CHOMTOAH APPEAL (OBJECTION) AGAINST COMPROMISE SETTLEMENT AGREEMENT OF NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

The parties of the dispute have the right to file a complaint to a competent court to review the laws and the procedure of the compromise settlement agreement coordinated by the National Council for Environmental Mediation within a period of fifteen (15) days after the mediation process has been completed.

In the event of the absence of chomtoah (objection) complaint made in a period as provided for in the above paragraph, the compromise settlement agreement is considered final without recourse, and it has the same effect as the written compromise settlement which could become a title of execution in accordance with the provisions of the procedural code in force.

#### **ARTICLE 31 RESOLUTION**

The National Council for Environmental Mediation or National Council for Environmental Administration Dispute Resolution shall select resolutions and measures stipulated in this Code. The National Council for Environmental Mediation or National Council for Environmental Administration Dispute Resolution shall take into consideration the priority options for the issue of environmental restoration and reparation.

#### **ARTICLE 32 EFFECT OF COMPROMISE SETTLEMENT AGREEMENT OF NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

A compromise settlement agreement of National Council on Environmental Mediation has the same effect as a written compromise settlement which could become a title of execution in accordance with the provisions of the procedural code in force in the event that the parties to the dispute have not voluntarily implemented the provisions of the compromise settlement agreement.

#### **ARTICLE 33 NATIONAL COUNCIL ON ENVIRONMENTAL ADMINISTRATION DISPUTE RESOLUTION**

The organization and functioning of the National Council on Environmental Administration Dispute Resolution shall be determined by legal instrument to be developed by the Ministry of



Environment.

The members of the National Council for Environmental Administration Dispute Resolution above shall be:

- a) Minister of the Office of the Council of Ministers or representative: president;
- b) Minister of the Ministry of Environment or representative: vice-president;
- c) Ministers of relevant government entities or representative: members;
- d) Scientific technical expert team to provide technical consultation as necessary or based on the proposal of relevant ministries: members; and
- e) Other members as necessary based on the case of dispute: members.

Members of the National Council for Environmental Administration Dispute Resolution having a mandate of five (5) years are appointed except if he/she has resigned, died, or been expelled from the position because of any mistakes stipulated in the internal regulations or prohibited legal provisions.

#### **ARTICLE 34 JURISDICTION OF NATIONAL COUNCIL FOR ENVIRONMENTAL ADMINISTRATION DISPUTE RESOLUTION**

The National Council for Environmental Administration Dispute Resolution has jurisdiction to review and issue decisions on the objection complaint against administrative decisions or activities that are related the environment and natural resources.

The decision of the National Council for Environmental Administration Dispute Resolution may be a decision to reject, cancel, accept, or revise, the environmental administration decision or environment and natural resources administration activities or decision on the complaint to claim for environmental damage of the affected parties related to environment and natural resources. This decision shall be made in written form and shall provide clear and appropriate legal reasons.

The National Council for Environmental Administration Dispute Resolution shall issue its decision in a period of forty-five (45) days at the latest counting from the day the objection complaint is received. The period as stipulated above can be extended by not more than three (3) months due to the complexity of scientific technique of the environmental administrative decision or environment and natural resources activities.

#### **ARTICLE 35 PROCEDURE FOR DECISION-MAKING OF NATIONAL COUNCIL FOR ENVIRONMENTAL ADMINISTRATION DISPUTE RESOLUTION**

The decision-making of the National Council for Environmental Administration Dispute Resolution shall be made by going through a public hearing. The decision-making shall be made by the majority of all members that are present. Members of the National Council for Environmental Administration Dispute Resolution shall consist of at least three (3) persons, but must consist of an odd number that participates in the public hearing depending on each of the cases and types of complaint against the environmental administration decision or environment and natural resources activities. The member that is from the Council of Ministers is the president leading the public hearing.

The discussion to make a decision of National Council for Environmental Administration Dispute Resolution shall be confidential; however, its announcement of the decision shall be conducted publicly and with proper reasons in the public hearing hall.

### **ARTICLE 36 OBJECTION COMPLAINT AGAINST THE ENVIRONMENTAL ADMINISTRATION DECISION OR ENVIRONMENT AND NATURAL RESOURCES ACTIVITIES**

If the dispute parties do not agree with the decision of the National Council for Environmental Administration Dispute Resolution, the dispute parties have the right to file a chomtoah complaint to the Capital/Provincial Court of First Instance to review and make the decision again in accordance with the civil procedure in force in a period of forty-five (45) days counting from the day that the announcement of the decision is received.

In the event of the absence of any objection complaint in the period of thirty (30) days stipulated above, it shall be considered that the decision becomes final without resource and shall be effective for implementation immediately.

### **ARTICLE 37 COOPERATE WITH NATIONAL COMMITTEE FOR ENVIRONMENTAL DISPUTE RESOLUTION**

All levels of authority, armed forces and relevant ministries/institutions shall cooperate, coordinate, and support in the implementation of the role of National Committee for Environmental Dispute Resolution in case where there is a request from the National Committee for Environmental Dispute Resolution.

### **ARTICLE 38 INDEPENDENCE AND NEUTRALITY OF NATIONAL COUNCIL FOR ENVIRONMENTAL ADMINISTRATION DISPUTE**

The appointed members of National Council for Environmental Administration Dispute shall fulfil their duties in an independent and neutral manner in their scope of jurisdiction in accordance with the laws and regulations in force.

In the event that any member violates their functions as stipulated in the above paragraph and

commits any action that is against the law in force, that member shall be subject to administrative punishment and/or criminal punishment according to the types of mistake that are provided for in the legal provisions in force.

#### **SECTION 4 ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION THROUGH THE COURT SYSTEM**

##### **ARTICLE 39 CAPITAL/PROVINCIAL COURT OF FIRST INSTANCE SPECIALIZED IN ENVIRONMENT**

The relevant legal entity shall create the Specialized Environmental Court at the Capital/Provincial Court of First Instance, and the Specialized Environmental Chamber at the Court of Appeal and the Supreme Court, to be responsible for resolving environment and natural resources dispute and dispute against environmental administrative decision or environment and natural resources activities.

##### **ARTICLE 40 JURISDICTION OF ENVIRONMENTAL SPECIALIZED COURT**

The Specialized Environmental Court at the Capital/Provincial Court of First Instance shall issue a decision on an objection complaint or chomtoah complaint submitted by the National Council on Environmental Mediation or National Council for Environmental Administration Dispute Resolution in accordance with the Criminal Code of the Kingdom of Cambodia.

However, in the case where the complaint related to the environment and natural resources is a criminal complaint which is determined by this Code and other relevant legal provisions, the process of this criminal complaint shall be in compliance with the Criminal Procedure Code of the Kingdom of Cambodia.

Implementation of the procedure to resolve environment and natural resources complaint shall be in compliance with the in-force Code of Civil Procedure of the Kingdom of Cambodia and the in-force Criminal Code of the Kingdom of Cambodia, except if there are any special provisions determined by this Code.

##### **ARTICLE 41 OBJECTION COMPLAINT AGAINST THE COMPROMISED SETTLEMENT AGREEMENT OF THE NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

The parties or the public who have the purpose of protecting public interest or the competent authority have the right to file complaints against the compromise settlement agreement of the National Council on Environmental Mediation to the Specialized Environmental Court at the Capital/Provincial Court of First Instance to review the laws and procedure.

All persons who are not satisfied with the judgement of the Specialized Environmental Court at the Capital/Provincial Court of First Instance have the right to appeal against the judgement to a higher court. The formality and procedure for filing complaints shall be in compliance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia.

#### **ARTICLE 42 JURISDICTION TO REVIEW LEGAL ASPECT OF THE ENVIRONMENTAL SPECIALIZED COURT**

The Specialized Environmental Court at the Capital/Provincial Court of First Instance has the jurisdiction to review legal aspects as follows:

- a) Consideration, measures, and solutions determined in this Code shall be included in the compromise settlement agreement;
- b) Shall take into consideration the restoration and reparation of environment and natural resources as the first priority;
- c) Resolution and measures shall be in accordance with the general principles stipulated in this Code;
- d) The subject matter of environmental dispute may be solved through environmental mediation mechanism;
- e) The content of the compromise settlement agreement on environment and natural resources is contrary to public order, good customs of the society, and other legal provisions;
- f) Review the properness of procedure of environmental mediation; and
- g) Consistency with public policy of the State.

#### **ARTICLE 43 DECISION OF ENVIRONMENTAL SPECIALIZED COURT**

The Specialized Environmental Court at the Capital/Provincial Court of First Instance shall issue a decision on the objection complaint against the compromise settlement agreement of the National Council on Environmental Mediation or against the decision of the National Council for Environmental Administration Dispute Resolution by means of a judgement in a period of three (3) months at the latest from the date the complaint is submitted.

The period as determined in the above paragraph cannot be extended.

#### **ARTICLE 44 OBJECTION COMPLAINT AGAINST THE ENVIRONMENTAL ADMINISTRATIVE DECISION OF THE NATIONAL COUNCIL ON ENVIRONMENTAL MEDIATION**

The parties or the public who have the purpose of protecting public interest or the competent authority have the right to file complaints against the administrative decision on environment and natural resources of the National Council on Environmental Mediation to the Specialized Environmental Court at the Capital/Provincial Court of First Instance in order to review the legality of the decision.

All persons who are not satisfied with the judgement of the Capital/Provincial Environmental Specialized Court of First Instance have the right to appeal against the judgement to a higher court. The formality and procedure for filing complaints shall be in compliance with the Criminal Procedure Code of the Kingdom of Cambodia.

#### **ARTICLE 45 COMPETENCY TO REVIEW THE LEGALITY OF THE ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DECISION**

The Environmental Specialized Court has the jurisdiction to review legality issues as follows:

- a) Validity of the administrative decision including the jurisdiction to issue the decision, the defect of the form or the procedure to issue the decision, or abuse of power; and
- b) The essential content of the decision including violation of laws or other regulations, mistake regarding the laws, or fact or reason for issuing the decision or violating the general principles of the laws.

#### **ARTICLE 46 JURISDICTION TO REVIEW ENVIRONMENTAL ADMINISTRATIVE DECISION**

The Environmental Specialized Court shall review environmental administrative decisions which are in accordance with the provisions of this Code or other regulations or abused power.

#### **ARTICLE 47 TIME PERIOD FOR APPEALING TO HIGHER COURTS**

Uttor Appeal and Satuk Appeal shall be done within a period of one (1) month counting from the date of the receipt of the judgement or verdict. The procedure for resolving the Uttor or Satuk Appeal shall be in compliance with the in-force Code of Civil Procedure of the Kingdom of Cambodia except if there are any special provisions stipulated in this Code.

#### **ARTICLE 48 UTTOR APPEAL AGAINST THE DECISION OF THE ENVIRONMENTAL SPECIALIZED COURT**

The Court of Appeal shall issue a decision on the Uttor Appeal on the judgement of the Environmental Specialized Court by means of a verdict within a period of six (6) months at the latest, calculating from the date of the receipt of the Uttor Appeal.

The time period stipulated in the above paragraph may not be extended.

#### **ARTICLE 49 SARTOK APPEAL AND JUDGEMENTS OF THE APPEAL COURT**

The Supreme Court shall issue a judgement on the Sartouk appeals and the Appeal Court's judgements no later than nine (9) months counting from the date of receiving the Sartouk appeals stated in the above paragraph without any delay.

For complaints with civil objectives or environment and natural resources objectives, the Supreme Court shall issue a closing and final judgment without reversing the judgment and let the Court of Appeal re-handle it following procedure stipulated in the Code of Civil Procedure of Cambodia, unless the environment and natural resources complaint is of a criminal nature.

#### **ARTICLE 50 STRATEGIC LITIGATION DETERRING PUBLIC PARTICIPATION**

The project proponents or competent officials facing improper accusation complaints made by a natural person or legal entity, which damage their benefits, may file a lawsuit at the competent court demanding civil compensations.

#### **ARTICLE 51 REQUIREMENTS FOR RECEIVING STRATEGIC LITIGATION DETERRING PUBLIC PARTICIPATION**

The court shall review the requirements for receiving strategic litigation deterring public participation as follows:

- a) The litigation action is without the intention to interfere with, stop, or suppress public participation in taking litigation actions; or
- b) Invalid or non-specific evidences show that the public's lawsuit is with the intention to defame, stop, or interfere with the deterring complainant's malicious intention.

In the case of non-compliance with the above requirements, the court shall then object the litigation by a judgement.

Any party dissatisfied by the above judgement reserves the right to file an appeal at the Court of Appeal no later than fifteen (15) days counting from the date of notification of the judgement. The judgement of the Court of the Appeal then shall be final with no further objection.

The procedure of strategic litigation deterring public participation shall follow the procedures under the in-force Code of Civil Procedure of the Kingdom of Cambodia, unless otherwise specified in this Code.

#### **ARTICLE 52 PROCEDURE FOR EXECUTING THE COURT'S DECISION**

The compulsory execution for the right to demand monetary compensation shall follow the procedures of compulsory execution stated in the in-force Code of Civil Procedure of the Kingdom of Cambodia.

The implementation of decisions related to preservative relief ruling procedure shall follow the compulsory execution for preservation relief ruling stated in the in-force Code of Civil Procedure of the Kingdom of Cambodia.

The compulsory execution for the right to demand monetary compensation, the compulsory execution for the court's decision which orders a return of tangible assets, or orders to take or not take an action, shall follow the compulsory execution procedure stated in the in-force Code of Civil Procedure of the Kingdom of Cambodia. In addition, those who do not abide by the judge's decision shall be prosecuted and punished following the Criminal Code of the Kingdom of Cambodia.

## **CHAPTER 2 PROCEDURES FOR CRIMINAL OFFENCES RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES**

### **SECTION I ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

#### **ARTICLE 53 QUALIFICATION OF JUDICIAL POLICE OFFICERS**

Governmental officers and officers under the relevant government entities with jurisdiction over environmental protection and the management of natural resources shall qualify as Environment and Natural Resources Judicial Police Officer.

#### **ARTICLE 54 PROCEDURES FOR RECEIVING THE QUALIFICATION AS JUDICIAL POLICE OFFICER**

To be accredited as an Environment and Natural Resources Judicial Police Officer, the Environment and Natural Resources Judicial Police Officer shall take an oath before the Court of Appeal. The oath shall not be taken again when repositioned as Environment and Natural Resources Judicial Police Officer.

The Environment and Natural Resources Judicial Police Officer Appointment Forms and Procedures shall be determined by a joint legal instrument between the relevant legal entities responsible for the environment and natural resources and the Ministry of Justice. The oath protocol shall be determined by the Ministry of Justice.

#### **ARTICLE 55 MISSIONS OF THE ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

The governmental officers and officers under the relevant government entities with Environment and Natural Resources Judicial Police Officer accreditation shall implement the following missions:

- a) Accepting complaints related to the environment and natural resources;
- b) Monitoring the offences related to the environment and natural resources;
- c) Requesting information from stakeholders for investigating environment and natural resources offences;
- d) Inspecting sites with allegations of environment and natural resources offences;
- e) Confiscating all evidence relevant to environment and natural resources offences;
- f) Requesting support from stakeholders for investigating environment and natural resources offences;
- g) Investigating and cracking down on environment and natural resources offences;
- h) Pursuing suspects;
- i) Arresting offenders;
- j) Building up relevant cases regarding environment and natural resources offences;
- k) Filing cases with the court; and
- l) Assigning transactional fines.

The operation of the governmental officers and officers under the relevant government entities to the environmental protection and the management of natural resources with the Environment and Natural Resources Judicial Police Officer Accreditation shall comply with this Code of Criminal Procedures of Cambodia in force.

#### **ARTICLE 56 AUTHORITY FOR WEAPONS AND SELF-DEFENCE**

Only the government officers and officers under the relevant ministries with Environment and Natural Resources Judicial Police Officer accreditation shall have the authority to use weapons and self-defence against physical violence by offenders, while performing their mission. The weapons shall be managed by the Ministry of Interior.

#### **ARTICLE 57 INVESTIGATIVE PROCEDURE OF ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS**

Procedure of building up cases of the governmental officers and officers under the relevant government entities with Environment and Natural Resources Judicial Police Officer accreditation shall comply with the in-force Code of Criminal Procedure of the Kingdom of Cambodia. Forms and formats of recording to be made by the Environment and Natural Resources Judicial Police Officers shall be determined by a joint legal instrument between the



relevant ministries and the Ministry of Justice.

#### **ARTICLE 58 INVESTIGATING OBLIGATIONS OF STAKEHOLDERS FOR ENVIRONMENT AND NATURAL RESOURCES OFFENCES**

All levels of local authorities, armed forces, and relevant stakeholders shall provide smooth coordination, cooperation, and support for searching, monitoring, and cracking down on environment and natural resources offences when there is a request submitted by Environment and Natural Resources Judicial Police Officers.

#### **ARTICLE 59 UNIFORMS FOR INVESTIGATING OPERATIONS FOR ENVIRONMENT AND NATURAL RESOURCES OFFENCES**

The governmental officers and officers under the relevant government entities with Environment and Natural Resources Judicial Police Officer Accreditation shall have a specific uniform when operating as Environment and Natural Resources Judicial Police Officer.

#### **ARTICLE 60 AUTHORITY TO DEPUTIZE FIELD OFFICERS**

Officials of the Ministry of Environment, relevant sub-national administrations, and the Provincial Departments of Environment shall have the authority to deputize field officers and to delegate the powers described in this Title and this Code, except for those powers exclusively reserved for Judicial Police Officers, to community representatives or to persons or classes of persons from sub-national administrations, communities, and civil society, to be enforcement officers for the purpose of the enforcement of environment and natural resource offences under this Code. In addition, if so specified in a Collaborative Management Agreement, such power to deputize may be conferred on a Collaborative Management Committee or other management authority established under such Collaborative Management Agreement. The precise roles and powers, privileges and immunities of such deputized enforcement officers shall be specified by legal instrument of the Ministry of Environment and Provincial Departments of Environment on a case-by-case basis.

#### **ARTICLE 61 RIGHTS OF COMMUNITY GROUPS AND CITIZENS**

Upon enactment of this Code, local community groups and citizens shall have the following rights in protecting natural resources:

- a) Conduct patrols in collaboration with sub-national administrations, police, rangers, or military units;
- b) Temporarily hold; and assist local authorities, police, rangers or military units to confiscate, any material or equipment used in the illegal harvesting of any wildlife, forest or fisheries product or other natural resources products;

- c) Temporarily hold, and assist local authorities, police, rangers or military units to confiscate, any illegally harvested wildlife, forest or fisheries products, or other natural resources products;
- d) Provide evidence, reports, and other information about any wildlife, forest, fisheries, or natural resources crimes to the Ministry of Environment and local authorities, and make such information publicly available; and
- e) Provide information and evidence to prosecutors. Upon receipt of such information or evidence, prosecutors shall be required to provide within thirty (30) days of receipt to the local community group or citizens their proposed actions on the matter.

## **SECTION 2 PROCEDURES FOR INVESTIGATION, INTERROGATION, ALLEGATION AND PROSECUTION**

### **ARTICLE 62 GENERAL PROVISION**

The general provision under the Criminal Procedure Code of the Kingdom of Cambodia shall be implemented for investigation and accusation of the environment and natural resources offences unless specifically mentioned in this Section.

### **ARTICLE 63 PROCEDURES FOR INVESTIGATION, INTERROGATION, ALLEGATION, AND PROSECUTION**

The procedures for investigation, interrogation, allegation, and prosecution shall follow the Criminal Procedure Code of the Kingdom of Cambodia unless being specially mentioned in this Code.

### **ARTICLE 64 ATTEMPTS TO COMMIT ENVIRONMENT AND NATURAL RESOURCES OFFENCES**

It is not an offence if without the attempt to commit; however, an allegation of an environment and natural resources offence may be raised according to the following conditions:

- a) The intent or attempt to commit the offence;
- b) Knowing about the offence without taking a preventive measure;
- c) Negligence or reluctance in fulfilling the legal obligation determined; or
- d) Incompliance with the written legal provisions or legal requirements.

An environment and natural resources offence may be without the intention element; however, when there are damages to the environment and natural resources, the court may proceed with an accusation as well as prosecution.

### **CHAPTER 3 EVIDENCES IN ENVIRONMENT AND NATURAL RESOURCES CASES**

#### **ARTICLE 65 CRIMINAL AND CIVIL EVIDENCES IN ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS**

Criminal and civil evidences in environment and natural resources complaints shall include:

- a) Documentary evidences;
- b) Testimonial evidences;
- c) Material evidences;
- d) Demonstrative Evidences; and
- e) Direct reviews of the court.

#### **ARTICLE 66 DOCUMENTARY EVIDENCES**

Documentary evidences include:

- a) Permits, licenses, agreements, and certificates;
- b) Monitoring reports;
- c) Invoices and receipts;
- d) Experimental reports;
- e) Maps;
- f) Photographs, videos, and voice records; and
- g) Miscellaneous.

#### **ARTICLE 67 TESTIMONIAL EVIDENCES**

Testimonial Evidences shall include:

- a) People in general;
- b) Specialized person(s); and
- c) Miscellaneous.

#### **ARTICLE 68 MATERIAL EVIDENCES RELATED TO THE SUBJECTS OF THE**

## **DISPUTE**

Material evidences related to the subjects of the dispute shall include:

- a) Marks; and
- b) Miscellaneous.

## **ARTICLE 69 DEMONSTRATIVE EVIDENCES**

Demonstrative evidences shall include:

- a) Diagrams;
- b) Charts; and
- c) Miscellaneous.

## **ARTICLE 70 MULTIPLE EVIDENCE REVIEWS**

Multiple evidence reviews shall include:

- a) Statements of the dispute parties;
- b) Statements of the technical experts;
- c) Statements of the witnesses;
- d) Statements of the lawyers; and
- e) Miscellaneous.

## **ARTICLE 71 ENVIRONMENT AND NATURAL RESOURCES EVIDENCES RELATED ADMINISTRATION FOR THE ENVIRONMENT AND NATURAL RESOURCES**

The environment and natural resources evidences related administration for the environment and natural resources shall include:

- a) Environmental administrative decisions or actions for the environment and natural resources;
- b) Testimonies of the witnesses;
- c) Conclusions of specialized person(s);
- d) Testimonies of the dispute parties; and

e) Miscellaneous.

#### **ARTICLE 72 EVIDENCE REVIEWS FOR ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS OF A CIVIL, CRIMINAL AND/OR ADMINISTRATIVE NATURE**

Evidence reviews for environment and natural resources complaints of a civil nature shall follow the evidence rules under the in-force Code of Civil Procedure of the Kingdom of Cambodia.

Evidence reviews for environment and natural resources complaints of a criminal nature shall follow the evidence rules under the in-force Criminal Procedure Code of the Kingdom of Cambodia.

#### **ARTICLE 73 REQUIREMENTS OF EVIDENCES IN ENVIRONMENT AND NATURAL RESOURCES CASES**

Evidences in environment and natural resources cases shall be with conclusions out of scientific, technical, and expertise evidences for considering and making decisions.

#### **ARTICLE 74 CONFISCATED EVIDENCE**

Confiscated evidence shall be managed in accordance with the procedures of the Ministry of Environment as outlined in this Code and other relevant legal instruments. Evidence must be stored securely and appropriately at an institution deemed suitable by the Ministry of Environment.

### **CHAPTER 4 PRESERVATIVE RELIEF IN ENVIRONMENT AND NATURAL RESOURCES CASES**

#### **SECTION 1 COMPETENT COURT**

#### **ARTICLE 75 GENERAL PROVISIONS FOR PRESERVATIVE RELIEF**

Preservative relief ruling procedure and implementation procedure shall follow the in-force Code of Civil Procedure of the Kingdom of Cambodia, unless there is a special provision in this Code.

#### **ARTICLE 76 BASIS FOR DECISION-MAKING ON PRESERVATIVE RELIEF RULING APPLICATION**

The basis for decision-making on preservative relief ruling shall consist of:

- a) Sufficient basis for showing the legal rights and relationships for preservative relief ruling;
- b) Irrestorable and unmaintainable damages from the offence; and/or

- c) When the public interest, common interest, or collective interest is higher than the private interest.

#### **ARTICLE 77 DURATION OF THE COURT'S DECISION-MAKING**

The environmental specialized court shall decide on the requests for preservative relief ruling no later than seven (7) days upon receiving the request. In the case of appealing the judge's ruling for preservative relief, the environmental specialized court then shall make the decision on the appeal no later than two (2) weeks upon the effect of the proceeding letter of the court.

The court in charge of the chomtoah appeal shall decide on the chomtoah appeal against the judge's order of an objection, a ruling for preservative relief, or an objection to the request for a ruling for preservative relief, no later than two (2) weeks after receiving the proceeding letter of the court by the relevant party.

#### **ARTICLE 78 PRINCIPLE OF SERVICE**

The procedure of service shall follow the in-force Code of Civil Procedure of the Kingdom of Cambodia, unless there is a specific provision in this Code.

The service shall follow the discretion of the court in regards to the procedure for the service, place of service, and how it is determined as legal and judicial informing of the parties, or as charges of the service.

The places of receiving the information shall include the address of a dwelling place, residential place, office, or enterprise facility that the party has specified in the official documents for the particular request or lawsuit.

#### **ARTICLE 79 FUNDAMENTAL PRINCIPLES OF ENVIRONMENTAL LAWS TO APPLY**

The court where the judicial decision is made for the preservative relief ruling request shall apply the following environmental principles:

- a) The Precautionary Principle;
- b) The Polluter Pays Principle; and
- c) The Prevention Principle.

#### **ARTICLE 80 COLLATERAL SECURITY**

The court may decide that there shall be no collateral security for the requester(s) for a Collateral Security by considering the following reasons:

- a) There is no evidence or adequate or specific reasons to show the scope of the environmental damages and benefits of the affected people;

- b) The affordability of the economic resources of the lender;
- c) The values of the environmental protection; and
- d) Other circumstances.

## **SECTION 2 EXTRADITION AND MUTUAL LEGAL ASSISTANCE**

### **ARTICLE 81 ENFORCING PROVISION FOR EXTRADITION**

The provision in Book 9 Title 1 Chapter 2 of the in-force Code of Civil Procedure of the Kingdom of Cambodia shall be enforced for extradition relevant to environmental offences of a criminal nature.

### **ARTICLE 82 MUTUAL LEGAL ASSISTANCE**

In the case of environmental offences of a criminal nature, the judicial authority of the Kingdom of Cambodia may grant a foreign competent court of the other country the judicial power, and may receive judicial power from a foreign country through the Ministry of Justice to:

- a) Collect evidences and answers collected through court proceedings;
- b) Inform regarding judicial documents;
- c) Search, retain, and confiscate;
- d) Research sites and materials;
- e) Provide information and exhibits;
- f) Provide original records or certified copies of the original and case documents;
- g) Exhibit or provide witnesses, experts, or other person(s) including detained person(s), who agree to facilitate the investigation or engage in the procedure;
- h) Identify and search for resources, property, materials, or equipment obtained through an offence or the methods of committing the offences;
- i) Hold products and properties obtained through temporary retention orders in environmental offences which contain materials or equipment used or kept for committing environment or natural resources offences of criminal nature;
- j) Execute decisions for retaining or seizing orders or returning orders for products, properties, materials, or equipment obtained through committing an environmental offence of a criminal nature;
- k) Release seizing orders stated in the above point;

- l) Inform regarding the accusation proceeding;
- m) Interrogate the accused according to the criminal procedure; and
- n) Search for and identify suspects and witnesses.

## **ARTICLE 83 MUTUAL LEGAL ASSISTING PROCEDURE FOR CIVIL ACTIONS**

The mutual legal assisting procedure for civil actions to be implemented shall follow the principles determined in bilateral or multilateral convention or agreements to which the Kingdom of Cambodia is a party, and the national laws in force.

## **TITLE 3 RESTORATION AND COMPENSATION FOR HARM TO THE ENVIRONMENT**

### **CHAPTER 1 GENERAL PROVISIONS AND OBJECTIVES**

#### **ARTICLE 1 OBJECTIVE**

The objective of this Title is to promote the restoration and compensation for harm to the environment, as defined in Book 1 General Provisions Title 1 General Provisions of this Code, caused by activities or developments. The Title establishes a mechanism to assess the extent of the harm to the environment and for all stakeholders to develop a plan to restore the environment or compensate for the damage to the environment.

#### **ARTICLE 2 HARM TO THE ENVIRONMENT**

Harm to the environment includes damage to or impairment, destruction, loss, or loss of use of the environment, including natural resources and natural resource goods and services; and includes loss of wages, income, profits, and lost taxes or governmental fees.

#### **ARTICLE 3 LIABILITY FOR HARM TO THE ENVIRONMENT**

In accordance with the Polluter Pays Principle and the Principle of Environmental Liability in Book 1 General Provisions Title 1 General Provisions of this Code, any legal entity or natural person found liable for any harm to the environment shall be required to restore all such harm, and/or otherwise compensate for all losses resulting from the harm.

Restoration of any harm shall include an activity or combination of activities undertaken to put back the totality of what was lost due to the harm. This may occur through rehabilitation, enhancement, replacement, restoration, or other acquisition, conservation and protection measures sufficient to compensate over time for the all of the losses from harm.

#### **ARTICLE 4 OBLIGATION TO SHARE INFORMATION**



All affected national and sub-national government entities, indigenous peoples, civil society, legal entities, and natural persons shall share relevant technical information, knowledge, interests, and concerns to facilitate full, prompt, and effective restoration of harm to the environment. To achieve this, each of these parties shall be appropriately involved in restoration and compensation decision-making and restoration implementation.

## **CHAPTER 2 LIABILITY**

### **ARTICLE 5 NATURAL PERSONS, LEGAL ENTITIES, AND GOVERNMENT OFFICIALS**

Liability for environmental compensation shall not require proof of intention or knowledge and shall apply to:

- a) Any natural person or legal entity whose actions or failures to act are more likely than not to result in harm to the environment; and
- b) Any government official at any level of government who acts beyond his or her authority or in contravention of this Code, any law or other requirement of Cambodian law and whose action is more likely than not to result in harm to the environment.

### **ARTICLE 6 INSTRUMENTALITY**

Any instrumentality, including but not limited to a vessel, vehicle, aircraft, chainsaw, saw mill, truck or other equipment that is more likely than not to have been used in an activity may be seized and sold, with the proceeds used towards restoration of the harm.

### **ARTICLE 7 OFFICIALS OF LEGAL ENTITIES**

Officials of legal entities, such as directors and officers of corporations, shall be liable for environmental compensation in the same manner and to the same extent as their corporations are liable under Article 5 of this Title.

### **ARTICLE 8 INDIVIDUAL LIABILITY**

In the event there is or may be more than one person liable under this Chapter, each such person shall be individually liable for the full extent of all resulting environmental compensation, regardless of the actual extent of such person's contribution to the total environmental harm.

## **CHAPTER 3 DEFENCES AND EXCEPTIONS TO DEFENCES**

### **ARTICLE 9 DEFENCES**

A natural person or legal entity is not liable under this Title if such natural person or legal entity can establish that:

- a) The harm to the environment was caused solely by an unanticipated grave natural disaster or an act of war;
- b) The harm to the environment was caused solely by an act or omission of a third party, other than an employee or agent of such natural person or legal entity;
- c) The harm to the environment was solely caused by an activity explicitly authorized by law; or
- d) The harm to the environment was solely caused by activity specifically authorized, and described with specificity as to both the types and quantum of harm, in an Environmental Management Plan, Environmental Impact Assessment, and/ or Environmental Impact Assessment Approval Letter and Certificate.

#### **ARTICLE 10 EXCEPTIONS TO DEFENCES**

The defences set forth in Article 9 of this Title shall be inapplicable and may not be raised if:

- a) The actions resulting in harm were, in whole or in part, undertaken in violation of any provision of this Code or any other legal instrument;
- b) The actions resulting in harm were undertaken pursuant to a concession, license, or other apparent authorisation granted not in accordance with legal requirements, including authorisations by officials not empowered to provide said authorisation or failure to meet legal requirements prior to authorisation;
- c) The action in question resulted in harm to the environment greater in quantity, magnitude, or different in type than were specifically identified, quantified, and authorized in an Environmental Management Plan, Environmental Management Plan, Environmental Impact Assessment, and/ or Environmental Impact Assessment Approval Letter and Certificate;
- d) The harm resulted from negligence, malfeasance or illegal actions in the implementation, execution, or performance of an otherwise authorized activity; and
- e) Activities in violation of any of the terms and conditions of a permit, contract, authorisation or other such documents, including but not limited to failures to undertake specific actions required under the permit.

### **CHAPTER 4 ENVIRONMENTAL COMPENSATION**

#### **ARTICLE 11 ENVIRONMENTAL COMPENSATION**

The environmental compensation referred to in Chapter 2 of this Title consists of the following:

- a) The full cost to restore the environment to the condition existing prior to harm, or successful completion by the liable party of actions approved by the Restoration Planning Working Group achieving restoration to the condition existing prior to harm, to the extent such restoration is feasible to achieve; and
- b) The full cost to undertake additional restoration sufficient to offset fully harm not compensated by the restoration in (a) above, or successful completion by the liable party of actions approved by the Restoration Planning Working Group sufficient to offset fully said harm; and
- c) Where restoration will be undertaken, but some portion or aspect of the harmed environment are not amenable to restoration, the value of the un-restorable aspect of the harmed environment; or
- d) The ecological and human value of any losses resulting from harm to the environment not otherwise fully compensated by (a), (b), and (c) above, including but not limited to total economic value, direct and indirect use values, and non-use values such as existence, option, altruistic, and bequest values; and
- e) All costs incurred by claimants acting under the authority of this Title in the development and pursuit of claims for environmental compensation including but not limited to the actual costs and expenses of the Restoration Planning Working Group, costs of restoration compensation evaluation such as personnel costs, travel, contracted services be they technical, legal, or otherwise, and further including all costs incurred by parties to the Restoration Planning Working Group and consultation process; and
- f) The costs to monitor and insure the success of the restoration activities identified hereinbefore; and
- g) The cost to compensate for business and economic losses resulting from harm to the environment; and
- h) The cost to compensate through restoration or otherwise for loss of subsistence use of the environment; and
- i) The net loss of royalties, rents, fees, or net profit shares due to the harm; and
- j) The loss of profits or impairment of earning capacity due to the harm; and
- k) Net costs of providing increased or additional public services in response to the harm to the environment; and
- l) All court costs, fees, and expenses incurred towards and in litigation, including but not limited to salaries and expenses of plaintiffs, their staff, witness fees, and expenses,

costs of lawyers, experts, consultants, and technical studies; and

- m) The net loss of taxes or other revenues to any unit of the Royal Government of Cambodia; and
- n) The cost of providing patrol services equivalent to patrol services lost during the apprehension and prosecution of a violation.

## **ARTICLE 12 RAPID RESTORATION REQUIREMENTS**

The Ministry of Environment may issue guidelines or a legal instrument detailing Rapid Restoration requirements and procedures, which shall set forth the restoration costs for specified types of harm and expedited evaluation procedures for establishing the type and quantity of restoration required to compensate for specified types of harm.

## **ARTICLE 13 PARTIES CLAIMING COMPENSATION**

Parties who can make claims for environmental compensation include the following:

- a) The Ministry of Environment, either directly or through an authorized designee, in conjunction with representatives of other directly affected or impacted government entities, and in collaboration with the parties to the Restoration Planning Working Group as set forth in Article 14 of this Title shall have the right to seek the costs and restoration compensation set forth in Article 11 (a), (b), (c), (d), (e), (f), (h), (i) (k), (l), (m), and (n) of this Title;
- b) Subsistence users of natural resources who have been harmed shall have the right to seek the costs set forth in Article 11 (d), (e), (g), (h), (i), (j) and (l) of this Title regardless of ownership or management of the resources, using the procedures set forth in Title 2 Investigation, Enforcement, and Remedies of this Book, or other legal means under the Civil Code of the Kingdom of Cambodia.
- c) Any natural person or legal entity shall have the right to seek the costs and restoration compensation set forth in Article 11 (a), (b), (c), (d), (e), (f), and (l), of this Title only if 1) the Ministry of Environment or authorized designee fails to establish a Restoration Planning Working Group in accordance with Chapter 5 of this Title within six (6) months of the occurrence of an environmental harm occurrence, or 2) the Restoration Planning Working Group is formed but fails to perform restoration compensation evaluation within one (1) year of formation, and 3) the natural person or legal entity has notified the Ministry of Environment of its intention to seek costs and restoration compensation. If after thirty (30) days the Ministry of Environment has not taken any action, the natural person or legal entity may undertake restoration compensation evaluation and seek costs and restoration compensation.

- d) The owner or leaseholder of real or personal property shall have the right to seek the costs set forth in Article 11 (g), (i), (j), and (l) of this Title using the procedures set forth in Title 2 Investigation, Enforcement, and Remedies of this Book, or other legal means under the Civil Code of the Kingdom of Cambodia, and
- e) The owner or operator of a business shall have the right to seek the costs set forth in Article 11 (g), (i), (j), and (l) of this Title using the dispute resolution procedures set forth in Title 2 Investigation, Enforcement, and Remedies of this Book, or other legal means under the Civil Code of the Kingdom of Cambodia.

## **CHAPTER 5 RESTORATION PLANNING WORKING GROUP AND COMPENSATION EVALUATION PROCESS**

### **ARTICLE 14 RESTORATION PLANNING WORKING GROUP**

In the event of possible claims for restoration compensation as set forth in Article 11 of this Title, the entities authorised to make claims under Article 13 of this Title, sub-national administrations, local communities and indigenous peoples, and any civil society or other entities with interest in or affected by the environmental harm, may request that the Ministry of Environment establish a Restoration Planning Working Group regarding the harm. The Ministry of Environment or its authorized designee shall lead the Restoration Planning Working Group.

### **ARTICLE 15 OTHER PARTICIPANTS**

The Ministry of Environment or its designee shall give opportunity for sub-national administrations whose interests are potentially affected, natural persons and representatives of civil society, local communities and indigenous peoples, and other persons with an interest or who possess technical skills and knowledge significant to the restoration compensation evaluation process, to participate in the Restoration Planning Working Group.

### **ARTICLE 16 PUBLIC PARTICIPATION AND ACCESS TO INFORMATION**

The Restoration Planning Working Group shall conduct its work in accordance with Book 1 General Provisions Title 3 Public Participation and Book 1 General Provisions Title 4 Access to Environmental Information of this Code.

### **ARTICLE 17 DUTIES AND AUTHORITIES**

The duties and authorities of the Restoration Planning Working Group include the following:

- a) The Restoration Planning Working Group shall evaluate the probable nature and scope of environmental harm using existing, readily available data. Based on its evaluation, the Restoration Planning Working Group shall determine to proceed according to one

or more of the following options:

- i) Proceed with a claim for environmental compensation against one or more entities potentially liable under Chapter 2 of this Title; or
  - ii) Invoke the Rapid Restoration requirements and procedures established in accordance with Article 12; or
  - iii) Undertake a restoration compensation evaluation; or
  - iv) Apply that option most appropriate to each specific element of the harm;
- b) After a decision to proceed with a claim for environmental compensation, the Restoration Planning Working Group shall:
- i) Develop a statement of intention to pursue a claim for environmental compensation providing summary information about the occurrence and anticipated or potential harm, and
  - ii) Determine whether to invoke the order authority of Article 21 of this Title in regard to the event, and
  - iii) Notify potentially responsible parties.
- c) The Restoration Planning Working Group shall commence the collection of data likely to be relevant to the potential restoration claim.
- d) In developing a claim for restoration compensation, the Restoration Planning Working Group shall undertake some or all of the following steps, as it deems appropriate to the nature of the environmental harm:
- i) Identify and quantify harm;
  - ii) Identify restoration and/or monetary compensation alternatives constituting potential restoration compensation;
  - iii) Establish the scaling and demonstrate the connection between potential restoration compensation and the harm;
  - iv) Establish a preferred restoration and/or monetary compensation alternative constituting the claim for environmental compensation;
- e) The Restoration Planning Working Group shall utilize the skills and expertise of Restoration Planning Working Group members, and outside expertise and technical support as needed, throughout the process of claim development and resolution;

- f) The Restoration Planning Working Group shall determine the appropriateness of potentially responsible party implementation of approved restoration;
- g) The Restoration Planning Working Group shall notify potentially responsible parties if a restoration compensation evaluation is initiated; and
- h) The Restoration Planning Working Group shall invite the potentially responsible parties to enter into a restoration negotiation process to resolve their liability through restoration work or payment of compensation.

## **ARTICLE 18 ADDITIONAL PROCEDURES**

The Ministry of Environment may issue guidelines or a legal instrument establishing additional procedures to be followed when undertaking restoration compensation evaluations that shall set forth the process by which environmental compensation may be calculated on a site specific basis in response to significant harm to the environment.

## **CHAPTER 6 RESTORATION NEGOTIATION AND SETTLEMENT REQUIREMENTS**

### **ARTICLE 19 RESTORATION NEGOTIATION PROCESS**

The Restoration Planning Working Group and potentially responsible parties shall enter into a restoration negotiation process attempting to achieve full and fair restoration compensation, including the following elements:

- a) Meeting regularly to attempt to come to agreement regarding appropriate restoration and/or compensation;
- b) Utilizing the dispute resolution procedures set forth under this Code in Title 2 Investigation, Enforcement and Remedies of this Book, including mediation as appropriate;
- c) Exchanging technical information and endeavouring in good faith to resolve differences consistent with the principles of this Code in Book 1 General Provisions Title 1 General Provisions of this Code;
- d) In the event that the parties reach agreement resolving some but not all restoration compensation, the parties to any such partial resolution may settle those liability claim elements to permit timely restoration and/or compensation to occur; and
- e) Where a potentially responsible party has declined an invitation pursuant to Article 17 (h) of this Title, or fails to participate in good faith in the restoration consultation process or other mutually agreeable extra judicial process towards resolution of its liability, parties claiming compensation under Article 13 of this Title shall proceed

utilizing expedited compensation determination and/or restoration compensation evaluation as they deem appropriate.

## **ARTICLE 20 SETTLEMENT AGREEMENT REQUIREMENTS**

All negotiated settlement agreements shall comply with the following substantive and procedural requirements:

- a) The proposed settlement agreement shall be made available to the public for review and comment for a period of sixty (60) days, and shall comply with the public participation requirements of Book 1 General Provisions Title 3 Public Participation of this Code.
- b) All natural persons or legal entities that participated in any public meeting, provided any input to the Restoration Planning Working Group, or stated an interest to receive information related to the matter shall receive a copy of any proposed settlement.
- c) Notice of the proposed settlement agreement shall be provided to the general public in any affected areas in a manner otherwise in accordance with law in accordance with the access to information provisions in Book 1 General Principles Title 4 Access to Environmental Information in this Code;
- d) Settlement agreements shall include the following provision reserving to the parties claiming compensation the following rights, “regardless of this settlement, the claiming party(s) reserve the right to begin new proceedings against defendant at any time seeking additional restoration compensation if new conditions are discovered or new information is received relating to this matter that indicate that there is harm of a type that is different or greater than what was known at the time of this agreement”;
- e) Settlement agreements shall include appropriate and technically and ecologically sound monitoring and performance standards in any agreement in which settling responsible parties agree to undertake restoration. Such standards shall, absent specific findings establishing the appropriateness of lesser standards, require the use of appropriate native plants for revegetation, performance monitoring for a period of not less than five (5) years, and include an obligation on the part of the responsible party to continue to undertake restoration activities until performance standards have been met. Agreements shall include such further monitoring and performance requirements as determined to be appropriate through the restoration compensation evaluation process. All monitoring data generated shall be made publicly available;
- f) Settlement agreements shall include in any agreement a requirement that potentially responsible parties undertake or fund environmental education and awareness throughout the area of harm in a manner and of a type deemed reasonable in light of the harm; and



- g) Settlement agreements may also include additional provisions as may be deemed necessary to achieve full restoration.

## **CHAPTER 7 ADMINISTRATIVE ORDER AUTHORITY**

### **ARTICLE 21 FINDING OF A LIKELIHOOD OF SIGNIFICANT HARM**

Upon a finding of a likelihood of significant harm to the environment, the Ministry of Environment shall have the authority to order potentially responsible parties to provide immediate financial support for the work of the Restoration Planning Working Group and the development of a restoration compensation evaluation.

### **ARTICLE 22 FINDING OF URGENT NEED TO ACT**

Upon a finding of urgent need to act to prevent further significant harm to the environment or to avoid losing the opportunity to undertake significant restoration, the Ministry of Environment shall have the authority to order potentially responsible parties to undertake emergency restoration actions under the direction of the Ministry of Environment.

## **CHAPTER 8 AUTHORITY OF THE MINISTRY OF ENVIRONMENT TO RECOVER COSTS OF RESTORATION**

### **ARTICLE 23 NECESSARY RESTORATION AND RECOVERY OF COSTS AND EXPENSES**

Notwithstanding any other provision of this Code, the Ministry of Environment may undertake the necessary restoration of harm to the environment and may recover those costs and expenses from responsible parties in the manner provided under the Civil Code of the Kingdom of Cambodia.

### **ARTICLE 24 PAYMENT OR REIMBURSEMENT OF COSTS AND EXPENSES**

Monies recovered under the authority of this Title as payment towards or reimbursement of the costs and expenses of restoration compensation evaluation and Restoration Planning Working Group activities shall be paid directly to the party incurring, or who will be incurring, these costs and expenses.

### **ARTICLE 25 MONIES RECOVERED BY NON-GOVERNMENTAL ENTITIES**

Monies recovered by non-governmental entities claiming compensation under this title for claims for other than restoration shall be held and used by those non-governmental entities.

## **CHAPTER 9 SCOPE OF TITLE AND STATUTE OF LIMITATIONS**

### **ARTICLE 26 SCOPE**

The provisions of this Title shall be separate and apart from any other liability which may arise under this Code or other laws of the Kingdom of Cambodia. Monies paid or actions undertaken pursuant to this Title may not reduce any other such fines, penalties, or obligations and may not be considered during any other such administrative or judicial proceeding involving fines or penalties. However, good faith efforts to fully restore the environment in a timely and proactive manner may be considered in subsequent judicial proceedings when considering punitive consequences.

#### **ARTICLE 27 STATUTE OF LIMITATION**

An action under this Title may be commenced at any time up until the latter of:

- a) Five (5) years from the date a party with a right to claim for environmental compensation receives actual knowledge of the occurrence resulting in the harm and has obtained all information necessary to establish the environmental compensation due therefrom; or
- b) If a restoration compensation evaluation is undertaken, five (5) years from the date of completion of the restoration compensation evaluation; or
- c) Where there are multiple or continuing occurrences causing harm, the time periods identified in (a) and (b) above shall begin after all harm occurrences have ceased.

### **BOOK 10            TRANSITIONAL PROVISIONS**

### **BOOK 11            FINAL PROVISIONS**