

CHAPTER 12: ENVIRONMENTAL PROTECTION

Relevant Laws:

- Environment and Natural Resource Code 2023
- Law on Investment 2021
- Law on the Management and Exploitation of Mineral Resources 2001 and its amendment in 2018
- Law on Environmental Protection and Natural Resource Management 1996
- Sub-decree on Water Pollution Control 1999 and its amendment in 2021
- Sub-decree on the Management of Electric and Electronic Waste 2016
- Sub-decree on the Control of Air Pollution and Noise Disturbance 2000
- Sub-decree on the Management of Solid Waste 1999
- Sub-decree on the Implementation of the Environmental Impact Assessment (EIA) Process 1999
- Other sectoral laws and many implementing regulations

Name of Institution	Key Functions and Services
MOE	<ul style="list-style-type: none"> • Issue guidelines for implementing the Environmental Law and regulations. • Advise project owners on conducting and preparing ESIA reports. • Review and evaluate/approve ESIA reports for projects with capital investment of more than USD2 million. • Mobilize public participation in environmental protection. • Develop national environmental management plan. • Monitor compliance with project environmental management plans. • Take measures (legal action) to enforce the Environmental Law.
Provincial Department of Environment	<ul style="list-style-type: none"> • Disseminate information publicly about ESIA requirements. • Advise project owners on conducting and preparing ESIA reports. • Review and evaluate/approve ESIA reports for projects with capital investment of up to USD2 million. • Mobilize public participation in environmental protection.

	<ul style="list-style-type: none"> • Monitor compliance with project environmental management plans. • Report and propose measures (legal action) to enforce the Environmental Law to MOE.
--	--

I. DEVELOPMENT OF ENVIRONMENTAL PROTECTION LAW IN CAMBODIA

Environmental protection is enshrined in the 1993 Constitution which mandates the State to protect the environment, balance abundant natural resources and establish a precise plan of management of land, water, air, wind, geological resources, the ecological system, mines, energy, petrol and gas, gems, forests and forestry products, wildlife, fish and aquatic resources.

The Law on Environmental Protection and Natural Resource Management (the “**Environmental Law**”) adopted in 1996 provides for certain rules and conditions for protecting the environment and national resources in Cambodia. Following this law, the RGC also issued a number of implementing regulations, including the Sub-decree on Water Pollution Control (1999) and its amendment in 2021, the Sub-decree on the Management of Solid Waste (1999), the Sub-decree on the Control of Air Pollution and Noise Disturbance (2000), and the Sub-decree on Electric and Electronic Waste in 2016. In addition, the Sub-decree on the Implementation of the Environmental Impact Assessment Process issued in 1999 stipulates the precise nature and format of assessments and the kind of projects requiring such assessment based on the project type, size, and activity. In addition to these, a number of relevant laws and regulations (such as the 2021 Law on Investment, the 2001 Law on the Management and Exploitation of Mineral Resources and its amendment in 2018, and the 2005 Sub-decree on Economic Land Concessions) stipulate the environmental impact clearance requirements that are required to be fulfilled prior to a project’s implementation.

The MOE is responsible for implementing the Environmental Law and the regulations made thereunder. The MOE has delegated some power and functions related to EIA review, monitoring and enforcement to the Provincial Departments of Environment through a Prakas on Delegation of Power to Municipal/Provincial Departments of Environment to Decide on Project Development (2005).

In 2009, the MOE issued a Prakas on the Guidelines for Preparing Initial and Full EIA Reports. Further, the details regarding the types of environmental impact assessment were stipulated in the Prakas on Classification of Environmental Impact Assessment for Development Projects in 2020. It should also be noted that in 2014, the MOE issued a Prakas on Registration of EIA Companies that provide services in relation to the conduct of environmental impact assessments and in 2016, the MOE issued a Joint-Prakas with the MME concerning environmental projection requirements for small scale and artisan construction material mining projects. The project’s owner must pay the service fee for