

ENVIRONMENT AND NATURAL RESOURCES CODE OF CAMBODIA

Tenth Draft (Draft 10) – 19 February 2018

Table of Contents

Book 1	General Provisions	4
Title 1	General Provisions	4
Title 2	Public Participation	8
Title 3	Access to Environmental Information.....	11
Book 2	Environmental Assessment and Monitoring	19
Title 1	Strategic Environmental Assessment	19
Title 2	Environmental Impact Assessment	23
Title 3	Environmental Audits, Monitoring, and Reporting.....	45
Book 3	Environmental Management and Sustainability Mechanisms	48
Title 1	Disaster Risk Reduction and Management.....	48
Title 2	Climate Change	50
Title 3	Sustainable Production And Consumption.....	61
Title 4	Environmental Land Use Planning and Sustainable Cities.....	66
Title 5	Sustainable Energy.....	73
Title 6	Extractive Industries.....	79
Book 4	Sustainable Management of Natural Resources	84
Title 1	Natural Protected Area System	84
Title 2	Collaborative Management of Natural Resources	96
Title 3	Sustainable Forest Management.....	103
Title 4	Protection, Conservation, and Management OF Wild Species	110
Title 5	Coastal Zone Management.....	131
Title 6	Sustainable Water Resources Management.....	133
Book 5	Cultural and Natural Heritage Conservation and Management	155
Book 6	Waste And Pollution Management.....	174
Title 1	General Obligations for environmental Pollution Control.....	174
Title 2	Environmental Standards.....	174
Title 3	Management of Hazardous Substances.....	177
Title 4	Waste Management.....	186
Title 5	Water Pollution Control	189
Title 6	Air Pollution Control	193
Title 7	Noise and Vibration Control	203
Title 8	Restoration of Contaminated Sites	204
Title 9	National Pollutant Release and Transfer Register	207
Book 7	Environmental Education, Research, and Awareness.....	209
Book 8	Economic Measures, Accounts, Fees, and Funds for The Environment	220
Title 1	Economic Measures and Accounts	220
Title 2	Environmental Fees, Funds, and Fund Management	224
Book 9	Environment and Natural Resources Complaint Resolution procedure.....	236
Title 1	Procedure for Solving Environment and Natural Resources Complaints	236

Title 2	Environment and Natural Resources Judicial Police Officers and Inspection Officers	260
Title 3	Title 3 Restoration and Compensation for Environmental Harm.....	263
Book 10	Penalty Provisions.....	270
Title 1	General Provisions	270
Title 2	Offences Related to the Environment and Natural Resources.....	274
Book 11	Transitional Provisions.....	294
Book 12	Final Provisions.....	294
Glossary	296

BOOK 1 GENERAL PROVISIONS

TITLE 1 GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 1 PURPOSE

The purpose of this Code is to ensure the sustainable development of the Kingdom of Cambodia by protecting the environment and conserving, managing, and restoring natural resources and national heritage.

ARTICLE 2 OBJECTIVES

The following are the objectives of this Code:

- 1) Protect the environment to avoid and mitigate disasters and environmental harm;
- 2) Preserve, protect, manage, and restore natural resources, biodiversity, and ecosystem services;
- 3) Promote climate-resilient, energy-efficient green growth and sustainable use of resources and energy;
- 4) Preserve, protect, conserve, restore, and promote national heritage of the Kingdom of Cambodia;
- 5) Enhance the wellbeing of society;
- 6) Enhance and protect the rights of all individuals and the collective rights of indigenous peoples throughout the process of protecting, conserving, managing, and restoring natural resources;
- 7) Encourage and enhance the rights of national and international organizations in the process of environmental protection and natural resource management;
- 8) Integrate all environmental and natural resources considerations into all relevant national and sub-national planning and decision-making concerning economic and social development;
- 9) Promote transparent participation of the Royal Government, indigenous peoples, vulnerable people, and other stakeholders in environmental protection and natural resources management;

- 10) Promote international environmental responsibilities of the Kingdom of Cambodia; and
- 11) Enforce the international legal instruments to which the Kingdom of Cambodia is a party.

ARTICLE 3 SCOPE OF APPLICATION

This Code shall apply to:

- 1) All activities concerning the environment, natural resources, and national heritage in the Kingdom of Cambodia;
- 2) All policies, activity plans, and measures concerning to the environment, natural resources, and national heritage; and
- 3) All activities of all natural persons, public legal entities, and private legal entities operating in and outside of the Kingdom of Cambodia who cause impacts on the environment, natural resources, and national heritage of the Kingdom of Cambodia.

CHAPTER 2 GENERAL PRINCIPLES

ARTICLE 4 PRINCIPLE OF AVOIDING HARM TO THE ENVIRONMENT, NATURAL RESOURCES, AND NATIONAL HERITAGE

No person shall commence any activity that causes or may likely cause harm to the environment, natural resources, and national heritage unless such person takes all reasonable measures to protect the environment, natural resources, and national heritage and prevent or minimise the environmental harm.

ARTICLE 5 THE PRINCIPLE OF PUBLIC PARTICIPATION

Persons who may be affected directly or indirectly by a decision concerning the environment and natural resources shall be entitled to provide informed and timely inputs prior to the decision being made through a transparent, inclusive, and accountable process.

ARTICLE 6 THE PRINCIPLE OF ACCESS TO INFORMATION CONCERNING THE ENVIRONMENT AND NATURAL RESOURCES

All persons shall have access to information concerning the environment and natural resources.

All information concerning the environment and natural resources shall be widely disseminated to the public. The public shall be provided with maximum opportunity in planning and decisions affecting the environment and natural resources.

ARTICLE 7 THE PRINCIPLE OF ACCESS TO EFFECTIVE REMEDIES

All persons shall have access to appropriate administrative, judicial, or other appropriate venues to enable the effective resolution of environment and natural resources disputes.

Impartial and effective grievance mechanisms shall be established and developed to promote law implementation and to punish those who cause harm to the environment and natural resources.

ARTICLE 8 THE POLLUTER PAYS PRINCIPLE

All persons who cause harm to the environment and natural resources shall bear the cost for repairing the harm and for measures to prevent, avoid, and mitigate the harm to the environment and natural resources.

ARTICLE 9 THE PRECAUTIONARY PRINCIPLE

In cases of threats of serious or irreversible damage to the environment, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental harm.

ARTICLE 10 THE PREVENTION PRINCIPLE

Actions to reduce or prevent environmental harm shall be taken before harm occurs. These actions shall be taken in advance of harm rather than attempting to repair potentially irreversible harm.

ARTICLE 11 THE PRINCIPLE OF INTERGENERATIONAL EQUITY

The right to development that may impact the environment and natural resources shall be equitably fulfilled to meet the needs of both present and future generations.

ARTICLE 12 THE PRINCIPLE OF EVIDENCE-BASED DECISION-MAKING

The best available scientific and technical information and information collected from communities and indigenous peoples' knowledge shall be used as the basis of evidence for transparent decision-making concerning the environment and natural resources.

ARTICLE 13 THE PRINCIPLE OF GENDER EQUALITY IN ENVIRONMENT AND NATURAL RESOURCES DECISION-MAKING

Gender equality and the participation of women in decision-making concerning the environment and natural resources shall be promoted and encouraged.

ARTICLE 14 THE PRINCIPLE OF PUBLIC INTEREST

The public interest shall supersede the interests of private natural persons or legal entities in all decision-making process concerning the environment and natural resources.

ARTICLE 15 THE PRINCIPLE OF ENVIRONMENTAL INTEGRATION

Environmental protection and sustainable development objectives shall be integrated into development planning and decision-making, including at the conceptual and the implementation stages of policies and laws.

ARTICLE 16 THE USER PAYS PRINCIPLE

Users of natural resources shall pay all relevant costs for the use of or impacts from use of natural resources.

ARTICLE 17 THE PRINCIPLE OF FREE, PRIOR, AND INFORMED CONSENT FOR INDIGENOUS PEOPLES' COMMUNITIES

Any proposed project or activity that may affect indigenous peoples' lands or other resources, especially in relation to the development, use, or exploitation of natural resources, shall receive the indigenous peoples' free, prior, and informed consent.

CHAPTER 3

JURISDICTION OF THE MINISTRIES OR INSTITUTIONS RELEVANT TO ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT

ARTICLE 18 IMPLEMENTATION OF DUTIES AND ROLES OF THE COMPETENT MINISTRIES OR INSTITUTIONS

The ministry or institution responsible for environment and other competent ministries or institutions has the authority to implement their duties and roles as stipulated in this Code and other sectoral laws and legal instruments that are under the jurisdiction of the respective ministries or institutions.

In cases where the provisions on the jurisdiction of each competent ministry or institution of this Code are not clear or are inconsistent with other sectoral laws and legal instruments, the provisions of this Code shall supersede.

ARTICLE 19 RESPONSIBILITIES OF COMPETENT MINISTRIES OR INSTITUTIONS RELEVANT TO ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES MANAGEMENT

Competent ministries and institutions shall have the following responsibilities:

- 1) Implement the relevant provisions of this Code;

- 2) Take necessary measures to exchange relevant information with other relevant ministries or institutions;
- 3) Build capacity and awareness on the content of this Code for staff under its leadership;
- 4) Enhance effective access to environmental information and public participation related to the environment and natural resources management;
- 5) Prepare grievance mechanisms and provide solutions for the relevant environment and natural resources complaints under its jurisdiction, and manage natural resources under the authority given by this Code and other laws and legal instruments; and
- 6) Coordinate all planning, programming, decision-making, and implementation related to the environment and natural resources with the ministry or institution responsible for environment and other competent ministries or institutions to ensure all actions are consistent with the purpose of this Code.

TITLE 2 PUBLIC PARTICIPATION

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 20 SCOPE OF APPLICATION

This Title shall apply to any decisions, measures, agreements, policies, programs, projects, plans, activities, approvals, and development of laws and legal instruments relevant to this Code.

ARTICLE 21 RIGHT TO PUBLIC PARTICIPATION

All persons have the right to public participation and may exercise the right to public participation by:

- 1) Reporting to competent authorities and publishing information on activities or decisions that may impact the environment and natural resources;
- 2) Raising questions about, requesting clarification on, objecting to, and meeting to discuss activities or decisions that may impact the environment and natural resources; and
- 3) Filing complaints or objections against activities or decisions in accordance with grievance mechanisms of environment and natural resources disputes as stipulated in Book 9 of this Code.

ARTICLE 22 RIGHT TO PROTECTION

All persons who exercise their right to public participation as stipulated in Article 21 of this Code shall be protected from threat and retaliation in any form. No actions of public participation pursuant to this Title shall be the subject for prosecuting a criminal action or charging a civil offense.

The right to protection from threat or retaliation for public participation shall not prevent any person who commits a criminal offence or a civil wrongdoing from being charged in accordance with this Code, the Criminal Code of the Kingdom of Cambodia, the Civil Code of the Kingdom of Cambodia, or other relevant laws and legal instruments.

ARTICLE 23 REQUIREMENTS FOR PUBLIC PARTICIPATION

Prior to any decision or approval relevant to this Code being made, the relevant ministries or institutions and all project owners shall fulfil the following requirements for public participation:

- 1) All stakeholders shall receive notification and a reasonable amount of time for participation in the relevant decision-making process;
- 2) All stakeholders shall receive necessary information. This information shall be provided in a language that can be understood by all stakeholders and in a culturally appropriate format;
- 3) Technical and scientific knowledge and local community and indigenous peoples' traditional knowledge shall be used as a basis for development of projects and action plans and decision making;
- 4) Public participation processes shall pay attention to the needs and values of all stakeholders;
- 5) Stakeholders shall receive a fair and reasonable amount of time to evaluate and respond to information relevant to any proposed projects, activities, plans, or decisions;
- 6) The extent of public participation shall be in accordance with the extent of stakeholder interest;
- 7) Public participation processes shall be flexible and adaptive in keeping with the reasonable expectations of stakeholders; and
- 8) All comments from the public shall be considered in the decision-making process. The acceptance or rejection of the above comments shall be explained with appropriate reasons.

ARTICLE 24 PROCEDURES FOR PUBLIC PARTICIPATION

The ministry or institution responsible for environment shall develop a legal instrument on procedures for public participation. Other relevant ministries or institutions shall develop legal instruments on procedures for public participation relevant to their individual sector in accordance with the provisions in this Title.

CHAPTER 2

PUBLIC PARTICIPATION OF INDIGENOUS PEOPLES' COMMUNITIES

ARTICLE 25 CONSULTATION WITH INDIGENOUS COMMUNITIES

The relevant ministries or institutions shall consult with indigenous communities regarding policies, plans, or programs that may directly impact indigenous peoples' lands or resources.

ARTICLE 26 REQUIREMENT FOR FREE, PRIOR, AND INFORMED CONSENT

The competent ministries or institutions shall not approve any proposed project that may directly impact indigenous peoples' lands or resources without their free, prior, and informed consent. The consent of the indigenous people shall be made based on the opinion of the majority of those indigenous peoples that may be impacted by any proposed project or decision making.

ARTICLE 27 PARTICIPATION OF INDIGENOUS COMMUNITIES

The project owner or relevant ministries or institutions shall provide the opportunity for the effective participation of indigenous peoples that may be impacted by a decision relevant to environment and natural resources.

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 28 PROCEDURES FOR PARTICIPATION OF INDIGENOUS COMMUNITIES

Procedure for consultation, participation, and consent in decisions impacting indigenous communities' lands and resources shall be determined by a legal instrument of relevant ministries or institutions.

CHAPTER 3

MITIGATION MEASURES

ARTICLE 29 REQUIREMENTS FOR MITIGATION MEASURES

In the case that any decision that may impact local or indigenous communities, relevant ministries or institutions or the project owner shall develop mitigation measures in consultation

with local communities or indigenous peoples to identify impacts and agree on mitigation measures and benefit-sharing arrangements.

The mitigation measures shall be appropriate, sustainable, and non-discriminatory and shall take into account vulnerable people and persons most at risk from potential impacts of the decision.

ARTICLE 30 INVOLUNTARY RESETTLEMENT

In the case that involuntary resettlement is required for a proposed project, the project owner or the relevant ministries or institutions shall provide the opportunity for the impacted local community or indigenous peoples to participate in the consideration of alternative options to avoid or minimize resettlement in a manner that is free from intimidation, manipulation, and coercion.

ARTICLE 31 RESETTLEMENT PLANNING

If resettlement is unavoidable, the project owner or the relevant ministries or institutions shall provide the opportunity for the impacted local community or indigenous peoples to participate in resettlement planning in order to:

- 1) Minimize negative resettlement impacts;
- 2) Receive future livelihood opportunities and access to social services equal to or better than conditions prior to resettlement; and
- 3) Receive compensation that is fair, equitable, acceptable, and consistent with market price from the project owner or competent ministries or institutions for lost properties and the impacts on livelihoods.

TITLE 3 ACCESS TO ENVIRONMENTAL INFORMATION

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 32 SCOPE OF APPLICATION

This Title shall apply to all information relevant to the environment and natural resources that shall be made publicly available.

ARTICLE 33 OBLIGATION TO DISCLOSE AND MAKE INFORMATION PUBLICLY AVAILABLE

All project owners and the relevant ministries or institutions shall disclose information as stipulated in Article 35 of this Code and make it publicly available prior to:

- 1) Any decision or approval made relevant to the environment and natural resources;
- 2) Administrative and legal measures;
- 3) Environmental agreement;
- 4) Proposed policies, laws, or legal instruments; and
- 5) Programs, plans, activities, or other decision in accordance with this Code.

Format and procedure for information disclosure shall be determined by legal instruments of the ministry or institution responsible for environment and other relevant ministries or institutions.

ARTICLE 34 RIGHT TO REQUEST INFORMATION

All persons have the right to request information from relevant ministries or institutions or project owners in accordance with Article 35 of this Code, except for confidential information as stipulated in this Code.

ARTICLE 35 INFORMATION RELEVANT TO THE ENVIRONMENT AND NATURAL RESOURCES

Information relevant to the environment and natural resources includes:

- 1) The state of the elements of the environment, which include air and atmosphere, water, soil, land, landscape and natural sites, climate, and biological diversity and its components;
- 2) Factors affecting or that may affect the elements of the environment, which factors include substances, energy, noise, radiation, waste, emissions, discharges, and other releases into the environment;
- 3) Measures affecting or that may affect or mitigate impacts on section (1) or (2) above, which include policies, laws, plans, programmes, environmental agreements, and activities;
- 4) Rationales for decisions on measures in section (3) above, which include life cycle analyses, environmental assessments, vulnerability assessments, and cost-benefit analyses;
- 5) Information relevant to Environmental Impact Assessment and Strategic Environmental Assessment;
- 6) Individual and business relations of the project owner, with other business enterprises

or national or international lending institutions that are supporting the project or related activities through loans, credit, or technical assistance;

- 7) Non-compliance with or violations of environmental laws, regulations, and agreements;
- 8) Environmental monitoring and audit reports;
- 9) All permits and approvals required under this Code and conditions attached to these permits and approvals;
- 10) Information about environmental and climate risks that affect the state of human health and safety, cultural heritage sites, and built structures;
- 11) Reports on the implementation of measures as stipulated in section (3) above and multi-lateral environmental agreements;
- 12) Information relevant to actions to be taken regarding both administrative and judicial proceedings related to environmental issues in accordance with in-force laws; and
- 13) Any other information determined by the ministry or institution responsible for environment.

ARTICLE 36 PUBLIC INFORMATION

All relevant information as stipulated in Article 35 of this Code provided to any project owners or relevant ministries or institutions in accordance with this Code shall be presumed to be public information unless such information is treated as confidential in accordance with the provisions in Chapter 3 of this Title.

ARTICLE 37 RIGHT TO FILE A COMPLAINT

Natural persons and legal entities aggrieved by a decision by either a project owner or any relevant ministry or institution, with regard to the providing of environmental information or a determination pertaining to confidentiality of environmental information, reserve the right to file a complaint in accordance with mechanisms as stipulated in Book 9 of this Code.

CHAPTER 2 PROVIDING INFORMATION BY THE ROYAL GOVERNMENT

SECTION 1 PROVIDING PUBLIC INFORMATION

ARTICLE 38 PROVIDING PUBLIC INFORMATION

All relevant ministries or institutions shall provide public information as stipulated in Article 35 of this Code.

ARTICLE 39 NATIONAL ENVIRONMENTAL REPORT

The ministry or institution responsible for environment shall prepare every 5 (five) years a National Environmental Report. The National Environmental Report shall contain all relevant environmental information and shall assess the implementation of environmental policy and law in the Kingdom of Cambodia.

The National Environmental Report shall be made publicly available in accordance with the access to environmental information provisions in Book 1 Title 3 of this Code.

Procedures for development of and content of the National Environmental Report shall be determined in a legal instrument by the ministry or institution responsible for environment.

ARTICLE 40 SYSTEMS AND PROCEDURES FOR PROVIDING PUBLIC INFORMATION

All competent ministries or institutions shall establish systems for providing public information to the public as stipulated in this Code.

The competent ministries or institutions shall develop legal instruments on procedures for providing public information.

ARTICLE 41 PROCEDURES FOR INTEGRATING INFORMATION

The ministry or institution responsible for environment shall consult with competent ministries or institutions to establish procedures for integrating information submitted by various sources and shall provide such integrated information to the public and national and sub-national decision-makers.

SECTION 2

NATIONAL REGISTER OF ENVIRONMENTAL INFORMATION

ARTICLE 42 ESTABLISHMENT OF THE NATIONAL REGISTER OF ENVIRONMENTAL INFORMATION

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall establish a National Register of Environmental Information related to the environment and natural resources and activities that impact the state of the environment and natural resources.

ARTICLE 43 TYPES OF INFORMATION OF THE NATIONAL REGISTER OF ENVIRONMENTAL INFORMATION

The National Register of Environmental Information shall include all information provided by

any competent ministries or institutions in accordance with requirements of this Code.

Types of information shall include but not be limited to statistics, reports, and geographical information on the environment; the state of ecosystems, biodiversity, and natural resources; development activities; and local communities' and indigenous people's tenure.

ARTICLE 44 PUBLIC AVAILABILITY OF THE NATIONAL REGISTER OF ENVIRONMENTAL INFORMATION

The National Register of Environmental Information shall be available to the public, with the exception of the information that is treated as confidential for the protection of plant and wildlife species or cultural heritage, as determined by the ministry or institution responsible environment.

In cases that any information is withheld from the public, the ministry or institution responsible for environment shall provide a specific written justification and explanation.

ARTICLE 45 PROCEDURES FOR COLLECTING AND DISSEMINATING INFORMATION RELEVANT TO THE NATIONAL REGISTER OF ENVIRONMENTAL INFORMATION

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall develop a legal instrument on procedures for collecting from the competent ministries or institutions and disseminating information required to be made available on the National Register of Environmental Information.

SECTION 3 NATIONAL ENVIRONMENTAL MAPPING CENTRE

ARTICLE 46 ESTABLISHMENT OF THE NATIONAL ENVIRONMENTAL MAPPING CENTRE

The ministry or institution responsible for environment shall establish the National Environmental Mapping Centre. The organization and functioning of the National Environmental Mapping Centre shall be determined by a legal instrument according to a proposal of the ministry or institution responsible for environment.

ARTICLE 47 RESPONSIBILITIES OF THE NATIONAL ENVIRONMENTAL MAPPING CENTRE

The responsibilities of the National Environmental Mapping Centre shall include:

- 1) Managing the National Register of Environmental Information by maintaining and updating the database and receiving relevant information from relevant ministries

and institutions;

- 2) Functioning as a clearing house for statistics, geospatial data, and mapping information provided by other relevant ministries or institutions by producing and maintaining a data catalogue, contact information, and formalities for submitting data requests;
- 3) Analysing any data or information used as basis for making decisions relevant to the environment and natural resources;
- 4) Compiling and incorporating into the National Register of Environmental Information geospatial data and reports related to environment and natural resources mapping produced by relevant ministries or institutions;
- 5) Establishing standards for collecting, managing, analysing, and distributing geospatial information;
- 6) Defining the technically standardized format for relevant ministries or institutions to submit data;
- 7) Determining that geospatial data are quality assured and are accompanied by all available metadata; and
- 8) Collecting geospatial information and data related to specific sectors. The collection of such information or data shall not be duplicated among ministries or institutions.

ARTICLE 48 PUBLIC AVAILABILITY OF THE NATIONAL ENVIRONMENTAL MAPPING CENTRE

All data provided to the National Environmental Mapping Centre shall be made publicly available, with the exception of those data that are deemed confidential for the protection of plants and wildlife species or cultural heritage. In cases that any data are withheld from the public, the ministry or institutions responsible for environment shall provide a specific written justification and explanation.

SECTION 4 NATIONAL REGISTER OF PERMITS

ARTICLE 49 ESTABLISHMENT OF THE NATIONAL REGISTER OF PERMITS

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall establish a National Register of Permits.

ARTICLE 50 TYPES OF PERMITS

The National Register of Permits issued by the ministry or institution responsible for environment or other relevant ministries or institutions in accordance with this Code shall include:

- 1) Permits;
- 2) Licenses; and
- 3) Approval letters.

ARTICLE 51 PUBLIC AVAILABILITY OF THE NATIONAL REGISTER OF PERMITS

The National Register of Permits shall be made publicly available.

ARTICLE 52 PROCEDURES FOR INFORMATION ON THE NATIONAL REGISTER OF PERMITS

The ministry or institution responsible for environment, in cooperation with relevant ministries or institutions, shall develop a legal instrument on procedures for dissemination of information on the National Register of Permits.

SECTION 5 NATIONAL REGISTER OF ENVIRONMENTAL AUDITS

ARTICLE 53 ESTABLISHMENT OF THE NATIONAL REGISTER OF ENVIRONMENTAL AUDITS

The ministry or institution responsible for environment, in cooperation with relevant ministries or institutions, shall establish a National Register of Environmental Audits.

ARTICLE 54 TYPES OF ENVIRONMENTAL AUDITS

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

ARTICLE 55 PUBLIC AVAILABILITY OF THE NATIONAL REGISTER OF ENVIRONMENTAL AUDITS

The National Register of Environmental Audits shall be made publicly available.

ARTICLE 56 PROCEDURES FOR DISSEMINATION OF INFORMATION ON THE NATIONAL REGISTER OF ENVIRONMENTAL AUDITS

The ministry or institution responsible for environment, in cooperation with relevant ministries

or institutions, shall develop a legal instrument on procedures for dissemination of information on the National Register of Environmental Audits.

CHAPTER 3

CONFIDENTIAL INFORMATION

ARTICLE 57 RIGHT TO REQUEST CONFIDENTIALITY

Any natural persons or legal entities required to provide relevant information as stipulated by Article 35 of this Code have the right to request to relevant ministries or institutions to treat all or some of the information as confidential.

The confidentiality request shall specify the reasons for treating the information as confidential.

ARTICLE 58 MINIMUM CRITERIA FOR CONFIDENTIAL INFORMATION

The request for maintaining information as confidential shall demonstrate that the harm caused by disclosing the information to the public would outweigh the public benefit that needs to be protected.

ARTICLE 59 DETERMINATION OF CONFIDENTIAL INFORMATION

The relevant ministries or institutions shall make a decision on whether to accept or reject the request for any information to be treated as confidential by providing the reasons in writing. Such decision shall be made publicly available.

The procedures for the determination of confidential information shall be determined by legal instruments of relevant ministries or institutions.

CHAPTER 4

REQUESTS FOR INFORMATION

ARTICLE 60 RIGHT TO REQUEST PUBLIC INFORMATION

Natural person or legal entity has the right to request from the project owner or the relevant ministries or institutions relevant information as stipulated in Article 35 of this Code.

ARTICLE 61 CONDITIONS FOR REFUSING REQUESTS BY MINISTRIES OR INSTITUTIONS

The relevant ministries or institutions may refuse the request for information if:

- 1) It does not hold the information requested;
- 2) The request is manifestly unreasonable; or

- 3) The request is too generally formulated.

The relevant ministries or institutions shall not refuse the request for information if:

- 1) The information requested has previously been provided; or
- 2) The information requested has not been treated as confidential.

If the relevant ministries or institutions reject a request for disclosure of information as stipulated in this Article, those ministries or institutions shall provide in writing the reason for rejection to the requestor.

ARTICLE 62 CONDITIONS FOR PROJECT OWNERS FOR REFUSING REQUESTS

The project owner may refuse a request for disclosure of information by natural person or legal entity in the following cases:

- 1) It does not hold the information requested;
- 2) The request is manifestly unreasonable; or
- 3) The request is too generally formulated.

The project owner shall not refuse the request for information in the following cases:

- 1) The information requested has previously been provided; or
- 2) The information has not been treated as confidential.

In cases where a project owner rejects a request for disclosure of information as stipulated in this Article, the project owner shall provide in writing the reason for rejection to the requestor.

ARTICLE 63 PROCEDURES FOR REQUESTS FOR INFORMATION

Relevant ministries or institutions may establish a legal instrument on the procedures for requests for information.

Procedures for requests for information shall be determined by a legal instrument of the relevant ministries or institutions.

BOOK 2 ENVIRONMENTAL ASSESSMENT AND MONITORING

TITLE 1 STRATEGIC ENVIRONMENTAL ASSESSMENT

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 64 FRAMEWORK OF STRATEGIC ENVIRONMENTAL ASSESSMENT

Policies, plans, and programs developed by competent ministries or institutions shall undergo Strategic Environmental Assessment in accordance with this Code prior to being submitted to the Royal Government for approval.

ARTICLE 65 SCOPE

Strategic Environmental Assessment applies to policies, plans, and programs that:

- 1) May cause significant impacts on the environment; and
- 2) Relate to a sector listed in the legal instrument on screening criteria to be developed by the ministry or institution responsible for sustainable development.

ARTICLE 66 RESPONSIBLE MINISTRY OR INSTITUTION

The ministry or institution responsible for sustainable development shall have responsibility for:

- 1) Reviewing, commenting on, and approving Strategic Environmental Assessment processes and reports; and
- 2) Cooperating with the ministry or institution responsible for environment to enforce the implementation of the provisions on Strategic Environmental Assessment.

ARTICLE 67 IMPLEMENTATION

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for environment, shall develop legal instruments on Strategic Environmental Assessment by including the following:

- 1) The detailed Strategic Environmental Assessment procedure;
- 2) Screening criteria for determining the potential of policies, plans, and programs to have significant environmental impacts;
- 3) The processes for public participation and access to environmental information in accordance with the provisions of this Code;
- 4) The content and format of Strategic Environmental Assessment Reports; and

- 5) The methods and procedures for monitoring, evaluating, and reporting on the implementation of the recommendations contained in approved Strategic Environmental Assessments.

CHAPTER 2

STRATEGIC ENVIRONMENTAL ASSESSMENT PROCEDURE

ARTICLE 68 DEVELOPMENT OF POLICIES, PLANS AND PROGRAMS

Strategic Environmental Assessment shall be carried out simultaneously with the development of the policy, plan, or program that is the subject of the Strategic Environmental Assessment.

ARTICLE 69 PROCEDURE OF STRATEGIC ENVIRONMENTAL ASSESSMENT

The Strategic Environmental Assessment procedure shall include the following steps:

- 1) Screening;
- 2) Scoping;
- 3) Preparation of the Strategic Environmental Assessment Report;
- 4) Reviewing, commenting, and approving the Strategic Environmental Assessment Report;
- 5) Application of the Strategic Environmental Assessment Report to the policy, plan, or program; and
- 6) Monitoring, evaluation, and reporting on the application of the Strategic Environmental Assessment Report to the policy, plan, or program.

ARTICLE 70 RESPONSIBLE MINISTRY OR INSTITUTION TO CONDUCT STRATEGIC ENVIRONMENTAL ASSESSMENT

The competent ministry or institution by sector shall prepare the relevant Strategic Environmental Assessment Report and submit it to the ministry or institution responsible for sustainable development for review, comment, and approval.

The competent ministry or institution by sector may prepare a Strategic Environmental Assessment itself or hire a consultant that has been certified or approved to perform such work by the ministry or institution responsible for environment.

ARTICLE 71 DECISIONS ON STRATEGIC ENVIRONMENTAL ASSESSMENT

Having reviewed and commented on a Strategic Environmental Assessment Report, the

ministry or institution responsible for sustainable development shall make the following decisions:

- 1) Make comments and order adjustments or corrections to the Strategic Environmental Assessment before it is resubmitted for another review; or
- 2) Approve the Strategic Environmental Assessment Report.

ARTICLE 72 CLIMATE CHANGE ANALYSIS IN STRATEGIC ENVIRONMENTAL ASSESSMENT

Competent ministries or institutions, in cooperation with the ministry or institution responsible for sustainable development and the ministry or institution responsible for environment, shall incorporate climate change analysis into their Strategic Environmental Assessments.

ARTICLE 73 REVIEWING, COMMENTING, AND APPROVING A STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT

The ministry or institution responsible for sustainable development shall review and comment on a Strategic Environmental Assessment Report within 90 (ninety) working days counting from the date of receiving the report.

This period of 90 (ninety) working days for reviewing and commenting shall be reset when the competent ministry or institution submits an application for reviewing and commenting on a revised or modified Strategic Environmental Assessment Report in accordance with instructions by the ministry or institution responsible for sustainable development.

CHAPTER 3 PUBLIC PARTICIPATION IN THE STRATEGIC ENVIRONMENTAL ASSESSMENT PROCEDURE

ARTICLE 74 PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

The Strategic Environmental Assessment process shall be subject to the public participation provisions and the access to environmental information provisions of this Code.

ARTICLE 75 SPECIAL CONSIDERATIONS

The process for preparing a Strategic Environmental Assessment Report shall take special consideration and provide opportunities for participation of vulnerable people, ethnic minority groups, and indigenous peoples.

ARTICLE 76 TIME FOR PUBLIC PARTICIPATION

The ministry or institution responsible for sustainable development shall make a decision on a

Strategic Environmental Assessment Report submitted by the competent ministry or institution after it has been made publicly available for comment for at least 40 (forty) working days.

CHAPTER 4

APPLICATION OF STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT TO POLICIES, PLANS, AND PROGRAMS

ARTICLE 77 INCORPORATING FINDINGS OF A STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT

The competent ministry or institution preparing the Strategic Environmental Assessment Report shall:

- 1) Incorporate the Strategic Environmental Assessment findings and revised comments by the ministry or institution responsible for sustainable development into the policy, plan, or program before it is finalised; and
- 2) Demonstrate in the final policy, plan, or program how the Strategic Environmental Assessment findings and revised comments were incorporated.

ARTICLE 78 MONITORING

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for environment, shall develop a programme to monitor the environmental impacts in the implementation of the policies, plans, and programs as stipulated in the Strategic Environmental Assessment Report and the legal instrument on monitoring for Strategic Environmental Assessments under this Code.

ARTICLE 79 MONITORING RESULTS

The results of the monitoring shall be made available to all ministries and institutions and to the public.

TITLE 2 ENVIRONMENTAL IMPACT ASSESSMENT

CHAPTER 1

GENERAL PROVISIONS

SECTION 1

FRAMEWORK AND SCOPE

ARTICLE 80 ENVIRONMENTAL IMPACT ASSESSMENT

All projects in the Kingdom of Cambodia shall conduct Environmental Impact Assessment in order to support sustainable development by:

- 1) To require Environmental Impact Assessment for public and private development projects prior to approval by the competent ministries or institutions or the Royal Government;
- 2) Establishing clear, transparent, and effective procedures for assessing the likely environmental impacts of development projects;
- 3) Applying best available techniques and international good practice to assess impacts on human wellbeing, natural resources, and cultural heritage;
- 4) Promoting public participation in Environmental Impact Assessment; and
- 5) Promoting the effective development, implementation, and monitoring of measures for preventing, avoiding, or mitigating negative impacts and for repairing, restoring, or compensating any impacts caused by the development projects.

ARTICLE 81 SCOPE

This Title applies to public and private projects, including proposed projects, existing projects, or projects that are in operation but that have not yet conducted Environmental Impact Assessment.

Criteria and the screening of the types of projects required to conduct Environmental Impact Assessment shall be determined by a legal instrument of the ministry or institution responsible for environment in accordance with provisions of this Code.

ARTICLE 82 EXCEPTIONAL PROJECTS

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

SECTION 2 PROHIBITION OF ACTIVITIES THAT HAVE NOT UNDERTAKEN ENVIRONMENTAL ASSESSMENT

ARTICLE 83 FUNDAMENTAL PRINCIPLE OF ENVIRONMENTAL IMPACT ASSESSMENT

All projects shall properly assess the impacts on the environment, health, society, economy, natural resources, and culture with prior approval of the ministry or institution responsible for environment before being submitted to the government for approval.

ARTICLE 84 APPROVAL LETTER AND CERTIFICATE

Project owners shall not commence any project activities or project operations until after the Environmental Protection Agreement, Initial Environmental Impact Assessment Report, or Full Environmental Impact Assessment Report has been approved and an Approval Letter and Certificate has been issued for the project by the ministry or institution responsible for environment.

The ministry or institution responsible for environment shall have the authority to suspend all construction activities or project operations that do not have an Approval Letter and Certificate for Environmental Protection Agreement, Initial Environmental Impact Assessment Report, or Full Environmental Impact Assessment.

ARTICLE 85 PERMITS

Ministries or institutions issuing of permits for projects shall be in accordance with any conditions determined in the Approval Letter and Certificate of the Initial Environmental Impact Assessment, Full Environmental Impact Assessment, or Environmental Protection Agreement. Permits that are in contradiction with the terms of the Approval Letter and Certificate of the Initial Environmental Impact Assessment, Full Environmental Impact Assessment, or Environmental Protection Agreement shall be considered null and void.

ARTICLE 86 GENERAL PRINCIPLES

An Environmental Protection Agreement, Initial Environmental Impact Assessment, or Full Environmental Impact Assessment process shall not be valid unless the process has been in accordance with conditions and general principles provided for in this Code.

CHAPTER 2 ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM

SECTION 1 RESPONSIBLE MINISTRY OR INSTITUTION

ARTICLE 87 RESPONSIBILITY OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR ENVIRONMENT

The ministry or institution responsible for environment shall be responsible for managing Environmental Impact Assessment.

ARTICLE 88 DEVELOPMENT OF ENVIRONMENTAL ASSESSMENT LEGAL INSTRUMENTS

The ministry or institution responsible for environment shall develop legal instruments to support the implementation of Environmental Impact Assessment, including the following

matters:

- 1) Defining screening Criteria in order to determine the level of Environmental Impact Assessment for existing projects, or projects that are in operation, and proposed projects after the entry into force of this Code;
- 2) Procedures and requirements for minimum required contents and format for the preparation of Full Environmental Impact Assessments, Scoping Reports, Terms of Reference, Initial Environmental Impact Assessments, Environmental Management Plans, Environmental Protection Agreements, and Environmental Protection Plans;
- 3) Procedures, requirements, and criteria, content and format of the Risk Assessment Report, responsibilities of competent ministries or institutions, and the required qualifications for certified or approved Environmental Assessment Consultants to conduct Risk Assessment, using best practices and scientific Risk Assessment principles. Risk Assessment is a part of Environmental Impact Assessment Report;
- 4) Procedures, requirements, and criteria on the content and format for conducting Environmental Audits, responsibilities of the competent ministry or institution, and the required qualifications for the registration and accreditation of Environmental Auditors;
- 5) Procedures, requirements, criteria, content, and format for the preparation of Sustainability Risk Assessments report;
- 6) The establishment and functioning of the Expert Review Committee;
- 7) Procedures and requirements for public participation and access to information;
- 8) Procedures for resettlement and compensation for project affected persons;
- 9) Determining conditions, qualifications, formalities, and procedures for the registration of Environmental Impact Assessment Consultants;
- 10) Establishing and developing the legal framework for Transboundary Environmental Impact Assessment, including legal instruments, guidelines, and the methodology of Transboundary Environmental Impact Assessment; and
- 11) Guidance and requirements for both project owners and competent institutions regarding Environmental Audits, monitoring, and reporting.

ARTICLE 89 RESPONSIBILITY TO CONDUCT AUDITS, INSPECTIONS, AND MONITORING

The ministry or institution responsible for environment shall be responsible for conducting audits, inspections, and monitoring of projects in accordance with the provisions in this Code.

SECTION 2

EXPERT REVIEW COMMITTEE

ARTICLE 90 TECHNICAL COMMENTS

Proposed projects that are required to perform a Full Environmental Impact Assessment shall receive technical comments from the Expert Review Committee. The ministry or institution responsible for environment shall review and consider the technical comments of the Expert Review Committee prior to making a decision on the Full Environmental Impact Assessment Report.

ARTICLE 91 COMPOSITION OF EXPERT REVIEW COMMITTEE

The composition of the Expert Review Committee shall include:

- 1) Technical officials from the ministry or institution responsible for environment, other competent ministries or institutions, and sub-national administrations;
- 2) Independent technical experts with qualifications and relevant experience in reviewing Full Environmental Impact Assessment Reports;
- 3) A representative from the ministry or institution responsible for women's affairs; and
- 4) Representatives from non-governmental organisations.

Members of the Expert Review Committee may change from one project to another through the selection of the ministry or institution responsible for environment depending on the technical aspects of the Full Environmental Impact Assessment Report.

The ministry or institution responsible for environment shall develop a legal instrument on the organization and functioning of the Expert Review Committee as stipulated in this Code.

ARTICLE 92 REIMBURSEMENT FOR SERVICES FOR MEMBERS OF EXPERT REVIEW COMMITTEE

The members of the Expert Review Committee shall be reimbursed for their services based on an agreement between the ministry or institution responsible for environment, each member of the committee, and the project owner.

Reimbursement for Expert Review Committee members' participation in the review of a Full Environmental Impact Assessment Report 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 responsibilities include participation in the Full Environmental Impact Assessment process shall not be remunerated.

ARTICLE 93 RESPONSIBILITIES OF EXPERT REVIEW COMMITTEE

The Expert Review Committee shall be responsible for:

- 1) Reviewing and assessing the Full Environmental Impact Assessment Report;
- 2) Considering all comments received from the public participation process and providing reasons for why public comments were or were not incorporated into the Committee's final recommendations to the ministry or institution responsible for environment;
- 3) Providing comments and recommendations on the Full Environmental Impact Assessment Report; and
- 4) Making recommendations on whether to approve or reject the Full Environmental Impact Assessment Report by confirming approval conditions and providing reasons for recommendations or rejection.

SECTION 3 PROJECT OWNER

ARTICLE 94 EXPENSES FOR PREPARATION AND IMPLEMENTATION OF ENVIRONMENTAL MANAGEMENT PLAN

The project owner shall bear financial responsibility for the expenses associated with the preparation and implementation of the project's Environmental Management Plan or Environmental Protection Plan and costs to cover implementation and monitoring of measures on reduction of the impacts on environment and society as delineated in the Environmental Management Plan or Environmental Protection Plan.

ARTICLE 95 RESPONSIBILITY FOR ACTIONS AND OMISSIONS

The project owner shall bear legal and financial responsibility for all of the project owner's actions and omissions.

The project owner shall bear legal and financial responsibility for actions and omissions of its contractors, subcontractors, officers, employees, agents, representatives, and consultants employed, hired, or authorized to act on their behalf.

ARTICLE 96 RESPONSIBILITY FOR INVOLUNTARY RESETTLEMENT AND LIVELIHOOD IMPACTS

In the case that a project causes involuntary resettlement or impacts on livelihoods, the project owner shall bear 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 97 RESPONSIBILITY FOR THE PREPARATION AND IMPLEMENTATION OF SUPPORT PROGRAMS FOR LIVELIHOOD RESTORATION AND RESETTLEMENT

The project owner shall bear legal and financial responsibility for the preparation and implementation of support programs for livelihood restoration and resettlement in consultation with the project-affected persons, competent ministries or institutions, and other concerned persons.

ARTICLE 98 LETTER OF ENDORSEMENT

The project owner shall issue a Letter of Endorsement in a format determined by the ministry or institution responsible for environment. Such letter shall be submitted together with the Full Environmental Impact Assessment Report, Initial Environmental Impact Assessment Report, or Environmental Protection Agreement, confirming:

- 1) The accuracy and completeness of the relevant documents;
- 2) That the documents have been prepared in compliance with relevant laws and legal instruments; and
- 3) That the project will at all times comply with the commitments, impact mitigation measures, Environmental Protection Plan or Environmental Management Plan, and plans submitted and with the Approval Letter and Certificate on Report of Initial Environmental Impact Assessment, Full Environmental Impact Assessment, or Environmental Protection Agreement.

ARTICLE 99 OBLIGATION TO IMPLEMENT CONDITIONS OF APPROVAL LETTER AND CERTIFICATE ON REPORT OF INITIAL ENVIRONMENTAL IMPACT ASSESSMENT, FULL ENVIRONMENTAL IMPACT ASSESSMENT, OR ENVIRONMENTAL PROTECTION AGREEMENT

The project owner shall fully implement the Initial Environmental Impact Assessment, Full Environmental Impact Assessment, or Environmental Protection Agreement and all associated project commitments and conditions.

The project owner shall be liable to require that all contractors and subcontractors of the project comply with all applicable obligations, including the Approval Letter and Certificate on reports of Initial Environmental Impact Assessment, Full Environmental Impact Assessment, Environmental Protection Agreement, Environmental Management Plan, Environmental Protection Plan, and project commitments and conditions.

ARTICLE 100 TRANSFER OR CHANGES OF PROJECT OWNER

In cases where there are any changes or transfer of the project owner for any reason, the following conditions shall apply:

- 1) Project owner shall immediately notify the ministry or institution responsible for environment; and
- 2) Any Environmental Protection Agreement, Initial Environmental Impact Assessment, or Full Environmental Impact Assessment Approval Letter and Certificate, as well as all conditions, shall be automatically transferred to the new project owner.

Agreements for transfer or the changes of the project owner shall not be valid for implementation unless the transfer or the changes are done after the ministry or institution responsible for environment has received notification about the changes.

SECTION 4

ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANTS

ARTICLE 101 MANAGING ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANTS

Environmental Impact Assessment Consultants, which may be either natural persons or legal entities, shall be under the management of the ministry or institution responsible for environment.

ARTICLE 102 ENVIRONMENTAL IMPACT ASSESSMENT CONSULTING FIRMS

All Environmental Impact Assessment Consulting firms shall have directors and staff who are of Khmer nationality.

ARTICLE 103 REGISTRATION OF CONSULTANTS AND ENVIRONMENTAL ASSESSMENT CONSULTING FIRMS

Environment Impact Assessment Consulting Firms shall be registered with and accredited by the ministry or institution responsible for environment.

Only Environmental Impact Assessment Consultants registered with the ministry or institution responsible for environment shall conduct an Initial Environmental Impact Assessment, Full Environmental Impact Assessment, and Environmental Management Plan under this Code.

ARTICLE 104 TEAM LEADERS OF ENVIRONMENTAL IMPACT ASSESSMENT

Environmental Impact Assessment Consulting firms shall have a registered Environmental Impact Assessment Consultant accredited by the ministry or institution responsible for environment as a team leader to conduct Environmental Impact Assessment reporting, in compliance with provisions of this Code.

ARTICLE 105 NON-COMPLIANCE WITH CRITERIA FOR REGISTRATION

An Environmental Impact Assessment Consultant that does not comply with the criteria for registration by the ministry or institution responsible for environment or the conditions attached to the registration may be removed as a registered Environmental Assessment Consultant and prohibited from future registration.

ARTICLE 106 REGISTRATION VALIDITY PERIOD

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

SECTION 5 FINANCIAL INSTITUTIONS

ARTICLE 107 SCOPE OF SUSTAINABILITY RISK ASSESSMENT

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

ARTICLE 108 ASSESSMENT OF COSTS

The Sustainability Risk Assessment for the proposed project shall include:

- 1) The costs of the Full Environmental Impact Assessment; and
- 2) Funding of any environmental impact mitigation measures including:
 - a) The ongoing costs of the implementation of the Environmental Management Plan;
 - b) All liabilities for resettlement and compensation for environmental harm;
 - c) All required payment for ecosystem services; and
 - d) Sufficient financial assurances for closure, restoration, and remediation as may be required to meet any relevant legal requirements.

CHAPTER 3 ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

SECTION 1 ENVIRONMENTAL IMPACT ASSESSMENT SCREENING

ARTICLE 109 PROJECT SCREENING

The ministry or institution responsible for environment shall conduct project screening to determine the type of Environmental Impact Assessment documents that the project owner shall be required to prepare as follows:

- 1) A Full Environmental Impact Assessment Report;
- 2) An Initial Environmental Impact Assessment Report; or
- 3) An Environmental Protection Agreement with attachment of Environmental Protection Plan.

The ministry or institution responsible for environment shall develop a legal instrument on screening criteria for projects to determine the level of Environmental Assessment, as stipulated in this Code.

ARTICLE 110 AREAS REQUIRING FULL ENVIRONMENTAL IMPACT ASSESSMENT

A Full Environmental Impact Assessment shall be required where the proposed project is located in, or may cause negative impacts on areas with high conservation value as follows:

- 1) Cultural Heritage Protected Areas;
- 2) Components of the Natural Protected Area System;
- 3) Ecosystems identified as endangered and habitat of wild species listed as threatened as stipulated in Book 4 of this Code;
- 4) Mangrove forests and the coastal zone;
- 5) Areas that provide the livelihoods of local communities and indigenous peoples; and
- 6) Indigenous peoples' lands or other resources.

ARTICLE 111 CONCESSION AGREEMENTS

All concession agreements that are granted by the Royal Government of Cambodia at both the national and sub-national levels shall be required to conduct a Full Environmental Impact Assessment and obtain a Full Environmental Impact Assessment Approval Letter and Certificate.

ARTICLE 112 PROCEDURE FOR FULL ENVIRONMENTAL IMPACT ASSESSMENTS OR INITIAL ENVIRONMENTAL IMPACT ASSESSMENTS

Projects that have been determined to require an Initial Environmental Impact Assessment or a Full Environmental Impact Assessment shall undergo the following procedure:

- 1) Scoping;
- 2) Review and approval of a Scoping Report and Terms of Reference;
- 3) Investigations and preparation of a Full Environmental Impact Assessment Report or Initial Environmental Impact Assessment Report; and
- 4) Review and decision on the Full Environmental Impact Assessment Report or Initial Environmental Impact Assessment Report.

The ministry or institution responsible for environment shall review and consider comments by an Expert Review Committee prior to making the final decision on a Full Environmental Impact Assessment Report.

ARTICLE 113 REQUIREMENTS FOR ENVIRONMENTAL PROTECTION AGREEMENT

For project proposals that are listed as not requiring an Initial Environmental Impact Assessment or Full Environmental Impact Assessment, an Environmental Protection Agreement shall be required, as provided for in this Code.

In such cases, the project owner shall submit technical information and an Environmental Protection Plan to the ministry or institution responsible for environment for approval.

SECTION 2 SCOPING

ARTICLE 114 SCOPE

All projects requiring an Initial Environmental Impact Assessment or Full Environmental Impact Assessment shall undergo Scoping and prepare a Scoping Report, prepared in accordance with the provisions in this Code, and shall submit the Scoping Report to the ministry or institution responsible for environment for approval.

The Scoping Report shall include Terms of Reference for the Initial Environmental Impact Assessment or Full Environmental Impact Assessment investigation.

ARTICLE 115 PUBLIC PARTICIPATION DURING SCOPING

The project owner and Environmental Impact Assessment Consultant shall ensure that public participation is undertaken during the preparation of the Scoping Report and information is publicly available, in accordance with provisions of this Code and any guidance issued by the

ministry or institution responsible for environment.

ARTICLE 116 TERMS OF REFERENCE

The Environmental Impact Assessment Consultant shall only commence Initial Environmental Impact Assessment or Full Environmental Impact Assessment investigations following the approved Terms of Reference by the ministry or institution responsible for environment.

ARTICLE 117 INFORMATION DISCLOSURE

The Scoping Report and Terms of Reference that have been approved by the ministry or institution responsible for environment shall be made publicly available in accordance with provisions of this Code.

SECTION 3 INVESTIGATION AND REPORT

ARTICLE 118 INVESTIGATION REQUIREMENTS

The Initial Environmental Impact Assessment or Full Environmental Impact Assessment investigation and reports shall be undertaken by the project owner, in accordance with:

- 1) The Terms of Reference;
- 2) The public participation provisions and access to environmental information provisions of this Code; and
- 3) Any legal instruments on the Initial Environmental Impact Assessment or Full Environmental Impact Assessment process as stipulated in this Code.

ARTICLE 119 MINIMUM INFORMATION DISCLOSURE

At a minimum, the project owner shall make publicly available the Initial Environmental Impact Assessment or Full Environmental Impact Assessment reports, any Environmental Management Plan for the project, maps and plans of the project, and all proposed impact mitigation measures for the project during the Initial Environmental Impact Assessment or Full Environmental Impact assessment investigation stage in order to provide stakeholders with sufficient time to review and provide comments on such documents.

ARTICLE 120 REQUIREMENT TO RECORD AND RESPOND TO PUBLIC COMMENTS

The Initial Environmental Impact Assessment Report or Full Environmental Impact Assessment Report shall:

- 1) Record comments from the public and the project owner shall take this into account during the planning and conduct of the Initial Environmental Impact Assessment or Full Environmental Impact Assessment;
- 2) Focus on the issues raised by women and those most vulnerable potentially impacted by the proposed project;
- 3) Include the details of the project impacts on the public and the acceptance or rejection of the requests of the public; and
- 4) Provide clear reasons why those concerns are rejected, if it is the case.

ARTICLE 121 MINIMUM REQUIREMENTS FOR ANALYSIS OF ALTERNATIVES

Initial Environmental Impact Assessment Reports and Full Environmental Impact Assessment Reports shall include but not be limited to:

- 1) Consideration of possible alternatives to the proposed project, including descriptions of each alternative, plus the no-project option, with elaboration of each alternative.; and
- 2) An assessment and comparison of the environmental impacts, required mitigation measures, and residual impacts of the alternatives.

At a minimum, the consideration of alternatives in relation to a proposed project shall include the different realistic and implementable ways of meeting the general purpose and requirements of the project.

Requirement of the analysis of project alternatives shall include lower-impact alternatives to:

- 1) The property on which, or location where, it is proposed to undertake the project;
- 2) The type of project;
- 3) The design or layout of the project;
- 4) The technology to be used in the project operation;
- 5) The need to provide resettlement or impact on livelihood;
- 6) The impact on indigenous peoples and local communities;
- 7) The operational aspects of the project; and
- 8) Any other substantive characteristic or aspect of the project as deemed necessary by the ministry or institution responsible for environment.

ARTICLE 122 ENVIRONMENTAL MANAGEMENT PLAN

The Environmental Management Plan, which shall be determined in the Initial Environmental Impact Assessment Report or Full Environmental Impact Assessment Report, shall be made available to the public for review and comments.

The Environmental Management Plan shall include the protection, mitigation measures, monitoring, grievance mechanisms, and any applicable closure and rehabilitation requirements, and management requirements that were identified in the Initial Environmental Impact Assessment Report or Full Environmental Impact Assessment Report.

SECTION 4 ASSESSMENT OF INITIAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT, FULL ENVIRONMENTAL IMPACT ASSESSMENT REPORT, AND ENVIRONMENTAL PROTECTION AGREEMENT

ARTICLE 123 PUBLIC PARTICIPATION AND ACCESS TO ENVIRONMENTAL INFORMATION

The ministry or institution responsible for environment shall require public participation in the assessment of Initial Environmental Impact Assessment Reports and Full Environmental Impact Assessment Reports by:

- 1) Inviting participation of representatives of competent ministries and institutions, non-governmental organizations, stakeholders, and project-affected persons and vulnerable persons;
- 2) Providing comments on the proposed project; and
- 3) Following the public participation and access to environmental information provisions in this Code.

ARTICLE 124 REQUIREMENTS FOR REVIEW AND COMMENTS

The ministry or institution responsible for environment shall review and comment on the Initial Environmental Impact Assessment Report or Full Environmental Impact Assessment Report after:

- 1) Listening to and considering the official presentation and defence of the report by the project owner and Environmental Impact Assessment Consultant;
- 2) Considering the advantages and disadvantages to the environment by examining the scope of the project, geographical location, potential impact, and other special features of each project;

- 3) Considering the individual and cumulative impacts of the proposed project on human wellbeing, the environment, and natural resources and values of associated flows of natural resource services;
- 4) Giving special consideration to negative impacts on the culture, custom, tradition, livelihood, and property of indigenous peoples;
- 5) Considering comments and inputs received from public participation processes;
- 6) Considering comments from other competent ministries and institutions;
- 7) Taking into account the recommendations of the Expert Review Committee for Full Environmental Impact Assessments; and
- 8) Evaluating the appropriateness and effectiveness of proposed environmental impact mitigation and project monitoring arrangements.

ARTICLE 125 DECISIONS

Having reviewed an Environmental Protection Agreement, Initial Environmental Impact Assessment Report, or Full Environmental Impact Assessment Report, the ministry or institution responsible for environment may make the following decisions:

- 1) Reject the Environmental Protection Agreement, Initial Environmental Impact Assessment Report, or Full Environmental Impact Assessment Report;
- 2) Order adjustments or corrections to the Environmental Protection Agreement, Initial Environmental Impact Assessment, or Full Environmental Impact Assessment;
- 3) Issue an Approval Letter and Certificate for the Environmental Protection Agreement, Initial Environmental Impact Assessment, or Full Environmental Impact Assessment;
- 4) Require an Initial Environmental Impact Assessment report for Environmental Protection Agreements in the case that ministry or institutions responsible for environment find that the project demonstrates significant potential environmental impacts; and
- 5) Require a Full Environmental Impact Assessment Report for Initial Environmental Impact Assessment Reports in the case that ministry of institutions responsible for environment find that the project demonstrates significant potential environmental impacts.

ARTICLE 126 REJECTION OR ORDER TO ADJUST OR CORRECT

In cases where the ministry or institution responsible for environment either rejects or provides

comments and orders adjustments or corrections to the Environmental Protection Agreement, Initial Environmental Impact Assessment Report, or Full Environmental Impact Assessment Report, the ministry or institution responsible for environment shall provide clear, written decisions specifying reasons, conditions, or points of required adjustments or corrections to the project owner and Environmental Impact Assessment consultant.

ARTICLE 127 APPROVALS

In cases where the ministry or institution responsible for environment approves the Environmental Protection Agreement, Initial Environmental Impact Assessment Report, or Full Environmental Impact Assessment Report the ministry or institution responsible for environment shall issue an Approval Letter and Certificate for the project.

The Approval Letter and Certificate shall contain all requirements and obligations that apply to the project, including pollutant discharge or emission standards, impact mitigation measures, and monitoring and reporting requirements.

ARTICLE 128 DISSEMINATION OF APPROVED ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTS

The ministry or institution responsible for environment shall send the Approval Letter and Certificate, including the approved Environmental Protection Agreement, Initial Environmental Impact Assessment, or Full Environmental Impact Assessment, to the project owner and competent ministries and institutions, including competent ministries or institutions responsible for permit approvals, the Council for Development of Cambodia, and sub-national administrations.

Approval Letters and Certificates for the approved Environmental Protection Agreement, Initial Environmental Impact Assessment, or Full Environmental Impact Assessment shall be made publicly available.

CHAPTER 4

TIMEFRAMES FOR PROCEDURES TO REVIEW AND COMMENT ON FULL ENVIRONMENTAL IMPACT ASSESSMENT, INITIAL ENVIRONMENTAL IMPACT ASSESSMENT, AND ENVIRONMENTAL PROTECTION AGREEMENT

ARTICLE 129 SCREENING

The ministry or institution responsible for environment shall complete the screening step for Initial Environmental Impact Assessments and Full Environmental Impact Assessments within 15 (fifteen) working days of the project owner submitting a project proposal for screening.

ARTICLE 130 SCOPING

The ministry or institution responsible for environment shall complete the consideration of Scoping Report for Initial Environmental Impact Assessments and Full Environmental Impact Assessments within 15 (fifteen) working days of its submission.

The 15 (fifteen) working-day period shall always be reset and a new 15 (fifteen) working day period shall start when the project owner submits a revised Scoping Report in accordance with instructions and comments provided by the ministry or institution responsible for environment.

ARTICLE 131 PERIOD FOR REVIEW AND COMMENT ON ENVIRONMENTAL PROTECTION AGREEMENT

The ministry or institution responsible for environment has a period of 30 (thirty) working days to review, comment, approve, reject, or require adjustment or correction to an Environmental Protection Agreement. The period is counted from the date of the submission of Environmental Protection Agreement and relevant documents.

The 30 (thirty) working day period to review, comment, approve, reject, or require adjustment or corrections shall always be reset when the project owner submits a revised Environmental Protection Agreement in accordance with instructions and comments provided by the ministry or institution responsible for environment.

ARTICLE 132 PERIOD FOR REVIEW AND COMMENT ON INITIAL ENVIRONMENTAL IMPACT ASSESSMENT

The ministry or institution responsible for environment shall review and comment on the Initial Environmental Impact Assessment Report within 60 (sixty) working days from the date of receiving the report. The period of 60 (sixty) working days shall expire when the ministry or institution responsible for environment has provided the comments regardless of whether the comment is in the form of rejection, approval, or an order to make modification, adjustment, or correction on the reviewed report.

The period of 60 (sixty) working days for the review and comment as stipulated in the above paragraph shall always restart when the ministry or institution responsible for environment receives an application to review the Initial Environmental Impact Assessment Report which the project owner has corrected in accordance with the order or instruction by the ministry or institution responsible for environment.

ARTICLE 133 PERIOD FOR REVIEW AND COMMENT ON FULL ENVIRONMENTAL IMPACT ASSESSMENT

The ministry or institution responsible for environment shall review and comment on the Full Environmental Impact Assessment Report within 90 (ninety) working days from the date of receiving the report. The period of the 90 (ninety) working days shall expire when the ministry

or institution responsible for environment has provided the comments regardless of whether the comments are in the form of rejection, approval, or an order to make modification, adjustment, or correction on the reviewed report.

The period of 90 (ninety) working days for the review and comment as stipulated in the preceding paragraph shall always restart when the ministry or institution responsible for environment receives an application to review the Full Environmental Impact Assessment Report which the project owner has corrected in accordance with the order or instruction by the ministry or institution responsible for environment.

ARTICLE 134 LIABILITY FOR ENVIRONMENTAL HARM

The project owner shall be liable for any environmental harm caused by their own mistakes or failure to revise Initial Environmental Impact Assessment Reports, Full Environmental Impact Assessment Reports, or Environmental Protection Agreements in accordance with instructions by the ministry or institution responsible for environment.

ARTICLE 135 VALIDITY PERIOD OF ENVIRONMENTAL IMPACT ASSESSMENT APPROVAL LETTER AND CERTIFICATE

The Environmental Impact Assessment Approval Letter and Certificate shall be valid for the life cycle of the project. In the case that the ministry or institution responsible for environment finds that there are changes to the project or that the Initial Environmental Impact Assessment Report or Full Environmental Impact Assessment Report is not adequate or effective for the implementation of impact mitigation measures, the ministry or institution responsible for environment has the authority to require the project owner to re-prepare an Initial Environmental Impact Assessment Report or Full Environmental Impact Assessment Report or to update the existing report in order to receive a new Approval Letter and Certificate in accordance with conditions determined by ministry or institution responsible for environment.

CHAPTER 5 SPECIAL CONSIDERATIONS IN THE ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM

SECTION 1 ENVIRONMENTAL IMPACT ASSESSMENT FOR EXISTING PROJECTS AND ONGOING PROJECTS

ARTICLE 136 GUIDELINES FOR ENVIRONMENTAL IMPACT ASSESSMENT FOR EXISTING AND ONGOING PROJECTS

The ministry or institution responsible for environment shall prepare a legal instrument to provide guidelines for the types of existing and ongoing projects that have not conducted an Initial Environmental Impact Assessment, Full Environmental Impact Assessment, or

Environmental Protection Agreement so that project owner shall be required to:

- 1) Conduct an Environmental Audit of existing operations in accordance with this Code; and
- 2) Have an Initial Environmental Impact Assessment, Full Environmental Impact Assessment reports, or Environmental Protection Agreement prepared in accordance with this Code.

ARTICLE 137 REVIEW OF ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTS FOR ONGOING PROJECTS AND EXISTING PROJECTS

Owners of existing projects and projects that are in operation shall prepare an Environmental Protection Agreement, Initial Environmental Impact Assessment Report, or Full Environmental Impact Assessment Report in accordance with a legal instrument determined by the ministry or institution responsible for environment as stipulated in Article 136 of this Code.

The ministry or institution responsible for environment shall review, comment, and make a decision on the Initial Environmental Impact Assessment Report, Full Environmental Impact Assessment Report, and Environmental Protection Agreement in accordance with the provisions of this Code.

SECTION 2 SPECIFIC IMPACTS TO BE ASSESSED

ARTICLE 138 INCORPORATING CLIMATE CHANGE IN FULL ENVIRONMENTAL IMPACTS ASSESSMENT

Full Environmental Impact Assessment shall include assessment of impacts of proposed projects that contribute to climate change, which shall include a calculation of the greenhouse gas emission of the project and an analysis on future greenhouse gas emissions.

The project owner shall assess both low greenhouse gas energy options and the need to mitigate climate-induced changes to water supply.

ARTICLE 139 ANALYSING AND ASSESSING POTENTIAL IMPACTS BY CLIMATE CHANGE

Full Environmental Impact Assessment Reports shall analyse and assess the potential impacts and vulnerabilities of proposed projects caused by climate change in order to identify measures to mitigate and adapt to potential climate change impacts, including emergency response planning.

ARTICLE 140 HEALTH IMPACT ASSESSMENT

Initial Environmental Impact Assessments and Full Environmental Impact Assessment reports shall include a Health Impact Assessment as follows:

- 1) Baseline data on health in the project areas and of the affected populations;
- 2) Description of potential project impacts due to construction, population flow, and changes to the environment;
- 3) The risks to, and potential impacts on the safety and health of affected communities during the design, construction, operation, and decommissioning of the project;
- 4) Mitigation measures to reduce or eliminate negative impacts of the project and measures that will be introduced by the project owner to improve health of the local communities;
- 5) Safety and health management plans for the working environment, assessing relevant risks and specific classes of hazards in the proposed project areas, including physical, chemical, biological, and radiological hazards; and
- 6) The issues related to monitoring health conditions and managing remaining impacts in the short and long-term for the project.

ARTICLE 141 CUMULATIVE ENVIRONMENTAL IMPACT ASSESSMENT

Initial Environmental Impact Assessments and Full Environmental Impact Assessments shall assess the cumulative impacts caused by existing and future projects in the areas surrounding the project, which may cause environmental or social impacts. The project owner shall evaluate the capacity of environmental resources impacted by the project to accommodate additional impacts caused by existing and future projects.

Project owners shall consider alternative mitigation measures to reduce or avoid potential significant cumulative impacts.

ARTICLE 142 TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT

Proposed projects that may have significant transboundary environmental impacts shall conduct a Transboundary Environmental Impact Assessment in accordance with bilateral or multilateral agreements or international legal instruments on Transboundary Environmental Impact Assessment to which the Kingdom of Cambodia is a signatory.

ARTICLE 143 RISK ASSESSMENT

Initial Environmental Impact Assessments and Full Environmental Impact Assessments shall

include a Risk Assessment as follows:

- 1) Identify and evaluate potential risks to the environment, public safety, and human health that may be caused by the proposed project;
- 2) Identify and evaluate actual risks to the environment, public safety, and human health resulting from impacts on the environment caused by the proposed project;
- 3) Propose alternatives, if required, or identify and prioritize mitigation and restoration actions to be undertaken;
- 4) Assist in the allocation of resources to minimize environmental harm and restore the environment;
- 5) Determine the extent of restoration necessary to remedy adverse environmental impacts;
- 6) Determine when restoration may be finished and completed;
- 7) Determine the funding that is available for restoration of environmental harm caused by a project;
- 8) Inform members of the public; and
- 9) Prevent and minimize further adverse environmental impacts.

ARTICLE 144 STRATEGIC ENVIRONMENTAL ASSESSMENT

Initial Environmental Impact Assessments and Full Environmental Impact Assessments shall review, consider, and incorporate any Strategic Environmental Assessments that relate to the sector to which the project proposal belongs or to the land or area in which the proposed project will be located.

SECTION 3 INDIGENOUS PEOPLES AND INVOLUNTARY RESETTLEMENT

ARTICLE 145 GRANTING OF AN ENVIRONMENTAL IMPACT ASSESSMENT APPROVAL LETTER AND CERTIFICATE TO A LOCATION IN INDIGENOUS PEOPLE AREA

Before the decision to grant an Environmental Impact Assessment Approval Letter and Certificate to projects where the indigenous peoples' lands or resources may be directly impacted, the ministry or institution responsible for environment, members of the Expert Review Committee, and stakeholders involved in the decision making shall take special consideration about the project in order to avoid negative impact on the culture, custom,

tradition, livelihood, and property of indigenous peoples.

ARTICLE 146 FREE, PRIOR, AND INFORMED CONSENT

The ministry or institution responsible for environment shall not approve any Initial Environmental Impact Assessment or Full Environmental Impact Assessment for a proposed project that may directly impact indigenous peoples' land or resources unless the project owner demonstrates that it has obtained the free, prior, and informed consent of the impacted indigenous peoples in accordance with the relevant provisions on the public participation of indigenous peoples of this Code.

ARTICLE 147 INVOLUNTARY RESETTLEMENT

In the case that a proposed project requires involuntary resettlement that cannot be avoided, the project owner shall:

- 1) Provide opportunities for affected people to be involved in any resettlement planning to minimize the adverse effects of resettlement;
- 2) Provide compensation for lost assets that is fair, appropriate, and acceptable as equivalent to the market price; and
- 3) Determine the environmental impact mitigation measures are appropriate and sustainable.

The procedure for payment of compensation to the impacted community shall be determined in an inter-ministerial legal instrument between the ministry or institution responsible for environment and the ministry or institution responsible for economy and finance.

CHAPTER 6 ENVIRONMENTAL MANAGEMENT PLAN UPDATES

ARTICLE 148 REVIEW AND UPDATES ON ENVIRONMENTAL MANAGEMENT PLAN

The Environmental Management Plan shall be regularly reviewed and updated to take into account any amendments in environmental standards, or changes in best management practices or other changing circumstances of the project.

ARTICLE 149 IMPACTS GREATER THAN ESTIMATED

In the case that the environmental impacts are greater than those estimated in the Initial Environmental Impact Assessment Report and Full Environmental Impact Assessment Report or Environmental Management Plan, the ministry or institution responsible for environment shall require the project owner and/or contractors take immediate action to remedy the impact

or an adjustment of the Environmental Management Plan or Environmental Protection Plan.

ARTICLE 150 ADJUSTMENTS TO THE ENVIRONMENTAL MANAGEMENT PLAN

The adjusted Environmental Management Plan shall be approved by the ministry or institution responsible for environment.

A time limit to make adjustments or improvements to Environmental Management Plan shall be agreed upon in writing by the ministry or institution responsible for environment and the project owner.

TITLE 3 ENVIRONMENTAL AUDITS, MONITORING, AND REPORTING

CHAPTER 1 ENVIRONMENTAL AUDITS

ARTICLE 151 ENVIRONMENTAL AUDITS

Implementation of any project with permit or approval shall include conducting an Environmental Audit that is independent and documented.

An Environmental Audit shall include:

- 1) Reviewing and ascertaining the project's or activity's compliance with the requirements of this Code and other relevant laws and legal instruments;
- 2) Identifying the project's ongoing impacts on the environment;
- 3) Identifying any measures to rectify non-compliance with the requirements of this Code and other relevant laws and legal instruments; and
- 4) Further minimizing impacts on the environment.

ARTICLE 152 APPLICATION OF ENVIRONMENTAL AUDITS

The ministry or institution responsible for environment shall develop a legal instrument on the projects and activities that are subject to an Environmental Audit.

ARTICLE 153 COSTS FOR ENVIRONMENTAL AUDIT

All costs associated with conducting an Environmental Audit shall be the responsibility of the project owner.

ARTICLE 154 FAILURE TO COMPLY WITH AN ORDER OR REQUIREMENT

In the case that a project fails to comply with an order or requirement to conduct an Environmental Audit, the ministry or institution responsible for environment or an accredited Environmental Auditor appointed by the ministry or institution responsible for environment shall be authorized to conduct the Environmental Audit.

The project owner shall be required to reimburse the ministry or institution responsible for environment for costs associated with Environmental Audits performed by the ministry or institution responsible for environment or an accredited Environmental Auditor appointed by the ministry or institution responsible for environment.

ARTICLE 155 REMEDY OF DAMAGES

When an Environmental Audit reveals that a project's impacts are greater than those estimated in the relevant Initial Environmental Impact Assessment Report, Full Environmental Impact Assessment Report, or Environment Protection Agreement, the ministry or institution responsible for environment shall require immediate action to remedy those damages and order an adjustment to the relevant Environmental Management Plan or Environment Protection Plan to avoid such impacts in the future.

ARTICLE 156 ACCESS TO INFORMATION

The ministry or institution responsible for environment shall make all Environmental Audit Reports publicly available.

ARTICLE 157 ACCREDITATION REQUIREMENT FOR ACCREDITED ENVIRONMENTAL AUDITOR

All persons who are accredited as Environmental Auditors shall be allowed to conduct Environmental Audit.

Project owners or location owners shall cooperate and allow Environmental Auditors to enter their building or premises in order to conduct an Environmental Audit.

CHAPTER 2 ENVIRONMENTAL MONITORING AND REPORTING

ARTICLE 158 SCOPE

All projects and activities subject to permits or approvals shall undertake Environmental Monitoring in accordance with the terms of their Approval Letter and Certificate and approved Initial Environmental Impact Assessment Report, Full Environmental Impact Assessment Report, or Environment Protection Agreement and relevant legal instruments on

environmental monitoring and reporting issued by the ministry or institution responsible for environment.

ARTICLE 159 INSTITUTIONS RESPONSIBLE FOR ENVIRONMENTAL MONITORING

The ministry or institution responsible for environment, in cooperation with competent ministry or institution and stakeholders, shall be responsible for monitoring the implementation of Approval Letters and Certificates of Initial Environmental Impact Assessment Reports, Full Environmental Impact Assessment Reports, or Environmental Protection Agreements.

ARTICLE 160 REPORTING OF ENVIRONMENT MONITORING

All projects and activities subject to permits or approvals shall prepare an Environmental Monitoring Report and submit such report to the ministry or institution responsible for environment as follows:

- 1) A quarterly report (every 3 [three] months) covering environmental management and monitoring results;
- 2) A semi-annual report (every 6 [six] months) covering environmental management and monitoring results; and
- 3) Within 3 (three) months after the financial year the project owner shall prepare and submit an annual environmental report summarizing the project's environmental performance and including any Environmental Auditor's opinions.

ARTICLE 161 REQUIREMENT TO RESPOND

In the case that the ministry or institution responsible for environment reviews a project's Environmental Monitoring Report and provides comments identifying deficiencies in the report, the project owner shall provide responses and remedies for the deficiencies in the Environmental Monitoring Report.

ARTICLE 162 DISCLOSURE OF ENVIRONMENTAL MONITORING REPORTS

All Environmental Monitoring Reports shall be made publicly available.

ARTICLE 163 LEGAL INSTRUMENT ON MONITORING

The ministry or institution responsible for environment shall develop a legal instrument on Environmental Monitoring, which shall include monitoring methods, record-keeping methods, minimum contents of Environmental Monitoring Reports, and obligations to respond to and incorporate the ministry or institution responsible for environment's comments on Environmental Monitoring Reports.

ARTICLE 164 OBLIGATION TO REPORT ENVIRONMENTAL MONITORING

Project owners shall prepare Environmental Monitoring Reports and submit to the ministry or institution responsible for environment and other competent ministries and institutions and shall make the reports publicly available on the following matters:

- 1) Any critical environmental problem; or
- 2) Any breach of the Approval Letter and Certificate of Initial Environmental Impact Assessment Report, Full Environmental Impact Assessment Report, or Environmental Protection Agreement.

ARTICLE 165 SITE INSPECTIONS

The ministry or institution responsible for environment shall conduct site inspections and verify the monitoring data included in Environmental Monitoring Reports.

ARTICLE 166 RIGHT TO GRIEVANCES

Project-affected persons and stakeholders shall report grievances and concerns to the project owner in accordance with the project-specific grievance mechanism established in the Environmental Management Plan and to competent ministries or institutions in accordance with Environmental and Natural Resource Grievance Mechanism of this Code.

The ministry or institution responsible for environment and other competent ministries or institutions shall respond to the grievance or petition and deal with concerned environmental issues within an appropriate period of time and inform all the concerned persons accordingly.

BOOK 3 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY MECHANISMS

TITLE 1 DISASTER RISK REDUCTION AND MANAGEMENT

ARTICLE 167 SCOPE OF APPLICATION

The Scope of this Title applies to disaster risk activity, management and reduction in the Kingdom of Cambodia.

ARTICLE 168 COOPERATION ON DISASTER MANAGEMENT

The ministry or institution responsible for environment shall support and cooperate with the National Institution for Disaster Management to:

- 1) Establish disaster risk reduction and management to reduce impacts from all natural or

human made disasters;

- 2) Prevent, mitigate, and prepare prior to disaster, respond to emergency during disaster, and restore after disaster;
- 3) Evaluate the root causes of vulnerabilities to potential and existing disasters;
- 4) Strengthen the institutional capacity for disaster risk reduction and management; and
- 5) Work with local communities, competent ministries or institutions, and other stakeholders to build resilience of local communities to disasters including but not limited to climate change impacts and adaptation.

ARTICLE 169 PLANNING FOR DISASTER REDUCTION AFFECTING THE ENVIRONMENT

The ministry or institution responsible for environment shall support and cooperate with the National Institution for Disaster Management to:

- 1) Develop disaster reduction plans for natural or human made disasters affecting the environment;
- 2) Develop preparedness plans and emergency response plans for natural and human made disasters affecting the environment; and
- 3) Develop a legal instrument on risk evaluation and techniques to adapt to climate change.

ARTICLE 170 TRAINING AND EDUCATION

The ministry or institution responsible for environment shall support and cooperate with the National Institution for Disaster Management to:

- 1) Promote public awareness on disaster reduction and management;
- 2) Develop and provide training and education on disaster reduction and management; and
- 3) Encourage involvement for disaster prevention, management and reduction.

ARTICLE 171 ACCESS TO INFORMATION

The public has the right to access information on the planning, updating and sharing information on disaster reduction as stipulated in Book 1 on access to environmental information of this code.

ARTICLE 172 CONSULTATION ON RISK REDUCTION AND MANAGEMENT

The National Institution for Disaster Management and competent ministries or institutions shall consult with the ministry or institution responsible for environment on the development of legal instruments and plans on risk reduction and management for natural or human made disasters affecting the environment.

TITLE 2 CLIMATE CHANGE

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 173 SCOPE OF APPLICATION

This Title applies to all activities, policies, strategies, and plans related to climate change in the Kingdom of Cambodia.

ARTICLE 174 DUTIES AND ROLES OF RESPONSIBLE INSTITUTIONS

The institution responsible for sustainable development shall have the following duties and roles:

- 1) Organize, manage, and coordinate activities relevant to climate change;
- 2) Take lead in international negotiations on climate change;
- 3) Provide technical support to the relevant and competent ministries or institutions for climate change;
- 4) Act as the leading institution for developing programs and policies on climate change with stakeholders;
- 5) Recommend measures and policies on climate change to the Government of Cambodia;
- 6) Provide technical support on incorporating activities responding to climate change into frameworks for monitoring the implementation of budgets and sectoral plans;
- 7) Provide technical comments for the competent ministries or institution to develop implementation activities;
- 8) Develop training, education, and build institutional capacity and staff to promote awareness and implementation responding to climate change;
- 9) Do regular institutional capacity assessments for implementing the responses to climate change at the national level; and
- 10) Enforce and develop mechanisms to enhance awareness and promote technical research

and practices for mitigation and adaptation to climate change.

CHAPTER 2

POLICIES, STRATEGIES, AND PLANS RESPONDING TO CLIMATE CHANGE

ARTICLE 175 NATIONAL CLIMATE CHANGE RESPONSE

The ministry or institution responsible for sustainable development shall develop, update, and coordinate the long-term national response to climate change, which shall address:

- 1) Relevant mitigation measures for climate change;
- 2) Climate change adaptation; and
- 3) Financing technical development and technology transfer techniques, and capacity building.

All the above arrangements shall be done in accordance with the national policy on climate change and the international agreement on climate change and sustainable development to which the Kingdom of Cambodia is a party.

ARTICLE 176 NATIONAL STRATEGIC PLANNING

The ministry or institution responsible for planning, in cooperation with the ministry or institution responsible for sustainable development shall incorporate climate change considerations in relevant national plans and strategies and issue guidance and implementation to relevant ministries or institutions.

ARTICLE 177 SECTORAL PLANS, AND BUDGETS

All competent ministries or institutions shall identify, integrate, and implement climate change response activities into sectoral plans, monitoring frameworks, and budgets, in accordance with the laws, legal instruments and the National Policy on Climate Change issued by competent ministries or institutions, and in accordance with international agreements on climate change and sustainable development to which the Kingdom of Cambodia is a party.

ARTICLE 178 DEVELOPMENT AND INVESTMENT PLANNING

The ministry or institution responsible for economy and finance, the ministry or institution responsible for planning, the National Institution for Sub-National Democratic Development, and Council for the Development of Cambodia shall take into account climate change impacts and solutions in all development and investment plans.

The sub-national administrations, in cooperation with the capital and provincial departments of all competent ministries or institutions shall integrate climate change impacts and response

measures into all development and investment plans, which includes land use planning.

ARTICLE 179 PLANS AND STRATEGIES TO RESPOND TO CLIMATE CHANGE

All sub-national administrations, in cooperation with the capital and provincial departments under the competent ministries or institutions, shall develop and implement plans and strategies to respond to climate change in accordance with the relevant national climate change policies.

CHAPTER 3 IMPLEMENTATION OF CLIMATE CHANGE RESPONSES

ARTICLE 180 IMPLEMENTATION OF CLIMATE CHANGE RESPONSES

The ministry or institution responsible for sustainable development and all competent ministries or institutions shall coordinate with all stakeholders to implement climate change responses as follows:

- 1) Climate change adaptation actions including but not limited to:
 - a) Assessing vulnerability of biological, social, and economic systems to climate change, including but not limited to climate sensitive sectors and geographical areas prone to climate related disasters, and identifying opportunities for climate change adaptation;
 - b) Developing and implementing climate resilient and low carbon infrastructure, including but not limited to for agriculture, fisheries, transport, and energy sectors;
 - c) Developing and implementing management measures for natural protected areas to adapt to climate change;
 - d) Improving early warning systems and the timely dissemination of climate information;
 - e) Promoting sustainable livelihood practices that increase resilience to climate change; and
 - f) Improving access to affordable energy, water, transport, health, and sanitation services;
- 2) Climate change mitigation actions including but not limited to:
 - a) Promoting and improving energy efficiency;

- b) Promoting the development and use of renewable energy throughout all sectors;
 - c) Increasing resilient decentralized grid energy production and off-grid energy production;
 - d) Promoting the development and use of mass public transportation and the use of fuel-efficient transportation and low-carbon transportation; and
 - e) Increasing forest cover and promoting sustainable management of forests and mechanisms to promote forest conservation, including but not limited to:
 - i) Reducing emissions from deforestation and forest degradation;
 - ii) Promoting the role of conservation, sustainable management of forests;
 - iii) Enhancing forest carbon stocks;
 - f) Promoting proper soil and land use management practices to protect carbon sinks and limit greenhouse gas emissions; and
- 3) Enabling activities including but not limited to:
- a) Strengthening technical and institutional capacity to implement climate response;
 - b) Strengthening climate change knowledge on adaptation and mitigation practices and technologies best suited to the Cambodian context;
 - c) Promoting research, technology transfer, education, and international cooperation in all areas of climate change;
 - d) Raising public awareness climate change; and
 - e) Mobilizing climate finance.

ARTICLE 181 COOPERATION AND PARTNERSHIPS

The ministry or institution responsible for sustainable development shall:

- 1) Facilitate inter-ministerial cooperation and sub-national administration participation in the design and implementation of climate change activities; and
- 2) Establish partnerships and memoranda of understanding for the implementation and scale up of climate change responses between competent ministries or institutions and stakeholders.

ARTICLE 182 DECISION-MAKING AND IMPLEMENTATION ACTIVITIES

The competent ministries or institutions shall:

- 1) Include climate change considerations into the decision-making processes and design of all implementation activities; and
- 2) Consider the impact of such activities on greenhouse gas emissions, climate risk exposure, and adaptive capacity.

ARTICLE 183 LEGAL INSTRUMENT FOR CLIMATE CHANGE ADAPTATION AND MITIGATION

The ministry or institution responsible for environment shall develop a legal instrument for climate change adaptation and mitigation. The legal instrument shall be updated every 5 (five) years.

CHAPTER 4 MONITORING AND EVALUATION OF CLIMATE CHANGE RESPONSE

ARTICLE 184 NATIONAL MONITORING AND EVALUATION FRAMEWORK

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for planning and other competent ministries or institutions, shall develop and manage a national monitoring and evaluation framework to track the progress in addressing challenges posed by climate change and to inform the review and update of the Kingdom of Cambodia's climate change response.

The national monitoring and evaluation framework on responses to climate change shall be determined by a legal instrument of the ministry or institution responsible for sustainable development, to be issued 1 (one) month upon the enactment of this Code.

ARTICLE 185 SECTORAL MONITORING AND EVALUATION FRAMEWORKS

All competent ministries or institutions, with the support of the ministry or institution responsible for sustainable development shall develop and manage the respective sectoral climate change monitoring and evaluation frameworks to track effectiveness of response measures laid out in the relevant sectoral climate change response plans.

The framework for respective sectoral climate change monitoring and evaluation shall be determined by a legal instrument of the ministry or institution responsible for sustainable development in 1 (one) month upon the enactment of this Code.

ARTICLE 186 MONITORING AND EVALUATION ACTIVITIES

The ministry or institution responsible for sustainable development shall coordinate and conduct the climate change monitoring and evaluation activities in accordance with the relevant legal instruments.

The competent ministries or institutions, sub-national administrations, in cooperation with the capital and provincial departments of the competent ministries or institutions and the ministry or institution responsible for sustainable development shall implement the monitoring and evaluation activities for climate change responses in accordance with the legal documents on national monitoring and evaluation for climate change and sectoral legal instruments on monitoring and evaluation for climate change.

ARTICLE 187 REPORTING ON EVALUATION AND MONITORING

All competent ministries or institutions shall report on:

- 1) Indicators for national monitoring and evaluation framework for climate change;
- 2) Other legal instruments on climate change evaluation and monitoring;
- 3) Sectoral evaluation and monitoring frameworks.

The above reports shall be submitted in a timely manner to the ministry or institution responsible for sustainable development in accordance with sectoral legal instruments on climate change monitoring and evaluation.

ARTICLE 188 INTERNATIONAL REPORTING OBLIGATION

The ministry or institution responsible for sustainable development shall prepare reports for international bodies on the implementation of climate change responses in accordance with the international agreements on climate change and sustainable development to which the Kingdom of Cambodia is a party.

ARTICLE 189 DEVELOPING LEGAL INSTRUMENTS RELATED TO CLIMATE CHANGE

The ministry or institution responsible for sustainable development, in cooperation with the competent ministries or institutions shall develop a legal instrument on the establishment and management of legal instruments relevant to evaluating, verifying, reporting, and measuring.

Such legal instrument shall be in compliance with the United Nations Framework Convention for Climate Change and the requirements of carbon offset mechanisms.

Competent ministries or institutions shall develop and manage procedures and relevant documents providing for evaluation, verification, reporting, and measurement in accordance

with the relevant legal instrument on monitoring, reporting, verification, and evaluation.

All competent ministries or institution shall establish procedures related to measurement, reporting and verification in accordance with the relevant legal instrument on monitoring, reporting, verification, and evaluation.

ARTICLE 190 INCORPORATION OF CLIMATE CHANGE MONITORING AND EVALUATION FRAMEWORKS

All competent ministries or institutions shall incorporate sectoral climate change monitoring and evaluation frameworks into their overall monitoring and evaluation legal instruments.

CHAPTER 5 CLIMATE CHANGE INFORMATION

ARTICLE 191 CLIMATE CHANGE ACTIVITIES AND INFORMATION

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for planning and other competent ministries or institutions shall collect, update, manage, and make publicly available climate change information relevant to the implementation of an effective climate change response.

Climate change information includes but is not limited to:

- 1) Climate-related risk mapping, climate change scenarios, assessment of vulnerability, and adaptation options and capacity;
- 2) Reference levels and emission factors;
- 3) Greenhouse gas emissions and sources;
- 4) Options to reduce greenhouse gas emissions and promote low carbon climate resilient development;
- 5) Emission reductions from the Kingdom of Cambodia's participation in carbon offset mechanisms;
- 6) Mapping of climate change adaptation and mitigation related projects implemented in the Kingdom of Cambodia;
- 7) Best adaptation and mitigation practices applied to the Cambodian context; and
- 8) Reporting from monitoring and evaluation document for climate change.

ARTICLE 192 CLIMATE CHANGE INFORMATION PUBLICLY AVAILABLE

All competent ministries or institutions, in cooperation with the ministry or institution responsible for sustainable development shall collect, update, manage, and make publicly available climate change information relevant to their respective sectors on the results of implementing activities for climate change evaluation and monitoring and experiences on pilot activities.

ARTICLE 193 MANAGING CLIMATE CHANGE INFORMATION

The ministry or institution responsible for sustainable development shall develop a legal instrument on the production and management of climate change related data and information.

ARTICLE 194 DATA PRODUCING AND DATA SHARING AGREEMENTS

The ministry or institution responsible for sustainable development may enter into data producing and data sharing agreements with competent ministries or institutions and other legal entities in order to strengthen and increase access to climate change related data and information relevant to the implementation of the Kingdom of Cambodia's climate change response.

ARTICLE 195 REPORTING OF CLIMATE CHANGE INFORMATION

All competent ministries or institutions and other legal entities, in cooperation with the ministry or institution responsible for sustainable development shall:

- 1) Report on greenhouse gas emissions from their respective sectors or jurisdiction; and
- 2) Report on emission reductions from carbon offset mechanisms.

The above-mentioned reports shall be in compliance with legal instruments as stipulated in article 198 of this code.

All competent ministries or institutions shall report to the ministry or institution responsible for sustainable development on climate change response implementation progress.

ARTICLE 196 PUBLICLY AVAILABLE INFORMATION SYSTEM

The ministry or institution responsible for sustainable development shall establish and manage a publicly available information system to consolidate all climate change information produced by the relevant ministries or institutions and relevant legal entities.

ARTICLE 197 ESTABLISHING GREENHOUSE GAS INVENTORY

The ministry or institution responsible for sustainable development shall establish and manage a publicly available national greenhouse gas inventory, in accordance with relevant international rules and guidance.

ARTICLE 198 LEGAL INSTRUMENT ON GREENHOUSE GAS INVENTORY

The ministry or institution responsible for sustainable development shall develop a legal instrument on the collection, production, quality assurance, and submission of inventory data, related to categories of carbon emission sources and sinks, establishing forest referent levels, collecting activity data, and reporting requirements.

ARTICLE 199 PROVIDING INFORMATION ON GREENHOUSE GAS INVENTORY

All project owners and competent ministries or institutions shall provide information for the greenhouse gas inventory determined by the ministry or institution responsible for sustainable development.

ARTICLE 200 NATIONAL REGISTER FOR GREENHOUSE GAS EMISSION REDUCTIONS PROJECTS

The ministry or institution responsible for sustainable development shall establish and manage a publicly available National Register for Greenhouse Gas Emission Reductions Projects.

The register shall integrate:

- 1) Existing registries under the relevant carbon offset mechanisms; and
- 2) Carbon crediting mechanisms that align with the requirements established under the United National Framework Convention on Climate Change.

ARTICLE 201 INTEGRATING INFORMATION INTO THE NATIONAL REGISTER FOR GREENHOUSE GAS EMISSION REDUCTIONS PROJECTS

The ministry or institution responsible for sustainable development shall develop a legal instrument on integrating information to the National Register for Greenhouse Gas Emission Reductions Projects in accordance with the relevant international rules and guidance.

ARTICLE 202 COMPLIANCE WITH THE NATIONAL REGISTER FOR GREENHOUSE GAS EMISSION REDUCTIONS PROJECTS

All participants in carbon offset mechanisms and those mechanisms not established under the United National Framework Convention on Climate Change shall comply with the relevant legal instrument on the submission of information into the National Register for Greenhouse Gas Emission Reductions Projects.

CHAPTER 6 FINANCING FRAMEWORK FOR CLIMATE CHANGE

ARTICLE 203 DEVELOPMENT OF FINANCING FRAMEWORK

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for economy and finance, shall develop and manage a financing framework for climate change activities.

Such framework shall include:

- 1) An analysis of financing needs;
- 2) A strategy to meet the financing needs by using available domestic and external sources of finance;
- 3) Capacity development measures; and
- 4) Institutional reforms or financial mechanisms to mobilize and manage climate change finance.

ARTICLE 204 ADVISORY PANEL

The ministry or institution responsible for sustainable development may appoint an advisory panel to develop and manage a financing framework for climate change activities, as stated in Article 203 of this Code.

The ministry or institution responsible for sustainable development shall determine the composition, and the roles and duties of the advisory panel in a legal instrument.

ARTICLE 205 SITE-SPECIFIC FINANCING

The ministry or institution responsible for economy and finance, upon the request of the ministry or institution responsible for environment, shall create site-specific fund accounts for participating stakeholders for environmental finance mechanisms, including but not limited to reducing emissions from deforestation and forest degradation, the loss of the role of conservation, sustainable management of forest projects, and enhancement of forest carbon stocks projects, in accordance with the provisions in Book 8 of this Code.

SECTION 1

THE NATIONAL AND SUB-NATIONAL CLIMATE CHANGE BUDGETS

ARTICLE 206 CLIMATE CHANGE IN NATIONAL BUDGET

The ministry or institution responsible for economy and finance, with technical support from the ministry or institution responsible for sustainable development, shall consider climate change impacts and solutions for climate change in the national budget process.

The ministry or institution responsible for sustainable development shall provide to the

ministry or institution responsible for economy and finance an annual analysis of climate change risks and priorities.

The ministry or institution responsible for economy and finance shall consider and integrate:

- 1) An analysis on the risks and priorities in a Circular on annual budget formulation; and
- 2) Guidelines on the integration of climate change impacts and solutions in guidance and procedures on budget planning.

ARTICLE 207 BUDGET SUBMISSIONS FOR CLIMATE CHANGE IMPACTS AND SOLUTIONS

Competent ministries or institutions and sub-national administrations shall include climate change impacts and solutions in their budget submissions, in accordance with the relevant legal instrument determined by the ministry responsible for economy and finance.

SECTION 2 INVESTMENTS WITH CONSIDERATION ON CLIMATE-CHANGE FROM THE PRIVATE SECTOR

ARTICLE 208 PROMOTION OF INVESTMENTS WITH CONSIDERATION ON CLIMATE CHANGE

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for economy and finance and the competent ministries or institutions, shall consult with stakeholders on fiscal measures, regulations, standards, and market-based mechanisms to promote investments with consideration on climate change.

SECTION 3 MOBILIZATION OF EXTERNAL CLIMATE CHANGE FINANCE

ARTICLE 209 COORDINATING EXTERNAL CLIMATE CHANGE FINANCE

The ministry or institution responsible for sustainable development shall coordinate the mobilization of external climate change finance in the most efficient and effective manner.

ARTICLE 210 MONITORING EXTERNAL CLIMATE CHANGE FINANCE

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for economy and finance and the Council for the Development of Cambodia to monitor external climate change finance and ensure integration of climate change in negotiations with development partners.

SECTION 4

PROMOTION OF CARBON OFFSET MECHANISMS

ARTICLE 211 CARBON OFFSET MECHANISMS

The ministry or institution responsible for sustainable development shall review, approve, and validate all projects seeking endorsement from the Royal Government of Cambodia to participate in carbon offset mechanisms, including those established under the Paris Climate Agreement.

ARTICLE 212 PROMOTING PARTICIPATION IN CARBON OFFSET MECHANISMS

The ministry or institution responsible for sustainable development shall promote participation in carbon offset through:

- 1) Issuing guideline on accessing climate change finance through participating in carbon offset mechanisms;
- 2) Maintaining and disseminating information on sources, option priorities, and potential for emission reduction; and
- 3) Maintaining and disseminating information on emission reductions from participating projects through the National Register for Greenhouse Gas Emissions Reduction Projects, including but not limited to information on the volume of climate change financing mobilized through participation.

TITLE 3 SUSTAINABLE PRODUCTION AND CONSUMPTION

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 213 SCOPE

This Title applies to sustainable production and consumption in the Kingdom of Cambodia.

ARTICLE 214 ROLES AND RESPONSIBILITIES OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR SUSTAINABLE DEVELOPMENT

The ministry or institution responsible for sustainable development shall be responsible for the development of policies and programs on sustainable production and consumption in cooperation with other competent ministries or institutions.

CHAPTER 2 PROMOTION OF SUSTAINABLE PRODUCTION AND CONSUMPTION

ARTICLE 215 SUSTAINABLE CONSUMPTION

The ministry or institution responsible for sustainable development, in cooperation with other competent ministries or institutions, shall develop policies and programs on sustainable consumption. Such policies and programs shall include but not be limited to:

- 1) Programs to improve environmental performance of consumption patterns through the increase of demand and supply for more environmentally friendly products, services, and technologies; and
- 2) Policies to push engagement of the private sector, civil society organizations, competent ministries or institutions, and citizens and to promote more resource-efficient and less environmentally damaging consumption, including but not limited to:
 - a) Energy and water consumption;
 - b) Hazardous waste generation;
 - c) Waste management;
 - d) Tourism; and
 - e) Infrastructure development.

ARTICLE 216 SUSTAINABLE PRODUCTION

The ministry or institution responsible for sustainable development, in cooperation with other relevant ministries or institutions, shall develop policies and programs on sustainable production. Such policies and programs shall include but not be limited to:

- 1) Programs to improve environmental performance of products; and best practice of environmentally friendly production; and
- 2) Policies to push engagement of the private sector, civil society organizations, competent ministries or institutions, and citizens and promote more resource-efficient and less environmentally damaging production.

ARTICLE 217 ENVIRONMENTALLY FRIENDLY TECHNOLOGY VERIFICATION

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for industry and other competent ministries or institutions, shall develop:

- 1) A program for technology verification applicable to environmentally friendly technologies, including but not limited to technologies used by industry, forestry,

agriculture, mining, service industries, and households; and

- 2) A register for verifying environmentally friendly technology that shall be made publicly available.

ARTICLE 218 EXTENDED PRODUCER RESPONSIBILITY

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for industry and competent ministries or institutions, shall develop a program on extended producer responsibility to promote producer responsibility for waste generated by users.

Such program shall address the following:

- 1) Voluntary and mandatory participation requirements for products, product groups, and waste streams;
- 2) Targets for collection, recycling, and extraction and reuse;
- 3) Quotas for taking back products;
- 4) Responsibilities for stakeholders in the supply chain, including domestic producers, and importers of foreign products and technologies; and
- 5) Capacity development for stakeholders.

ARTICLE 219 VOLUNTARY ENVIRONMENTAL LABELLING

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for industry and other competent ministries or institutions, shall develop a voluntary standardized program for labelling products and services with information on environmental burden, including but not limited to information on material content of products, energy efficiency, and waste generation.

ARTICLE 220 DEVELOPMENT OF LEGAL INSTRUMENT ON ENVIRONMENTAL LABELS

The ministry or institution responsible for sustainable development, in cooperation with the competent ministries or institutions, shall develop a legal instrument on the following:

- 1) Procedures for developing and revising categories of, criteria, and standards for products and services;
- 2) Procedures for certification and auditing; and

3) Rules of use of the environmental labels.

The ministry or institution responsible for sustainable development shall review and update environmental label standards and criteria based on best available scientific evidence and technology.

ARTICLE 221 FAVOURED PROCUREMENT

The competent ministries or institutions shall ensure that products and services with environmental certification are favoured in procurement decisions.

**CHAPTER 3
SUSTAINABLE PROCUREMENT**

ARTICLE 222 DEVELOPMENT OF LEGAL INSTRUMENT ON SUSTAINABLE PROCUREMENT

The ministry or institution responsible for economy and finance, in cooperation with the ministry of institution responsible for sustainable development, shall develop a legal instrument on sustainable procurement by including environmental criteria related to the life cycle of procured goods, services, and works to:

- 1) Minimize the environmental burden from consumption; and
- 2) Facilitate demand for environmentally friendly products and services.

ARTICLE 223 PURPOSES OF LEGAL INSTRUMENT ON SUSTAINABLE PROCUREMENT

The legal instrument on sustainable procurement shall:

- 1) Encourage resource production efficiency and cleaner production throughout all stages of products and services life cycle;
- 2) Designate categories and priority rankings of products and services, including but not limited to environmentally friendly technology, green finance, and procedures for their review;
- 3) Define minimum environmental criteria and performance requirements, including but not limited to resource efficiency, reduction, and 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, and procedures for review;
- 4) Define reporting requirements for categories of products, services, and magnitude of

procurement;

- 5) Provide guidance for selecting appropriate products and services;
- 6) Provide guidance for procurement decision-making by defining criteria for environmental performance and aligning them with other purchasing criteria;
- 7) Define measures for the ministries or institutions responsible for procurement to encourage and assist stakeholders in undertaking sustainable procurement practices.

ARTICLE 224 APPLICATION OF PROCUREMENT PRACTICES

The ministries or institutions responsible for procurement shall align procurement practices in accordance with the legal instrument on the sustainable procurement as stipulated in Article 223 of this Code for products and services as follows:

- 1) Procured under ministries or institutions at national level and sub-national administration budgets;
- 2) Procured by competent ministries or institutions that are subject to procurement regulations; and
- 3) Procured under donor-funded projects.

ARTICLE 225 SUSTAINABLE PROCUREMENT PLANS

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for economy and finance, shall:

- 1) Require all ministries or institutions responsible for procurement to integrate and implement the relevant legal instrument on sustainable procurement; and
- 2) Develop and update a national sustainable procurement plan and update it annually.

The ministry or institution responsible for procurement shall develop sustainable procurement and shall update this plan annually.

ARTICLE 226 TRAINING FOR SUSTAINABLE PROCUREMENT

The ministry or institution responsible for sustainable development, in cooperation with the ministry or institution responsible for economy and finance, shall provide training regarding sustainable procurement practices for all ministries or institutions responsible for procurement, suppliers, and purchaser from the private sector.

ARTICLE 227 DEVELOPING ANNUAL REPORT ON SUSTAINABLE

PROCUREMENT

The ministries or institutions responsible for procurement shall develop an annual report on the implementation of sustainable procurement which shall include:

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

The ministries or institutions responsible for procurement shall provide this report to the ministry or institution responsible for sustainable development and the ministry or institution responsible for economy and finance.

ARTICLE 228 ASSESSMENT OF SUSTAINABLE PROCUREMENT PRACTICES

The ministry or institution responsible for sustainable development and the ministry or institution responsible for economy and finance shall:

- 1) Use information from the annual reports on the implementation of sustainable procurement practices to determine problems and inefficiencies of the implementation of sustainable procurement; and
- 2) Shall, in consultation with stakeholders, revise the relevant legal instrument as necessary.

ARTICLE 229 ENVIRONMENTALLY-FRIENDLY PRODUCTS

The competent ministries or institutions shall remove barriers and shall encourage suppliers for the introduction, purchase, use, import, and export of environmentally friendly products.

TITLE 4 ENVIRONMENTAL LAND USE PLANNING AND SUSTAINABLE CITIES

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 230 SCOPE

This Title applies to rural and urban areas where land use planning is required in accordance with separate specific laws and legal instruments and to the development of sustainable cities.

ARTICLE 231 ROLES AND RESPONSIBILITIES OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR LAND MANAGEMENT, URBAN PLANNING, AND CONSTRUCTION

The ministry or institution responsible for land management, urban planning, and construction shall be responsible for:

- 1) Environmental land use planning; and
- 2) Sustainable cities planning, in cooperation with the ministry or institution responsible for sustainable development.

ARTICLE 232 ROLES AND RESPONSIBILITIES OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR ENVIRONMENT

The ministry or institution responsible for environment shall provide support and technical guidance to the ministry or institution responsible for land management, urban planning, and construction and other competent ministries or institutions regarding:

- 1) Sustainably harmonizing environmental protection, conservation, and national development objectives;
- 2) Ensuring sustainable management of resources by encouraging resource managers and decision makers to review cross-sectoral inter-linkages and impacts;
- 3) Strengthening cooperation between the competent ministries or institutions and stakeholders;
- 4) Establishing engagement with competent ministries or institutions and non-governmental stakeholders to exchange knowledge, information, and concerns relevant to land use plan and sustainable cities plan; and
- 5) Collecting qualitative and quantitative data and using decision support systems to ensure an understanding of the issues relating to land use planning and sustainable cities planning.

ARTICLE 233 ENVIRONMENTAL LAND USE PLANNING AND SUSTAINABLE CITIES

Competent ministries or institutions shall incorporate the following into land use planning and sustainable cities planning procedures:

- 1) Environmental protection, natural resource conservation, and sustainable development objectives;

- 2) Public participation and access to environmental information;
- 3) Mechanisms to protect, manage, and mitigate environmental risks and impacts from inadequate land use planning and rapid urban development; and
- 4) Sustainable urban managing that shall be based on the best available scientific evidence and shall use regionally-significant technology and planning instruments.

CHAPTER 2

ENVIRONMENTAL LAND USE PLANNING

SECTION 1

ENVIRONMENTAL LAND USE PLANNING

ARTICLE 234 ENVIRONMENTAL LAND USE PLANNING

All proposed land use master plans shall be consistent with the environmental land use planning requirements as stipulated in this Section.

ARTICLE 235 ENVIRONMENTAL LAND USE PLANNING REQUIREMENTS

The ministry or institution responsible for land management, urban planning, and construction shall develop environmental land use planning requirements for all land use master plans:

- 1) Requirement to conduct consultations with all stakeholders on the proposed land use master plan;
- 2) Requirement to develop a proposed land use master plan that fits with existing development master plans and sustainable city strategic plans or such plans in development;
- 3) Requirement to research and acquire best available, detailed, and site-specific data , where appropriate, pertaining to current and future land uses including but not limited to land resources, present land uses, physical infrastructure, surrounding population, communities, custom, culture, livelihood, and land rights;
- 4) Requirement to utilize existing best available technology to conduct integrated spatial mapping of all landscapes;
- 5) Requirement to address how the proposed land use master plan may impact greenhouse gas emissions and carbon sinks;
- 6) Requirement to anticipate, take into account, and address potential impacts that climate change may have on the implementation of the land use master plan;

- 7) Requirement to address flood prevention and prepare plans for overall water drainage and runoff within and downstream of the land use master plan area;
- 8) Requirement for all roads and parking systems within the area of land use master plans shall connect safely and efficiently to roads outside the area of proposed land use master plans;
- 9) Requirement to address and include mitigation measures for impacts caused by activities that may occur to high conservation value areas including, but not limited to:
 - a) Cultural Heritage Protected Areas;
 - b) Components of the National Protected Area System;
 - c) Ecosystems identified as endangered and habitat of wild species listed as threatened;
 - d) Mangrove forests and the coastal zone;
 - e) Areas that provide the livelihoods of local communities and indigenous peoples; and
 - f) Indigenous peoples' lands or resources.
- 10) Requirement to address measures and preservation measure and promotion of any cultural heritage or natural resource values located within or adjacent to all lands covered by the proposed land use master plans; and
- 11) Requirement to dedicate a certain portion of the land area to which the land use master plan shall apply for Open Green Space preservation, in accordance with the legal instrument on the Open Green Space Fund developed as stipulated in Article 831 and Article 832 of this Code.

ARTICLE 236 COOPERATION BETWEEN COMPETENT MINISTRIES AND INSTITUTIONS AND STAKEHOLDERS

The ministry or institution responsible for environment shall support and cooperate with the ministry or institution responsible for land management, urban planning, and construction; other competent ministries or institutions; civil society; non-governmental organizations; and stakeholders on the implementation and enforcement of the environmental land use planning requirements.

The ministry or institution responsible for environment, in cooperation with the relevant sub-national authorities, shall review the environmental land use plans of all land use master plans submitted to the competent ministries or institutions for approval.

ARTICLE 237 ACCESS TO ENVIRONMENTAL LAND USE PLANNING INFORMATION

All land use master plans, integrated spatial maps, and other planning information produced as part of the land use planning process shall be kept at the ministry or institution responsible for land management, urban planning, and construction, the ministry or institution responsible for environment, and the relevant sub-national authorities. This information shall be made publicly available.

ARTICLE 238 MODIFICATIONS TO APPROVED LAND USE MASTER PLANS

Any modifications to approved land use master plans shall be conducted in compliance with additional environmental land use planning requirements.

Competent ministries or institutions proposing modifications to land use master plans shall prepare documentation on the following:

- 1) Scientific and socio-economic reasons for the proposed modification to the land use master plan;
- 2) Explanation of the efforts that have been made to retain the current land use status;
- 3) Description of the effects on the livelihood of local communities and businesses; and
- 4) Any other information necessary to justify the proposal.

Any proposal to modify any approved land use master plan shall be subject to the public participation and the access to environmental information provisions.

ARTICLE 239 REQUIREMENT FOR STRATEGIC ENVIRONMENTAL ASSESSMENT

The ministry or institution responsible for land management, urban planning, and construction shall not provide any approval for any land use master plan that has not undergone Strategic Environmental Assessment in accordance with the Strategic Environmental Assessment provisions as stipulated in Book 2 Title 1 of this Code.

SECTION 2 REQUIREMENTS FOR ENVIRONMENTAL LAND USE PLANNING

ARTICLE 240 PROPOSED PROJECTS

All proposed public or private projects shall incorporate and apply environmental land use planning requirements.

ARTICLE 241 COMPLIANCE WITH REQUIREMENTS

All permits or authorization issued for the proposed projects by the competent ministries or institutions shall comply with environmental land use planning requirements.

ARTICLE 242 PROJECT SPECIFIC REQUIREMENTS

The ministry or institution responsible for land management, urban planning, and construction shall develop the following environmental land use planning requirements for all project proposals:

- 1) The proposed project shall fit within existing land use master plans and sustainable city strategic plans, and plans that have been developed;
- 2) The free, prior, and informed consent of indigenous peoples whose lands or resources may be affected by the proposed project. The consent of indigenous people shall be made by majority vote of the indigenous people who may be affected by the proposed projects or decision made;
- 3) The project proposal shall address the issue of carbon neutrality and waste emission and include plans to reduce and offset carbon emissions and waste flows associated with all proposed project operations;
- 4) The proposed project shall conform to any relevant land use master plan's overall plans for flood prevention and water drainage or runoff;
- 5) The development of measures to promote sustainable management of all forests located within and adjacent to the operating area of proposed projects or activities;
- 6) The proposed project shall conform to planning or parking, road circulation, and transportation systems of land use master plans;
- 7) The requirement obligations and responsibilities in the course of project development and operation in accordance with the Polluter Pays Principle;
- 8) The requirement of certain proposed private projects dedicate a percentage of the total area of the proposed project as Open Green Space, in accordance with the legal instrument on the Open Green Space Fund provision developed as stipulated in Article 831 and Article 832 of this Code.

ARTICLE 243 REQUIREMENT FOR ENVIRONMENTAL ASSESSMENT APPROVAL

The ministry or institution responsible for land management, urban planning, and construction shall not issue permits or approvals on any proposed projects that do not receive or are not in

compliance with certificates or approval letters as stipulated in the provision on environmental assessment in Book 2 of this Code.

CHAPTER 3

SUSTAINABLE CITIES

ARTICLE 244 SUSTAINABLE CITY STRATEGIC PLANNING

The ministry or institution responsible for land management, urban planning, and construction, in cooperation with the ministry or institution responsible for sustainable development, shall establish and implement sustainable city strategic planning.

ARTICLE 245 SUSTAINABLE CITY STEERING COMMITTEE

The ministry or institution responsible for land management, urban planning, and construction, in cooperation with the ministry or institution responsible for sustainable development, shall develop sustainable city steering committees and secretariats for the capital city, provincial cities, and all other cities.

Each steering committee shall be comprised of 4 (four) core technical working groups as follows:

- 1) Urban planning and transport;
- 2) Manufacturing and energy;
- 3) Waste management and urban vulnerability; and
- 4) Public space, cultural heritage, and built environment.

Composition, duties, responsibilities, and requirements of the sustainable city steering committee and the core technical working groups shall be determined by legal instruments of the ministry or institution responsible for land management, urban planning, and construction.

ARTICLE 246 DEVELOPING SUSTAINABLE CITY STRATEGIC PLAN

The capital city, provincial cities, and all other cities shall each establish a separate detailed sustainable city strategic plan in accordance with geographic, demographic, and actual situations of each city.

The ministry or institution responsible for sustainable development in cooperation with the ministry or institution responsible for land management, urban planning, and construction shall develop a legal instrument on the process and requirements for developing sustainable city strategic plans for each category of city.

ARTICLE 247 SUSTAINABLE CITY STRATEGIC PLANNING AND STRATEGIC ENVIRONMENTAL ASSESSMENT

The ministry or institution responsible for land management, urban planning, and construction shall not issue any approval to any sustainable city strategic plan that has not undergone Strategic Environmental Assessment as stipulated in Book 2 of this Code.

ARTICLE 248 REVIEW AND REVISION OF SUSTAINABLE CITY STRATEGIC PLANS

Sustainable city strategic plans shall be reviewed and revised at least every 5 (five) years depending on the changes of actual situation of socio-economic development.

TITLE 5 SUSTAINABLE ENERGY

CHAPTER 1 SUSTAINABLE ENERGY

ARTICLE 249 SCOPE

This Title applies to electricity generation, transmission, and distribution and use of electricity services.

ARTICLE 250 SUSTAINABLE ENERGY PRINCIPLES AND INTERNATIONAL STANDARDS

The ministry or institution responsible for energy, the competent ministries or institutions, and relevant public legal entities shall apply sustainable energy principles and international standards in their decisions and prioritize, whenever possible, the development of sustainable energy projects to meet the present and future demand for energy.

Competent ministries or institutions shall require private legal entities to apply sustainable energy principles in the projects developed under their authority.

ARTICLE 251 METHODS TO ACHIEVE SUSTAINABLE ENERGY

Methods to achieve sustainable energy shall be implemented as follows:

- 1) Support and promotion of sustainable energy projects;
- 2) Consideration of national climate change in the energy sector;
- 3) Adoption of clear sustainable energy targets;
- 4) Financial incentives to promote sustainable energy projects;

- 5) Promotion of up-to-date, environmentally friendly technology;
- 6) Support for decentralised sources of energy and mini- and micro-grid systems; and
- 7) Promotion of household rooftop solar and other household generation and storage systems.

ARTICLE 252 THE MANAGEMENT OF EXCESS ELECTRICITY TO THE GRID

The authority responsible for electricity production, distribution, and management of the use of electricity shall develop within 1 (one) year of the entry into force of this Code a legal instrument to manage the injection of electricity into the grid in order to ensure safety.

ARTICLE 253 RIGHT TO CONNECT TO THE GRID AND SELL EXCESS ELECTRICITY

Sustainable energy electricity generators including but not limited to households, natural persons, companies, communities, and mini- and micro-grid operators shall have the right to connect to the grid and to enter into agreements with electricity providers to sell excess electricity in accordance with this Code and other relevant laws and legal instruments.

ARTICLE 254 AREAS PROHIBITED FOR ENERGY PROJECTS

No electricity generation, transmission, or distribution facilities shall be permitted within high conservation value areas including, but not limited to:

- 1) State public land designated as cultural, historical, and heritage sites;
- 2) Core zones and conservation zones of any component of the Natural Protected Areas System at national and sub-national levels;
- 3) Ramsar sites, natural heritage sites, and Biosphere Reserves;
- 4) Indigenous peoples' lands or resources, except in the case that the free, prior, and informed consent of the affected indigenous peoples has been granted UNESCO sites;
- 5) Ecosystems that are critically endangered, endangered, or that are the habitat of a wild species listed in Category 1 or Category 2 of this Code; and
- 6) Any area listed in a legal instrument as an area containing:
 - a) Critical freshwater, marine, or coastal ecosystems; or
 - b) High landscape conservation value, species biodiversity, or ecosystem conservation value.

Except for the prohibitions of energy projects within section 2) and 4) above, the ministries or institutions responsible for these areas may grant exceptions to the prohibitions for the infrastructure required to transmit electricity from the grid to local communities and for small-scale energy projects with no significant environmental impacts.

CHAPTER 2

SUSTAINABLE ENERGY PLANNING

ARTICLE 255 NATIONAL SUSTAINABLE ENERGY AND ELECTRICITY PLAN

The ministry or institution responsible for energy, in cooperation with the ministry or institution responsible for environment, the competent ministries or institutions, and in consultation with non-governmental stakeholders and communities impacted by the development of energy and electricity projects, shall develop a National Sustainable Energy and Electricity Plan.

ARTICLE 256 STRATEGIC ENVIRONMENTAL ASSESSMENT

The ministry or institution responsible for energy, in cooperation with the ministry or institution responsible for environment, shall prepare a Strategic Environmental Assessment for the development of National Sustainable Energy and Electricity Plan.

The Strategic Environmental Assessment shall be developed to identify a framework for project owners or proponents to integrate into all stages of project development measures to avoid and mitigate impacts to high conservation value areas including the following:

- 1) Cultural Heritage Protected Areas;
- 2) Components of the National Protected Area System;
- 3) Ecosystems identified as endangered and habitat of wild species listed as threatened;
- 4) Mangrove forests and the coastal zone; and
- 5) Areas that provide the livelihoods of local communities and indigenous peoples.

ARTICLE 257 PLAN COMPONENTS

The National Sustainable Energy and Electricity Plan shall be a tool for decision making and a guide for administrative actions. The plan shall include:

- 1) The development of a sustainable energy policy to increase the amount and proportion of sustainable energy generated and used;
- 2) An assessment of the current state of the energy and electricity generation and

transmission;

- 3) A description of the projects to be developed for supplying energy sources, generation of electricity, and transmission of electricity;
- 4) Specific targets for sustainable energy generation and energy efficiency;
- 5) An examination of the waste generated by sustainable energy projects and plans for recycling or managing any waste generated by sustainable energy development; and
- 6) Integrated resource use planning based on the evaluation of the costs and benefits of each resource.

ARTICLE 258 PLAN COMPLIANCE AND REPORTING

The ministry or institution responsible for energy shall comply with the National Sustainable Energy and Electricity Plan.

The ministry or institution responsible for energy shall publish an annual report on the development and implementation of the National Sustainable Energy and Electricity Plan.

CHAPTER 3 PROMOTION OF ENVIRONMENTALLY FRIENDLY TECHNOLOGY

ARTICLE 259 EFFICIENT, LOW EMISSION, LOW WASTE TECHNOLOGY

The ministry or institution responsible for energy, in cooperation with the ministry or institution responsible for the environment, shall develop a legal instrument on standards for energy efficient, low emission, and low waste technology used in electricity generation, transmission and distribution.

The authority responsible for regulating electricity production, distribution, and use of electricity shall review compliance with the use of technology standards as mentioned above in this article in all relevant projects, except that exemptions from review will be provided as determined by the ministry or institution responsible for environment and the ministry or institution responsible for energy.

ARTICLE 260 DECENTRALIZATION OF ELECTRICITY

The ministry or institution responsible for energy and the authority responsible for electricity production, distribution, and the management of the use of electricity shall promote the supply of electricity from the national grid and from decentralized sources. Electricity users shall have the right to choose to use the electricity from any source of electricity generation.

ARTICLE 261 PROMOTION OF MINI- AND MICRO-GRID SUPPLY

Competent ministries or institutions shall support the provision of mini- and micro-grid supply. Mini-grid operators shall have the option:

- 1) To supply to consumers in parallel with the national grid supply; and
- 2) To enter into agreements with electricity providers to sell excess electricity.

ARTICLE 262 THRESHOLD FOR PERMITS

The authority responsible for regulating electricity production, distribution, and management of the use of electricity and the competent ministries or institutions shall not limit the requirement to get improper permit or approval as follows:

- 1) Shall not limit businesses and communities, and other developers in agreement with the community, natural persons or legal entities from developing sustainable energy projects as long as the projects are installed and operated in accordance with relevant laws and legal instruments; and
- 2) Shall not limit private legal entities in the number of permits they obtain from the authority responsible for regulating electricity production, distribution, and the management of the use of electricity for small-scale projects, with a generation capacity below 5 (five) megawatts.

ARTICLE 263 EXPANSION OF THE GRID

Based on social, economic, and environmental considerations, The Royal Government of Cambodia may halt the expansion of the grid to specific areas of the country. In such case, 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 264 ENERGY AND ELECTRICITY MANAGEMENT SYSTEMS STANDARDS

The ministry or institution responsible for energy and the ministry or institution responsible for environment, and the ministry or institution responsible for industry shall develop a legal instrument on performance standards for energy and electricity management systems based on the International Electrotechnical Commission standards and International Organisation for Standardization 50001 standards within 1 (one) year of entry into force of this Code.

Such legal instrument shall include procedures and requirements for compliance with energy and electricity management systems standards.

ARTICLE 265 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 approvals and in the negotiation of conditions of contracts agreed with competent ministries or institutions.

Decisions for granting permits and approvals and formalizing other relevant terms for contracts shall be made based on technical and economic evidence, as accepted under international good practices.

The Royal Government of Cambodia shall use transparent and competitive procurement processes when selecting a private legal entity to develop an energy or electricity generation or distribution related project in the Kingdom of Cambodia.

CHAPTER 4

QUALITY CONTROL FOR SUSTAINABLE ENERGY GENERATION DEVICES

ARTICLE 266 STANDARDS FOR QUALITY OF ENERGY GENERATION DEVICES

The ministry or institution responsible for industry, in cooperation with the ministry or institution responsible for energy and the competent ministries or institutions, shall develop a legal instrument on health, safety, environmental, and quality standards for the sustainable energy generation devices supplied and used for the market within 1 (one) year from the entry into force of this Code.

ARTICLE 267 CERTIFICATION AND INSPECTION OF QUALITY

The authority responsible for regulating electricity production, distribution, and the management of the use of electricity services shall not issue permits or approvals for sustainable energy projects that use generation devices that are not in compliance with the health, safety, environmental, and quality standards as stipulated in a legal instrument.

The authority responsible for the inspection of imported generation device shall inspect the sustainable energy generation devices imported into the Kingdom of Cambodia to verify that they are in compliance with the standards above.

CHAPTER 5

INCENTIVES FOR SOLAR ENERGY USE

ARTICLE 268 NET METERING

The authority responsible for regulating electricity production, distribution, and use of electricity shall develop a legal instrument on net metering for rooftop solar systems connected to the grid and on the rate for the electricity sold to the public legal entity responsible for electricity production, distribution, and management of use of electricity services or other electricity services provider. Rooftop solar system owners shall receive credits for the

electricity they add to the grid and have the obligation to pay the utility of the above net metering.

The legal instrument above shall be developed within 1 (one) year of the entry into force of this Code.

ARTICLE 269 PILOT FEED-IN TARIFF SYSTEM

The ministry or institution responsible for energy, in cooperation with the authority responsible for regulating electricity production, distribution, and use of electricity, shall develop a legal instrument on a pilot feed-in-tariff system by determining a fixed rate for the purchase of electricity generated from solar facilities or sustainable energy generation sources within 1 (one) year of the entry into force of this Code.

CHAPTER 6 OTHER ENERGY SOURCES

ARTICLE 270 NUCLEAR ENERGY 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 a legal instrument on nuclear energy and safety. The legal instrument shall include the requirements for the structure and organization of the competent ministries or institutions for overseeing nuclear energy generation projects.

ARTICLE 271 TRAINING ON NUCLEAR ENERGY

The ministry or institution responsible for energy shall organize training for its employees that work on nuclear energy in cooperation with the International Atomic Energy Agency.

TITLE 6 EXTRACTIVE INDUSTRIES

CHAPTER 1 ENVIRONMENTAL PLANNING FOR EXTRACTIVE INDUSTRIES

ARTICLE 272 SCOPE

This Title applies to the activities of exploration and extraction of petroleum, gas, minerals, metals, geological materials, and other resources in the Kingdom of Cambodia.

ARTICLE 273 STRATEGIC ENVIRONMENTAL ASSESSMENT OBLIGATION

The ministry or institution responsible for mines shall prepare a sector-based Strategic

Environmental Assessment for the exploration and extraction of each specific extractive industries resource in the Kingdom of Cambodia in accordance with the provisions on Strategic Environmental Assessment of this Code.

A Strategic Environmental Assessment shall determine the provision of a framework for project owners or proponents to integrate into all stages of project preparation measures to avoid and mitigate threats to high conservation value areas including, but not limited to the following:

- 1) Cultural Heritage Protected Areas;
- 2) Components of the National Protected Area System;
- 3) Ecosystems identified as endangered and habitat of wild species listed as threatened as stipulated in Book 4 of this Code;
- 4) Mangrove forests and the coastal zone;
- 5) Areas that provide the livelihoods of local communities and indigenous peoples; and
- 6) Indigenous peoples' lands or resources.

ARTICLE 274 EXISTING EXTRACTIVE INDUSTRIES EXPLORATION AND EXTRACTION

For each specific extractive industries resource for which exploration or extraction activities were authorized prior to the entry into force of this Code and will continue for at least 2 (two) years upon entry into force of this Code, the ministry or institution responsible for mines sector shall:

- 1) Complete the preparation of a strategic environmental assessment; and
- 2) Make publicly available the strategic environmental assessment.

ARTICLE 275 NEW EXPLORATION AND EXTRACTION

For each specific extractive industries resource for which exploration or extraction has not been authorized prior to the entry into force of this Code, the ministry or institution responsible for mines sector; before issuing licenses for exploration or extraction, shall:

- 1) Complete the preparation of strategic environmental assessment for each extractive industries resource; and
- 2) Make each such Strategic Environmental Assessment publicly available.

ARTICLE 276 ARTISANAL AND SMALL-SCALE MINING

The ministry or institution responsible for mines sector shall prepare a legal instrument on artisanal and small-scale mining to:

- 1) Provide artisanal and small-scale mining rights;
- 2) Require safe, efficient, and environmentally sustainable artisanal and small-scale mining activities;
- 3) Promote and apply international best standards and practices in the management of artisanal and small-scale mining;
- 4) Establish a process for designating, in consultation with local communities and other stakeholders, areas for artisanal mining; and
- 5) Require and provide assistance for artisanal miners to develop and implement a safety and security plan.

ARTICLE 277 AREAS PROHIBITED FOR EXTRACTIVE INDUSTRIES PROJECTS

Extractive industry projects shall be prohibited at the areas including, but not limited to:

- 1) State public lands designated as national cultural, historical, or heritage sites;
- 2) Core zones and conservation zones of any component of the Natural Protected Areas System at national and sub-national levels;
- 3) Ramsar sites, natural heritage sites, and Biosphere Reserves;
- 4) Indigenous peoples' lands or resources, except in the case that the free, prior, and informed consent of the affected indigenous peoples has been granted;
- 5) UNESCO sites;
- 6) Ecosystems that are critically endangered or endangered, or that are the habitat of a wild species listed in Category 1 or Category 2 of this Code; and
- 7) Any area listed in a legal instrument as an area containing:
 - a) Critical freshwater, marine, or coastal ecosystems; or
 - b) High landscape conservation value, species biodiversity, or ecosystem conservation value.

CHAPTER 2

BEST AVAILABLE TECHNOLOGY FOR EXTRACTIVE INDUSTRIES

ARTICLE 278 BEST AVAILABLE TECHNOLOGY

The ministry or institution responsible for mines sector shall require project owners or proponents to use best available technology and good practice in order to avoid causing pollution or any other environmental harm and to maximize efficiency when conducting extractive industries activities.

ARTICLE 279 LIST OF BEST AVAILABLE TECHNOLOGY AND GOOD PRACTICE

The ministry or institution responsible for mines sector, in cooperation with the ministry or institution responsible for environment, shall develop a legal instrument on the List of Best Available Technology and Good Practice for each specific extractive industry resource within 18 (eighteen) months of the entry into force of this Code.

ARTICLE 280 REQUIREMENTS TO AVOID ENVIRONMENTAL HARM

Obligated to implement the listed best available technology as stipulated in Article 278 of this Code, project owners or proponents of extractive industries projects shall:

- 4) Adequately manage waste rocks and tailings to ensure structural stability, control discharge, and protect against the potential impacts of acid mine drainage, metal leaching, and loss of containment;
- 5) Avoid causing riverine or shallow marine tailings; and
- 6) Consider the construction of permanent tailings storage, after decommissioning.

CHAPTER 3

CYANIDE AND MERCURY USE IN GOLD AND SILVER MINING

ARTICLE 281 LIABILITY

Any purchase and sale agreements or other agreements and arrangements between producers, distributors, transporters, operators, or project owners or 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.

ARTICLE 282 REQUIREMENTS FOR USE OF CYANIDE AND MERCURY

The ministry or institution responsible for environment shall develop a legal instrument within 1 (one) year of the entry into force of this Code requiring a permit for cyanide and mercury to

be used in gold or silver mining projects.

The ministry responsible for environment shall require the facilities handling such substances to act in accordance with the management of hazardous substance provisions in Book 6 of this Code and the International Cyanide Management Code and adhere to the following requirements:

- 1) 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;
- 2) 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;
- 3) 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;
- 4) Management and operating systems are designed and implemented to protect human health and the environment, including contingency plan and inspection plan and preventive maintenance procedures;
- 5) A comprehensive water management program is implemented to protect against unintentional releases;
- 6) Measures to protect plants and animals from potential adverse effects of cyanide and mercury processes are implemented;
- 7) Measures to protect plants and animals from direct and indirect discharges of cyanide and mercury processes to surface water are implemented;
- 8) Monitoring programs to evaluate the effects of cyanide and mercury use on plants and animals and surface and ground water quality are implemented;
- 9) Emergency response plans and procedures to respond to worker exposure to cyanide and mercury are developed and implemented;
- 10) Procedures for internal and external emergency notification and reporting are implemented;
- 11) Appropriate public participation is undertaken for stakeholders to communicate issues of concern, in accordance with the public participation provisions of this Code; and
- 12) Appropriate operational and environmental information regarding cyanide and mercury management is made available to stakeholders, in accordance with the access to

environmental information provisions of this Code.

CHAPTER 4

INFORMATION DISCLOSURE

ARTICLE 283 ACCESS TO ENVIRONMENTAL INFORMATION FOR EXTRACTIVE INDUSTRIES PROJECTS

Competent ministries and institutions and project owners or proponents shall make information regarding all extractive industries projects publicly available except for confidentiality as stipulated in this Code.

ARTICLE 284 RESTRICTIONS TO CONFIDENTIALITY

No data relating to any extractive industries project shall be considered confidential if it relates to human health or the environment.

BOOK 4 SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

TITLE 1 NATURAL PROTECTED AREA SYSTEM

CHAPTER 1

ESTABLISHMENT OF THE NATURAL PROTECTED AREA SYSTEM

ARTICLE 285 SCOPE

This Title applies to the Natural Protected Area System, which includes components of natural protected areas, biodiversity conservation corridors, and other conservation areas within the Kingdom of Cambodia.

ARTICLE 286 NATURAL PROTECTED AREA SYSTEM STRATEGIC PLAN

The ministry or institution responsible for environment, in consultation with relevant stakeholders, shall develop a Natural Protected Area System Strategic Plan. This plan shall comply with the applicable land use plans and be consistent with other national plans and strategies.

The Natural Protected Area System Strategic Plan shall include the following objectives for achieving ecological representation amounts of ecosystems that exist in the Natural Protected Area System of all terrestrial, freshwater, and marine territories of the Kingdom of Cambodia:

- 1) Setting objectives to account for all ecological representation amounts of all ecosystems in Cambodia;

- 2) Maintaining and rehabilitating the entire Natural Protected Area System, each area individually;
- 3) Developing and implementing management policies, guidelines, and plans;
- 4) Managing effectively and efficiently;
- 5) Building adequate and sustainable management capacity;
- 6) Improving the governance of the Natural Protected Area System and its components, and increasing local community participation in governance;
- 7) Integrating collaborative management and other innovative management approaches into the Natural Protected Area System;
- 8) Developing sustainable financial resources for establishing and maintaining the Natural Protected Area System;
- 9) Developing research within the components of the Natural Protected Area System and establishing user-friendly databases that contain research results and information on the functions, roles, values, and requirements relevant to the Natural Protected Area System and its components; and
- 10) Improving effort for enforcing the Law on Natural Protected Area at national and sub-national levels.

ARTICLE 287 REVIEWING AND REVISING THE NATURAL PROTECTED AREA SYSTEM STRATEGIC PLAN

The ministry or institution responsible for environment shall review and revise the Natural Protected Area System Strategic Plan every 5 (five) years, or when there are changes necessary for achieving the management purpose or objectives for the Natural Protected Area System and its components.

The criteria for reviewing and revising the Natural Protected Area System Strategic Plan shall include:

- 1) Improved scientific information about and understanding of Cambodia's natural resources, biodiversity, ecosystem services, and cultural heritage in the Kingdom of Cambodia;
- 2) New and emerging threats to the Natural Protected Area System; and
- 3) Updates to the national strategies and action plans on biodiversity.

ARTICLE 288 ROLES AND RESPONSIBILITIES OF MINISTRY OR INSTITUTION RESPONSIBLE FOR ENVIRONMENT

The ministry or institution responsible for environment, in cooperation with other competent ministries or institutions, sub-national administrations, local communities, indigenous peoples, and relevant technical partners, shall have the overall responsibilities for the Natural Protected Area System.

The ministry or institution responsible for environment shall have the following duties:

- 1) Develop the Natural Protected Area System Strategic Plan and monitor its implementation;
- 2) Submit proposals for designating components of the Natural Protected Area System as required by the Royal Government of Cambodia and in accordance with international legal instruments;
- 3) Provide technical guidelines and support for developing and implementing management plans for components of the Natural Protected Area System;
- 4) Demarcate the boundaries of components of the Natural Protected Area System and of all zones within each component of the Natural Protected Area System effectively and appropriately;
- 5) Monitor the implementation of the management plans of components of the Natural Protected Area System;
- 6) Manage and support the process of integrating community protected areas, community forestry, community fisheries, and other local and customarily managed areas into the Natural Protected Area System;
- 7) Build the capacity of sub-national administrations to participate in the management of the components of the Natural Protected Area System according to their delegated responsibilities;
- 8) Establish sustainable financing mechanisms for the Natural Protected Area System in accordance with Book 8 of this Code;
- 9) Develop guidelines and procedures on implementing this Title;
- 10) Direct and support community-based patrolling within the protected areas by local communities in collaboration with law enforcement authorities;
- 11) Investigate offences committed within the Natural Protected Area System, and file complaints to prosecute the offenders in accordance with legal procedures in

collaboration with law enforcement authorities;

- 12) Establish a database for information on offenses committed within the Natural Protected Area System, gathered during patrols, which were collected through patrolling;
- 13) Promoting research in the Natural Protected Area System and implementing the research results; and
- 14) Promote education and public awareness on the Natural Protected Area System and all its components and the role of biodiversity conservation in the Kingdom of Cambodia.

ARTICLE 289 RIGHTS AND RESPONSIBILITIES OF OFFICERS RESPONSIBLE FOR MANAGING THE NATURAL PROTECTED AREA SYSTEM

The arrangement and the functioning for the roles and duties of the officers responsible for managing the natural protected area system and its components shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 290 ROLES OF SUB-NATIONAL ADMINISTRATIONS

The sub-national administrations shall have the following roles:

- 1) Disseminating information on laws and regulations related to the management of natural protected areas at local levels;
- 2) Developing and implementing a natural protected area management enforcement plan at local levels and the implementation of village/commune safety policies in order to promote the livelihoods of local communities in and adjacent to natural protected areas;
- 3) Enforcing the management of natural protected areas at local levels in accordance with their delegated responsibilities, in collaboration with the competent ministries or institutions, local communities, indigenous peoples, and relevant technical partners, in compliance with relevant laws and legal instruments;
- 4) Overseeing the livelihoods activities of the people living in or adjacent to the community protected areas at local levels, in accordance with the legal procedures in force;
- 5) Managing allocated budgets transparently and effectively;
- 6) Preparing monthly, quarterly, bi-annual, and annual progress reports on the performance of their delegated functions delegated for submitting, in hierarchical order of authorities, to the ministry or institution responsible for environment; and

- 7) Other delegated responsibilities.

ARTICLE 291 AUTHORITIES RESPONSIBLE FOR ISSUANCE OF PERMITS AND ENTRY INTO AGREEMENTS OR CONTRACTS

Officers of the ministry or institution responsible for environment and officers of the components of the Natural Protected Area System may issue permits and enter into agreements or contracts for activities to be conducted in the components of Natural Protected Area System and may suspend or cancel permits, agreements, or contracts that do not comply with the agreed terms and conditions.

CHAPTER 2 IDENTIFYING AND ASSESSING ECOSYSTEMS

ARTICLE 292 ECOSYSTEM ASSESSMENTS

The ministry or institution responsible for environment shall identify all ecosystems using systematic assessments under the international systematic assessment standards and shall integrate the results of the identification into the Natural Protected Area System Strategic Plan.

Each ecosystem shall be classified according to the criteria under an international classification list that the Kingdom of Cambodia acknowledges.

The ministry or institution responsible for environment shall develop a legal instrument on the implementation of criteria and classification of the Red List of Ecosystems, a legal instrument on the procedure for ecosystem assessments, and another legal instrument on the establishment of a National List of Threatened Ecosystems and the relevant processes for reviewing and updating.

In the case that an assessment indicates that an ecosystem is critically endangered or endangered, or that there are habitats of a wild species listed in Category 1 or Category 2 under the National List of Threatened Wild Species or another international classification list that the Kingdom of Cambodia acknowledges, the ministry or institution responsible for environment shall submit a proposal for designating such ecosystem as a component of the natural protected area system.

ARTICLE 293 ECOSYSTEM MANAGEMENT AND RECOVERY PLANS

The ministry or institution responsible for environment, in cooperation with the relevant ministries or institutions, shall establish ecosystem management and recovery plans when the assessment identifies that an ecosystem or habitat is threatened, critically endangered, or endangered under an international classification list that the Kingdom of Cambodia acknowledges.

An ecosystem management and recovery plan shall cover a 10 (ten) year period.

The contents of ecosystem management and recovery plans shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 294 BIODIVERSITY CONSERVATION CORRIDORS ASSESSMENTS

The ministry or institution responsible for environment shall organize assessments for lands, waters, natural resources, and human settlements in all biodiversity conservation corridors.

In the case that an assessment indicates an area within a biodiversity conservation corridor with an ecosystem that is critically endangered or endangered, or with a habitat of a wild species listed in Category 1 or Category 2, the ministry or institution responsible for environment shall develop a proposal to establish the area as a component of the natural protected area system.

The ministry or institution responsible for environment may develop a legal instrument that determine specific requirements for the assessment of biodiversity conservation corridors.

In the case that an assessment indicates an area within a registered biodiversity conservation corridor as an ecosystem that is critically endangered or endangered, or with a habitat of a wild species listed in Category 3, Article 293 shall apply.

All ecosystem management and recovery plans provided in this Title, and all species management and recovery plans for wild species specified in this Book shall be integrated into the relevant biodiversity conservation corridor management plans.

CHAPTER 3 ESTABLISHMENT

ARTICLE 295 ESTABLISHMENT OF COMPONENTS OF THE NATURAL PROTECTED AREA SYSTEM

The ministry or institution responsible for environment shall develop a legal instrument on the establishment of all kinds of the Natural Protected Area System components that exist in the Kingdom of Cambodia, including natural protected areas, biodiversity conservation corridors, other natural resource conservation areas and areas that are included in the international legal instruments to which Cambodia is a party.

Conservation areas established under other legal instruments, including community forestry, community fisheries, and cultural heritage protected areas and other natural resource conservation areas, ecosystem services, or areas of local communities and indigenous peoples may be included into the Natural Protected Area System.

All community protected areas that are established prior to the entry into force of this Code shall maintain their existing legal status and shall continue to comply with the planning and zoning processes provided in this Title.

The Royal Government of Cambodia may enter into agreements with other States to establish and manage transboundary natural protected areas and biodiversity conservation corridors.

ARTICLE 296 NATURAL PROTECTED AREA ESTABLISHMENTS AND THE IMMOVABLE PROPERTIES OF INDIGENOUS PEOPLES

The ministry or institution responsible for environment may, at the request of any indigenous peoples, establish a component of the Natural Protected Area System for any area that is of collective significance or provides crucial benefits to indigenous peoples.

ARTICLE 297 SITES ESTABLISHMENT UNDER INTERNATIONAL LEGAL INSTRUMENTS

The Royal Government of Cambodia may establish sites under their jurisdiction or territorial sovereignty for areas of national and international significance according to the criteria stipulated in the international legal instruments to which Cambodia is a party.

ARTICLE 298 PROCEDURE FOR THE ESTABLISHMENT OF COMPONENTS OF THE NATURAL PROTECTED AREA SYSTEM

A proposal for establishing components of the Natural Protected Area System shall consist of the following:

- 1) A legal description of the area proposed for establishment, with clear, appropriately scaled maps indicating its proposed location, boundaries, size, and background/history addressed in the relevant land use plans;
- 2) An assessment of existing uses of lands and natural resources in the proposed area;
- 3) A detailed description of land use changes that will be required in the case that the area is established as a component of that Natural Protected Area System;
- 4) A detailed description of the significance of the proposed area in regards to biological, topographical, geological, historical, cultural, and conservation values;
- 5) A detailed description of the level of fragmentation of ecosystems and habitats in the proposed area, and other risks to the area's conservation values at the time the proposal is being prepared;
- 6) Distribution characteristics and migration patterns of key species and an evaluation of potential impacts on the species in the case that the area is not established;

- 7) An estimate of ecosystem services that the proposed area provides and can potentially provide;
- 8) An assessment of potential negative impacts of climate change on the proposed area;
- 9) An explanation of the ways in which the proposed area contributes to meeting the objectives set out in the Natural Protected Area System Strategic Plan;
- 10) Results of consultations with representatives of the competent authorities at national and sub-national levels and stakeholders who reside within or adjacent to the proposed area; and
- 11) Other relevant information to the proposed area.

All information included in the proposal for the establishment of components of the Natural Protected Area System shall be based on the results of documentary research and on-site verification in the area proposed.

ARTICLE 299 MODIFICATION OF COMPONENTS OF THE NATURAL PROTECTED AREA SYSTEM

All proposals to reduce or declassify any component of the Natural Protected Area System shall be accompanied by a proposal to expand an existing component of the same type or to establish a new component of the same type, covering a similar landscape or seascape, ecosystem, or habitat.

The above proposals shall be submitted to the ministry or institution responsible for environment for review and approval, in consultation with technical partners and relevant experts.

All proposals to reduce or declassify any component of the Natural Protected Area System shall include:

- 1) A legal description of the area proposed for modification, with clear, appropriately scaled maps indicating the proposed modification, including all changes to the size, boundaries, and zoning;
- 2) A detailed description of land use changes that will result from the modification;
- 3) The scientific and socio-economic justification for the proposed modification;
- 4) The efforts that have been made to retain the original boundaries of the area proposed for declassification or reduction;
- 5) The way the modification will enhance the livelihoods and customary rights of local

communities and indigenous peoples;

- 6) The proposal for offsetting the modification;
- 7) Documented results of consultations with affected local communities and stakeholders, and the documented consent of such communities to the proposed modification; and
- 8) Any other information required by the ministry or institution responsible for environment.

CHAPTER 4 MANAGEMENT

ARTICLE 300 SITES UNDER INTERNATIONAL LEGAL INSTRUMENTS

The Royal Government of Cambodia shall manage all sites of national or international significance under international legal instruments in accordance with the criteria provided in the legal instrument for such sites to be established.

ARTICLE 301 MORATORIUM ON DEVELOPMENT AND COMMERCIAL ACTIVITIES

Development or commercial activities shall be prohibited in any component of the Natural Protected Area System until the management plan for the component is adopted.

ARTICLE 302 CATEGORIES OF NATURAL PROTECTED AREAS

Categories of natural protected areas shall be determined according to the Law on Natural Protected Areas in force.

Management objectives for the above categories shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 303 ZONING

Each natural protected area shall be divided into 4 (four) zones, consistent with the Law on Natural Protected Areas in force, except for biosphere reserves, which will consist of 3 (three) zones.

ARTICLE 304 BIOSPHERE RESERVES

A biosphere reserve consists of the following zones:

- 1) Core zones: strictly protected ecosystems that contribute to the conservation of landscapes, ecosystems, species, and genetic variation;

- 2) Buffer zone: area that surrounds or adjoins the core zones which may be used for activities compatible with sound ecological practices that can reinforce scientific research, monitoring, training, and education; and
- 3) Transition zone: the part of the reserve where the greatest activity is allowed, fostering economic and human development that is socio-culturally and ecologically sustainable.

ARTICLE 305 ZONE MODIFICATION AND RE-ZONING

A proposal for zone modification and re-zoning a natural protected area shall be submitted to the ministry or institution responsible for environment for review and approval, in consultation with technical partners and technical experts.

The proposal shall include the following:

- 1) A legal description of the area proposed for zone modification and re-zoning with clear and appropriately scaled maps;
- 2) A detailed description of land use changes that will result from zone modification or re-zoning;
- 3) Scientific and socio-economic justification for the proposed zone modification and re-zoning;
- 4) The efforts that have been made to retain the original zoning configuration;
- 5) The way the zone modification and re-zoning will enhance the livelihoods and customary rights of local communities and indigenous peoples;
- 6) The way for offsetting the zone modification and re-zoning;
- 7) Documented results of consultations with affected local communities and stakeholders, including the documented consent of such communities to the proposed zone modification and re-zoning; and
- 8) Any other information required by the ministry or institution responsible for environment.

ARTICLE 306 ACTIVITIES PROHIBITED IN THE ZONES OF THE NATURAL PROTECTED AREAS

Activities that are prohibited in the zones of natural protected areas, except for biosphere reserves shall include:

- 1) Core zone – all commercial activities including but not limited to mining, dredging, and

extracting sand; electricity generation, transmission, or distribution facilities; motorized transport; swidden agriculture; aquaculture at any scale; water resource management infrastructure including irrigation and dams at any scale; and household subsistence and traditional uses or animal husbandry;

- 2) Conservation zone – mining, dredging, and extracting sand; electricity generation, transmission, or distribution facilities; motorized transport; swidden agriculture; aquaculture at any scale; water resource management infrastructure including irrigation and dams at any scale; household subsistence and traditional uses or animal husbandry; and all commercial activities except for low-impact ecotourism; and
- 3) Sustainable use zone and community zone – large-scale commercial activities including forest clearing, large-scale commercial agro-industries, and commercial aquaculture industries.

For the sake of national security, and where a situation requires that the national security forces must have access into a core zone or conservation zone of a natural protected areas or a core zone of a biosphere reserve, the Prime Minister of the Kingdom of Cambodia shall give such approval in writing and shall notify the ministry or institution responsible for environment.

The management plans for the zones of natural protected areas or biosphere reserves and the collaborative management plans under Title 2 of this Book may include prohibitions for specific activities and access to the zones.

ARTICLE 307 ACTIVITIES PERMITTED IN THE ZONES OF THE NATURAL PROTECTED AREAS

Activities permitted in the zones of natural protected areas, except for biosphere reserves shall include:

- 1) Core zone – research; patrolling; and construction of non-permanent, site-appropriate structures to facilitate management and research;
- 2) Conservation zone – research; patrolling; low-impact ecotourism operations with minimal infrastructure; household subsistence and traditional uses of timber, fuel wood, and non-timber forest products; and construction of non-permanent, site-appropriate structures to facilitate management and research;
- 3) Sustainable use zone – in addition to the activities permitted in the conservation zone, locally appropriate infrastructure for ecotourism operations, household subsistence animal husbandry, household subsistence aquaculture, small-scale harvesting and production activities including community-based agroforestry and silviculture, and collecting non-timber forest products and off-grid, village or household level installations.

- 4) Community zone – in addition to the activities permitted in the sustainable use zone, existing residential lands, paddy fields, field gardens, and swidden.

The management plans for Natural Protected Areas and biosphere reserves and the collaborative management plans under Title 2 of this Book may include permitted specific activities and accesses to the zones.

ARTICLE 308 PROHIBITIONS AND PERMISSIONS FOR ACTIVITIES RELATED TO WILD SPECIES

Prohibitions and permissions for all activities related to wild species are stipulated in Title 4 of this Book.

ARTICLE 309 COMMERCIAL ACTIVITIES IN SUSTAINABLE USE ZONES AND COMMUNITY ZONES

Consistent with the management plans under this Title or the collaborative management plans under Title 2 of this Book, the relevant management authorities of the components of the Natural Protected Area System may determine that certain portions of a sustainable use zone or community zone with both high economic potential and low conservation and ecosystem value are best suited to commercial activities.

Upon making the above determination, and prior to permitting such commercial activities, the relevant entities shall:

- 1) Conduct appropriate consultations with relevant technical partners, any interested stakeholders, and the affected local communities, and obtain prior consent from the local communities for the proposed activities; and
- 2) Disseminating information to the relevant interested stakeholders on financial arrangements and revenues from the proposed commercial activities.

Revenues generated from the above proposed activities shall be deposited into an appropriate site-specific Environmental Trust Fund created in accordance with the provisions in Book 8 of this Code and be used exclusively for the benefit of the local communities in the area and the conservation of the relevant component of the Natural Protected Area System.

ARTICLE 310 ECONOMIC LAND CONCESSIONS

For existing economic land concessions located in or adjacent to a component of the natural protected area system, the ministry and institution responsible for environment, in cooperation with the ministry or institution responsible for forestry shall use them for enhancing the purposes of the natural protected area system provided in this Title.

ARTICLE 311 CANCELLATION OF ECONOMIC LAND CONCESSIONS

Upon the cancellation of an economic land concession existing in a natural protected area, the relevant land shall be zoned in accordance with the provisions of this Code. Upon the cancellation of an economic land concession existing in a biodiversity conservation corridor, the ministry or institution responsible for environment shall use the measures provided in this Code.

Upon the cancellation of an economic land concession existing in a biodiversity conservation corridor, the ministry or institution responsible for environment may submit a proposal for establishing a component of the Natural Protected Area System for such area.

TITLE 2 COLLABORATIVE MANAGEMENT OF NATURAL RESOURCES

CHAPTER 1

ESTABLISHMENT OF COLLABORATIVE MANAGEMENT MECHANISM

ARTICLE 312 SCOPE

This Title applies to all areas that are eligible for the implementation of collaborative management.

ARTICLE 313 AREAS ELIGIBLE FOR COLLABORATIVE MANAGEMENT

All components of the Natural Protected Area System, community protected areas, community forestry, communities that have submitted proposals for the establishment of community forestry or that have prepared sufficient documents for proposing to establish a community forestry, community fisheries, state public lands or aquatic resources with ecosystem service values, lands classified for sustainable forest management, and indigenous peoples' customarily conserved lands shall be eligible for the establishment of collaborative management zones.

ARTICLE 314 CONTINUANCE OF COMMUNITY-BASED NATURAL RESOURCES MANAGEMENT MECHANISMS

Community-based natural resources management mechanisms, including community protected areas, community forestry, and community fisheries that are existing or under the approval process shall maintain their legal status until such time as they may voluntarily determine to create or become incorporated into a collaborative management zone.

Upon voluntarily determining to become incorporated into or transformed into a collaborative management zone, the legal status of such communities shall become automatically recognized as components of a collaborative management zone, and shall comply with the rules and

provisions on collaborative management.

ARTICLE 315 GUIDELINE ON COLLABORATIVE MANAGEMENT

The ministry or institution responsible for environment shall issue a legal instrument on collaborative management within 3 (three) years upon the entry into force of this Code.

CHAPTER 2 PROCEDURE FOR THE ESTABLISHMENT OF COLLABORATIVE MANAGEMENT

ARTICLE 316 ENTITLEMENT TO COLLABORATIVE MANAGEMENT

Local communities, indigenous peoples, and the relevant civil societies, in cooperation with the relevant sub-national administrations, are entitled to organizing and conducting collaborative management for areas eligible for collaborative management.

ARTICLE 317 ORGANIZING FOR COLLABORATIVE MANAGEMENT

The local community representatives, indigenous peoples, and sub-national administrations shall develop the following collaborative management terms and conditions:

- 1) The organizational structure of collaborative management;
- 2) Membership and voting rights of all collaborative management community members;
and
- 3) Proposed zoning for the collaborative management zone and a proposed collaborative management plan. Both of these documents shall be prepared to a standard in accordance with local resources and capacities, reflecting the knowledge and vision of the local community representatives, indigenous peoples, and sub-national administrations responsible for the implementation of collaborative management.

Collaborative management terms and conditions shall be consistent with the existing land use plans related to areas for which collaborative management is to be conducted.

Zoning and management plans for collaborative management zones shall include the existing zones, subsequent re-zoning, and management plans to be developed in accordance with the Natural Protected Area System provisions of this Code.

ARTICLE 318 SUPPORT FOR COLLABORATIVE MANAGEMENT

The local community representatives, indigenous people, and sub-national administrations, in cooperation with the ministry or institution responsible for environment, relevant officers for the components of the natural protected areas system, shall provide support in developing terms

and conditions of collaborative management.

All competent ministries and institutions shall support the local community representatives, indigenous people, and sub-national administrations in developing terms and conditions of collaborative management.

The local community representatives, indigenous peoples, and sub-national administrations shall use technical advice from the relevant technical partners and interested stakeholders to prepare collaborative management terms and conditions. Specific roles of the relevant technical partners may be included in the terms and conditions of collaborative management.

ARTICLE 319 REVIEWING COLLABORATIVE MANAGEMENT TERMS AND CONDITIONS

When the local community representatives, indigenous peoples and sub-national administrations have completed all terms and conditions of collaborative management, they shall submit to the ministry or institution responsible for environment the proposal for the establishment of collaborative management with these terms and conditions attached to it.

The ministry or institution responsible for environment shall review and comment on the collaborative management terms and conditions in accordance with the criteria and procedures within 3 (three) months upon the receipt of the proposal for the establishment of collaborative management.

The comments shall include:

- 1) A decision to initiate the conduct of collaborative management in the proposed area;
- 2) A decision to initiate the conduct of collaborative management in the proposed area upon integration of the ministry or institution responsible for environment's comments into the collaborative management terms and conditions; or
- 3) Instructions to modify the collaborative management terms and conditions for resubmission.

In case of resubmission, the ministry or institution responsible for environment shall review the modified collaborative management terms and conditions submitted within 3 (three) months upon the receipt.

All documents related to the collaborative management terms and conditions shall be made publicly available.

ARTICLE 320 LEGAL INSTRUMENT ON COLLABORATIVE MANAGEMENT

Within 30 (thirty) days of the initiation to conduct collaborative management, the ministry or institution responsible for environment shall submit the proposal for the establishment of collaborative management to the Royal Government.

Upon the receipt of the proposal for the establishment of collaborative management, the Royal Government shall issue a legal instrument specifying:

- 1) The establishment of the collaborative management authority who is a public legal entity;
- 2) Duties and roles of the collaborative management authority, including the right to manage funds, enter in to agreements, operations and income generation, and land registration with the cadastral administrations for the title of public land management authority for the collaborative management zone.
- 3) Recognition of the collaborative management zone.

All commercial operations and entries into agreements that allow access into the collaborative management zone for individuals from outside of the collaborative management zone to use the natural resources for commercial purposes shall be done with the permission of the ministry or institution responsible for environment.

The mandate of the collaborative management authority shall be for a period of unlimited duration.

ARTICLE 321 COLLABORATIVE MANAGEMENT AGREEMENT

The ministry or institution responsible for environment and the collaborative management authority shall develop a collaborative management agreement within 3 (three) months of the approval made by the Royal Government for the establishment of the collaborative management.

Duties and roles of the ministry or institution responsible for environment and the collaborative management authority in the collaborative management zone shall be provided in the collaborative management agreement.

The collaborative management agreement shall be for a period of unlimited duration, and may be revoked in the case of violating the terms and conditions provided in the collaborative management agreement.

All documents related to the approval of the collaborative management terms and conditions and the collaborative management agreement shall be made publicly available.

CHAPTER 3

IMPLEMENTATION OF COLLABORATIVE MANAGEMENT

ARTICLE 322 IMPLEMENTATION FRAMEWORK OF COLLABORATIVE MANAGEMENT

The ministry or institution responsible for environment reserves the right to review and monitor the implementation of collaborative management.

Collaborative management authorities shall submit annual reports describing activities and results of their work performance to the ministry or institution responsible for environment.

ARTICLE 323 PROMOTION AND SUPPORT FOR COLLABORATIVE MANAGEMENT

The competent ministries or institutions shall take all actions necessary to support the implementation of collaborative management in the areas of their competence or of their shared competence with the ministry or institution responsible for environment and the relevant sub-national administrations.

ARTICLE 324 PROHIBITION FOR COLLABORATIVE MANAGEMENT VIOLATION

All persons shall not commit any action that contravenes the approved collaborative management agreement.

ARTICLE 325 REVOCATION OF COLLABORATIVE MANAGEMENT AGREEMENTS AND DISSOLUTION OF COLLABORATIVE MANAGEMENT AUTHORITY

The ministry or institution responsible for environment reserves the right to revoke a collaborative management agreement or a collaborative management zone in the case of:

- 1) Serious violations of the collaborative management agreement; and
- 2) Serious violations of law while implementing the collaborative management.

Where a collaborative agreement or a collaborative management zone is revoked, the ministry or institution responsible for environment reserves the right to submit the proposal for the dissolution of the collaborative management authority to the Royal Government.

Prior to the revocation of the collaborative management agreement or the collaborative management zone or the dissolution of the collaborative management authority, all of the relevant stakeholders shall first convene to discuss and seek peaceful resolutions.

The collaborative management authority affected by the revocation of the collaborative management agreement and the dissolution of the collaborative management authority reserves the right to appeal in accordance with the provisions of this Code.

CHAPTER 4

COLLABORATIVE MANAGEMENT DURATION AND LAND RIGHTS

ARTICLE 326 POSSESSION AND USUFRUCT MANDATE OF STATE LANDS IN THE COLLABORATIVE MANAGEMENT ZONE

Upon having the approval of the collaborative management agreement, the collaborative management authority reserves the right to possess, use and exploit from the state lands located within the collaborative management zone.

Possession and usufruct mandate of the state lands located in a collaborative management zone shall not impede the rights of officials of the ministry or institution responsible for environment from having access into or carrying out their work in the collaborative management zone.

The collaborative management authority reserves no rights to sell or transfer the above possession and usufruct rights to any third party or a legal entity. However, the collaborative management authority may transfer such rights to other members living in the collaborative management zone and having been specified in the collaborative management agreement.

ARTICLE 327 CONTENTS IN THE POSSESSION AND USUFRUCT MANDATE OF STATE LANDS IN THE COLLABORATIVE MANAGEMENT ZONE

The possession and usufruct mandate of state lands in the collaborative manage zone shall include the right for communities within the collaborative management zone to reside in, conserve, manage, use, and receive benefits from the sustainable use of natural resources in accordance with their traditional use practices within the collaborative management zone and the approved collaborative management plan.

The collaborative management authority with the possession and usufruct mandate of state lands in the collaborative manage zone reserves the right to prohibit any person from conducting the following activities without a prior written approval of the collaborative management authority:

- 1) Accessing the collaborative management zone;
- 2) Conducting any commercial activity in the collaborative management zone, or
- 3) Using resources in the collaborative management zone by any person who is not a member of the collaborative management community.

Proposals of outsiders who are not collaborative management community members to have access to the collaborative management zone or to use the resources shall be made in accordance with the provisions on public participation, and the provisions on access to information of this Code.

ARTICLE 328 DURATION OF POSSESSION AND USUFRUCT MANDATE OF STATE LANDS IN THE COLLABORATIVE MANAGEMENT ZONE

The duration of the possession and usufruct mandate of state lands in the collaborative management zone shall be the same as the duration of the collaborative management zone.

ARTICLE 329 REVOCATION OF THE POSSESSION AND USUFRUCT MANDATE OF STATE LANDS IN THE COLLABORATIVE MANAGEMENT ZONE

Revocation of a collaborative management agreement or a collaborative management zone shall result in revocation of the possession and usufruct mandate of state lands in the collaborative management zone.

However, failure of a non-community member to comply with the collaborative management plan, rules and other provisions on collaborative management, or with the collaborative management agreement shall not result in revocation of the possession and usufruct mandate of state lands in the collaborative management zone.

ARTICLE 330 ADDITIONAL RIGHTS

The possession and usufruct mandate of state lands in the collaborative management zone are additional rights to any other rights that indigenous communities may receive through the laws and legal instruments in force.

ARTICLE 331 ESTABLISHMENT OF COMPONENTS OF THE NATURAL PROTECTED AREAS SYSTEM

The current or future establishment of any component of the Natural Protected Area System in areas where indigenous peoples are residing shall not hinder the indigenous peoples from having their current or future claims to their lands and other resources under other relevant laws or legal instruments in force.

CHAPTER 5 COLLABORATIVE MANAGEMENT FINANCE PROVISION

ARTICLE 332 ENVIRONMENTAL TRUST FUND FOR COLLABORATIVE MANAGEMENT

An environmental trust fund shall be established in accordance with the environmental trust fund provisions of this Code for each collaborative management zone to support the

implementation of collaborative management activities.

The environmental trust fund shall be under the transparent control and management of the collaborative management authority of each collaborative management zone in accordance with the provisions of this Code.

The collaborative management authority may receive funds and generate income from the following public and private sources:

- 1) Environmental and Social Fund;
- 2) Taxes, rental leases, usage, recreational or access fees;
- 3) Donations, endowments, and grants; and
- 4) Sustainable finance mechanisms for payment for ecosystem services originating from the collaborative management zone.
- 5) Other sources.

ARTICLE 333 TAX EXEMPTION AND USE OF INCOME, FEES, OR CONTRIBUTIONS

Any income, fees, or contributions received from implementing activities in collaborative management shall be used exclusively for:

- 1) The benefit of the local communities in the collaborative management zone;
- 2) The support of collaborative management activities; and
- 3) The conservation of the collaborative management zone and adjacent areas under similar conservation status.

Procedures on the distribution of the above income, fees, or contributions shall be provided in the collaborative management agreement.

Income, fees or contributions received from implementing activities in collaborative management zones shall be exempted from duties, taxes, royalties, and other service charges provided in the existing laws and legal instruments in force.

TITLE 3 SUSTAINABLE FOREST MANAGEMENT

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 334 SCOPE

This Title applies to natural and planted forests that are located outside of the Natural Protected Area System.

This Title does not apply to flooded forests or to forests in the possession of indigenous peoples according to their collective rights and traditional use rights.

ARTICLE 335 ROLES AND DUTIES OF THE RESPONSIBLE MINISTRY OR INSTITUTION

The competent ministry or institution responsible for managing the forests, in cooperation with sub-national administrations, shall:

- 1) Oversee the restoration, conservation, and sustainable management of forests;
- 2) Inventory the resources of the forests, analyse and maintain the data, and periodically update the data to develop standards for the sustainable management of forests;
- 3) Restore degraded forest lands to provide ecosystem services and carry out afforestation and reforestation of forests to promote and achieve REDD+ and other conservation goals;
- 4) Define and map the boundaries of all forest lands, indicating the legal status of such lands and include the existing traditional land possession and land use rights;
- 5) Encourage the engagement from local communities and indigenous peoples and public participation in sustainable forest management;
- 6) Consult on public road and forest road construction projects, and road construction within the forests;
- 7) Participate in international forest product and management certification programs;
- 8) Implement practices that establish chain of custody for timber and non-timber forest products, according to national and international guidelines and standards;
- 9) Develop and implement measures, in cooperation with other ministries or institutions, local communities, and technical partners, to systematically protect the forests from unauthorized or illegal resource use, settlement, and other illegal activities;
- 10) Facilitate and assist the investigation, prevention, and suppression of forest offences;
- 11) Develop rapid response capacity and take timely action on information about forest crimes;

- 12) Conduct forest crime monitoring and reporting;
- 13) Create new funding mechanisms to support the implementation of sustainable forest management; and
- 14) Ensure full transparency in sustainable forest management.

CHAPTER 2

SUSTAINABLE FOREST MANAGEMENT PLANNING

ARTICLE 336 INVENTORY AND MAPPING

The ministry or institution responsible for managing the forests, in cooperation with sub-national administrations, local communities, indigenous peoples, and technical partners, shall inventory forest resources, condition, and potential to create a baseline of accurate scientific and technical information on the state of such forests and ensure the availability of such data for developing management plans. The inventory development shall be carried out at the sub-national level and shall be incorporated into a national inventory.

The ministry or institution responsible for managing the forests, based on the forest inventories, in cooperation with the ministry or institution responsible for land management, urban planning, and construction and in consultation with sub-national administrations, local communities, indigenous peoples, and technical partners, shall establish a national map of the forest lands. Such map shall indicate the type of each forest area as specified in this Code.

The process of forest inventory development and mapping shall provide opportunities for public participation as provided in this Code.

ARTICLE 337 FOREST MANAGEMENT PLANS

The competent ministry or institution responsible for managing the forests shall organize and supervise the development of forest management plans for all forests within its jurisdiction.

The competent ministry or institution responsible for managing the forests shall provide a separate and special consultation for areas with indigenous peoples present or with a collective attachment to the benefits of the indigenous peoples in expression of valuing the collective interest and the traditional and customary rights of the indigenous peoples.

The details and processes for developing and implementing collaborative management plans for each forest area shall be determined by a legal instrument of the competent ministry or institution responsible for managing the forests.

The ministry or institution responsible for managing the forests shall prepare an annual report that analyses the achievement of the forest management objectives, based on the indicators set

out in each management plan.

The process of developing and updating forest management plans shall provide opportunities for public participation.

ARTICLE 338 ECONOMIC LAND CONCESSIONS

The ministry or institution responsible for managing the forests shall require that all existing economic land concessions on and near forest areas comply with the provisions on sustainable forest management of this Code.

ARTICLE 339 FOREST RESTORATION, AFFORESTATION, AND REFORESTATION

The ministry or institution responsible for managing the forests shall restore degraded forests and shall carry out afforestation and reforestation in accordance with internationally recognized practices.

Project owners of activities in a forest, and of which reduce the forest cover, or in any other way degrades the forest, shall conduct forest restoration, afforestation, or reforestation in an equivalence to the size of the reduced or degraded forests.

The ministry or institution responsible for managing the forests shall prioritize the use of native species of trees and other vegetation for forest restoration, reforestation, and afforestation.

The ministry or institution responsible for managing the forests shall, within 1 (one) year of the entry into force of this Code, develop a legal instrument on requirements and procedures for forest restoration, afforestation and reforestation.

ARTICLE 340 AGROFORESTRY

The ministry or institution responsible for managing the forests shall encourage agroforestry practices to promote more productive and sustainable use of forest land.

The ministry or institution responsible for managing the forests shall develop a legal instrument on requirements and procedures for agroforestry practices and the relevant financial and fiscal incentives.

ARTICLE 341 TREE PLANTATIONS

The ministry or institution responsible for managing the forests shall encourage citizens and project owners to plant and maintain tree plantations to provide sources of timber and non-timber forest products and to contribute to preserving the social and cultural values attached to the forests.

The ministry or institution responsible for managing the forests shall develop a legal instrument, based on internationally recognized principles, on the requirements and procedures for establishing and maintaining tree plantations.

ARTICLE 342 SUSTAINABLE CHARCOAL AND FIREWOOD

The ministry or institution responsible for managing the forests shall promote sustainable production and consumption of charcoal and firewood.

In cooperation with local communities, indigenous peoples, and technical partners, the ministry or institution responsible for managing the forests shall develop a legal instrument on establishing mechanisms for certifying and financially and fiscally incentivizing all licensed producers of sustainable charcoal and firewood.

ARTICLE 343 INTERNATIONAL FOREST PRODUCT AND MANAGEMENT CERTIFICATION

The ministry or institution responsible for managing the forests shall participate in international forest product and management certification programs in order to provide forest management for the conservation of ecosystems and to provide economic benefits for sustainable livelihood of local communities.

The ministry or institution responsible for managing the forests shall develop a legal instrument on tracing and labelling timbers, wood and pulp products, and non-timber forest products and monitoring these procedures to ensure that these forest products comply with international standards.

ARTICLE 344 FOREST LAW ENFORCEMENT, GOVERNANCE, AND TRADE PROGRAMME

The ministry or institution responsible for managing the forests shall develop and implement a comprehensive forest law enforcement, governance, and trade programme.

The forest law enforcement, governance, and trade programme shall:

- 1) Establish coordination mechanisms to require that competent ministries and institutions communicate and share information for the enforcement of laws and other relevant legal instruments;
- 2) Clearly specify to ensure:
 - a) Institutional responsibility;

- b) Independent oversight and monitoring of competent ministries and institutions;
and
 - c) Mechanisms to promote accountability;
- 3) Require that competent ministries and institutions have the capacity to manage and resolve conflicts and that persons with grievances have access to fair remedies;
 - 4) Provide stakeholders, including competent ministries and institutions and law enforcement authorities, the time, money, skills, and knowledge necessary for making and implementing decisions concerning the forests;
 - 5) Require that relevant legal instruments treat all stakeholders equitably, including measures to mitigate negative impacts on poor people, and are adequate and appropriate to support the programme;
 - 6) Clearly define environmental and institutional roles and responsibilities of all stakeholders in a legal instrument and specify the transparency of law enforcement;
 - 7) Require compliance with procedures for public participation and access to information as provided in this Code; and
 - 8) Specify measures to investigate, monitor, and suppress illegal forest activities.

The ministry or institution responsible for managing the forests shall develop a legal instrument on the forest law enforcement, governance, and trade programme.

CHAPTER 3

PERMITS

ARTICLE 345 PERMIT REQUIREMENTS

All persons shall apply for a permit from the ministry or institution responsible for managing the forests to undertake the following activities:

- 1) Production of charcoal and firewood;
- 2) Production of timber products and non-timber forest products for commercial use;
- 3) Management of timber products and non-timber forest products for commercial use;
- 4) Harvesting and selling of timber products and non-timber forest products for commercial purposes in accordance with an annual harvesting quota. The permit shall include a security deposit to guarantee payment of fees, and premiums set by the competent ministry or institution;

- 5) Transporting of timber products and non-timber forest products in accordance with an annual transport quota set by the competent ministry or institution;
- 6) Exporting of timber products and non-timber forest products in accordance with an annual export quota set by the competent ministry or institution;
- 7) Using forests for technical or scientific research, including extraction for silviculture research or forest improvement, agricultural education or training, establishment of a botanical garden, experimental station or transferring nursery, or to establish recreation, ecotourism, or film or video documentation;
- 8) Establishment of a stock place to sell and distribute timber products and non-timber forest products and establishment of a facility for forestry industry, sawmill, or processing of timber products and non-timber forest products;
- 9) Establishment of any kilns using timber products and non-timber forest products as raw material;
- 10) Use of water resources for irrigation or agricultural purposes with a permit from the ministry responsible for water resources; and
- 11) Any other commercial activity provided in the relevant legal instruments or determined by the ministry or institution responsible for managing the forests in compliance with provisions of this Code.

All permit applications shall be made publicly available in accordance with the provisions of this Code.

ARTICLE 346 CRITERIA FOR PERMIT APPROVAL

The ministry or institution responsible for managing the forests, in reviewing any permit application, shall determine that the proposed activity:

- 1) Is consistent with the forest management plans;
- 2) Is consistent with the management plans of the adjacent components of the Natural Protected Area System;
- 3) Is compatible with the relevant national and sub-national land use plans;
- 4) Supports and improves local livelihoods;
- 5) Mitigates any negative impact on biodiversity;
- 6) Employs best practices in the project stages of designing, operation, and closure;

- 7) Complies with the tracing system in accordance with provisions of this Code; and
- 8) Meets other requirements determined by the ministry or institution responsible for managing the forests in accordance with the provisions of this Code.

The ministry or institution responsible for managing the forests may provide extra permit terms and conditions in accordance with the requirements of this Code.

The ministry or institution responsible for managing the forests may suspend or revoke the permit in the case of non-compliance with the terms and conditions.

Applying for the above permit shall follow the provisions on public participation and access to information of this Code.

The ministry or institution responsible for the forests shall develop a legal instrument on the procedures and requirements of the permitting process.

ARTICLE 347 FEES, PREMIUMS, AND ROYALTIES

The ministry of institution responsible for managing the forests shall develop a legal instrument on the criteria and procedures for payment of fees, premiums, and royalties on all activities for which a permit is issued.

ARTICLE 348 NATION-WIDE PERMITTING AND MONITORING SYSTEM

The ministry or institution responsible for managing the forests shall, within 1 (one) year of the entry into force of this Code, create a nation-wide monitoring system and database, and permitting system.

ARTICLE 349 REDISTRIBUTION OF FEES, PREMIUMS AND ROYALTIES TO LOCAL COMMUNITIES

A portion of all fees, premiums, and royalties shall be redistributed to the local communities. The ministry or institution responsible for managing the forests shall develop a legal instrument on the percentage of fees, premiums, and royalties to be redistributed and the criteria and procedures for redistribution of fees, premiums and royalties to the local communities.

TITLE 4 PROTECTION, CONSERVATION, AND MANAGEMENT OF WILD SPECIES

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 350 WILD SPECIES

All wild species refer to species of wildlife and wild plants that are native to the Kingdom of Cambodia or non-native to the Kingdom of Cambodia that are found in the Kingdom of Cambodia.

ARTICLE 351 ROLES AND RESPONSIBILITIES OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR ENVIRONMENT

The ministry or institution responsible for environment has the overall roles and responsibilities for the protection, conservation, and management of wild species in the Kingdom of Cambodia.

These roles and responsibilities shall be determined by a separate legal instrument.

ARTICLE 352 COOPERATION OF COMPETENT MINISTRIES OR INSTITUTIONS

The ministry or institution responsible for environment, in consultation with the relevant technical partners and technical experts, and in cooperation with the competent ministries or institutions, shall oversee the status of wild species that are listed in Category 1, Category 2, and Category 3 to provide protection and conservation for such species.

All competent ministries or institutions shall:

Cooperate to conserve wild species under the provisions of this Code; and

Cooperate to prevent crimes relevant to wild species and share applicable information with the ministry or institution responsible for environment.

The ministry or institution responsible for environment shall develop a legal instrument on cooperation and information sharing regarding crimes involving wild species among the relevant ministries or institutions.

ARTICLE 353 PROHIBITED ACTIVITIES IN NATURAL HABITATS OF WILD SPECIES

The destruction or alteration of the natural habitat of a wild species listed in Category 1 or Category 2, which is determined by the competent ministries or institution to have the potential to cause the disappearance of that species from its natural habitat shall be prohibited.

ARTICLE 354 ISSUANCE OF PERMITS RELEVANT TO WILD SPECIES

Issuance of permits for activities that have significant negative impacts on wild species and their habitats shall be consistent with the measures specified in the approved environmental management plan.

CHAPTER 2 CLASSIFICATION OF WILD SPECIES

ARTICLE 355 NATIONAL LIST OF THREATENED WILD SPECIES

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions and relevant technical partners, shall establish a National List of Threatened Wild Species.

The National List of Threatened Wild Species shall include:

- 1) All wild species known to occur in the Kingdom of Cambodia that are listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- 2) All wild species known to occur in the Kingdom of Cambodia, and listed on another international classification list that the Kingdom of Cambodia acknowledges.

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions and relevant technical partners, shall develop a legal instrument on establishing the National List of Threatened Wild Species.

ARTICLE 356 CATEGORIES OF WILD SPECIES

Wild species listed on the National List of Threatened Wild Species shall consist of the following 4 (four) categories:

Category 1 – All wild species native and non-native to the Kingdom of Cambodia:

- 1) That are listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- 2) All wild species native and non-native to the Kingdom of Cambodia listed as Extinct in the Wild, Critically Endangered, or Endangered on another international classification list that the Kingdom of Cambodia acknowledges;
- 3) Species of natural or cultural heritage value or significant economic importance to the Kingdom of Cambodia; and
- 4) Wild species newly discovered in the Kingdom of Cambodia whose conservation status is yet to be determined.

Category 2 – All wild species native and non-native to the Kingdom of Cambodia:

- 1) That are listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and

- 2) All wild species native and non-native to the Kingdom of Cambodia listed as Vulnerable, Near Threatened, Data Deficient, or Not Evaluated on another international classification list that the Kingdom of Cambodia acknowledges.

Category 3 – All wild species native and non-native to the Kingdom of Cambodia:

- 1) That are listed on Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- 2) All wild species native and non-native to the Kingdom of Cambodia listed as Least Concern on another international classification list that the Kingdom of Cambodia acknowledges, unless specified in Category 4.

Category 4 – All Category 3 wild species considered common in the Kingdom of Cambodia:

- 1) That are approved by the ministry or institution responsible for environment, in consultation with technical partners and technical experts.

In cases that a wild species may be categorised differently by the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the international classification list that the Kingdom of Cambodia acknowledges, the higher category shall apply.

Any newly described wild species not yet listed in an Appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora or assigned to a category on the international classification list that the Kingdom of Cambodia acknowledges shall be assigned to Category 1 unless otherwise categorised by the ministry or institution responsible for environment.

The categories in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the international classification list that the Kingdom of Cambodia acknowledges shall apply in the Kingdom of Cambodia until the legal instrument on establishing the National List of Threatened Wild Species enters into force.

ARTICLE 357 UPDATING THE NATIONAL LIST OF THREATENED WILD SPECIES

The National List of Threatened Wild Species shall be updated in accordance with the following:

- 1) At the time that any wild species are found in the Kingdom of Cambodia, and that are not yet classified in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or on the international classification list

that the Kingdom of Cambodia acknowledges; and

- 2) Wild species that are not in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or not on the international classification list that the Kingdom of Cambodia acknowledges but which require protection in accordance with the criteria set forth in the international classification list that the Kingdom of Cambodia acknowledges.

ARTICLE 358 UPGRADING TO HIGHER CATEGORY

All wild species may be upgraded to a higher category based on factors including:

- 1) High levels of threat to the Cambodian population of the species;
- 2) The status of the Cambodian population of the species meets a international classification list that the Kingdom of Cambodia acknowledges; and

Natural or cultural heritage value or significant economic importance.

The procedures on upgrading to a higher category shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 359 PETITION TO UPDATE THE NATIONAL LIST OF THREATENED WILD SPECIES

The petition to update or add any wild species to the National List of Threatened Wild Species shall be submitted to the ministry or institution responsible for environment.

The procedure on submitting, reviewing, and approving petitions to update the National List of Threatened Species shall be determined by a legal instrument of the ministry or institution responsible for environment.

CHAPTER 3 SPECIES MANAGEMENT AND RECOVERY PLANS, MONITORING, AND REPORTING

ARTICLE 360 SPECIES MANAGEMENT AND RECOVERY PLANS

The ministry or institution responsible for environment, under the technical support of developing partners, shall develop species management and recovery plans for all wild species listed in Category 1 and Category 2.

The procedure on developing species management and recovery plans shall be determined by a legal instrument of the ministry or institution responsible for environment.

The species management and recovery plans may be integrated with management plans of components of the Natural Protected Area System and collaborative management zones.

ARTICLE 361 MONITORING AND REPORTING

The ministry or institution responsible for environment, in cooperation with all stakeholders, shall develop a monitoring and operating system for the implementation of species management and recovery plans.

CHAPTER 4 CONTROL OF ALIEN WILD SPECIES

ARTICLE 362 ALIEN WILD SPECIES MANAGEMENT PLAN

The ministry or institution responsible for environment shall cooperate with other competent ministries and institutions to develop an Alien Wild Species Management Plan to identify:

- 1) The pathways by which Alien Wild Species enter the Kingdom of Cambodia;
- 2) Means of controlling all Alien Wild Species known to occur in the Kingdom of Cambodia; and
- 3) Means of eradicating invasive Alien Wild Species.

ARTICLE 363 NATIONAL LIST OF ALIEN WILD SPECIES

The ministry or institution responsible for environment, in cooperation with other competent ministries and institutions, shall establish a National List of Invasive Alien Wild Species that either occur in the Kingdom of Cambodia or would pose a threat if introduced in the Kingdom of Cambodia.

ARTICLE 364 ALIEN WILD SPECIES ERADICATION PLANS

The ministry or institution responsible for environment shall develop Alien Wild Species Eradication Plans to eradicate and minimise the impacts of Alien Wild Species on the environment, economy, and human health.

ARTICLE 365 PERMIT REQUIREMENT AND PROHIBITION

The introduction of any Alien Wild Species into the natural environment outside of the Natural Protected Area System shall require a permit from the ministry or institution responsible for environment.

The introduction of any Alien Wild Species inside any area of the Natural Protected Area System shall be prohibited.

CHAPTER 5

HUNTING, COLLECTING, AND TRADE

ARTICLE 366 NON-ISSUANCE OF PERMITS

The ministry or institution responsible for environment shall not issue permits under this Title without sufficient scientific information to determine the impact of an activity on the conservation status of the wild species, except for permits granted strictly for scientific purposes.

ARTICLE 367 EXEMPTIONS

The following activities shall not require a permit:

- 1) Hunting outside the Natural Protected Area System of any wild species listed in Category 3 or Category 4 for household subsistence and traditional use;
- 2) Collecting, trading, transporting, and consuming any wild plant species listed in Category 4, outside the Natural Protected Area System and for household subsistence and traditional use only; and
- 3) Harvesting timber and non-timber forest products from plantations on private land.

ARTICLE 368 ACTIVITIES REQUIRING A PERMIT

The following activities shall require a permit issued in accordance with this Title:

- 1) Collecting any wild plant species listed in any category from any location for purposes of commercial medicinal use;
- 2) Domestic transport and storage or stockpiling of wildlife specimens; and
- 3) On State lands outside the Natural Protected Area System:
 - a) Non-lethal capture, possession, translocation, and transfer of wildlife listed in Category 1 and Category 2 for a wildlife rescue centre, conservation breeding facility, or conservation management; and
 - b) Non-lethal capture, possession, translocation, and transfer of wildlife listed in Category 3 or Category 4 for zoological institutions.

The ministry or institution responsible for environment shall develop a legal instrument containing procedures and conditions permitting the above activities.

ARTICLE 369 PERMITS FOR INTERNATIONAL TRADE

A permit shall be required for all activities involved in the international trade in wild species listed in Category 1, Category 2, and Category 3, and their specimens including:

- 1) Possession;
- 2) Transport;
- 3) Exhibition;
- 4) Storage;
- 5) Gifting; and
- 6) Any other activity within the Kingdom of Cambodia that is involved in the international trade in wild species and their specimens.

The ministry or institution responsible for environment, in cooperation with relevant ministries or institutions and technical partners, shall develop a legal instrument on the requirements and procedures for permits for international trade in wild species.

ARTICLE 370 PERMITS FOR SCIENTIFIC EXCHANGES, EXHIBITIONS, AND STATE GIFTS

The procedures and requirements for permits for scientific exchanges, exhibitions, and state gifts shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 371 PROHIBITED ACTIVITIES IN THE COMPONENTS OF THE NATURAL PROTECTED AREA SYSTEM

The following activities are strictly prohibited in all components of the Natural Protected Area System:

- 1) The destruction or alteration of the natural habitat of a wild species listed in Category 1 or Category 2;
- 2) All hunting and collecting of any wild species for commercial purposes;
- 3) Hunting and collecting for any other purpose of all wild species listed in Category 1 and Category 2, except under the provision of this Title;
- 4) Hunting and harassing all wild birds and their offspring and collecting their eggs;
- 5) The collection or destruction of any wild plants for any purpose inside the core and conservation zones of any natural protected area;

- 6) Production, possession, manufacture, purchase, transport, and use of prohibited hunting weapons and equipment. Any person who brings prohibited hunting weapons and equipment or the materials to make them into core zones and conservation zones of natural protected areas shall be deemed to have the intent to hunt;
- 7) All hunting, including non-lethal capture, of any wildlife species within the core zones and conservation zones of natural protected areas and within other components of the Natural Protected Area System as specified in the respective management plan;
- 8) Hunting of wildlife species listed in Category 3 and Category 4 by any natural person other than indigenous peoples and members of local communities who hunt species listed in Category 4 for household subsistence or traditional use;
- 9) Hunting of wildlife species listed in Category 1 and Category 2 for crop protection purposes inside the sustainable use zone and community zone of any natural protected area;
- 10) Non-lethal capture of any species of wildlife for any purpose is prohibited within collaborative management protection zones;
- 11) Introducing alien species;
- 12) Any activity that destroys natural forests, natural grasslands, wetlands, wild plants, and wildlife habitats;
- 13) Cross breeding any species of wildlife, wild plants, or wild fish;
- 14) All fishing practices specified as illegal under relevant laws and legal instruments;
- 15) All cultivation and processing of Mreah Prov (*Ocimum sanctum*) and Vor Romeat (*Teramnus labialis*);
- 16) Removing or destroying official boundary markers or posts, and placing private boundary markers or posts; and
- 17) Any other activity that the ministry or institution responsible for environment may stipulate by legal instrument.

ARTICLE 372 PROHIBITED ACTIVITIES IN THE AREAS OUTSIDE OF THE NATURAL PROTECTED AREA SYSTEMS

The following activities are prohibited on private lands and State lands outside of the Natural Protected Area System:

- 1) The destruction or alteration of the natural habitat of any wild species listed in Category

- 1 or Category 2;
- 2) Production, possession, manufacture, purchase, and transport of prohibited hunting weapons and equipment;
- 3) Hunting and collecting for any purpose of all species listed in Category 1 and Category 2, except under special circumstances defined under this Title;
- 4) Hunting and collecting for commercial purposes of all wild species listed in Category 1, Category 2, and Category 3; and
- 5) Hunting of all wildlife species listed in Category 1, Category 2, Category 3, and Category 4 using prohibited hunting weapons and equipment, dogs, and vehicles of any kind.

ARTICLE 373 DOMESTIC TRADING

Domestic trading in wild species in Category 1, Category 2 and Category 3 is prohibited, except in the case of wildlife trade from the source of wildlife farms as stipulated in this Title:

- 1) Manufacturing products that include specimens of wild species listed in Category 1, Category 2, or Category 3;
- 2) Offering or advertising for sale any good that is purported to be or contain a specimen of a wild species listed in Category 1, Category 2, or Category 3;
- 3) Providing taxidermy services that involve specimens of wildlife listed in Category 1, Category 2, or Category 3;
- 4) Purchasing, receiving, acquiring, possessing, cooking, or serving the meat of any wildlife listed in Category 1, Category 2, or Category 3, with the exception of wildlife farms with valid permits, which may be permitted to sell meat of farmed wildlife listed in Category 3 and Category 4 only; or
- 5) Carrying out any other activity involving the domestic use of specimens of wild species that the ministry or institution responsible for environment prohibits.

ARTICLE 374 PERMITS FOR SCIENTIFIC RESEARCH PURPOSES

When necessary, the ministry or institution responsible for environment may, for scientific research purposes, permit the non-lethal capture of wildlife species or the collection of wild plant species listed in Category 1, Category 2, or Category 3 from a location. Such collection or capture shall not impose potential threat to the conservation status of a population of the species in the Kingdom of Cambodia.

Procedures and requirements for permits for scientific purposes shall be determined by the ministry or institution responsible for environment.

ARTICLE 375 ASSIGNING QUOTAS FOR HUNTING AND COLLECTING WILD SPECIES

Quotas for hunting of wildlife species and collecting wild plants listed in Category 3 and Category 4 shall be determined by the ministry or institution responsible for environment in a legal instrument on assigning quotas for hunting and collecting wild species by category and by province.

ARTICLE 376 PERMITS FOR HUNTING AND COLLECTING WILD SPECIES

Applications for hunting or collecting permits shall be submitted to the following competent ministries or institutions:

- 1) The provincial department responsible for environment, for hunting or collecting in areas that are outside the Natural Protected Area System;
- 2) The director of the respective component of the Natural Protected Area System for hunting or collecting in areas inside any component of the Natural Protected Area System; and
- 3) The collaborative management authority, for areas that are inside collaborative management zones.

Procedures and requirements for permit applications for hunting or collecting wild species shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 377 SUSPENSION AND REVOCATION OF PERMITS

The ministry or institution responsible for environment shall suspend or revoke a hunting or collecting permit based on the following:

- 1) New data, scientific information, or newly identified threats to the wild species for which the permit was issued;
- 2) Using prohibited hunting weapons or equipment; and
- 3) When the permit holder commits any of the following:
 - a) Hunts or collects, or attempts to hunt or collect, a species listed in Category 1;
 - b) Hunts or collects, or attempts to hunt or collect, any species in the core zone or conservation zone of a natural protected area;

- c) Hunts or collects, or attempts to hunt or collect, a species listed in Category 2;
- d) Hunts or collects, or attempts to hunt or collect, in excess of the quota stipulated in the permit; and
- e) Hunts or collects, or attempts to hunt or collect, a species listed in Category 3.

The ministry or institution responsible for environment, in cooperation with the competent ministries or institutions shall oversee the suspensions and revocations of the above permits.

CHAPTER 6 WILDLIFE MANAGEMENT

SECTION 1 WILDLIFE HEALTH MONITORING

ARTICLE 378 STRATEGY FOR WILDLIFE HEALTH MONITORING

The ministry or institution responsible for environment, in cooperation with the ministries or institutions, shall:

- 1) Identify wildlife diseases and declare the public notification on the identified diseases;
- 2) Establish a strategy for wildlife disease surveillance and wildlife health monitoring;
- 3) Investigate, document, and respond to wildlife disease outbreaks; and
- 4) Communicate in a timely manner the findings of wildlife health monitoring and wildlife investigations.

ARTICLE 379 QUARANTINE

Wild animals shall be quarantined by the competent ministry or institution before translocation, reintroduction, or any transfer of animals between captive and wild populations or between wildlife farms, conservation breeding facilities, wildlife rescue centres, and zoological institutions.

Upon having quarantined, the competent ministry or institution that is responsible shall confirm in writing that:

- 1) The animals have been held in quarantine for not less than 14 (fourteen) days and inspected prior to translocation, reintroduction, or transfer;
- 2) The animals did not exhibit any signs of disease or injury;

- 3) The healthy and deceased animals have been positively and uniquely identified with tags;
- 4) The animals have been tested and are free from diseases of special concern for that species; and
- 5) Immediately inform the provincial department responsible for environment in the case that a wild animal becomes diseased or dies during the course of a quarantine.

ARTICLE 380 MONITORING

The competent ministry or institution may require that the holder of a hunting or collecting permit provide specimens of wildlife hunted for wildlife health monitoring activities.

No financial compensation shall be provided in exchange for wildlife specimens.

SECTION 2 DECISION FOR WILDLIFE KILLING

ARTICLE 381 AUTHORIZATION FOR WILDLIFE KILLING

The director of any component of the Natural Protected Area System or a competent official of the ministry or institution responsible for environment may permit an official of the ministry or institution responsible for environment or a provincial department responsible for environment to kill animals that have become dangerous to human life or is injured or diseased beyond recovery.

The decision for wildlife killing shall be done in accordance with the legal instrument on wildlife welfare of the ministry or institution responsible for environment.

SECTION 3 NON-LETHAL CAPTURE AND TRANSLOCATION

ARTICLE 382 NON-LETHAL CAPTURE FOR CONSERVATION PURPOSES

Non-lethal capture of any wildlife listed in any Category, as stipulated in Article 368 of this Code, for conservation breeding or conservation management purposes, shall be permitted by the ministry or institution responsible for environment.

Procedures and requirements for application for the above permit shall be done in accordance with the legal instrument on wildlife capture, transportation, and welfare.

ARTICLE 383 WILDLIFE TRANSLOCATION

Translocation of wildlife listed in Category 1 and Category 2 for conservation breeding or

conservation management shall be permitted by the ministry or institution responsible for environment in accordance with an approved species management and recovery plan.

CHAPTER 7

MANAGEMENT AND ARRANGEMENT OF EVIDENCE OF WILD SPECIES

ARTICLE 384 MANAGEMENT OF CONFISCATED EVIDENCE OF WILD SPECIES

Confiscated evidence of dead and live wild species shall not be kept as evidence at the court for the court procedure process. Only documented evidence, including photographs, or visual aids of the confiscated wild species shall be admissible for the court procedure. However, the court may have a direct visit to the sites at where the confiscated evidence of wild species are.

With the authorization of the ministry or institution responsible for environment, specimens of dead wild species may be kept as evidence at the court for the court procedure process until the completion of the court procedure process.

No live wild species of all kinds shall be kept as evidence without the authorization of the ministry or institution responsible for environment, in cooperation with the competent ministries or institutions.

Where confiscated evidence of live wild species are kept as evidence, the keeping shall be done with safety and welfare for the wild species in accordance with the legal instrument on procedures for the management of confiscated wild species.

ARTICLE 385 TYPES OF WILD SPECIES EVIDENCES

Evidence of wild species offences shall include the following:

- 1) Dead or live wild species, specimens of wild species, or parts of wild species from a hunting activity or components of such wild species;
- 2) Equipment and any means of transport that may be used for intended offenses, including materials used for prohibited activities;
- 3) Equipment and records used in wild species trade, including but not limited to telephones, financial records, and bank records;
- 4) Properties gaining from any stage of a wild species offense being committed; and
- 5) Documents or other testimony by witnesses to the illegal activities or the intent to commit such an offence.

The above temporarily confiscated evidence shall be managed in accordance with the provisions of this Code and other legal instruments determined by the ministry or institution

responsible for environment.

The above stated evidence shall be ultimately confiscated upon the issuance of the court decision on confiscating such evidence.

ARTICLE 386 ARRANGEMENT OF CONFISCATED EVIDENCE

The ministry or institution responsible for environment may provide arrangements for confiscated natural resources evidence and the evidence ultimately confiscated by the court in accordance with a procedure determined by the ministry or institution responsible for environment and the relevant legal instruments.

CHAPTER 8 WILDLIFE MANAGEMENT OUTSIDE OF NATURAL HABITATS

SECTION 1 GENERAL PROVISIONS

ARTICLE 387 FACILITIES MAINTAINING WILD SPECIES

Facilities that maintain wild species outside of their natural habitats shall include conservation breeding facilities, wildlife rescue centres, zoological institutions, herbariums, botanical gardens, and horticultural and agricultural institutes.

The organization and functioning of facilities maintaining wild species shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 388 REGISTRATION OF FACILITIES MAINTAINING WILD SPECIES

All facilities maintaining wild species shall be registered for permits and acknowledgement of the ministry or institution responsible for environment.

Owners of facilities maintaining wild species shall register for permits within 6 (six) months upon the coming into force of this Code.

Procedures and requirements of registration of facilities maintaining wild species shall be determined by a legal instrument of the ministry or institution responsible for environment, in cooperation with the relevant competent ministries or institutions.

ARTICLE 389 INSPECTION AND MONITORING FOR FACILITIES MAINTAINING WILD SPECIES

The ministry or institution responsible for environment shall provide inspection and monitoring for the facilities maintaining wild species.

Procedures for inspection and monitoring of facilities maintaining wild species shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 390 PERMIT SUSPENSION AND REVOCATION OF FACILITIES MAINTAINING WILD SPECIES

The ministry or institution responsible for environment shall suspend or revoke a permit of a facility maintaining wild species in the case of non-compliance with requirements of a permit.

ARTICLE 391 PERMITS FOR MAINTAINING SPECIMENS OF WILD SPECIES

All facilities maintaining wild species listed in Category 1, Category 2, and Category 3 shall obtain permits from the ministry or institution responsible for environment.

ARTICLE 392 CONSERVATION BREEDING OF WILD PLANTS

Facilities undertaking conservation breeding of wild plant species shall prioritize the propagation and cultivation of native wild medicinal plant species.

The propagation and cultivation of such species shall follow internationally-accepted procedures and standards.

The ministry or institution responsible for environment shall develop legal instruments on national standards and procedures for breeding of wild medicinal plant species.

ARTICLE 393 CONSERVATION BREEDING OF WILDLIFE

Any facility undertaking conservation breeding of wildlife species listed in Category 1 or Category 2 shall organize maximum retention of genetic diversity and natural behaviour through:

- 1) Establishing a studbook for each wild species detailing all individuals of the breeding programme;
- 2) Providing enclosures as stipulated in the facility's permit;
- 3) Maintaining acceptable standards of wild animal welfare in accordance with the legal instrument on wild animal welfare; and
- 4) Any other action in accordance with internationally accepted standards.

The ministry or institution responsible for environment shall establish a legal instrument on standards and procedure for wildlife conservation.

ARTICLE 394 RELEASE OF WILD PLANTS INTO THE NATURAL

ENVIRONMENT

Operators of herbariums, botanical gardens, horticultural and agricultural institutes, and other facilities for wild plant conservation which have in their collections wild plant species that are not native to the Kingdom of Cambodia shall not allow such Alien Wild Species to be released into the natural environment.

In case of release, the operator shall:

- 1) Notify the provincial department responsible for environment within 24 (twenty-four) hours; and
- 2) Make all reasonable efforts to recover all alien plant species and propagative material from the natural environment.

Procedures and requirements for the release of wild plant into the natural environment shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 395 RELEASE OF WILDLIFE INTO THE NATURAL ENVIRONMENT

Operators of conservation breeding facilities, wildlife rescue centres, zoological institutions, and any other facilities maintaining wildlife species that intend to release any animal born in captivity or which has been held in captivity shall identify and prepare a suitable release site, conduct health checks at the time of release, and conduct post-release monitoring, consistent with internationally accepted quarantine and health screening practices.

Procedures and requirements for release of wildlife into the natural environment shall be determined by the ministry or institution responsible for environment.

ARTICLE 396 PROHIBITIONS RELATED TO MAINTAINING WILDLIFE IN CAPTIVITY

Maintaining wildlife of Category 1, Category 2, and Category 3 as pets, for displaying, or for working animals is prohibited unless permitted by the ministry or institution responsible for environment or exempt for conservation breeding facilities, wildlife rescue centres, and zoological institutions with valid permit.

ARTICLE 397 KEEPING RECORDS OF WILDLIFE IN CAPTIVITY

Conservation breeding facilities, wildlife rescue centres, and zoological institutions shall keep records of births, deaths, and transfers of wildlife of Category 1 and Category 2.

ARTICLE 398 DISPOSAL OF SPECIMENS OF WILD SPECIES

Disposal of parts, meat, or trophies of dead wildlife species shall follow the relevant legal

instruments.

CHAPTER 9 MANAGEMENT OF WILDLIFE FARMS

ARTICLE 399 PROHIBITIONS

It is prohibited to:

- 1) Raise, keep, breed, stock, or maintain for commercial purposes any wildlife listed in Category 1 and Category 2;
- 2) Establish a wildlife farm and to raise, keep, breed, stock, or maintain any wildlife inside or within 20 (twenty) kilometres of any component of the Natural Protected Area System; and
- 3) Introduce wild-caught animals into wildlife farms. Wildlife farms shall only obtain animals from other wildlife farms that have a valid permit in the Kingdom of Cambodia.

ARTICLE 400 ISSUING PERMITS FOR WILDLIFE FARMS

Wildlife farms that maintain wildlife for commercial purposes shall be permitted by the ministry or institution responsible for environment.

Procedures and requirements for permits for wildlife farms shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 401 OBLIGATIONS FOR WILDLIFE FARMS

Permit holders for a wildlife farm shall have the following obligation in providing appropriate care to the farmed wild animals:

- 1) Transferring of wild animals to and from another wildlife farm requires a permit;
- 2) Arrangement for adequate shelter, space, food, and fresh water;
- 3) Providing clean enclosures that are not crowded;
- 4) Practices for animal welfare, management, and slaughter shall be handled in accordance with international standards;
- 5) Preventing wild animals from escaping from wildlife farms into the natural forests. In the case of escape, the ministry or institution responsible for environment shall be notified and the animals shall be sought and recaptured; and

- 6) Other requirements determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 402 INSPECTION, SUSPENSION, AND REVOCATION

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall provide consistent monitoring for wildlife farms.

The ministry or institution responsible for environment and other competent ministries or institutions shall suspend or revoke the permits of wildlife farms who do not comply with the permits and other prohibitions determined by a legal instrument of the ministry or institution responsible for environment.

Procedures for inspection, suspension, and revocation of permits of wildlife farms shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 403 RECORDS OF WILDLIFE FARMS

The wildlife farm operators shall create and maintain records of wild animals that are farmed and born on the farms in a format developed by the ministry or institution responsible for environment.

Procedures and format for creating and maintaining records of farmed wild animals shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 404 COMMERCIAL TRANSACTIONS INVOLVING FARMED WILDLIFE SPECIMENS AND PRODUCTS

No wildlife farm shall purchase, sell, or trade live wildlife specimens or products to any person other than a permitted wildlife farm with a valid permit.

All commercial transactions involving specimens and products from wildlife farms shall be recorded for inspection by the competent ministries and institutions, to be provided.

ARTICLE 405 QUARANTINE AND MONITORING OF WILDLIFE HEALTH

Operators of wildlife farms shall consistently apply quarantine and monitoring for the farmed wildlife health.

Procedures for quarantine and monitoring of wildlife health shall be determined by the ministry or institution responsible for environment.

The competent ministry or institution shall identify significant wildlife diseases and provide public notification.

ARTICLE 406 HUMANE SLAUGHTER

The slaughter of farmed wildlife shall be conducted in a humane manner.

The competent ministry or institution shall develop a legal instrument on the slaughter of farmed wildlife.

CHAPTER 10

MANAGEMENT OF CONFISCATED SPECIMENS OF WILD SPECIES

ARTICLE 458 MANAGEMENT PROCEDURES FOR LIVE CONFISCATED SPECIMENS

All confiscated live specimens of native wildlife species listed in Category 1, Category 2, and Category 3 shall receive immediate veterinary care and shall immediately be transferred to be handed over to the specialised counter-wildlife trafficking law enforcement authorities established in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora in the Kingdom of Cambodia to be transported to a wildlife rescue centre or other facilities with a valid permit in accordance with this Title and be released into the animal's natural habitat, if appropriate.

ARTICLE 408 PROCEDURES FOR THE MANAGEMENT OF CONFISCATED WILDLIFE SPECIMENS

All confiscated live specimens of non-native wildlife species listed in Category 1, Category 2, and Category 3 shall receive immediate vaccination and shall immediately be handed over to the specialised counter-wildlife trafficking law enforcement authorities established in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora in the Kingdom of Cambodia.

The above authorities shall transport such specimens to a wildlife rescue centre or other facility with a valid permit issued in accordance with this Title, and repatriated as appropriate.

All confiscated dead specimens of wildlife species listed in Category 1, Category 2, and Category 3 shall immediately be transferred to the ministry or institution responsible for environment to be disposed or kept in accordance with a legal instrument of the ministry or institution responsible for environment.

The ministry or institution responsible for environment shall establish a legal instrument on procedures for management, disposal, and maintaining dead confiscated wildlife specimens in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

ARTICLE 409 PROCEDURES FOR THE MANAGEMENT OF CONFISCATED

WILD PLANTS SPECIMENS

All confiscated live specimens of wild plant species listed in Category 1, Category 2, and Category 3, and their propagative material, shall be transferred back to their natural habitats, handed over to a herbarium, botanical garden, horticultural or agricultural institute, or other maintaining facility, or research institutions with a valid permit for wild plant conservation established in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Dead specimens of wild plant species listed in Category 1, Category 2, and Category 3 and non-propagative material shall be maintained, stored, or destroyed in accordance with a legal instrument on procedures for management, disposal, and maintaining dead confiscated wild plant specimens of the ministry or institution responsible for environment.

ARTICLE 410 REPORTING ON SPECIMENS OF WILD SPECIES CONFISCATED IN INTERNATIONAL TRADE

All law enforcement authorities that confiscate specimens of wild species listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora which are imported from other countries shall, within 48 (forty-eight) hours of confiscation, report the confiscation to the Management Authority of the Kingdom of Cambodia established in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

CHAPTER 11 INTERNATIONAL COOPERATION

ARTICLE 411 INTERNATIONAL COOPERATION FOR COMBATING OFFENCES

The ministry or institution responsible for environment and other competent ministries or institutions shall cooperate and provide relevant information to other law enforcement authorities of another State to prevent, identify, and combat offences under its jurisdiction.

ARTICLE 412 INVESTIGATIONS AND PROCEEDINGS

The ministry or institution responsible for environment and other competent ministries or institutions shall cooperate with law enforcement authorities of another State and international organisations regarding:

- 1) Providing documentary, testimonial, material, and demonstrative evidence for analysis or investigative purposes;
- 2) Making experts available, seconding or exchanging personnel, and posting liaison officers;

- 3) Joint investigations;
- 4) Prosecutions; and
- 5) Any other assistance as required for individual cases.

The ministry or institution responsible for environment may negotiate and enter into agreements for mutual legal assistance with law enforcement authorities of another State and international organisations.

TITLE 5 COASTAL ZONE MANAGEMENT

UNITARY CHAPTER GENERAL PROVISION

ARTICLE 413 SCOPE

This Title applies to all coastal zones in the Kingdom of Cambodia.

ARTICLE 414 ROLES AND RESPONSIBILITIES OF THE NATIONAL COMMITTEE ON COASTAL DEVELOPMENT AND MANAGEMENT

The National Committee on Coastal Development and Management shall have the duty to manage, control, and issue relevant instruments on activities and development affecting the coastal zones as follows:

- 1) Coastal zoning, and determining coastal developments in consistence with such zoning;
- 2) Developing measures for environmental conservation and sustainable development to be incorporated into policies, action plans, master plans, programs, and projects that impact coastal zone management;
- 3) Developing climate change mitigation and adaptation strategies to be incorporated into policies, action plans, master plans, programs, and other projects that impact the coastal zones;
- 4) Integrated management of natural resources and human activities in the coastal zones to avoid or minimise the impacts on the coastal zones;
- 5) Controlling pollutions out of land-based sources, including solid, liquid, and airborne environmental contaminants that may enter the coastal waters;
- 6) Protection of the coastal zones from erosion, storm surges, and similar impacts;
- 7) Providing opportunities for public participation in accordance with provisions in this

Code; and

- 8) Implementing other necessary measures for effective management and sustainable development of the coastal zones.

ARTICLE 415 TECHNICAL SUPPORT OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR SUSTAINABLE DEVELOPMENT

The ministry or institution responsible for sustainable development shall provide technical support to the National Committee on Coastal Development and Management to implement the protection and enhancement policies of environment and natural resources and the effective and efficient sustainable development for the coastal zones.

ARTICLE 416 PROHIBITED ACTIVITIES

Activities, including but not limited to infrastructure construction, and sand mining that result in losses or damage on the following of the coastal zones shall be prohibited:

- 1) Coral reefs;
- 2) Sea grass;
- 3) Mangrove forest; and
- 4) Breeding areas of national inland and marine fishes and other fishery resources.

ARTICLE 417 ACTIVITIES WITH POTENTIAL NEGATIVE IMPACT ON THE COASTAL ZONE

All regulatory approvals for activities that have potential negative impacts on the coastal zone shall be consistent with the measures specified in the approved environmental management plan for mitigating such negative impacts.

Prior to issuing any permit for development in the coastal zone, the National Committee on Coastal Development and Management shall confirm that:

- 1) The proposed public or private project or activity is consistent with land use plans as stipulated in this Code;
- 2) The proposed public or private project or activity includes all required measures to avoid and minimise impacts to the coastal zone;
- 3) Potential impacts of climate change, including but not limited to coastal erosion and future inundation hazard areas for coastal land, have been anticipated and mitigated, and disaster risk management and evacuation procedures are in effect, and

infrastructure to protect the coastal zone is in place;

- 4) Potential impacts from sediment and effluent discharges into the coastal zone have been minimised or avoided, with efficient management of waste;
- 5) Land reclamation works have been fully minimised; and
- 6) Any other criteria stipulated in the legal instrument of the ministry of institution responsible for environment.

It is prohibited to issue an approval for activities and development in the coastal zone unless there is clear evidence that the proposal for the development or activities for the proposed projects consider the impacts of climate change in the coastal zone as follows:

- 1) Impacts on the project;
- 2) Impacts caused by the proposed project or development including storm, flood, coastal erosion; and
- 3) Other factors.

ARTICLE 418 DEVELOPMENT OF LEGAL INSTRUMENTS ON COASTAL ZONE MANAGEMENT

The National Committee on Coastal Development and Management, in cooperation with other competent ministries or institutions, shall develop the following legal instruments on coastal zone management:

- 7) Land use planning and coastal zoning;
- 8) Measures to counteract the negative impacts of climate change on the coastal zones;
- 9) Measures to control upstream pollution of waters flowing into the coastal zones;
- 10) Measures to protect coral reefs, sea grass, and mangrove forests; and
- 11) Public participation in the management of the coastal zone.

TITLE 6 SUSTAINABLE WATER RESOURCES MANAGEMENT

CHAPTER 1 GENERAL PROVISION

SECTION 1 SCOPE AND PRINCIPLES

ARTICLE 419 SCOPE

This Title applies to water resources in the Kingdom of Cambodia.

ARTICLE 420 PRINCIPLES OF INTEGRATED WATER RESOURCES MANAGEMENT

Water and water resources shall be managed and developed based on the following principles:

- 1) 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;
- 2) Economic efficiency, which brings the greatest benefit to the greatest number of users possible with the available financial and water resources; and
- 3) Ecological sustainability, which requires that adequate allocation be made to sustain the natural functioning of threatened species and ecosystems.

ARTICLE 421 CONSIDERATIONS IN IMPLEMENTATION

When implementing integrated water resources management, the ministry or institution responsible for water resources shall take into account:

- 1) All aspects of water resources;
- 2) Linkages between water resources and other components of the natural environment, including but not limited to land, fisheries, flora, and fauna; and
- 3) The requirements for effective and sustainable water use by human beings and the natural environment.

ARTICLE 422 COOPERATION OF COMPETENT MINISTRIES AND INSTITUTIONS

All competent ministries or institutions with mandated responsibilities for water use, development, and sustainable management of living aquatic resources and their associated ecosystems shall cooperate to implement integrated water resources management.

ARTICLE 423 PARTICIPATION OF STAKEHOLDERS

The relevant competent ministries and institutions shall cooperate with each other, as well as with other public and private legal entities, for the management, investment, exploitation, conservation, and development of water resources.

SECTION 2
OWNERSHIP OF WATER AND WATER RESOURCES

ARTICLE 424 OWNERSHIP OF WATER RESOURCES

All water and water resources are State property.

ARTICLE 425 TRANSBOUNDARY WATER DIVERSION AGREEMENTS

The transboundary diversion of water from the territory of the Kingdom of Cambodia shall be permitted and agreed to by the Royal Government of Cambodia with due ratification by the legislative branch.

CHAPTER 2
WATER RESOURCES MANDATE

SECTION 1
RESPONSIBILITIES OF THE COMPETENT MINISTRIES OR INSTITUTIONS

ARTICLE 426 DUTIES AND ROLES OF THE COMPETENT MINISTRIES OR INSTITUTIONS

The ministry or institution responsible for water resources shall:

- 1) Manage, lead, and supervise the implementation of the provisions on water resources of this Code; and
- 2) Conduct consultations with other competent ministries and institutions and relevant stakeholders in the course of carrying out their responsibilities.

ARTICLE 427 NATIONAL INVENTORY OF WATER RESOURCES

The ministry or institution responsible for water resources shall maintain a national inventory of the water resources of the Kingdom of Cambodia.

ARTICLE 428 DATA ON WATER RESOURCES

Data regarding water quantity, quality, and any other water-related information collected by the competent ministries or institutions, when requested by the ministry responsible for water resources, shall be submitted to the ministry responsible for water resources in the format specified by the ministry responsible for water resources.

Water-related data shall be submitted by competent ministries or institutions to the ministry responsible for water resources at least once every 1 (one) year.

ARTICLE 429 AVAILABILITY OF DATA

The data and information submitted as stipulated in Article 428 of this Code, except for information classified as confidential, shall be provided free of charge to all relevant ministries or institutions and any other interested stakeholders for the public interest.

The ministry or institution responsible for water resources may require the payment of a fee for data and information requested for commercial purpose.

ARTICLE 430 DEVELOPMENT OF LEGAL INSTRUMENTS

The ministry or institution responsible for water resources may develop legal instruments on including but not limited to:

- 1) Areas prohibited from taking or interfering with water, or the construction of infrastructure;
- 2) Regulation for infrastructures that take or interfere with water resources;
- 3) Establishment and management of River Basin Authority;
- 4) Priority matters to be included in the River Basin Water Resources Plans;
- 5) Incentives for research on, or the development of new technologies that will contribute to the reduction of wastes and quality improvement of water, and increase water use efficiency;
- 6) Incentives and disincentives, such as financial mechanisms including but not limited to use charges and inclining block tariffs, to encourage the efficient use of water resources;
- 7) Creation and management of water-use farming communities;
- 8) Declaration of protected water use zones;
- 9) The establishment and management of flood retention areas;
- 10) The infilling or alteration of wetlands and watercourses;
- 11) The regulation of the development of groundwater, and the groundwater development industry, including but not limited to:
 - a) Qualifications for bore contractors and bore pump installers;
 - b) Evidence required that a drilling machine is being operated under a certificate held by a certified installer;

- c) Taking of samples, tests, analyses, surveys, logs, and other bore data, and the submission of them to the ministry or institution responsible for water resources;
 - d) The reclamation of bores and the methods and requirements to be observed in reclamation operations;
 - e) Remedial actions for bores with problems;
 - f) The control of flowing bores;
 - g) Methods of drilling and digging bores, and of determining sources of groundwater;
 - h) The precautions and measures to be taken prior to and during the drilling, digging, and development of a bore;
 - i) Respecting the maintenance of inactive bores;
 - j) Respecting the on-going maintenance and operation of active bores; and
- 12) The imposition of fees and charges to cover the costs of managing water resources in accordance the provisions of this Code.

SECTION 2

GOVERNMENTAL COOPERATION

ARTICLE 431 NATIONAL COMMITTEE OF RIVER BASIN PLANNING AND MANAGEMENT

The ministry or institution responsible for water resources, in cooperation with the competent ministries or institutions and the Cambodia National Mekong Committee, shall develop a legal instrument on the establishment of the National Committee for River Basin Planning and Management.

ARTICLE 432 DUTIES AND ROLES OF THE NATIONAL COMMITTEE OF RIVER BASIN PLANNING AND MANAGEMENT

The duties and roles of the National Committee of River Basin Planning and Management shall include:

- 1) Coordinating and overseeing the development of a national strategic plan for water resources, for the purposes of management, protection, conservation, and development of river basins;

- 2) Monitoring and evaluating the implementation of a national strategic plan for water resources;
- 3) Mediating and resolving conflicts relevant to the management, protection, conservation, and development of river basins; and
- 4) Undertaking other tasks directed by the Royal Government of Cambodia.

ARTICLE 433 RIGHT AND OBLIGATION TO PARTICIPATE IN THE USE, DEVELOPMENT, AND MANAGEMENT OF BASINS OF INTERNATIONAL RIVERS

The Kingdom of Cambodia has the right to participate in the utilisation, development, and management of an equitable and reasonable share of the basins in its territory of international rivers, as provided in the international agreements to which the Kingdom of Cambodia is a party.

ARTICLE 434 OPTIMUM AND EFFECTIVE USE

The ministry or institution responsible for water resources shall consider the optimum and effective use of the Mekong River Basin for all sectors, consistent with the governing principles of the Cambodia National Mekong Committee.

CHAPTER 3 WATER RESOURCES PLANNING

SECTION 1 RESPONSIBLE MINISTRY OR INSTITUTION

ARTICLE 435 NATIONAL STRATEGIC WATER RESOURCES PLAN AND RIVER BASIN WATER RESOURCES PLANS

The ministry or institution responsible for water resources shall plan for the allocation and sustainable management of water to meet the Kingdom of Cambodia's future water requirements through a National Strategic Water Resources Plan and River Basin Water Resources Plans.

ARTICLE 436 STAKEHOLDER PARTICIPATION

In developing the National Strategic Water Resources Plan and River Basin Water Resources Plans, the ministry or institution responsible for water resources shall cooperate with all interested and relevant stakeholders, including sub-national administrations, and other legal entities.

The ministry or institution responsible for water resources, in cooperation with other competent

ministries or institutions, subnational administrations, and interested stakeholders, shall develop the National Strategic Water Resources Plan and any River Basin Water Resources Plans.

ARTICLE 437 DELEGATION OF AUTHORITY

The ministry or institution responsible for water resources may delegate the tasks of developing the National Strategic Water Resources Plan and River Basin Water Resources Plans to the river basin authority.

ARTICLE 438 DEVELOPING AND IMPLEMENTING THE RIVER BASIN WATER RESOURCES PLANS

The river basin authority responsible for developing and implementing The River Basin Water Resources Plans provided in Article 435 shall do so in accordance with the provisions of this Title.

ARTICLE 439 INFORMATION FOR PLANNING PURPOSES

The ministry or institution responsible for water resources shall collect, store, and use information for planning purposes by:

- 1) Regularly measuring and keeping records of the volume and quality of water;
- 2) Collecting information on water requirements and impacts of water management on natural ecosystems, freshwater and marine fisheries and fisheries resources, and threatened species from the competent ministries or institutions and stakeholders;
- 3) Collecting information about future water requirements; and
- 4) Continually upgrading the national monitoring network to collect relevant information.

ARTICLE 440 TECHNICAL ADVISORY BOARD

The ministry or institution responsible for water resources may establish a technical advisory board.

The technical advisory board shall be comprised of technical experts who meet qualifications established by the ministry or institution responsible for water resources.

The technical advisory board shall provide advice on the following matters:

- 1) A proposed draft of a National Strategic Water Resources Plan or River Basin Water Resources Plan;

- 2) A proposed amendment or updating for a National Strategic Water Resources Plan or River Basin Water Resources Plan; and
- 3) Other roles provided under the provisions of this Code.

SECTION 2

NATIONAL STRATEGIC WATER RESOURCES PLAN

ARTICLE 441 PURPOSE OF NATIONAL STRATEGIC WATER RESOURCES PLAN

The ministry or institution responsible for water resources shall develop a National Strategic Water Resources Plan the inclusion of the following:

- 1) Long-term water supply security ;
- 2) Sustainability of the water resources;
- 3) Protection for ecosystems that depend on environmental flow and water flow; and
- 4) Fair and effective allocation and utilisation of water to prevent disasters and conflicts.

ARTICLE 442 REQUIREMENTS FOR NATIONAL STRATEGIC WATER RESOURCES PLAN

The National Strategic Water Resources Plan shall include but shall not be limited to the following:

- 1) Identification of ecosystems and species that are under threat and that are dependent on water and environmental flows;
- 2) Predictions of long term water demand;
- 3) Identification of long term climate and weather trends;
- 4) Predictions of future water availability and variability;
- 5) Options for meeting future water requirements;
- 6) Options for managing future water demand;
- 7) Prioritisation of water uses;
- 8) Ensuring that infrastructure does not block water flows, and that there is sufficient flow for navigable passage;
- 9) Drought management strategies;

- 10) Flood management strategies; and
- 11) Water quality performance objectives.

SECTION 3

RIVER BASIN WATER RESOURCES PLANS

ARTICLE 443 PURPOSE OF RIVER BASIN WATER RESOURCES PLANS

The ministry or institution responsible for water resources shall prepare River Basin Water Resources Plans to:

- 1) Define the availability of water for any purpose;
- 2) Provide a framework for sustainable management and consumption of water;
- 3) Identify priorities and mechanisms for dealing with future water requirements;
- 4) Provide a framework for developing water allocations;
- 5) Provide a framework for water allocations; and
- 6) Provide a framework for reversing, where practicable, degradation that has occurred in natural ecosystems, including but not limited to stressed rivers.

ARTICLE 444 GROUNDWATER

River Basin Water Resources Plans shall also regulate the extraction of groundwater in circumstances where the ministry or institution responsible for water resources is satisfied that there is a risk of extracting, or interfering with groundwater in the area may significantly affect the:

- 1) Availability of water for existing users;
- 2) Water requirements of natural ecosystems;
- 3) Quality of water; or
- 4) Achievement of any of the other objectives or outcomes in a plan.

ARTICLE 445 MORATORIUM ON DEVELOPMENT

When the ministry or institution responsible for water resources issues a notification for developing 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:

- 12) The water resources plan is approved; or
- 13) The ministry or institution responsible for water resources issues a notification for cancelling the development of the water resources plan.

ARTICLE 446 RULES OF MORATORIUM ON DEVELOPMENT

Where the moratorium stipulated in Article 445 of this Code is in effect:

- 1) No application under this Code shall be accepted or processed, even if submitted before the moratorium came into effect. There shall be no development operation if such granting of a permit has one or more of the following effects:
 - a) Increase the amount of water that may be taken;
 - b) Change the location from which water may be taken;
 - c) Increase the rate at which water may be taken;
 - d) Change the flow conditions under which water may be taken; or
 - e) Change the purpose for which the water may be taken;
- 2) New works shall not be physically started in the area covered by the moratorium;
- 3) The works that have been started may proceed until completion; however, it shall be with the express written approval of the ministry or institution responsible for water resources and shall be subject to other conditions determined by the ministry or institution responsible for water resources; and
- 4) The completed works shall not be enlarged or modified.

ARTICLE 447 EFFECTS OF RIVER BASIN WATER RESOURCE PLANS

A river may only have one River Basin Water Resources Plan unless there are two distinct separate plans between inland and underground water resources.

ARTICLE 448 REQUIREMENTS OF RIVER BASIN WATER RESOURCES PLANS

A draft River Basin Water Resources Plan shall:

- 1) State the purpose of the draft plan;
- 2) Contain a map of the proposed plan area;
- 3) State the water resource to which the draft plan is intended to apply;

- 4) State the prioritisation of water and water resource users for meeting the critical human needs and ecosystem services prior to allocation of surplus water and water resources to other users;
- 5) State the outcomes, including but not limited to ecological outcomes, pertaining to any ecosystem in its component parts, including aquifers, drainage basins, catchments, sub-catchments, and all watercourses, for the sustainable management of the water;
- 6) Use the best scientific information available and state the strategies for achieving the anticipated outcomes;
- 7) State the strategies proposed for the establishment of water allocations for the proposed plan area;
- 8) State the rules for environmental management and water sharing;
- 9) Identify any water infrastructure;
- 10) Identify the full supply levels for any dams included in the infrastructure identified in the above Subsection 9) of this Article;
- 11) 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 identified in Subsection 5) of this Article;
- 12) State the periodic reporting requirements for the draft plan;
- 13) Include a schedule of proposed mechanisms for implementing the draft plan;
- 14) Include information on any unallocated water available for future consumption purposes and the priorities and processes for allocating or reserving of the water;
- 15) Establish a process for granting, reserving, or otherwise dealing with any unallocated water;
- 16) State the criteria for adjusting existing water access entitlements if necessary to achieve the plan outcomes; and
- 17) State the criteria for addressing any degradation that has occurred in natural ecosystems.

ARTICLE 449 MEKONG RIVER PLANS

A River Basin Water Resources Plan that applies to water resources of the Mekong River shall consider:

- 1) Transboundary flows of water into the Kingdom of Cambodia;
- 2) 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;
- 3) Other transboundary environmental matters; and
- 4) The existence, operation, and requirements of intergovernmental agreements relating to the Mekong River.

ARTICLE 450 DRAFT RIVER BASIN WATER RESOURCES PLANS

The draft River Basin Water Resources Plan shall provide a framework for establishing water access entitlements by stating the following:

- 1) Environmental flow objectives;
- 2) Water access entitlement security objectives;
- 3) Performance indicators for environmental flow objectives and water access entitlement security objectives; and
- 4) Priorities for the granting of water access entitlements.

ARTICLE 451 CONSIDERATIONS FOR DRAFT PLANS

The ministry or institution responsible for water resources shall consider the following when developing a draft River Basin Water Resources Plan:

- 1) The volume and quality of water in the plan area;
- 2) National and sub-national objectives and priorities for promoting sustainable development;
- 3) Any regional plan for the area;
- 4) The duration, frequency, size, and timing of water flows necessary to support natural ecosystems and species for which there are concerns regarding status and threats, as assessed using the best scientific information available;
- 5) Any beneficial flooding and drying necessary to support natural ecosystems and species for which there are concerns regarding status and threats;
- 6) The underground water levels and underground water recharge processes necessary to support natural ecosystems and species for which there are concerns regarding status

and threats;

- 7) 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;
- 8) Existing entitlements to access, use, or interfere with water;
- 9) The Kingdom of Cambodia's future water requirements, including cultural, economic, environmental, and social requirements;
- 10) Cultural, economic, environmental, and social values;
- 11) Technical assessments for the draft plan;
- 12) The effects the draft plan will have on water not covered by the draft plan;
- 13) The effects that the taking of, or interfering with, water not covered by the draft plan will have on water covered by the draft plan;
- 14) The sustainable resource management strategies and policies for the river basin or underground water basin, including any relevant coastal zone;
- 15) All submissions about the proposed draft plan; and
- 16) The public interest.

ARTICLE 452 NOTIFICATION OF THE DRAFT RIVER BASIN WATER RESOURCES PLANS

The ministry or institution responsible for water resources shall notify the relevant ministries and institutions and the public when the draft River Basin Water Resources Plan has been developed, stating:

- 1) Where copies of the draft plan may be obtained;
- 2) That written submissions may be made by any natural person or legal entity about the draft plan; and
- 3) A date, at least 30 (thirty) days after the public notification is issued, by which submissions shall be made, and the person to whom and the place where such submissions shall be made.

ARTICLE 453 CONSIDERING THE PUBLIC COMMENTS

Prior to finalizing the development of the draft River Basin Water Resources Plans, the ministry

or institution responsible for water resources shall consider the integration of all received comments in regards to the draft River Basin Water Resources Plans.

ARTICLE 454 FINAL PLAN

A final River Basin Water Resources Plan shall not come into effect before it is approved by the Royal Government.

ARTICLE 455 APPROVED PLAN

An approved River Basin Water Resources Plan expires after 10 (ten) years unless prior to that time it is:

- 1) Repealed; or
- 2) Replaced by another water resources plan that has commenced and been determined as a replaced plan.

ARTICLE 456 AMENDMENTS AND NEW PLANS

The ministry or institution responsible for water resources may modify or replace with a new plan at its own discretion or through a petition submitted by other stakeholders.

ARTICLE 457 JUSTIFICATIONS FOR AMENDMENTS OR NEW PLANS

The ministry or institution responsible for water resources may amend or develop a new River Basin Water Resources Plan in compliance with Article 456 of this Code if:

- 1) The outcomes of a River Basin Water Resources Plan are not being achieved; or
- 2) 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.

CHAPTER 4 AUTHORISATIONS

SECTION 1 GENERAL PROVISIONS

ARTICLE 458 RIGHT TO USE WATER RESOURCES

All persons reserve the right to take and use water resources without the need for an authorisation as follows:

- 1) Vital human needs, including drinking, washing, bathing, sanitation, the irrigation of

domestic gardens and orchards, and other domestic purposes; and

- 2) Firefighting and other emergency purposes.

ARTICLE 459 PROTECTION OF LEGAL RIGHTS OF OTHERS

Taking and using of water resources shall be done in a manner that does not affect the legal rights of persons.

ARTICLE 460 RIGHTS OF LAND OWNERS AND OCCUPIERS

Land owners and occupiers reserve the right to collect and use rainwater and water naturally flowing over their land without authorisation.

Owners and occupiers of lands on the underside reserve the right to use the amount of the water naturally flowing from the upper areas; however, such persons do not reserve the right to hinder the water from flowing by a construction of road, fence, dykes, impoundments, or ponds.

ARTICLE 461 ACTIVITIES REQUIRING AUTHORISATION

The following activities are prohibited, unless allowed by an authorization:

- 1) Any use, diversion, or taking of water resources, other than in accordance with Articles 458, 459, and 460 of this Code,
- 2) The construction or operation of any infrastructure for the use, diversion, or taking of water resources, other than in accordance with Articles 458, 459, and 460 of this Code,
- 3) The extraction of sand, soil, stones, gravel, minerals, petroleum, and gas from the beds or banks of any watercourse, lake, wetland, floodplain, spring, or reservoir; and
- 4) The filling, lining, channelling, or alteration of any watercourse, lake, wetland, floodplain, spring, or reservoir.

ARTICLE 462 THRESHOLDS FOR USES, DIVERSION, OR TAKING OF WATER RESOURCES

The ministry or institution responsible for water resources may establish a relevant legal instrument to determine thresholds for uses, diversion, or taking of water resources for certain purposes that do not require the authorisation provided in Article 461 of this Code.

ARTICLE 463 PROVIDING APPROVALS

Approvals for applications for authorisation shall comply with the requirements determined under this Code.

SECTION 2 INFRASTRUCTURE LICENCES

ARTICLE 464 INFRASTRUCTURE LICENCES

The ministry or institution responsible for water resources shall grant infrastructure licences in accordance with a River Basin Water Resources Plan.

ARTICLE 465 PURPOSE OF INFRASTRUCTURE LICENCE

An infrastructure licence authorises its holder to use water to the extent necessary to operate the water infrastructure to which the licence applies.

ARTICLE 466 REQUIREMENTS FOR INFRASTRUCTURE LICENCE

The ministry or institution responsible for water resources shall develop a legal instrument on requirements for infrastructure licences.

SECTION 3 WATER ACCESS ENTITLEMENT

ARTICLE 467 REGISTER OF WATER ACCESS ENTITLEMENTS

The ministry or institution responsible for water resources shall maintain a register of all water access entitlements.

The information required to be included in a water access entitlement shall be determined in a separate legal instrument.

ARTICLE 468 CONDITIONS OF WATER ACCESS ENTITLEMENT

Uses, diversion, or taking of water resources may only be undertaken in accordance with a water access entitlement issued by the ministry or institution responsible for water resources.

ARTICLE 469 LEGAL RIGHT TO WATER ACCESS ENTITLEMENT

Land owners and occupiers may submit an application for water entitlement at the ministry or institution responsible for water resources for taking or interfering with water from:

- 1) A watercourse, lake, or spring on or adjoining any of the land;
- 2) An aquifer under any of the land;
- 3) Water flowing across any of the land; or
- 4) Infrastructure operated under an infrastructure licence that can supply the water to the

land.

ARTICLE 470 PROCEDURE AND REQUIREMENTS FOR APPLICATION

The ministry or institution responsible for water resources shall develop a legal instrument on the procedure and requirements for applications for water access entitlement.

ARTICLE 471 PUBLIC NOTIFICATION

Once the ministry or institution responsible for water resources is satisfied that it has sufficient information to approve the application, it shall issue a public notification about the application stating:

- 1) Details of the application;
- 2) Where the application may be viewed; and
- 3) A date, at least 30 (thirty) days after the public notification is issued, by which written submissions on the application may be made to the ministry or institution responsible for water resources.

ARTICLE 472 PROCEDURE AND REQUIREMENTS FOR APPROVING OR DISAPPROVING

The procedure and requirements for approving or disapproving a water access entitlement application shall be determined by a separate legal instrument.

ARTICLE 473 EXCEPTION FOR ENVIRONMENTAL FLOWS

Environmental flows shall not be subject to a maximum amount on a water allocation.

ARTICLE 474 ANNOUNCEMENTS OF WATER ACCESS ENTITLEMENTS

Prior to the start of each water year, the ministry or institution responsible for water resources shall declare the announced water access entitlements for the next year in accordance with the water sharing rules and priority groups established by a River Basin Water Resources Plan.

ARTICLE 475 ANNOUNCED WATER ACCESS ENTITLEMENT

The announced entitlement:

- 1) Is a percentage of the nominal volume of a water access entitlement that may be taken in a water year;
- 2) Shall be decided before the start of the water year to which the announced entitlement relates;

- 3) Is determined based on the actual seasonal availability of water from which the entitlement is accessed;
- 4) May be increased during the water year;
- 5) May be different in different sub-areas of a basin;
- 6) May be announced differently for each water access entitlement within a priority group;
and
- 7) Does not apply to authorisations with the purpose of urban or town water supply.

ARTICLE 476 ENTITLEMENTS MANAGED UNDER A RIVER BASIN WATER RESOURCES PLAN

For a water access entitlement that is managed under a River Basin Water Resources Plan:

- 1) Water can only be taken in accordance with that plan;
- 2) If there is a conflict between the plan and the water access entitlement, the plan prevails;
and
- 3) 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 or institution responsible for water resources provides the entitlement holder with agreed compensation.

ARTICLE 477 ADJUSTMENTS TO THE NOMINAL VOLUME

The nominal volume of water allocation and any other conditions may be adjusted at the end of the life of the River Basin Water Resources Plan.

There shall be no compensation for the above adjustment of the nominal volume of water allocation and conditions.

ARTICLE 478 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 479 STANDARD SUPPLY AGREEMENT

The ministry or institution responsible for water resources shall prepare a standard supply

agreement for the storage and/or delivery by infrastructure licence holders of water under water access entitlements.

The standard supply agreements may be varied for different locations.

ARTICLE 480 APPLICATION OF STANDARD SUPPLY AGREEMENT

The standard supply agreement for the location to which the water access entitlement relates shall apply to the water access entitlement unless a separate supply agreement has been:

- 1) Agreed between the infrastructure licence holder and the water access entitlement holder; and
- 2) Submitted to the ministry or institution responsible for water resources.

SECTION 4 RIVERINE PROTECTION

ARTICLE 481 PERMITTED ACTIVITIES

All persons may apply for an authorization at the ministry or institution responsible for water resources for the following activities:

- 1) Excavate in a watercourse, lake, wetland, floodplain, spring, or reservoir; and
- 2) Place fill in a watercourse, natural lake, wetland, floodplain, spring, or reservoir.

ARTICLE 482 PROCEDURE AND REQUIREMENTS FOR APPLICATIONS

The ministry or institution responsible for water resources shall develop a legal instrument on the procedure and requirements for the application for a authorization under this Section.

ARTICLE 483 PUBLIC NOTIFICATION

Once the ministry or institution responsible for water resources is satisfied that it has sufficient information to issue a decision on the application, it shall issue a public notification about the application stating:

- 1) Details of the application;
- 2) Where the application may be viewed; and
- 3) A date, at least 30 (thirty) days after the public notification is issued, by which written submissions on the application may be made to the ministry or institution responsible for water resources.

ARTICLE 484 PROCEDURE AND CONSIDERATIONS FOR APPROVING OR DISAPPROVING

The procedure and requirements for approving or disapproving the application for an authorization shall be determined by a separate legal instrument.

SECTION 5 GROUNDWATER DEVELOPERS

ARTICLE 485 APPLICATIONS

A natural person may apply for a certificate at the ministry or institution responsible for water resources for:

- 1) Water bore driller;
- 2) Water bore digger; or
- 3) Groundwater pump installer.

ARTICLE 486 PROCEDURE FOR APPLICATION

The ministry or institution responsible for water resources shall develop a legal instrument on the procedure for applying for the certificates.

ARTICLE 487 PROCEDURE FOR APPROVING OR DISAPPROVING

The procedure for approving or disapproving an application for a certificate shall be determined by the separate legal instrument.

ARTICLE 488 CONDITIONS OF CERTIFICATES

The conditions of the certificates shall be determined by a separate legal instrument.

ARTICLE 489 PROCEDURE TO CANCEL A CERTIFICATE

The procedure to cancel a certificate shall be determined by a separate legal instrument.

ARTICLE 490 PROOF OF CERTIFICATE

An authorised officer may require any natural person to provide proof as a certificate for inspection, if the officer reasonably suspects such person is:

- 1) Drilling, digging, deepening, enlarging, or casing a water bore;
- 2) Removing, replacing, altering or repairing the casing, lining, or screening of a water

bore;

- 3) Decommissioning a water bore; or
- 4) Installing, replacing, altering, or decommissioning a pump.

ARTICLE 491 PROHIBITED ACTIVITIES

Any activity without a certificate for the inspection to be done by authorized inspectors is prohibited.

Article 492 Reporting Requirements all persons undertaking work in relation to water bores for professional or commercial purposes shall supply the ministry or institution responsible for water resources with a detailed report on the work.

The information required to be included in the report shall be determined by a separate legal instrument.

ARTICLE 493 RECORD OF ACTIVITIES

A certificate holder shall keep information on the activities carried out in accordance with the provisions of this Code.

The certificate holder shall provide the information stated in the above paragraph to the ministry or institution responsible for water resources upon request.

SECTION 6 REVOCATION OF AUTHORISATION

ARTICLE 494 CONDITIONS FOR REVOCATION

The ministry or institution responsible for water resources shall develop a legal instrument on the conditions and procedure for revocation of an authorisation.

CHAPTER 5 REQUIRED AUTHORISATIONS

ARTICLE 495 AUTHORISATIONS FOR WATER SUPPLY AND USE

All persons shall not take, supply, or interfere with water unless authorised to do so, and unless the take, supply, or interference is in accordance with this Title.

ARTICLE 496 ABUSE OF AUTHORISATION

The holder of an authorisation under this Title shall not contravene the conditions of the authorisation.

ARTICLE 497 ACCESS OF COMPETENT OFFICERS TO PRIVATE LAND

Owners or occupiers of private lands shall not refuse access to their lands by the competent officer of the ministry or institution responsible for water resources who are tasked to conduct technical surveys, assessments, or monitoring of matters, unless:

- 1) The ministry or institution responsible for water resources has not provided the land owner or occupier with prior written notification; or
- 2) The competent officer does not provide identification evidence and possess a letter of authorisation from the ministry or institution responsible for water resources.

CHAPTER 6 TRANSITIONAL ARRANGEMENTS FOR RIVER BASIN WATER RESOURCES PLANS

ARTICLE 498 LIST OF PRIORITY ACTIONS FOR THE DEVELOPMENT OF THE RIVER BASIN WATER RESOURCES PLANS

The ministry or institution responsible for water resources shall establish an implementation schedule for the development of River Basin Water Resources Plans within 1 (one) year of the enactment of this Code.

ARTICLE 499 EXEMPTIONS FOR WATER ACCESS ENTITLEMENT

A water access entitlement is not required for the following purposes:

- 1) Irrigation of land of a total area less than 10 (ten) hectares;
- 2) Clean water supply, in which the water used is less than 40 (forty) cubic meters per day;
or
- 3) Run-of-river hydropower, or other hydropower techniques, that do not require the impoundment, diversion or abstraction of water.

ARTICLE 500 COMPLIANCE OF LEGAL ENTITIES

Any legal entity that has been undertaking activities covered by Chapter 4 of this Title without prior authorisation from the ministry or institution responsible for water resources shall comply with the provisions in Chapter 4 of this Title.

ARTICLE 501 DETERMINATION OF BANKS AND SHORES

The ministry or institution responsible for water resources shall develop a legal instrument on the measurements used in determining shores and banks of river basin components and

features.

BOOK 5 CULTURAL AND NATURAL HERITAGE CONSERVATION AND MANAGEMENT

UNITARY TITLE CULTURAL AND NATURAL HERITAGE CONSERVATION AND MANAGEMENT

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 502 SCOPE

This Title applies to cultural and natural heritage with the purpose of long-term and sustainable preservation, protection, conservation, and development.

ARTICLE 503 CULTURAL HERITAGE

Cultural heritage refers to tangible and intangible properties that are human masterpieces which express talents, wisdom, or creativity, and reflect the progressive stages of civilization, and have pre-historic, historic, architectural, archaeological, ethnologic, literary, artistic, religious, or scientific value.

ARTICLE 504 TANGIBLE AND INTANGIBLE CULTURAL PROPERTIES

The tangible cultural properties stipulated in Article 503 refer to movable and immovable properties that are made and discovered underwater, inland, and on the lands of the Kingdom of Cambodia, whether public or private possessions that are protected for the public interest.

The intangible cultural properties refer to human achievements that have been transferred from one generation to another through operation, presentation, performance, talk, or narration which cannot be seen, touched, nor understood easily including but not limited to knowledge, skills, languages, religions, beliefs, customs, traditions, artistic instruments, materials, and objects.

ARTICLE 505 CULTURAL HERITAGE PROTECTION

The protected cultural heritage stipulated in Article 503 shall include but not be limited to pre-historic, pre-Angkor, Angkor, post-Angkor, colonial, and modern cultural heritage, and shall be at least 100 (one hundred) years old and under one of the following categories:

- 1) Archaeological Site: Ancient temples, worship places, pagodas, old buildings, residences, paintings and sculptures on mountainsides, tombs, ancient cemeteries, ancient cities, towns, villages, roads, waterway systems, bridges, ponds, reservoirs, or

ancient irrigation dams;

- 2) Ancient Items: Statues, carvings, handmade artistic paintings, seal pictures, inscriptions which are parts of a temple, objects with writings, writing on leaves (Slek Rith), formulas, textbooks, scriptures, original installations of art materials, or ritual substances for religious ceremony or worship, indoor use materials, agricultural materials, musical instruments, fishing gear, medical tools, armour, furniture, jewellery, means of transportation by inland road or waterway;
- 3) Historical Achievements: Any cultural object that reflects history, including technological, military, or social history, and history of leaders, scholars, and national actors, including history of important national events;
- 4) Rare Documents: Books, memo archives, photographs or films, letters, records, declarations, legal decrees, postal stamps, and tax stamps;
- 5) Specialized Knowledge: Ancient medical knowledge, medical substance mixtures, treatments, architectural knowledge, spiritual knowledge, warfare knowledge, elephant trap methods, astrological knowledge, or other religious practices or worship ceremonies, fortune tellers, and amulet knowledge; and
- 6) Performing Arts: Visual arts, music, popular games, and festivals (ceremonies).

ARTICLE 506 NATURAL HERITAGE

Natural heritage refers to natural forms of land area, including inland or underwater, which are formed by physical, geological, or biological factors, or by humans, which reflect development stages of nature or civilization and with historical, artistic, scientific, or aesthetic value.

Protection of natural heritage shall serve the public interest.

ARTICLE 507 CATEGORIES OF NATURAL HERITAGE

Categories of natural heritage include:

- 1) Natural Heritage Site;
- 2) Natural Heritage Park;
- 3) National Marine Park; and
- 4) Historical Park.

The cultural heritage as stipulated above shall be determined by a specific legal instrument as proposed by the ministry or institution responsible for environment.

ARTICLE 508 NATURAL HERITAGE SITE

A natural heritage site refers to a land area formed by nature, with plant and animal species, forestry resources, biodiversity resources, ecosystems, or water sources with importance of zoology, palaeontology, phytology, biology, aesthetics, or beliefs.

A natural heritage site may include tangible and intangible cultural resources.

ARTICLE 509 NATURAL HERITAGE PARK

A natural heritage park refers to a land area formed by nature and humans, a location with a forest or forests, biodiversity resources, plant and animal species, and cultural resources which identify a territory, an area, or towns, and with historical, scientific, artistic, religious, or aesthetic value.

ARTICLE 510 NATIONAL MARINE PARK

A national marine park refers to marine areas including coastal areas and islands with forest, wetlands, biodiversity resources, plant and animal marine species, or aquatic resources, and with historical, scientific, aesthetic, or entertainment value.

ARTICLE 511 HISTORICAL PARK

A historical park refers to a place that is an open green space established by humans and located in a city or town, or public or private residence that expresses achievements, creativity, and innovations with historical, artistic, or aesthetic value and is important for decoration, entertainment, and research.

ARTICLE 512 CRITERIA OF NATURAL HERITAGE

Criteria of natural heritage include the following:

- 1) Special characteristics relevant to history including the history of origins caused by geological, physical, or biological factors, or intervention by humans or human communities;
- 2) Habitats of plant and animal species that are rare, nearly extinct, or threatened;
- 3) Habitats of one or more migratory species;
- 4) Areas of water sources, or waterfalls, and forests that preserve ecosystems, and unique scenery for entertainment;
- 5) Areas with biodiversity, or rare animal and plant species conservation objectives;

- 6) Habitats of coral reefs, marine plant species, or spawning grounds, or habitats of marine species that are important for conservation, research, and entertainment;
- 7) Territory organized by humans for growing plant seeds or raising wildlife for entertainment or research; and
- 8) Territory or location determining the identity or history of any city, town, or site.

CHAPTER 2 CULTURAL HERITAGE MANAGEMENT

SECTION 1 COMPETENT MINISTRIES OR INSTITUTIONS

ARTICLE 513 COMPETENCE OF CULTURAL HERITAGE MANAGEMENT

The cultural heritage management is under the competence of the ministry or institution responsible for cultural heritage, subject to in-force laws and legal instruments.

ARTICLE 514 ROLES AND DUTIES OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR CULTURAL HERITAGE

The competent ministry or institution responsible for cultural heritage shall implement their roles and duties as follows:

- 1) Long-term preservation, protection, and conservation of cultural heritage in accordance with this Code and other specific in-force laws and legal instruments; and
- 2) Implementation of policies issued by the Supreme Council on National Culture for protection, preserving, and promoting cultural heritage.

ARTICLE 515 PROPOSAL ON INCLUDING A CULTURAL HERITAGE SITE

The ministry or institution responsible for cultural heritage shall submit a proposal on including any cultural site as a protected cultural heritage site as stipulated in Article 537 to the Supreme Council on National Culture.

ARTICLE 516 PREPARATION OF CULTURAL HERITAGE MANAGEMENT PLAN

The ministry or institution responsible for cultural heritage, in cooperation with relevant ministries or institutions, authorities, and communities shall prepare a Cultural Heritage Management Plan for any archaeological sites or cultural properties registered on the National Cultural Heritage Register, for Protected Cultural Heritage Sites, or Urban Heritage Zones, in accordance with the public participation provisions this Code.

ARTICLE 517 CONSIDERATION OF IMPACTS OF THE CULTURAL HERITAGE SITES

The ministry or institution responsible for cultural heritage shall consider the impacts of the cultural heritage sites on local communities and indigenous peoples.

ARTICLE 518 CONSULTATION WITH STAKEHOLDERS

The relevant ministries or institution shall consult with local communities and indigenous peoples prior to making decisions related to cultural heritage which may impact them, in accordance with the public participation provisions of this Code.

SECTION 2 SUPREME COUNCIL ON NATIONAL CULTURE

ARTICLE 519 ROLES AND DUTIES OF THE SUPREME COUNCIL ON NATIONAL CULTURE

The Supreme Council on National Culture shall be reactivated and shall have the following roles and duties:

- 1) Identify, protect, preserve, record, and promote cultural heritage protection for present and future generations in the Kingdom of Cambodia;
- 2) Formulate policies on protection and promotion of cultural heritage of the Kingdom of Cambodia;
- 3) Develop and prepare a strategic plan, and an action plan to protect, promote, and manage cultural heritage;
- 4) Protect pre-historic and historic cultural properties and ancient items of a physical nature;
- 5) Administer and control the regions where registered monuments are situated, together with the collection of art objects associated with them; and
- 6) Authorize all archaeological research, conservation works, and any other activities concerning monumental sites and other national cultural properties.

The Supreme Council on National Culture shall meet every 6 (six) months to effectively monitor to respond to cultural heritage protection.

ARTICLE 520 MEMBERS OF THE SUPREME COUNCIL ON NATIONAL CULTURE

The Supreme Council on National Culture shall include the following members:

- 1) Representative of the Prime Minister as the president;
- 2) Representative of the Minister of the ministry or institution responsible for cultural heritage as vice-president;
- 3) Representative of the Minister of the ministry or institution responsible for foreign affairs and international cooperation as member;
- 4) Representative of the Minister of the ministry or institution responsible for environment as member;
- 5) Representative of the Minister of the ministry or institution responsible for industry and handicraft as member;
- 6) Representative of the Minister of the ministry or institution responsible for land management, urban planning, and construction as member;
- 7) Representative of Royal Academy of Cambodia as member;
- 8) Representative of the competent authorities responsible for world heritage sites as member;
- 9) Representative of Municipal and Provincial Halls as member;
- 10) Two Representatives of non-governmental organizations involved in heritage protection and conservation as members;
- 11) Two technical experts with heritage qualifications or expertise as members; and
- 12) Representatives of any other ministries or institutions or legal entities whose activities concern the field of cultural heritage that the Supreme Council on National Culture may select as needed.

ARTICLE 521 COOPERATION BETWEEN SUPREME COUNCIL ON NATIONAL CULTURE AND RELEVANT MINISTRIES OR INSTITUTIONS

The Supreme Council on National Culture shall cooperate with the ministry or institution responsible for cultural heritage and other relevant ministries or institutions and legal entities to:

- 1) Implement policies for the promotion of cultural heritage;
- 2) Prepare means for allowing the public access to cultural heritage;

- 3) Appoint supervisory and other staff to carry out this work;
- 4) Organize a tourist network;
- 5) Promote cultural values by mobilizing the necessary funds, educating the public, training staff, and carrying out research on physical, cultural, and historic heritage;
- 6) Provide guarantees concerning the management responsibilities and obligations stipulated in conventions on culture and other legal instruments to which the Kingdom of Cambodia is a party;
- 7) Take the necessary actions to implement projects and other activities relating to the protection, preservation, restoration, and promotion of the national heritage; and
- 8) Develop legal instruments to implement the Kingdom of Cambodia's obligations for the protection of cultural heritage.

CHAPTER 3

NATURAL HERITAGE MANAGEMENT

ARTICLE 522 COMPETENCE OF NATURAL HERITAGE MANAGEMENT

Natural heritage management shall be under the competence of the ministry or institution responsible for environment, subject to in-force laws and legal instruments.

ARTICLE 523 ROLES AND DUTIES OF PRESERVATION, PROTECTION, AND CONSERVATION OF NATURAL HERITAGE

The ministry or institution responsible for environment shall implement the roles and duties for the long-term preservation, protection, and conservation of natural heritage in accordance with the specific in-force laws and legal instruments.

ARTICLE 637 ESTABLISHMENT OF NATURAL HERITAGE REGISTER

The ministry or institution responsible for environment shall establish a Natural Heritage Register to include categories of natural heritage and scientific data that serve research and conservation purposes.

ARTICLE 525 ESTABLISHMENT OF NATURAL HERITAGE MANAGEMENT PLAN

The ministry or institution responsible for environment, in consultation with local communities and stakeholders, shall establish a Natural Heritage Management Plan in accordance with national and international laws relevant to the protection, preservation, and conservation of natural resources and in accordance with the public participation provisions of this Code.

ARTICLE 526 CONSIDERATION OF IMPACTS OF NATURAL HERITAGE SITES

The ministry or institution responsible for environment shall consider impacts of the natural heritage sites on local communities and indigenous peoples, including their belief, livelihood, and land management.

ARTICLE 527 ENCOURAGEMENT OF PRESERVATION, PROTECTION, AND CONSERVATION OF NATURAL HERITAGE

The ministry or institution responsible for environment shall encourage local communities and indigenous peoples to participate in preservation, protection, and conservation of natural heritage in accordance with the public participation provisions of this Code.

ARTICLE 528 PRIORITIZING LIVELIHOOD DEVELOPMENT OF LOCAL COMMUNITIES OR INDIGENOUS PEOPLES

The ministry responsible for environment shall prioritize livelihood development of local communities or indigenous peoples who live in or near a natural heritage site.

ARTICLE 529 INCLUDING CULTURAL HERITAGE AND CULTURAL PROPERTY INTO THE COMPOSITION OF NATURAL PROTECTED AREA SYSTEM

The composition of Natural Protected Area System shall include cultural heritage sites, as well as cultural properties inside such sites.

CHAPTER 4 NATIONAL CULTURAL HERITAGE REGISTER

ARTICLE 530 THE ESTABLISHMENT OF THE NATIONAL CULTURAL HERITAGE REGISTER

The ministry or institution responsible for cultural heritage shall establish a scientific National Cultural Heritage Register for the Kingdom of Cambodia.

ARTICLE 531 THE REVERIFICATION OF NATIONAL CULTURAL HERITAGE REGISTER

The National Cultural Heritage Register shall be re-verified at least every 5 (five) years.

ARTICLE 532 THE REGISTRATION OF NATIONAL CULTURAL HERITAGE REGISTER

The ministry or institution responsible for cultural heritage shall register cultural properties as stipulated in Article 505 on the National Cultural Heritage Register.

The National Cultural Heritage Register shall specify any cultural property that is in danger and requires emergency rescue.

Formality and procedure for establishment and registration of National Cultural Heritage Register shall be carried out in accordance with in-force laws and legal instruments.

ARTICLE 533 LEGAL PROTECTION FOR CULTURAL PROPERTIES

The cultural properties as stipulated in Article 505 that are registered on the National Cultural Heritage Register shall be protected in accordance with this Code and other relevant laws and legal instruments.

CHAPTER 5 CULTURAL HERITAGE CLASSIFICATION

ARTICLE 534 CRITERIA FOR DEFINING AN ITEM AS CULTURAL HERITAGE

Criteria for defining an item as a cultural heritage shall be determined in a legal instrument of the ministry or institution responsible for cultural heritage.

ARTICLE 535 FORMALITY AND PROCEDURE FOR CLASSIFYING CULTURAL HERITAGE

Formality and procedure for classifying cultural heritage shall be carried out in accordance with in-force laws and legal instruments.

CHAPTER 6 ESTABLISHMENT OF CULTURAL HERITAGE PROTECTED AREAS

ARTICLE 536 THE ESTABLISHMENT OF CULTURAL HERITAGE PROTECTED AREAS

The ministry or institution responsible for cultural heritage shall establish Cultural Heritage Protected Areas containing ancient temples, architectural buildings, houses, village or town structures, industrial infrastructure, worship places, cemeteries, antique remains, or other areas with pre-historic, historic, architectural, archaeological, ethnological, anthropological, scientific, artistic, or religious value.

ARTICLE 537 CATEGORIES OF CULTURAL HERITAGE PROTECTED AREAS

The Cultural Heritage Protected Areas shall be categorized as follows:

- 1) Cultural Sites;
- 2) Archaeological Zones;

- 3) Community Worship Zones; and
- 4) Urban Heritage Zones.

Cultural Heritage Protected Areas shall be specified by a legal instrument based on a proposal of the ministry or institution responsible for cultural heritage.

ARTICLE 538 THE ESTABLISHMENT OF THE CRITERIA FOR CATEGORIZING CULTURAL HERITAGE PROTECTED AREAS

The establishment of the criteria for categorizing Cultural Heritage Protected Areas shall be determined by the legal instrument of the ministry or institution responsible for cultural heritage.

ARTICLE 539 PROPOSAL FOR ESTABLISHING CULTURAL HERITAGE PROTECTED AREAS

Proposals for establishing Cultural Heritage Protected Areas as stipulated in Article 536 shall be based on management goals, criteria, research results, land tenure rights, and other relevant factors.

ARTICLE 540 DOCUMENTS FOR PROPOSING ESTABLISHMENT OF CULTURAL HERITAGE PROTECTED AREAS

The attached documents for proposing establishment of Cultural Heritage Protected Areas shall include:

- 1) Description of pre-historic, historic, architectural, archaeological, ethnological, scientific, artistic, or religious significance and the necessity for protection and conservation of the proposed area;
- 2) Description of relevant legal framework or legal instruments on preservation, protection, and conservation;
- 3) Map with clear area specifications that show geographical location, boundary, and size of the proposed area; and
- 4) Reports on results of the consultation with the relevant institutions, stakeholders, and representatives of local communities located in or near the proposed area.

ARTICLE 541 CULTURAL HERITAGE PROTECTED AREA PROTECTION

Cultural Heritage Protected Areas that are recognized as stipulated in Article 536 shall be protected in accordance with the provisions of this Code and in-force legal instruments.

CHAPTER 7

ESTABLISHMENT OF URBAN HERITAGE ZONES

ARTICLE 542 PROPOSAL FOR ESTABLISHING URBAN HERITAGE ZONES

The ministry or institution responsible for cultural heritage may submit a proposal to the Supreme Council on National Culture for establishment of an Urban Heritage Zone.

The proposal for establishment of Urban Heritage Zones shall be based on management goals, criteria, and research results on the values of cultural resources, cultural, traditional, customary, and identity preservation, practices, conservation of achievements, and/or the values of tourism development.

ARTICLE 658 URBAN HERITAGE ZONE

An Urban Heritage Zone refers to a collection of historic and architectural buildings, and infrastructure including open green spaces, which are either as individual parts or the whole parts of an urban area or town, retain their original forms, and show talents and creativity ability of liveable zone planning.

ARTICLE 544 DISCUSSION ON THE REQUEST TO ESTABLISH AN URBAN HERITAGE ZONE

The ministry or institution responsible for cultural heritage shall notify and discuss with the relevant competent ministries or institutions requests to establish an Urban Heritage Zone.

The establishment of Urban Heritage Zones shall be specified by a legal instrument based on the request of the ministry or institution responsible for cultural heritage.

ARTICLE 545 URBAN HERITAGE ZONE PLANNING

The ministry or institution responsible for cultural heritage shall develop an Urban Heritage Zone Plan and the classification of such site in accordance with the provisions of this Code.

ARTICLE 546 PROHIBITION ON CHANGE IN AND DAMAGE TO AESTHETICS OF URBAN HERITAGE ZONES

The aesthetics of any town area, village, or urban area either as a part or whole that has been classified as an Urban Heritage Zone may not be changed, transformed, damaged, or destroyed by any activity, except in accordance with a permit from the ministry or institution responsible for cultural heritage.

ARTICLE 547 PROHIBITION ON CHANGE IN AND DAMAGE TO THE AESTHETICS OF URBAN HERITAGE ZONE BUILDINGS

The aesthetics of any public, private, or religious buildings, infrastructures, or open green spaces of Urban Heritage Zones shall not be changed, transformed, or demolished, except in accordance with a permit from the ministry or institution responsible for cultural heritage.

ARTICLE 548 REQUEST FOR THE AUTHORIZATION TO REPAIR, TRANSFORM, OR DEMOLISH BUILDINGS WITHIN URBAN HERITAGE ZONES

The owners of immovable properties, buildings, or houses located in Urban Heritage Zones shall first seek the authorization from the ministry or institution responsible for cultural heritage prior to any repair, transformation, or demolition of such buildings.

ARTICLE 549 ASSESSMENT OF CULTURAL HERITAGE

The ministry or institution responsible for cultural heritage shall assess the cultural heritage prior to making a decision to approve any construction, repair, demolition, or redevelopment within the Urban Heritage Zone.

CHAPTER 8

NATIONAL CULTURAL HERITAGE PROTECTION

UNITARY SECTION

CHANCE DISCOVERIES OF CULTURAL PROPERTIES

ARTICLE 550 GENERAL OBLIGATION TO REPORT

All persons who know or discover by chance any broken temple building, temple foundation, trace of an archaeological site, ancient item, or cultural heritage site shall be obliged to report immediately to local authorities and the competent ministries or institutions.

ARTICLE 551 OBLIGATION TO REPORT CHANCE DISCOVERIES DURING CONSTRUCTION OPERATION

Any natural person or legal entity that discovers by chance any ancient item, cultural property or cultural heritage site during construction work or excavation to restore infrastructure as stipulated in Article 505 of this Code shall temporarily halt construction work and shall report to the local authority.

ARTICLE 552 PRELIMINARY DETERMINATION OF CULTURAL PROPERTY OR ANCIENT ITEM

The ministry or institution responsible for cultural heritage shall make preliminary determination on the significance of the cultural property or ancient item within 14 (fourteen) days upon the notification or report.

This period may be delayed only once by an additional 14 (fourteen) days. The ministry or

institution responsible for cultural heritage shall provide a written notification to the natural person or legal entity about this delay.

ARTICLE 553 DECISION TO TEMPORARILY HALT WORK

The ministry or institution responsible for cultural heritage shall issue a decision to temporarily halt work on the site where the cultural heritage or ancient item has been discovered. The decision to temporarily halt the work is valid for a period of 30 (thirty) days upon conducting the preliminary determination as stipulated in Article 552 of this Code.

Where the ministry or institution responsible for cultural heritage does not issue any new decision after the period of 30 (thirty) days has expired, the natural person or legal entity may continue their working activities as usual.

CHAPTER 9 EXCAVATIONS

ARTICLE 554 PROHIBITION ON EXCAVATION AND SURVEY TO SEARCH FOR CULTURAL PROPERTY

No one has rights to carry out excavation or survey, on their private or other people's lands or public lands for the purpose of searching for objects or traces of ancient sites with prehistoric, historic, archaeological, ethnological, artistic, or scientific value prior to the authorization from the ministry or institution responsible for cultural heritage.

ARTICLE 555 EXCAVATION OR SURVEY BY SCIENTIFIC INSTITUTIONS OR SURVEYORS

Scientific institutions or surveyors who have the purpose to excavate or survey under the land or water for the purpose of surveying for prehistory, history, archaeology, ethnology, or art shall submit a request to ministry or institution responsible for cultural heritage to receive authorization.

ARTICLE 556 PARTICIPATION IN EXCAVATION AND SURVEY FROM THE SPECIALIZED OFFICIALS WITH SCIENTIFIC INSTITUTIONS AND SURVEYORS

Every excavation or survey by authorized scientific institutions or surveyors as stipulated in Article 555 shall have the participation from specialized officials of the ministry or institution responsible for cultural heritage.

ARTICLE 557 CULTURAL PROPERTY DEEMED AS PROPERTY OF THE STATE

Any cultural property that is discovered during the excavation or survey is deemed as property of the state.

ARTICLE 558 TEMPORARY PAUSE OR WITHDRAWAL OF PERMIT FOR NON-COMPLIANCE WITH OBLIGATIONS

The ministry or institution responsible for cultural heritage has the right to temporarily pause or withdraw a permit in cases where it is determined that the scientific institution or surveyor does not abide by the obligations as stipulated in the relevant in-force law and provisions on archaeological excavations.

ARTICLE 559 REQUEST FOR PERMIT TO SURVEY

Scientific institutions or surveyors whose objective is to survey or excavate under the land or water to study the sections of zoology, palaeontology, phytology, biology, or other relevant science shall submit a request to the ministry or institution responsible for cultural heritage to receive authorization.

ARTICLE 560 PARTICIPATION IN SURVEY FROM SPECIALIZED OFFICIALS WITH SCIENTIFIC INSTITUTIONS AND SURVEYORS

The survey or excavation by the scientific institutions or surveyors that receive authorization as stipulated in Article 559 shall have the participation from the specialized officials from the ministry or institution responsible for environment.

ARTICLE 561 BURDEN ON THE EXPENSE OF EXCAVATION

The expense for excavation is the burden of the proposed person.

CHAPTER 10 PREVENTIVE EXCAVATION

ARTICLE 562 REQUEST FOR A GROUP OF ARCHAEOLOGICAL EXPERTS FROM THE COMPETENT MINISTRY OR INSTITUTION

Any natural person or legal entity whose objective is to excavate, clear, fill, or construct buildings within the areas announced by the ministry or institution responsible for cultural heritage as archaeological sites or areas that are suspected to have ancient items shall request a group of archaeological experts from the ministry or institution responsible for cultural heritage for review, research, and seeking for ways to avoid adverse impacts on the archaeological sites or those areas that are suspected to have ancient items. Where the avoidance cannot occur, preventive excavation shall be completed.

ARTICLE 563 STRICT PROHIBITION OF DAMAGE TO CULTURAL PROPERTY

It is strictly prohibited for activities that cause damage, destruction, or harm to the cultural heritage as stipulated in Article 505 except in accordance with a permit which is in accordance with this code and in-force laws and legal instruments.

ARTICLE 564 PROHIBITION ON GRANTING CONSTRUCTION PERMITS

The competent ministry or institution shall not grant permits for construction projects as stipulated in Article 562 unless the proponent of the infrastructure development or construction project has already implemented the preventive excavation.

ARTICLE 565 COOPERATION IN EXCAVATION

The preventive excavation shall be carried out by the ministry or institution responsible for cultural heritage or in cooperation with a scientific research institute of archaeology.

ARTICLE 566 REQUEST FOR INFRASTRUCTURE OR OTHER BUILDING CONSTRUCTION PERMITS

Requests for infrastructure or other building construction permits shall attach evaluation reports of the ministry or institution responsible for cultural heritage.

ARTICLE 567 BURDEN FOR THE EXPENSE OF PREVENTIVE EXCAVATION

The proponent of the infrastructure or other construction development projects in areas announced by the ministry or institution responsible for cultural heritage as archaeological sites or areas that are suspected to have ancient items shall bear the burden of the expense of preventive excavation work.

ARTICLE 568 PROHIBITION ON REMOVAL OR DESTRUCTION OF HERITAGE

It is prohibited to remove or destroy any cultural property or ancient item that exists in any location on privately owned land unless authorized by the ministry or institution responsible for cultural heritage.

ARTICLE 569 OBLIGATION TO RECORD

Natural persons and legal entities shall have an obligation to record and take photos of cultural properties or ancient items and send them to the competent authorities or institutions.

ARTICLE 570 PROHIBITION ON NON-COMPLIANCE

The failure to report a chance discovery or the destruction of any cultural property or ancient item prior to the determination of its value shall result in cancellation of permits.

CHAPTER 11 UNDERWATER CULTURAL HERITAGE PROTECTION

ARTICLE 571 UNDERWATER CULTURAL HERITAGE

Underwater cultural heritage refers to cultural properties as stipulated in Article 504 that have

been partially or totally under water, periodically or continuously, and were in existence in pre-historic, pre-Angkor, Angkor, post-Angkor, colonial, and modern eras including:

- 1) Sites, structures, buildings, ancient items, human bone ash, and animal remains;
- 2) Sailing ships, boats, vessels, aircrafts, other vehicles or any part thereof, and other items; and
- 3) Objects that have pre-historic, historic, or artistic value.

ARTICLE 572 DETERMINATION OF SITES OF UNDERWATER HERITAGE PROPERTIES

The ministry or institution responsible for cultural heritage shall determine sites of underwater cultural properties to be registered on the National Cultural Heritage Register.

ARTICLE 573 OBLIGATION TO REPORT

Natural persons or legal entities shall have an obligation to report to the ministry or institution responsible for cultural heritage any discovered underwater item identified as a cultural property to include it into the National Cultural Heritage Register.

ARTICLE 574 PROHIBITION ON DAMAGE, SALVAGE, OR DISTURBANCE

All activities that cause damage, destruction, salvage, or disturbance to any underwater cultural heritage shall be prohibited.

ARTICLE 575 THE PROTECTION, SCIENTIFIC EVALUATION, AND EXPLORATION OF UNDERWATER CULTURAL HERITAGE

The ministry or institution responsible for cultural heritage shall develop a legal instrument to authorize the protection, scientific evaluation, and exploration of underwater cultural heritage.

ARTICLE 576 THE ISSUANCE OF PERMITS FOR ACTIVITIES AFFECTING UNDERWATER CULTURAL HERITAGE

The ministry or institution responsible for cultural heritage may issue permits for activities affecting underwater cultural heritage in accordance with this Code and in-force laws and legal instruments.

UNITARY SECTION PERMITS FOR DEVELOPMENT OF PROJECTS AFFECTING CULTURAL HERITAGE

ARTICLE 577 PROJECTS AND ACTIVITIES REQUIRING PERMITS

All projects or activities that may cause impacts on cultural heritage, whether or not such cultural heritage has been registered on the National Cultural Heritage Register, or sites that are suspected to have cultural heritage, shall be required to have a permit from the ministry or institution responsible for cultural heritage before any work can be done.

ARTICLE 578 PROHIBITION ON DAMAGE OR DESTRUCTION

All activities that cause damage or destruction to any cultural properties or ancient items registered on the National Cultural Heritage Register shall be prohibited unless a permit has been granted by the ministry or institution responsible for cultural heritage.

CHAPTER 12 DISPUTE RESOLUTION AND EMERGENCY ORDERS

ARTICLE 579 PROCEDURES FOR DISPUTE RESOLUTION

In the event of any disputes, the parties shall follow the procedures as stipulated in Book 9 of this Code.

ARTICLE 580 REPRESENTATION IN DISPUTE RESOLUTION

The ministry or institution responsible for cultural heritage shall be represented in dispute resolution procedures that impact cultural heritage values.

ARTICLE 581 THE ISSUANCE OF EMERGENCY ORDERS TO HALT ACTIVITIES THREATENING OR HARMING HERITAGE ITEMS

The ministry or institution responsible for cultural heritage may issue an emergency order to halt work, construction, or clearing if a cultural site or property is being harmed or destroyed, whether or not it has been registered on the National Cultural Heritage Register.

The period for halting the work shall be in accordance with the provision as stipulated in Article 552 of this Code.

CHAPTER 13 PROMOTION AND PROTECTION OF INTANGIBLE CULTURAL HERITAGE

ARTICLE 582 PROTECTION AND PROMOTION OF INTANGIBLE CULTURAL HERITAGE

Intangible cultural heritage as stipulated in Article 505 shall be protected and promoted in accordance with the provisions as stipulated in this Code and in-force laws and legal instruments.

ARTICLE 583 INTANGIBLE HERITAGE PROTECTION AND PROMOTION

MEASURES

The ministry or institution responsible for cultural heritage shall develop a legal instrument to protect and promote intangible cultural heritage.

ARTICLE 584 PUBLIC PARTICIPATION IN COMMENTS

The ministry or institution responsible for cultural heritage shall make the legal instruments as stipulated in Article 582 publicly available for comment prior to any approval by the Supreme Council on National Culture.

ARTICLE 585 PROMOTION OF INTANGIBLE CULTURAL HERITAGE VALUE

The ministry or institution responsible for cultural heritage shall urge and promote the value of intangible cultural heritage through the conservation of existing customs, local practices of beliefs on sites, creation of important events including but not limited to theatre, performance, or exhibition at the national, regional, and international level.

ARTICLE 586 CONTINUAL TRAININGS ON INTANGIBLE CULTURAL FORMS

The ministry or institution responsible for cultural heritage shall encourage continual trainings on extinct intangible cultural forms registered on the National Cultural Heritage Register and Intangible Cultural Heritage Register of the humanity.

ARTICLE 587 SUPPORT FOR SURVEY AND PUBLICATION OF INTANGIBLE CULTURAL FORMS

The ministry or institution responsible for cultural heritage shall urge and support the survey and publication of lost intangible cultural forms.

CHAPTER 14 EDUCATION AND AWARENESS

ARTICLE 588 PUBLIC EDUCATION AND AWARENESS

The ministry or institution responsible for cultural heritage, in cooperation with other competent ministries or institutions, non-governmental organizations, and the private sector, shall develop public education and awareness programs for the conservation and development of tangible and intangible cultural heritages.

ARTICLE 589 FEES AND CHARGES

Management Plans for Cultural Heritage Areas may include provisions on payments of fees and charges, which are to be used for the promotion and protection of cultural heritage.

ARTICLE 590 DEVELOPMENT OF LEGAL FRAMEWORKS FOR MANAGEMENT

AND LICENCING

The ministry or institution responsible for cultural heritage shall develop a law and legal instrument on licencing and management of museums, and/or cultural institutions or organizations in accordance with national and international norms.

CHAPTER 15

PROVISIONS ON ANTI-TRAFFICKING CULTURAL PROPERTIES

ARTICLE 591 PROHIBITION ON THE EXPORT OF CULTURAL PROPERTIES

It is strictly prohibited to export cultural properties as stipulated in Article 505 unless authorized by the ministry or institution responsible for cultural heritage.

Formality and procedure of the export of cultural properties shall be implemented in accordance with in-force laws and provisions.

ARTICLE 592 COOPERATION AND ACTIONS AGAINST THE TRAFFICKING AND CIRCULATION OF CULTURAL PROPERTIES

The ministry or institution responsible for cultural heritage, in cooperation with the competent ministries or institutions, shall take actions against the trafficking and circulation of cultural properties.

ARTICLE 593 INTERNATIONAL COOPERATION

The ministry or institution responsible for cultural heritage, in cooperation with the competent ministries or institutions, non-governmental organizations, and organizations that combat ancient item trafficking, shall survey and publicize cultural properties that have been illegally exported.

ARTICLE 594 RULES FOR RETURN

The ministry or institution responsible for cultural heritage, in cooperation with the competent ministries or institutions, international organizations, and non-governmental organisations, shall develop a legal instrument on the return of cultural properties that have been illegally taken out of the Kingdom of Cambodia.

ARTICLE 595 NEGOTIATION OR PETITION FOR THE RETURN OF CULTURAL PROPERTIES

The ministry or institution responsible for cultural heritage shall take actions and initiate procedures to negotiate or petition for the return of cultural properties that have been illegally taken out of the Kingdom of Cambodia, in accordance with national and international laws.

BOOK 6 WASTE AND POLLUTION MANAGEMENT

TITLE 1 GENERAL OBLIGATIONS FOR ENVIRONMENTAL POLLUTION CONTROL

CHAPTER 1 PROHIBITION ON ENVIRONMENTAL POLLUTION

ARTICLE 596 GENERAL OBLIGATION AGAINST AIR, WATER, AND LAND POLLUTION

No person shall do any activity causing any air, water, and land pollution.

ARTICLE 597 WASTE PROHIBITIONS

No person shall produce, package, import, export, transport, distribute, purchase, sell, possess, use, manage, store, treat, reclaim, recycle, release, or dispose of any waste, except in accordance with a permit in accordance with the provisions of this Code and relevant laws and legal instruments.

ARTICLE 598 NOISE AND VIBRATION POLLUTION PROHIBITIONS

No person shall do any activity causing any noise pollution or vibration above the relevant environmental standards allowed in accordance with the provisions of this Code and relevant laws and legal instruments.

CHAPTER 2 PERMITS

ARTICLE 599 OBLIGATION TO COMPLY WITH PERMIT TERM

All persons receiving any permit from the ministry or institution responsible for environment shall comply with the permit terms.

ARTICLE 600 APPLICATION OF ENVIRONMENTAL STANDARDS

The ministry or institution responsible for environment shall apply environmental standards to determine the permit terms in accordance with the provisions of this Code.

TITLE 2 ENVIRONMENTAL STANDARDS

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 601 SCOPE

This Title applies to environmental standards for the following:

- 1) Hazardous substances and products;
- 2) Waste management;
- 3) Air emissions and atmospheric ambient air quality;
- 4) Public water quality;
- 5) Wastewater;
- 6) Land and soil quality and pollution;
- 7) Noise and vibration release;
- 8) Sustainable production and consumption;
- 9) Energy efficiency; and
- 10) Other emissions and environmental quality goals determined by the ministry or institution responsible for environment.

ARTICLE 602 DEVELOPMENT OF ENVIRONMENTAL STANDARDS

The ministry or institution responsible for environment shall be responsible for developing environmental standards.

ARTICLE 603 ENVIRONMENTAL STANDARDS

The ministry or institution responsible for environment shall develop legal instruments on environmental standards.

ARTICLE 604 REQUIREMENTS FOR DEVELOPING ENVIRONMENTAL STANDARDS

The ministry or institution responsible for environment shall develop legal instruments on environmental standards by taking into account the following:

- 1) The principles as stipulated in Book 1 of this Code;
- 2) The potential impact on public health;
- 3) The potential impact on vulnerable people;
- 4) The potential for environmental harm;

- 5) Best available scientific information;
- 6) Association of Southeast Asian Nations standards;
- 7) International standards;
- 8) Best available techniques; and
- 9) Industry best practice.

CHAPTER 2

APPLICATION OF ENVIRONMENTAL STANDARDS

ARTICLE 605 APPLICATION OF ENVIRONMENTAL STANDARDS

Environmental standards, including standards for environmental quality, emissions, and waste management performance, shall be applied to all activities and any permits issued in accordance with this Code and any other law and legal instrument.

ARTICLE 606 PERMITS

The ministry or institution responsible for environment or any other competent ministry or institution shall not issue any permit that does not comply with the environmental standards.

ARTICLE 607 NON-COMPLIANCE WITH LAWS

Any permit that does not comply with the environmental standards shall be null and void.

CHAPTER 3

IN-FORCE ENVIRONMENTAL STANDARDS

ARTICLE 608 APPLICATION OF IN-FORCE ENVIRONMENTAL STANDARDS

In-force environmental standards shall remain in force until new environmental standards are developed in accordance with this Code.

Where there are not specific in-force environmental standards, the ministry or institution responsible for environment may select international standards, Association of Southeast Asian Nations standards, or industry best practice as interim standards.

ARTICLE 609 DEVELOPMENT OF DRAFT ENVIRONMENTAL STANDARDS

The ministry or institution responsible for environment, in consultation with competent ministries or institutions, shall develop draft environmental standards.

ARTICLE 610 PUBLIC PARTICIPATION

The ministry or institution responsible for environment shall provide the opportunity for the public to participate in comments on the draft environmental standards.

ARTICLE 611 REVISION OF DRAFT ENVIRONMENTAL STANDARDS

The ministry or institution responsible for environment shall take into consideration comments on the draft environmental standards and shall revise the draft environmental standards accordingly, taking into account the comments and shall explain the reasons where there are rejections of these comments.

ARTICLE 612 UPDATE OF ENVIRONMENTAL STANDARDS

The ministry or institution responsible for environment shall regularly update and revise the environmental standards based on scientific and technological advances and environmental or social factors.

ARTICLE 613 REQUEST FOR ENVIRONMENTAL STANDARD MODIFICATION

All persons have the right to submit a proposal for environmental standard modification based on new information to the ministry or institution responsible for environment.

ARTICLE 614 PROCEDURES FOR DEVELOPING ENVIRONMENTAL STANDARDS

The ministry or institution responsible for environment shall develop a legal instrument on the procedures for developing environmental standards.

ARTICLE 615 MAKING ENVIRONMENTAL STANDARDS PUBLICLY AVAILABLE

The ministry or institution responsible for environment shall make environmental standards publicly available, in accordance with the provisions of this Code.

TITLE 3 MANAGEMENT OF HAZARDOUS SUBSTANCES

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 616 SCOPE

This Title applies to hazardous substances and products and all persons who produce, transport, purchase, sell, use, store, release, or dispose of hazardous substances and products and their derivatives at any stage of their life cycles in the Kingdom of Cambodia.

This Title does not apply to radioactive substances, pharmaceuticals, cosmetics, food products,

or food additives that are governed by separate laws and legal instruments.

ARTICLE 617 ROLES AND DUTIES OF THE COMPETENT MINISTRIES OR INSTITUTIONS

The ministry or institution responsible for environment, in cooperation with the competent ministries or institutions, shall be responsible for the management of hazardous substances and products.

ARTICLE 618 DEVELOPMENT OF MANAGEMENT AND CONTROL MECHANISMS

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall develop legal instruments for management and control of hazardous substances.

ARTICLE 619 CRITERIA FOR DEFINING AND CATEGORIZING HAZARDOUS SUBSTANCES

The ministry or institution responsible for environment shall develop a legal instrument on criteria for defining and categorizing hazardous substances.

The criteria shall be based on international legal instruments to which the Kingdom of Cambodia is a party, best practices, and best available scientific information.

The ministry or institution responsible for environment shall regularly review and update the legal instrument as stipulated in the above paragraph.

ARTICLE 620 LIABILITY FOR HARM

All persons that produce or use hazardous substances for production of goods and products shall be liable for any harm to human health, property, and the environment.

CHAPTER 2 PROHIBITION ON HAZARDOUS SUBSTANCES

ARTICLE 621 PROHIBITION ON BANNED OR MISBRANDED SUBSTANCES

No person shall undertake the following activities:

- 1) The production, packaging, import, export, transport, distribution, purchase, sale, possession, use, management, storage, treatment, reclamation, recycling, release, or disposal of any misbranded or banned hazardous substance; and
- 2) The alteration, destruction, or removal of the whole or any part of the label of any

hazardous substance at the time of selling of such hazardous substance.

ARTICLE 622 PROHIBITION ON PERSISTENT ORGANIC POLLUTANTS

No person shall produce, package, import, export, transport, distribute, purchase, sell, possess, use, manage, store, treat, reclaim, recycle, release, or dispose of persistent organic pollutants banned by the Stockholm Convention.

The ministry or institution responsible for environment shall develop a legal instrument on the List of Banned Persistent Organic Pollutants as stipulated in the above paragraph.

The List of Banned Persistent Organic Pollutants shall be made publicly available.

ARTICLE 623 PROHIBITION ON LEAD IN PAINT AND CHILDREN'S PRODUCTS

Paints that contain lead or lead compounds and in which the lead content is in excess of 90 (ninety) parts per million of the total non-volatile content of the paint or the weight of the dried paint film shall be banned products.

Children's products bearing lead paint in which the lead content is in excess of 90 (ninety) parts per million by weight of the total non-volatile content of the paint or the weight of the dried paint film shall be banned products.

ARTICLE 624 EFFECTIVE DATES FOR LEAD PAINT BAN

The lead paint and lead product bans stipulated in Article 623 of this Code shall be effective as follows:

- 1) Within 3 (three) years from the entry into force of this Code for the production, import, export, or sale of children's products containing lead paint in which the lead content is in excess of 90 (ninety) parts per million by weight of the total non-volatile content of the paint or the weight of the dried paint film;
- 2) Within 3 (three) years from the entry into force of this Code for the production, import, or export of paints as a pigment, a drying agent, or other intentional use containing lead paint in which the lead content is in excess of 90 (ninety) parts per million of the total non-volatile content of the paint or the weight of the dried paint film for architectural, decorative, and household applications; and
- 3) Within 6 (six) years from the entry into force of this Code for the production, import, or export of paints as a pigment, a drying agent, or other intentional use containing lead paint in which the lead content is in excess of 90 (ninety) parts per million of the total non-volatile content of the paint or the weight of the dried paint film for industrial applications.

ARTICLE 625 PROCEDURES FOR MONITORING AND ENFORCEMENT OF LEAD PAINT BAN

The ministry or institution responsible for environment shall develop a legal instrument on monitoring and enforcement of the ban on lead in paint and children's products.

ARTICLE 626 CONFISCATION OF BANNED OR MISBRANDED SUBSTANCES

Any banned or misbranded hazardous substance or product shall be confiscated.

ARTICLE 627 PROHIBITION ON UNREGISTERED SUBSTANCES

No person shall produce, package, import, export, transport, distribute, purchase, sell, possess, use, manage, store, treat, reclaim, recycle, release, or dispose of an unregistered hazardous substance or product.

ARTICLE 628 PROHIBITION ON NON-COMPLIANT PACKAGING

No person shall produce, package, import, export, transport, distribute, purchase, sell, possess, use, manage, store, treat, reclaim, recycle, release, or dispose of a hazardous substance or product that is not packaged in accordance with in-force regulations on and requirements for packaging.

ARTICLE 629 PROHIBITION ON FALSE OR MISLEADING PACKAGING AND ADVERTISING

No person shall package or advertise a hazardous substance or product in a way that is false, misleading, or likely to create an inaccurate impression regarding its character, value, quantity, composition, safety, or registration.

ARTICLE 630 PROHIBITION ON USE OF SUBSTANCES CAUSING INJURY

No person shall use substances including acid, gasoline, or toxic chemicals that may cause corrosion, burn, oxidation, or other injury impacting health and human life, except with a permit in accordance with the provisions of this Code.

CHAPTER 3

REGISTRATION AND INFORMATION DISCLOSURE OF HAZARDOUS SUBSTANCES

ARTICLE 631 HAZARDOUS PRODUCTS AND SUBSTANCES REGISTRATION REQUIREMENTS AND PROCEDURES

All persons shall register any hazardous substances and products intended for distribution, sale, or use in the Kingdom of Cambodia in accordance with this Code and in-force laws and legal

instruments.

The ministry or institution responsible for environment, in cooperation with the competent ministries or institutions, shall develop a legal instrument on the procedures for registration of hazardous products and substances.

ARTICLE 632 APPLICATION REQUIREMENTS

An application for registration shall be submitted to the ministry or institution responsible for environment and shall contain the following information:

- 1) Producer;
- 2) Common trade names of chemical substances;
- 3) Hazard classification;
- 4) Amount;
- 5) Purpose of import or use;
- 6) Safety data sheets;
- 7) Hazard statement;
- 8) Potential risks to human health; and
- 9) Address of delivery.

ARTICLE 633 REVIEW OF APPLICATION AND APPROVAL OF REGISTRATION

Information on hazardous substances shall be reviewed and approved by the ministry or institution responsible for environment prior to submission to the competent ministry or institution for approval.

The ministry or institution responsible for environment may conduct additional tests and consultation to verify the accuracy of this information. The ministry or institution responsible for environment shall approve the registration if it demonstrates no hazard 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 634 OBLIGATION TO PROVIDE INFORMATION

The competent ministries or institutions shall provide information on all hazardous substances and products to the ministry or institution responsible for environment for inventory, monitoring, risk assessment, and inspection purposes.

In the case that a producer or importer of a hazardous substance has additional information regarding significant adverse effects of the hazardous substance, the producer or importer shall submit such information to the ministry or institution responsible for environment immediately.

ARTICLE 635 PREVENTION, EMERGENCY RESPONSE, MITIGATION, MONITORING, AND RISK MANAGEMENT ACTION PLANS

Following official registration, the proponent of registration shall develop action plans for prevention, emergency response, mitigation, monitoring, and risk management of hazardous substances.

The proponents of registration shall be responsible for providing accurate information on hazardous substances to the competent ministries or institutions when requested.

ARTICLE 636 REVOCATION OF REGISTRATION

The ministry or institution responsible for 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 severe risk of impact to human health or the environment.

The ministry or institution responsible for 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 serious risk of impact to human health or the environment.

CHAPTER 4 LABELLING OF HAZARDOUS SUBSTANCES

ARTICLE 637 PROVISION ON LABELLING OF HAZARDOUS SUBSTANCES

All persons involved in production, packaging, import, export, transport, distribution, or sale of hazardous substances or products shall label hazardous substances and products correctly in accordance with the legal instrument on product labelling.

ARTICLE 638 HAZARD CRITERIA

The ministry or institution responsible for environment shall develop a legal instrument on hazardous product labelling. Hazard criteria shall be based on the Globally Harmonized System of Classification and Labelling of Chemicals.

ARTICLE 639 OBLIGATION TO PROVIDE INFORMATION

All persons involved in the production, packaging, import, export, transport, distribution, or sale of hazardous substances, or products shall make publicly available the information on safety data sheets, hazard mitigation and prevention, and risks of impact on health of all hazardous products and substances intended for distribution or sale in the Kingdom of Cambodia.

CHAPTER 5

TRANSPORTATION, USE, AND DISPOSAL OF HAZARDOUS SUBSTANCES

ARTICLE 640 TRANSPORTATION

Any person that transports hazardous substances shall comply with the provisions on transport of hazardous substances or products as determined in this Title.

Transport operators and owners shall develop staff health and safety plans and response plans to:

- 1) Identify and take necessary measures to minimize potential incidents and remedy consequences, including training all staff involved in transport on safety measures and response plans; and
- 2) Identify and notify the nearest competent ministries or institutions where an incident occurs during transport by road, waterway, or air.

Transport operators or owners shall ensure that any vehicle used in the transport of hazardous products or substances shall:

- 1) Safely transport the hazardous substance; and
- 2) Be marked with accurate hazard symbols or warnings.

ARTICLE 641 LEGAL INSTRUMENT ON TRANSPORT

The ministry or institution responsible for environment shall cooperate with the ministry or institution responsible for transport and other competent ministries or institutions to develop a legal instrument on transport of hazardous products or substances.

ARTICLE 642 RIGHTS TO USE HAZARDOUS SUBSTANCES

All persons have rights to use hazardous substances in accordance with conditions as stipulated in this Code and legal instruments on hazardous substance safety.

ARTICLE 643 PROHIBITION ON HAZARDOUS SUBSTANCE USES

No person shall use hazardous substances that may cause impacts on human health in food products, cosmetics, and children's products.

ARTICLE 644 HAZARDOUS SUBSTANCE USES IN SCIENTIFIC RESEARCH

All persons using hazardous substances for scientific research purposes shall:

- 1) Use hazardous substances in accordance with the provisions of this Code and relevant laws and legal instruments;
- 2) Have sufficient equipment for laboratories to safely store and handle the hazardous substances and have personal protective equipment for staff;
- 3) Correctly label hazardous substances in accordance with the legal instrument on hazardous product labelling;
- 4) Establish laboratories that have appropriate filing systems and records of hazardous substances used;
- 5) Dispose of hazardous substances or wastes in accordance with the waste management provisions of this Code; and
- 6) Develop effective mechanisms to identify and minimize any potential hazards by the use and disposal of hazardous substances or wastes.

ARTICLE 645 DISPOSAL OF HAZARDOUS SUBSTANCES

No person shall burn or dispose of any hazardous substances or wastes into the environment without the permission of the ministry or institution responsible for environment.

Disposal of any part of a hazardous substance or its package shall be in accordance with the waste management provisions of this Code.

CHAPTER 6 HAZARDOUS SUBSTANCES SAFETY, ACCIDENT PREVENTION, PREPAREDNESS, AND EMERGENCY RESPONSES

ARTICLE 646 TECHNICAL CAPACITY

Producers of hazardous substances or products shall train their staff with technical capacity for use of environmental and social safeguarding procedures and equipment, including:

- 1) Workshops, storehouses, and technical equipment;
- 2) General safety equipment and devices and specific equipment and devices for

prevention and fighting of fire, explosions, lightning, hazardous substances leakages or dispersal, and other hazardous substances incidents;

- 3) Labour protection equipment and devices;
- 4) Environmental protection equipment and devices;
- 5) Waste treatment and disposal systems; and
- 6) Prevention and emergency response planning regarding the notification of hazard.

ARTICLE 647 CAPACITY OF SPECIALIZED STAFF

All persons engaged in the production of hazardous products or substances shall have specialized staff with sufficient qualifications in performance activities relevant to the scope, type, and scale of the hazardous substances and knowledge about technologies and hazardous substances safety plans and measures.

ARTICLE 648 REGISTRATION AND PERMIT REQUIREMENTS

All persons engaged in production of hazardous products or substances shall have proper registration of the hazardous substances and permits from the competent ministry or institution.

ARTICLE 649 ANNUAL REPORTING REQUIREMENTS

All persons engaged in the production of hazardous substances or products shall provide to the competent ministries or institutions and the ministry or institution responsible for environment an annual report on production processes, the amount of hazardous ingredients, intended use, point of delivery, waste disposal and treatment systems, and safety plans and measures.

The competent ministries or institutions, in cooperation with the ministry or institution responsible for environment, shall develop a format for annual reporting.

ARTICLE 650 SAFETY REQUIREMENTS

Producers of hazardous substances or products shall:

- 1) Strictly follow technical specifications, labelling, and safety instructions for hazardous substances;
- 2) Have prevention and emergency response measures, including first aid, an evacuation plan, fire elimination equipment, and personal protective equipment for workers;
- 3) Organize training on safe use and safe handling of hazardous substances; and
- 4) Establish a hazardous substances emergency response plan.

ARTICLE 451 ACCIDENT NOTIFICATION

In case of accidents caused by hazardous substances, all persons shall cease immediately the activities relevant to the accident and immediately inform the competent authorities or the ministry or institution responsible for environment. All persons shall take proper action in accordance with the prevention and emergency response plan to reduce impacts on human health and the environment.

All persons directly involved in an accident shall:

- 1) Immediately notify the public in location of the risks posed to the human health, property, or the environment; and
- 2) Advise the public on measures to mitigate those risks.

TITLE 4 WASTE MANAGEMENT

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 652 SCOPE

This Title applies to all activities related to possession, transport, management, storing, treatment, disposal, reclaiming, or recycling of hazardous and solid waste in the Kingdom of Cambodia.

ARTICLE 653 ROLES AND DUTIES OF THE MINISTRY OR INSTITUTION RESPONSIBLE FOR ENVIRONMENT

The ministry or institution responsible for environment, in cooperation with the competent ministries or institutions, shall be responsible for the management of hazardous and solid waste in accordance with this Code and relevant laws and legal instruments.

The ministry or institution responsible for environment has the following roles and duties:

- 1) Prepare policies, national strategic plans, and legal instruments relating to the management of hazardous and solid waste, in cooperation with competent ministries or institutions and stakeholders;
- 2) Provide technical advice and capacity building to competent ministries or institutions responsible for the management of hazardous and solid waste;
- 3) Certify and provide accreditation to competent ministries or institutions responsible for the management of hazardous and solid waste;

- 4) Coordinate with stakeholders and competent ministries or institutions to mobilize financial resources, means, and materials to support competent ministries or institutions in the management of hazardous and solid waste;
- 5) Support and cooperate with competent ministries or institutions to:
 - a) Promote education and awareness of environmentally safe management of solid and hazardous waste;
 - b) Promote programs to reduce, reuse, and recycle waste; and
 - c) Promote use recycled waste products; and
- 6) Monitor, inspect, and evaluate the performance of competent ministries or institutions responsible for the management of hazardous and solid waste.

ARTICLE 654 ROLES AND DUTIES OF COMPETENT MINISTRIES OR INSTITUTIONS

The Royal Government of Cambodia shall develop a legal instrument to determine the roles and duties of competent ministries or institutions and sub-national authorities in the management of hazardous and solid wastes.

ARTICLE 655 LIABILITY FOR HARM

All persons that produce hazardous and solid waste shall be liable for any harm to human health, property, or the environment.

CHAPTER 2 CLASSIFICATION OF WASTES

ARTICLE 656 DEVELOPMENT OF A LEGAL INSTRUMENT ON CLASSIFICATION OF WASTES

The ministry or institution responsible for environment shall develop a legal instrument on classification of hazardous and solid wastes within 18 (eighteen) months upon the entry into force of this Code.

ARTICLE 657 WASTE CLASSIFICATION REVIEW AND UPDATE

The legal instrument on classification of hazardous and solid waste shall be reviewed and updated every 5 (five) years.

CHAPTER 3 SOLID WASTE MANAGEMENT

ARTICLE 658 NATIONAL STRATEGIC PLAN FOR SOLID WASTE MANAGEMENT

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall develop a National Strategic Plan for Solid Waste Management focusing on reducing, reusing, and recycling waste in accordance with the provisions of this Code.

ARTICLE 659 IMPLEMENTATION OF THE NATIONAL STRATEGIC PLAN FOR SOLID WASTE MANAGEMENT

The ministry or institution responsible for environment shall develop a legal instrument to implement the National Strategic Plan for Solid Waste Management.

ARTICLE 660 SECTOR-SPECIFIC PLANS

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall develop sector-specific plans for managing individual categories of solid waste in accordance with the National Strategic Plan for Solid Waste Management.

Each sector-specific plan for each category of solid waste shall include goals for progressive reduction of volume of solid waste and measures of solid waste reduction, reuse, and recycling.

ARTICLE 661 IMPLEMENTATION OF SECTOR-SPECIFIC PLANS

The ministry or institution responsible for environment shall develop a legal instrument to implement each sector-specific plan for solid waste management.

ARTICLE 662 SOLID WASTE MANAGEMENT PLAN REVIEW AND UPDATE

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall review and update solid waste management plans at least every 10 (ten) years.

CHAPTER 4 HAZARDOUS WASTE MANAGEMENT

ARTICLE 663 MANAGEMENT AND CONTROL OF HAZARDOUS WASTES

The ministry or institution responsible for environment shall develop a legal instrument on management of hazardous waste.

ARTICLE 664 OBLIGATION TO STORE, MANAGE, AND DISPOSE OF HAZARDOUS WASTE

The producer of the hazardous waste shall store, manage, treat, and dispose of the hazardous waste in accordance with the provision of this Code and relevant laws and legal instruments.

Any producer of hazardous wastes shall be responsible for the expense of the collection and disposal of hazardous waste.

TITLE 5 WATER POLLUTION CONTROL

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 665 SCOPE

This Title applies to the activity and the management of point source and nonpoint source water pollution in the Kingdom of Cambodia.

ARTICLE 666 THE MANAGEMENT OF POINT SOURCE AND NONPOINT SOURCE WATER POLLUTION

The ministry or institution responsible for environment shall be responsible for the management of point source and nonpoint source water pollution.

ARTICLE 667 LIABILITY FOR HARM

All persons who discharge any pollutant by any point source into any surface water or groundwater resource or carry out land use activities that cause any nonpoint source water pollution shall be liable for any harm to human health, property, or the environment.

CHAPTER 2 POINT SOURCE WATER POLLUTION MONITORING AND CONTROL

ARTICLE 668 PROHIBITION ON POLLUTANT DISCHARGE BY POINT SOURCE

It is prohibited for the pollutant discharge by a point source into surface water or groundwater except with authorization in accordance with the provisions of this Code and relevant laws and legal instruments.

ARTICLE 669 RESPONSIBILITY FOR TREATMENT AND DISCHARGE OF POLLUTANTS

The owner or operator of a point source shall be responsible for the treatment and discharge of pollutants, prior to discharge of the pollutants into the environment.

ARTICLE 670 DISCHARGE PERMITS

The discharge of pollutants by a point source into surface water or groundwater shall receive authorization from the ministry or institution responsible for environment.

A permit issued by the ministry or institution responsible for environment:

- 1) Shall determine discharge standard limits and/or control requirements in accordance with the provisions on environmental standards of this Code and relevant laws and legal instruments;
- 2) May determine additional standard limits and/or control requirements for the discharge of any pollutant from a point source to protect the quality of the receiving surface water or groundwater or ecosystems and any other downstream water that may be affected by the discharge;
- 3) Shall determine monitoring and reporting requirements, including:
 - a) Monitoring of the discharge quantity, quality, time, and duration;
 - b) Monitoring of the quality of the pollutant-receiving water and any other affected downstream waters;
 - c) Recordkeeping and reporting of monitoring information to the ministry or institution responsible for environment; and
 - d) Indicators for monitoring purposes;
- 4) Shall be valid for 1 (one) year unless otherwise provided for in the permit; and
- 5) May be revised or revoked at any time by a written notification with reasons issued to the owner or operator of the point source.

ARTICLE 671 ADDITIONAL CONDITIONS

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, may establish:

- 1) Procedures for the application for permits and renewal of permits; and
- 2) Standard limits and requirements to control discharge using concentration levels and/or load levels of any pollutant by a point source based on best available technology and best environmental management practices that are economically feasible.

ARTICLE 672 CRITERIA FOR POLLUTION POINT SOURCE OPERATOR CERTIFICATION

The ministry or institution responsible for environment shall develop a legal instrument on criteria and levels of certification for operators of pollution point sources, which shall include requirements for education, training, experience, and proficiency.

ARTICLE 673 MONITORING OF THE PERMIT CONDITION IMPLEMENTATION

The owner or operator of a pollution point source that has received a permit from the ministry or institution responsible for environment shall monitor the implementation of the conditions determined in that permit.

ARTICLE 674 SAMPLING AND MONITORING CERTIFICATES

The owner or operator of a pollution point source that has received a permit from the ministry or institution responsible for environment shall certify that the sampling and monitoring are performed in accordance with the requirements as determined in the permit and any terms set by the ministry or institution responsible for environment.

ARTICLE 675 NOTIFICATION REQUIREMENTS

The owner or operator of a pollution point source that has received a permit from the ministry or institution responsible for environment shall immediately notify the ministry or institution responsible for environment if any of the following occurs:

- 1) A breach of the conditions of the permit;
- 2) A problem with the sampling equipment or results; and
- 3) An unusual process of any pollution control equipment.

ARTICLE 676 MONITORING ORDERS

The ministry or institution responsible for environment may monitor or issue an order to the operator of the point source pollution to monitor the discharge of any pollutant by any point source to any surface water or groundwater.

ARTICLE 677 SURFACE WATER AND GROUNDWATER MONITORING

The ministry or institution responsible for environment shall monitor the quality of surface water and groundwater.

ARTICLE 678 MONITORING SAMPLES

The ministry or institution responsible for environment may receive and consider any monitoring sample of surface water and groundwater sources provided by any person.

ARTICLE 679 ANALYSIS OF MONITORING SAMPLES

All monitoring samples shall be analysed by a laboratory of the ministry or institution responsible for environment or other laboratories recognized by the ministry or institution responsible for environment.

CHAPTER 3

WATER POLLUTION NONPOINT SOURCE CONTROL

ARTICLE 680 RESPONSIBILITY FOR BEST MANAGEMENT PRACTICES

Owners or operators of land use activities that cause nonpoint source pollution shall implement best management practices.

ARTICLE 681 CATEGORIES OF NONPOINT SOURCE POLLUTION AND BEST MANAGEMENT PRACTICES

The ministry or institution responsible for environment shall develop a legal instrument on categories of nonpoint source pollution and best management practices to reduce water pollution for each category.

CHAPTER 4

REUSE OF WASTEWATER AND REMAINS

ARTICLE 682 SEWAGE SLUDGE AND BIO-SOLIDS

The ministry or institution responsible for environment shall develop a legal instrument on sewage sludge and bio-solids, which shall include but is not limited to:

- 1) Guidelines to encourage the use of sewage sludge and bio-solids;
- 2) Guidelines for the responsible and safe use of sewage sludge and bio-solids;
- 3) Methods for sewage sludge and bio-solids use;
- 4) Incentives for the use of sewage sludge and bio-solids by agricultural applications;
- 5) Incentives for the use of sewage sludge and bio-solids in energy generation; and
- 6) Minimum standards for wastewater treatment levels, in accordance with the environmental standard provisions of this Code.

ARTICLE 683 WATER REUSE

The ministry or institution responsible for environment shall develop a legal instrument on water reuse, including:

- 1) Guidelines to encourage the reuse of treated wastewater;

- 2) Guidelines for the responsible and safe reuse of treated wastewater;
- 3) Obligations for operators of wastewater treatment facilities;
- 4) Obligations for operators of water distribution systems;
- 5) Applications for wastewater reuse;
- 6) Minimum standards for wastewater treatment levels, methods, and distribution for wastewater reuse applications, in accordance with the environmental standard provisions of this Code; and
- 7) Incentives for wastewater reuse.

CHAPTER 5

MARINE POLLUTION CONTROL

ARTICLE 684 DEVELOPMENT OF LEGAL INSTRUMENT ON MARINE POLLUTION CONTROL

The ministry or institution responsible for environment shall develop a legal instrument on marine pollution control within the Kingdom of Cambodia's territorial sea, which shall include monitoring, evaluating, and reporting requirements, in accordance with international legal instruments relevant to marine pollution control to which the Kingdom of Cambodia is a party.

ARTICLE 685 POLLUTION FROM SHIPS

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall develop additional legal instruments on preventing and minimizing pollution from ships, both accidental and from routine operations.

TITLE 6 AIR POLLUTION CONTROL

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 686 SCOPE

This Title applies to all mobile and immobile sources of air pollution in the Kingdom of Cambodia, except for small scale or insignificant sources as stipulated in the legal instrument on air quality standards of this Code.

ARTICLE 687 MANAGEMENT OF AIR POLLUTION

The ministry or institution responsible for environment shall be responsible for the management of air pollution.

ARTICLE 688 LIABILITY FOR HARM

All persons who cause air pollution from a mobile or immobile source shall be liable for any harm to human health, property, or the environment.

ARTICLE 689 AIR QUALITY STANDARDS

The ministry or institution responsible for environment shall develop a legal instrument on air quality standards in accordance with the environmental standards provisions of this Code within 1 (one) year upon the entry into force of this Code.

The legal instrument on air quality standards shall include:

- 1) Ambient air quality standards based on best available scientific information;
- 2) Standards for the emissions of air pollutants;
- 3) List of exempt small scale or insignificant sources; and
- 4) Regulations for reducing indoor air pollution.

ARTICLE 690 REVIEW AND UPDATE OF AIR QUALITY STANDARDS

The ministry or institution responsible for environment shall review and update the legal instrument on air quality standards every 10 (ten) years and make it publicly available for comments.

ARTICLE 691 DEVELOPMENT OF TECHNOLOGY TO REDUCE AND PREVENT AIR POLLUTION

The ministry or institution responsible for environment shall promote and support research and development of technology applied to reduce and prevent air pollution from mobile and immobile sources.

CHAPTER 2 AIR POLLUTION FROM MOBILE SOURCES

ARTICLE 692 MOBILE SOURCE AIR POLLUTANT EMISSION STANDARDS

It is prohibited for the emission of air pollutants by mobile sources into the atmosphere, except with authorization in accordance with the provisions of this Code.

The ministry or institution responsible for environment shall develop standards for the maximum level of air pollutants allowed to be emitted by mobile sources.

ARTICLE 693 LIMITATIONS ON IMPORTATION, UTILISATION, AND PRODUCTION THAT EXCEED STANDARDS

It is prohibited for the production or use of vehicles and machinery that emit air pollutants that exceed the standards.

The ministry or institution responsible for customs shall prohibit the importation of the vehicles and machinery that emit air pollution exceeding the standards, or may allow the import of such vehicles and machinery but they shall require repairs or improvements to be in accordance with air pollution emission standards before they are used.

ARTICLE 694 LEGAL INSTRUMENT ON FUELS AND FUEL ADDITIVES

The ministry or institution responsible for environment shall develop a legal instrument on fuel or fuel additives to supplement any other relevant legal instruments. The legal instrument shall include the following:

- 1) Requirements for registration of fuels and fuel additives to determine which levels of air pollutant emission that will not endanger the environment;
- 2) Any fuel or fuel additive used in non-road mobile sources that shall be prohibited from sale, based on best available scientific information;
- 3) Requirements regarding temporary prohibition waivers for use of fuel or fuel additives, in the case of a natural disaster, pipeline or refinery equipment damage, or other events that could not have been foreseen or prevented;
- 4) Maximum concentration that any fuel or fuel additives used in fuel for non-road mobile sources and for other internal combustion engines, approved for sale by the ministry or institution responsible for environment;
- 5) Maximum concentration or rate of emissions of nitrogen oxides, volatile organic compounds, and any other air pollutant that may be emitted by mobile sources or other internal combustion engines; and
- 6) Maximum sulphur content requirements for diesel fuel.

ARTICLE 695 VEHICLE BUY-BACK PROGRAM

The ministry or institution responsible for environment shall develop a legal instrument on a 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 kilometres the vehicle has recorded, and whether there is any major damage to the vehicle.

CHAPTER 3

AIR POLLUTION FROM IMMOBILE SOURCES

ARTICLE 696 PROHIBITION ON EMISSION OF AIR POLLUTANTS FROM IMMOBILE SOURCES

The emission of any air pollutant into the atmosphere by any immobile source shall be prohibited except with an authorization from the ministry or institution responsible for environment.

ARTICLE 697 OWNER AND OPERATOR RESPONSIBILITIES FOR AIR POLLUTANT EMISSION

The owner or operator shall be responsible for all air pollutants emitted into the atmosphere and also be responsible for compliance with air pollutant emission standards determined by the ministry or institution responsible for environment.

ARTICLE 698 GENERAL AIR POLLUTANT EMISSIONS STANDARDS

The ministry or institution responsible for environment shall develop a legal instrument on general air pollutant emissions standards, based on the best available technology that is economically feasible, for categories of immobile sources of air pollutants.

ARTICLE 699 STANDARDS FOR PERMITS FOR NEW OR EXISTING SOURCES

The ministry or institution responsible for environment shall determine air pollution emissions standards in the permits for applicants as follows:

- 1) For new or existing immobile sources with an existing general standard, the ministry or institution responsible for environment shall include a specific standard in the permit at least as stringent as the general standard, except for the case as stipulated in Article 700 of this Code;
- 2) For new immobile sources without a general standard, but the ministry or institution responsible for environment has previously issued a permit for a new immobile source in the same category containing a standard based on the best available economically feasible technology, the ministry or institution responsible for environment shall include in the permit a specific standard at least as stringent as that in the previous permit.

The ministry or institution responsible for environment may apply in the permit a standard that is more stringent than general standards if the ministry or institution responsible for

environment determines, based on best available scientific information, that the more stringent standard is necessary to achieve the ambient air quality standards.

ARTICLE 700 VARIANCES FOR EXISTING SOURCES

The owner or operator of an existing immobile source of air pollution may apply for a variance from the general standards or previous standards determined in the permits, based on the best available economically feasible technology.

With sensible reasons, the owner or operator shall demonstrate that a less stringent standard is applied as stipulated in the above paragraph because the best available economically feasible technology is either not available or is not economically feasible for the particular existing source.

If the ministry or institution responsible for environment approves the application of the less stringent standard, the ministry or institution responsible for environment shall determine the standard for an approved variance based on the best technology that is available and economically feasible for the particular existing source.

CHAPTER 4

PERMITS TO EMIT AIR POLLUTANTS FROM AN IMMOBILE SOURCE

ARTICLE 701 PERMIT APPLICATIONS

Any owner or operator of an immobile pollution source shall submit an application to the ministry or institution responsible for environment for a permit to emit air pollutants into the atmosphere. The ministry or institution responsible for environment shall send a copy of such application to the competent ministries or institutions.

Upon receipt of an application, the ministry or institution responsible for environment shall issue a permit in accordance with the provisions of this Code. The ministry or institution responsible for environment shall send a copy of the permit to the competent ministries or institutions.

ARTICLE 702 PROCEDURES FOR PERMIT APPLICATION

The ministry or institution responsible for environment shall develop a legal instrument on procedures for application and re-application of permits for immobile sources.

The process of development of the legal instrument as stipulated in the above paragraph shall permit public participation in accordance with the provisions of this Code.

ARTICLE 703 PERMIT REQUIREMENTS

A permit for the emission of air pollutants by an immobile source shall include the following:

- 1) Emission standards for air pollutants to achieve the ambient air quality standard and based on the best available technology that is economically feasible;
- 2) Requirements for the installation and operation of systems or mechanisms to monitor the emissions of air pollutants;
- 3) Requirements for the reporting of any monitoring results to the ministry or institution responsible for environment at least once every 6 (six) months. The monitoring report shall identify limits of air pollution that exceeds the standard set in the permit; and
- 4) Requirements for the retention of records of any air pollutant emissions monitoring results and any monitoring reports submitted to the ministry or institution responsible for environment. The report and information used for such reports shall be retained for a minimum of 5 (five) years from the date on which the monitoring results were obtained and the monitoring reports were submitted to the ministry or institution responsible for environment.

ARTICLE 704 NEW AND EXISTING AIR POLLUTION SOURCES

The requirement to obtain a permit to emit air pollutants shall apply to both new and existing immobile air pollution sources.

ARTICLE 705 PERMIT APPLICATION PERIOD

The period of application for a permit for a new or existing immobile air pollution source is as follows:

- 1) 90 (ninety) days prior to commencement of development of the project for projects in Phnom Penh; or
- 2) 120 (one hundred and twenty) days prior to commencement of development of the project for projects in another province.

If an owner or operator of an immobile air pollution source has submitted the permit application following the period as stipulated above and the ministry or institution responsible for environment has not issued a permit or denial prior to the commencement of the operation of a development project, the owner or operator of an immobile air pollution source may proceed with the operation of the project at their own risk.

If the owner or operator of an immobile air pollution source still proceeds with the operation of the project until the ministry or institution responsible for environment later issues a permit, the owner or operator shall install or implement any necessary technology or measures to meet

the air pollutant emissions standards contained in the permit prior to commencing the operation of the project.

If the ministry or institution responsible for environment denies the permit, the owner or operator shall not operate the project.

ARTICLE 706 PERMIT VALIDITY PERIOD

Any permit of an immobile pollution source is valid for 5 (five) years from the date on which the permit is issued.

An owner or operator of an immobile air pollution source shall apply for a renewal of an air pollutant emission permit no later than 6 (six) months prior to the expiration of the current permit.

ARTICLE 707 AUTHORITY TO REVISE OR REVOKE A PERMIT

The ministry or institution responsible for environment may revise or revoke a permit for any immobile pollution source at any time.

The ministry or institution responsible for environment shall provide the reasons to the owner or operator of the immobile air pollution source in writing in case the permit is revised or revoked.

CHAPTER 5 MANAGEMENT AND CONTROL OF ATMOSPHERIC QUALITY

ARTICLE 708 AMBIENT AIR QUALITY MONITORING FOR IMMOBILE AIR POLLUTION SOURCES

The ministry or institution responsible for environment shall be responsible for monitoring ambient air quality, in cooperation with the owners and/or operators of any immobile air pollution sources.

The ministry or institution responsible for environment shall develop a legal instrument on procedures for the monitoring of ambient air quality.

The owner or operator of an immobile air pollution source who has received a permit from the ministry or institution responsible for environment shall be responsible for compliance with the permit requirements.

ARTICLE 709 IMMOBILE AIR POLLUTION SOURCE MONITORING REPORTS

The owner or operator of an immobile air pollution source who has received a permit from the

ministry or institution responsible for environment shall certify in the monitoring reports on sampling and monitoring in accordance with the requirements of the permit and any terms determined by the ministry or institution responsible for environment.

ARTICLE 710 IMMOBILE AIR POLLUTION SOURCE REPORTING OBLIGATIONS FOR PERMIT REQUIREMENT

The owner or operator of an immobile air pollution source who has received a permit from the ministry or institution responsible for environment shall clearly identify in the monitoring reports on any air pollutant emissions standards that exceed the standards determined in the permit.

The owner or operator of an immobile air pollution source who has received a permit from the ministry or institution responsible for environment shall notify the ministry or institution responsible for environment if there is a problem with the sampling or if there is a failure in any pollution control equipment no later than 24 (twenty-four) hours from the time the owner or operator becomes aware of the problem or failure.

This reporting shall be required even in cases where there is a problem with sampling and failure in any pollution control equipment although these problems do not result in air pollutant emissions standard exceedances.

ARTICLE 711 IMMOBILE AIR POLLUTION SOURCE REPORTING OBLIGATIONS FOR THREATS TO THE ENVIRONMENT

The owner or operator of an immobile source who has received a permit from the ministry or institution responsible for environment shall notify the ministry or institution responsible for environment about breaches of a permit that may endanger the environment no later than 24 (twenty-four) hours from the time the owner or operator becomes aware of the breaches.

Such reports shall include the nature and severity of the breach, the potential threat to the environment, and measures to minimize its impacts caused.

The owner or operator of an immobile air pollution source who has received a permit from the ministry or institution responsible for environment shall submit a written report to the ministry or institution responsible for environment no later than 3 (three) days from the time it becomes aware of the breach.

ARTICLE 712 MOBILE SOURCE AIR POLLUTANT EMISSIONS MONITORING

The ministry or institution responsible for environment, in cooperation with the competent ministries or institutions, shall be responsible for the monitoring of air pollutant emissions from mobile sources.

The ministry or institution responsible for environment, in cooperation with the competent ministries or institutions, shall develop a legal instrument on mobile source air pollutant emissions monitoring procedures.

ARTICLE 713 METHODS FOR MONITORING MOBILE AND IMMOBILE AIR POLLUTION

The ministry or institution responsible for environment shall develop legal instruments on methods for monitoring air pollution from mobile and immobile sources.

ARTICLE 714 SAMPLING OF IMMOBILE AIR POLLUTION SOURCE EMISSIONS

The owner or operator of an immobile air pollution source who has received a permit from the ministry or institution responsible for environment shall conduct sampling of emissions of air pollutants from all emissions points within 1 (one) month upon the commencement of operation of an immobile air pollution source to verify the proper operation of the air pollution control mechanisms or technology.

The owner or operator of an immobile air pollution source shall send the results of such sampling to the ministry or institution responsible for environment.

ARTICLE 715 IMMOBILE AIR POLLUTION SOURCE MONITORING SAMPLES

Any monitoring samples provided to the ministry or institution responsible for environment shall not be considered valid or reliable unless and until they have been analysed and certified by a ministry or institution responsible for environment laboratory or another laboratory that has been recognised by the ministry or institution responsible for environment.

ARTICLE 716 COSTS FOR SAMPLE ANALYSIS

The owner or operator of an immobile air pollution source shall bear the cost of sample analysis.

ARTICLE 717 FAILURE TO MEET IMMOBILE AIR POLLUTION SOURCE STANDARDS

If the ministry or institution responsible for environment finds that the discharge of any air pollution from an immobile source fails to meet the standard as stipulated in the legal instrument on air quality standards, the ministry or institution responsible for environment shall:

- 1) Issue a written order requiring the owner or operator of such immobile air pollution source to correct the activities in violation within a specified period of time not

exceeding 30 (thirty) days; and/or

- 2) Issue a written order requiring the owner or operator of such pollution source to stop activities temporarily until the violation is corrected if the violation activities may cause any harm to the environment.

ARTICLE 718 AIR QUALITY DATA MANAGEMENT AND AVAILABILITY

The ministry or institution responsible for environment shall maintain data relating to the result of air quality testing for use in assessing the status of air quality.

The ministry or institution responsible for environment shall make information relating to the status of air quality publicly available.

ARTICLE 719 PUBLIC NOTIFICATION OF THREATS TO THE ENVIRONMENT

If the ministry or institution responsible for environment finds that any area is affected by air pollution that may threaten the environment, the ministry or institution responsible for 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 6 OPERATOR CERTIFICATION

ARTICLE 720 CRITERIA AND CERTIFICATION

The ministry or institution responsible for environment may establish criteria and/or certification for owners or operators of air pollution sources.

Criteria and certification may include requirements for education, training, experience, and proficiency.

CHAPTER 7 TRANSBOUNDARY AIR POLLUTION

ARTICLE 721 TRANSBOUNDARY AIR POLLUTION

Where the ministry or institution responsible for environment, upon receipt of reports, surveys, or studies from any recognised international institutions, has reason to believe that air pollution emitted from a foreign country is endangering the environment in the Kingdom of Cambodia, the ministry or institution responsible for environment shall cooperate with the competent ministries and institutions to undertake diplomatic processes to notify to and consult with the foreign country with the goal of reducing the impact of such air pollutants.

ARTICLE 722 AIR POLLUTION ORIGINATED FROM THE KINGDOM OF

CAMBODIA

The ministry or institution responsible for environment shall cooperate with foreign countries that suffer air pollution originated from the Kingdom of Cambodia, based on the best available scientific evidence, to find ways to reduce such impact of air pollutant that is endangering the environment in another country.

ARTICLE 723 RECIPROCAL RIGHTS

The ministry or institution responsible for environment shall grant to foreign countries only the same rights regarding air pollution originating in the Kingdom of Cambodia and affecting another country as the rights given by those countries to the Kingdom of Cambodia.

CHAPTER 8 OZONE DEPLETING SUBSTANCES

ARTICLE 724 RESPONSIBLE INSTITUTION

The ministry or institution responsible for environment shall develop a legal instrument to control the use of ozone depleting substances.

ARTICLE 725 REVIEW AND UPDATE OF LEGAL INSTRUMENT

The legal instrument on the control of ozone depleting substance use shall be reviewed and updated once every 3 (three) years.

TITLE 7 NOISE AND VIBRATION CONTROL

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 726 SCOPE

This Title applies to all noise and vibration emissions in the Kingdom of Cambodia.

ARTICLE 727 RESPONSIBLE MINISTRY OR INSTITUTION

The ministry or institution responsible for environment shall be responsible for the management of noise and vibration emissions.

ARTICLE 728 LIABILITY FOR HARM

All persons who produces noise or vibration emissions shall be liable for any harm to human health, property, or the environment.

CHAPTER 2

NOISE AND VIBRATION MANAGEMENT

ARTICLE 729 DEVELOPMENT OF NOISE AND VIBRATION EMISSION THRESHOLD STANDARDS

The ministry or institution responsible for environment shall develop a legal instrument on threshold standards for noise and vibration emissions in accordance with the environmental standards provisions of this Code.

The noise and vibration emission standards shall categorize emissions according to type of mobile or immobile source, which include factories, machinery, construction equipment, mining equipment, motor and other vehicles, and vessels.

The standards may include more stringent standards for workplaces and public areas where are more sensitive to effects of noise and vibration, which include houses, schools, libraries, hospitals, hotels, pagodas, and other religious places.

ARTICLE 730 COMPLIANCE WITH STANDARDS

All persons who produces noise or vibration emissions shall comply with the noise and vibration emission standards as stipulated in this Code.

ARTICLE 731 MONITORING REQUIREMENTS

The ministry or institution responsible for environment shall develop a legal instrument on monitoring requirements to comply with noise and vibration emissions standards as stipulated in this Code.

The monitoring requirements shall apply to and be included in any permit, including any construction permit issued by competent ministries or institutions for any activity or project that causes noise or vibration impacts.

TITLE 8 RESTORATION OF CONTAMINATED SITES

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 732 SCOPE

This Title applies to all activities and the restoration management of significant impacts to the environment at all contaminated sites in the Kingdom of Cambodia.

ARTICLE 733 RESPONSIBLE MINISTRY OR INSTITUTION

The ministry or institution responsible for environment, in cooperation with competent

ministries or institutions, shall be responsible for the management of restoration of all contaminated sites.

ARTICLE 734 DEVELOPMENT OF LEGAL INSTRUMENT ON CATEGORIES OF CONTAMINATED SITES AND RESTORATION PROCEDURES

The ministry or institution responsible for environment, in cooperation with other competent ministries or institutions, shall develop a legal instrument on categories of contaminated sites and restoration procedures for contaminated sites in accordance with the provisions of this Code.

The legal instrument on categories of contaminated sites and restoration procedures for contaminated sites shall include:

- 1) Identification of contaminated sites;
- 2) Investigation and Risk Assessment;
- 3) Restoration requirements;
- 4) Procedures for determining the responsibility for restoration;
- 5) Criteria of contaminated sites and procedures for identification of contaminated sites;
- 6) Procedures for contaminated site investigation and risk assessment;
- 7) Procedures for determining the requirements of contaminated site restoration agreements;
- 8) Procedures for determining the requirements for funding contaminated site restoration implementation;
- 9) Requirements of qualification of contaminated site restoration consultants;
- 10) Procedures for monitoring contaminated site restoration; and
- 11) Procedures for the approval on the completion of contaminated site restoration.

ARTICLE 735 LIABILITY FOR RESTORATION OF A CONTAMINATED SITE

Identification of persons responsible for the restoration of a contaminated site shall be consistent with the restoration and compensation for environmental harm provisions of this Code.

ARTICLE 736 INFORMATION ON CONTAMINATED SITES

All information on contaminated sites shall be made publicly available.

ARTICLE 737 REGISTRATION OF CONTAMINATED SITES

The ministry or institution responsible for environment shall develop a register of contaminated sites that shall include all contaminated sites and certifications of completion of restoration.

The Register of Contaminated Sites and certifications of completion of restoration shall be made publicly available in accordance with the provision of this Code.

ARTICLE 738 TECHNICAL AND SCIENTIFIC REFERENCES FOR CONTAMINATED SITE RESTORATION

The ministry or institution responsible for environment shall develop a legal instrument on technical and scientific references that may be used to conduct the restoration of environmental impacts at a contaminated site.

CHAPTER 2 IDENTIFICATION AND INVESTIGATION OF CONTAMINATED SITES

ARTICLE 739 OBLIGATION TO NOTIFY BY PERSONS RESPONSIBLE FOR CONTAMINATED SITES

Any natural person or person with knowledge of or responsibility for a contaminated site shall immediately report to the ministry or institution responsible for environment or other competent ministries or institutions a contaminated site.

The ministry or institution responsible for environment shall notify other competent ministries or institutions within 7 (seven) days upon receiving information on a contaminated site.

ARTICLE 740 INVESTIGATION OF A CONTAMINATED SITE

The ministry or institution responsible for environment, in cooperation with other competent ministries or institutions, shall investigate a contaminated site and perform Risk Assessment to secure the contaminated site, reduce immediate risks, assess environmental impacts, determine acceptable risk range for restoration, and select most appropriate restoration options.

CHAPTER 3 RESTORATION AND MONITORING

ARTICLE 741 CONTAMINATED SITE RESTORATION REQUIREMENTS

The restoration of environmental impacts at a contaminated site shall meet the following contaminated site requirements:

- 1) The general obligations for pollution control as stipulated in this Code;
- 2) Environmental standards as stipulated in this Code; and
- 3) The established risk range determined in a Risk Assessment.

ARTICLE 742 RESTORATION AGREEMENT

The ministry or institution responsible for environment may require all persons to enter into an agreement for restoration with specific requirements for restoration of a contaminated site, in accordance with the restoration and compensation for environmental harm provisions of this Code.

ARTICLE 743 FUNDING FOR RESTORATION OF CONTAMINATED SITES

The ministry or institution responsible for environment shall determine the requirements for funding for the implementation of restoration of a contaminated site in accordance with the restoration and compensation for environmental harm provisions of this Code.

ARTICLE 744 REQUIREMENTS FOR CONTAMINATED SITE CONSULTANTS

The ministry or institution responsible for environment may establish specific qualifications for Contaminated Site Restoration Consultants.

ARTICLE 745 RESTORATION MONITORING

The ministry or institution responsible for environment, in cooperation with other competent ministries or institutions, shall monitor restoration of a contaminated site.

ARTICLE 746 APPROVAL ON RESTORATION

The ministry or institution responsible for environment shall provide an approval on the completion of restoration of a contaminated site, in accordance with the requirements for restoration of a contaminated site as stipulated in this Code.

The procedures for approval on completion of restoration of a contaminated site shall be in accordance with the restoration and compensation for environmental harm provisions of this Code.

TITLE 9 NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 747 SCOPE

This Title applies to all chemicals and pollutants released to air, water, and land, or transported or moved from a site to another in the Kingdom of Cambodia.

ARTICLE 748 RESPONSIBLE MINISTRY OR INSTITUTION

The ministry or institution responsible for environment shall establish and shall be responsible for the management of the National Pollutant Release and Transfer Register for the Kingdom of Cambodia.

ARTICLE 749 LIST OF INDUSTRIES

The ministry or institution responsible for environment, in cooperation with the ministry or institution responsible for mines, shall develop a legal instrument on the National Pollutant Release and Transfer Register List of Industries based on:

- 1) The International Standard Industrial Classification of All Economic Activities; and
- 2) The Organisation for Economic Co-operation and Development Global Pollutant Release and Transfer Registers Proposal for a Harmonised List of Reporting Sectors.

The ministry or institution responsible for environment shall update the National Pollutant Release and Transfer Register List of Industries as necessary.

ARTICLE 750 LIST OF ENVIRONMENTAL POLLUTANTS

The ministry or institution responsible for environment shall develop a legal instrument on the National Pollutant Release and Transfer Register List of Environmental Pollutants 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 or institution responsible for environment shall update the National Pollutant Release and Transfer Register List of Environmental Pollutants as necessary.

CHAPTER 2

MANAGEMENT OF THE NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER

ARTICLE 751 ENVIRONMENTAL POLLUTANT RELEASE APPLICATION FORM

Owners and operators that have produced, packaged, imported, exported, transported, distributed, purchased, sold, possessed, used, managed, stored, treated, reclaimed, recycled, released, or disposed of an environmental pollutant in excess of the threshold quantity established in the legal instrument on the National Pollutant Release and Transfer Register List

of Environmental Pollutants shall complete an Environmental Pollutant Release Application Form for each of the environmental pollutants as determined in the National Pollutant Release and Transfer Register List of Environmental Pollutants.

The ministry or institution responsible for environmental shall develop a legal instrument on the procedures of the Environmental Pollutant Release Application Form.

ARTICLE 752 NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTER LIST OF ENVIRONMENTAL POLLUTANTS

The ministry or institution responsible for environment shall maintain the National Pollutant Release and Transfer Register List of Environmental Pollutants based on information submitted to the ministry or institution responsible for environment as stipulated in Article 751 of this Code.

BOOK 7 ENVIRONMENTAL EDUCATION, RESEARCH, AND AWARENESS

UNITARY TITLE ENVIRONMENTAL EDUCATION, RESEARCH, AND AWARENESS

CHAPTER 1 ENVIRONMENTAL EDUCATION POLICIES AND STRATEGIES

ARTICLE 753 SCOPE

This Book applies to academic, educational, training research establishments, ministries, institutions, and civil society organizations involved in providing education and trainings to promote environmental awareness.

ARTICLE 754 ENVIRONMENTAL EDUCATION POLICY

The ministry or institution responsible for environment shall establish the National Environmental Education Policy to be mainstreamed into the sectoral development action and strategic plans to support sustainable development.

The National Environmental Education Policy shall be reviewed and revised at least every 5 (five) years.

ARTICLE 755 NATIONAL STRATEGIC AND ACTION PLANS

The ministry or institution responsible for environment shall develop the National Strategic and Action Plans for Environmental Education determining environmental education and sustainable development frameworks to provide environmental knowledge and expertise to

competent ministries or institutions for incorporating such frameworks into their sectoral development plans.

ARTICLE 756 THE SECTORAL AND SUB-NATIONAL ENVIRONMENTAL EDUCATION ACTION PLANS

The relevant ministries or institutions and sub-national administrations shall develop environmental education action plans following to each sector and environmental status within its jurisdiction and report to the ministry or institution responsible for environment for documentation.

The relevant ministries or institutions and sub-national administrations shall prepare an annual report on environmental education operation for each sector and submit it to the ministry or institution responsible for environment for documentation.

ARTICLE 757 ENVIRONMENTAL EDUCATION ACTION PLAN

The ministry or institution responsible for education, in cooperation with the ministry or institution responsible for environment and competent ministries or institutions, shall develop an Environmental Education Action Plan within 18 (eighteen) months upon the entry into force of this Code.

The Environmental Education Action Plan shall be updated at least every 5 (five) years.

ARTICLE 758 INTER-MINISTERIAL STEERING COMMITTEE FOR ENVIRONMENTAL EDUCATION WORK AND RESPONSIBILITIES

The ministry or institution responsible for environment shall establish the Inter-Ministerial Steering Committee for Environmental Education Work which has the following duties and roles:

- 1) Develop and support programs and efforts to coordinate with relevant ministries or institutions to promote natural environment awareness;
- 2) Support the development and dissemination of academic program models, environmental education documents, and training programs for kindergarten, primary, secondary, and tertiary levels and other interest groups including but not limited to decision and policy makers;
- 3) Coordinate and supervise trainee and scholarship programs;
- 4) Coordinate and supervise the provision of incentives for environmentally friendly school activities and environmentally friendly activities at private and public educational establishments;

- 5) Coordinate and orientate the environmental education work; and
- 6) Coordinate, mobilize, and manage the Environmental Education Fund to support environmental education work purposes.

CHAPTER 2

ENVIRONMENTAL EDUCATION AND TRAININGS

ARTICLE 759 ENVIRONMENTAL EDUCATION PROGRAMS AND TRAININGS

The competent ministries or institutions shall develop environmental education programs and trainings incorporating environmental knowledge and expertise relevant to sustainable development into the master curriculums and professional programs at individual unit or institution.

ARTICLE 760 GENERAL TRAINING

The competent ministries or institutions shall develop mechanisms and work plans to incorporate the contents, methods, and materials relating to knowledge and expertise on sustainable development into the environmental education and trainings to be provided to the institutions under their responsibility.

ARTICLE 761 TRAINING FOR OFFICIALS

The competent ministries or institutions shall develop specific environmental plans and training programs relevant to environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development for the officials under their leadership.

ARTICLE 762 PREPARATION OF TRAINING MATERIALS

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall develop materials for trainings and curriculums on environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development.

ARTICLE 763 IDENTIFYING AREAS OF NEED

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall identify areas of need to provide the opportunities for education and trainings on environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development to local communities, civil society, and the private sector.

Managers, general organizers, and representatives of all types of manufacturing and services enterprises shall participate in specialized training sessions on environmental management at

least once for 8 (eight) hours with the issuance of a certificate of completion.

CHAPTER 3

NATIONAL ENVIRONMENTAL AND NATURAL RESOURCES EDUCATION AND RESEARCH ACADEMY

ARTICLE 764 NATIONAL ENVIRONMENTAL AND NATURAL RESOURCES EDUCATION AND RESEARCH ACADEMY

The National Environmental and Natural Resources Education and Research Academy shall be established within eighteen (18) months upon the entry into force of this Code.

ARTICLE 765 TRAINING AND CAPACITY BUILDING FOR GOVERNMENT OFFICIALS AND STAKEHOLDERS

The National Environmental Education and Research Academy shall provide education, research, trainings, and professional capacity building relevant to the environmental management, environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development to government officials, the ministry or institution responsible for environment, other relevant ministries or institutions, and sub-national administrations.

The National Environmental Education and Research Academy shall provide environmental knowledge trainings to staff and workers of factories and enterprises and other professional groups. The owners or persons responsible for the management of enterprises, handicrafts, production, and industries shall receive specialized trainings on environmental management at minimum at least 15 (fifteen) study hours.

ARTICLE 766 CERTIFICATE PROVISION

The National Environmental Education and Research Academy shall provide professional certificate training programs relevant to expertise on the environmental management, environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development to national and sub-national government officials, regional directors, watchmen, biodiversity conservation corridor and natural protected areas staff, collaborative management committee and community members, and the public and shall provide certificates for those who have completed such trainings.

The National Environmental Education and Research Academy shall provide certificates of completion to the owners or persons responsible for the management of enterprises, handicrafts, productions, and industries, in accordance with this Article.

ARTICLE 767 TRAINING FOR ENVIRONMENTAL COMPLAINT RESOLUTION

The National Environmental Education and Research Academy shall provide specialized trainings on environmental management and environmental dispute resolution to the Environmental and Natural Resources Mediation Committee at the commune and Sangkat level and to the National Environmental and Natural Resources Dispute Resolution Committee, as stipulated in Book 9 of this Code.

ARTICLE 768 DEVELOPMENT OF OTHER PROGRAMS RELEVANT TO ENVIRONMENTAL EDUCATION, RESEARCH, AND TRAINING

The National Environmental Education and Research Academy shall develop other programs relevant to research, policies, science, technology, environmental education, and trainings, where necessary.

CHAPTER 4 ENVIRONMENTAL FORMAL EDUCATION

ARTICLE 769 ENVIRONMENTAL KNOWLEDGE AND SUSTAINABILITY REQUIREMENTS

The competent ministries or institutions shall, in cooperation with the ministry or institution responsible for environment, develop a legal instrument on procedures to include environmental knowledge and sustainability requirements into sufficient qualification criteria, including certificate provision and re-certification for professionals, where necessary.

ARTICLE 770 INTEGRATION OF ENVIRONMENTAL KNOWLEDGE INTO CURRICULUMS AT ALL LEVELS

The relevant ministries or institutions shall, in cooperation with the ministry or institution responsible for environment, develop a legal instrument on the integration of the provisions on environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development into the education and training curriculums for learners at all levels, including to general knowledge education, higher education, post-graduate education, and vocational trainings.

ARTICLE 771 DEVELOPMENT PRIORITIES AND SCIENTIFIC AND GREEN TECHNOLOGICAL RESEARCH ADVANCES

The ministry or institution responsible for education, in cooperation with the ministry or institution responsible for environment, shall develop a legal instrument on education and trainings relevant to environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development to reflect development priorities and scientific and green technological research advances.

ARTICLE 772 DIDACTIC STUDY MATERIALS

The ministry or institution responsible for education, in cooperation with the ministry or institution responsible for environment, shall develop and update educational materials that have been published, including pedagogic, educational, and methodological study documents and other relevant documents that support teaching and learning processes relevant to environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development.

ARTICLE 773 ENVIRONMENTAL MANAGEMENT SYSTEMS

The ministry or institution responsible for education, in cooperation with ministry or institution responsible for environment, shall develop a legal instrument on procedures to support the development of environmental management systems at schools, higher education establishments, and other academic establishments.

ARTICLE 774 SUFFICIENT QUALIFICATION CRITERIA

The ministry or institution responsible for education shall develop sufficient qualification criteria relevant to education and trainings on knowledge relating to environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development learners at all levels of education.

ARTICLE 775 COMPETENCIES, METHODOLOGIES, AND RULES

The ministry or institution responsible for education, in cooperation with the ministry or institution responsible for environment and other relevant ministries or institutions, shall develop and support the national network on environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development competencies, methodologies, and rules.

CHAPTER 5 PROMOTING ENVIRONMENTAL AWARENESS

ARTICLE 776 ENVIRONMENTAL AWARENESS OF STAKEHOLDERS

The ministry or institution responsible for environment shall develop legal instruments that provide the opportunities for stakeholders to participate in developing policies, projects, and decision-making processes regarding adverse impacts and processes of environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development.

ARTICLE 777 NATIONAL STRATEGIC PLAN

The ministry or institution responsible for education, in cooperation with the ministry or institution responsible for environment and competent ministries or institutions, shall develop an Environmental Education Action Plan within 18 (eighteen) months upon the entry into force

of this Code.

The Environmental Education Action Plan shall be updated at least every 5 (five) years.

ARTICLE 778 PUBLIC ENVIRONMENTAL AWARENESS CAMPAIGN

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall organize public environmental awareness campaigns to promote environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development.

ARTICLE 779 INFORMAL ENVIRONMENTAL EDUCATION

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions, shall develop educational programs to disseminate environmental knowledge through all means to citizens, associations, unions, and other target groups who have been performing their operational work in the Kingdom of Cambodia.

ARTICLE 780 NON-FORMAL ENVIRONMENTAL EDUCATION

The ministry or institution responsible for environment, in cooperation with the ministry or institution responsible for cults and religion, shall develop and implement educational programs to promote environmental awareness by incorporating the environmental provisions into religious ceremonies and events.

The ministry or institution responsible for environment, in cooperation with the ministry or institution responsible for culture, shall develop and implement educational programs to promote environmental awareness by incorporating the environmental provisions into movies, song and music, and other ancient and modern forms of arts.

The ministry or institution responsible for environment, in cooperation with the ministry or institution responsible for information and publicity, shall develop and implement educational programs to promote environmental awareness through all means by incorporating the environmental provisions into waves dissemination and publications at least 5 (five) percent of broadcasting programs of each unit or institution or station.

ARTICLE 781 ANNUAL ENVIRONMENTAL ACTIVITIES

The sub-national administrations, academic establishments, and production and service enterprises shall organize annual environmental education dissemination activities and other environmental activities through all means in accordance with the annual environmental calendar.

ARTICLE 782 ENVIRONMENTAL RESOURCES CENTRE

The ministry or institution responsible for environment shall establish national and sub-national Environmental Resources Centres, including libraries, exhibition halls, parks, audiovisual halls, and multi-functional halls for interest of learning, research, awareness, and dissemination of environmental knowledge and information and knowledge for the public.

CHAPTER 6

RESEARCH AND INNOVATION

ARTICLE 783 DEVELOPMENT OF TEACHER AND TRAINEE TRAINING PROGRAMS

The ministry or institution responsible for education shall develop teacher and teacher trainee training programs based on scientific and technological improvement in knowledge relating to environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development.

ARTICLE 784 EDUCATIONAL AND RESEARCH PROGRAMS

The ministry or institution responsible for education, in cooperation with the ministry or institution responsible for environment, shall support development and implementation of integrated educational and research programs to find solutions for environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development.

ARTICLE 785 UPDATES TO DIDACTIC MATERIALS FOR EDUCATION AND TRAININGS

The relevant ministries or institutions shall regularly update didactic materials for education and trainings based on the latest scientific knowledge.

ARTICLE 786 RESOURCES AND SUPPORT FOR STUDIES, RESEARCHES, AND STUDY VISITS

The ministry or institution responsible for education shall support studies and research through providing resources for research and opportunities for studies and study visits.

ARTICLE 787 DEVELOPMENT OF KNOWLEDGE ON SUSTAINABLE DEVELOPMENT GOALS

The ministry or institution responsible for education, in cooperation with the ministry or institution responsible for environment, shall develop policies and plans to align knowledge on environmental protection and sustainable use of resources with other sectoral development of knowledge and expertise relevant to Sustainable Development Goals of the Kingdom of Cambodia through:

- 1) Cooperating with traditional knowledge-holders;

- 2) Supporting cross-sectoral cooperation; stimulating interaction between science, technology development, and business; and supporting the development of appropriate technologies with a less negative impact on the environment;
- 3) Supporting mutual education between research and innovation; and
- 4) Developing research programs that aim at identifying innovative solutions for environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development.

CHAPTER 7

ENCOURAGEMENT FOR ENVIRONMENTAL EDUCATION ACTIVITIES

ARTICLE 788 ENVIRONMENTALLY FRIENDLY SCHOOL PROGRAMS

The ministry or institution responsible for environment, in cooperation with the ministry or institution responsible for education and competent ministries or institutions with academic establishments under their supervision, shall urge environmentally friendly school programs and other environmentally friendly activity programs in the academic establishments under their supervision.

ARTICLE 789 REWARDS FOR ENVIRONMENTAL FRIENDLY ACTIVITIES IN EDUCATIONAL ESTABLISHMENTS

The ministry or institution responsible for environment, in cooperation with the ministry or institution responsible for education and competent ministries or institutions with academic establishments under their supervision, shall develop forms of rewards and provide them at both national and sub-national levels to all educational levels of academic establishments with outstanding achievements in implementing environmental education programs and forms of environmentally friendly activities.

ARTICLE 790 ACTIVITIES TO PARTICIPATE IN EDUCATIONAL WORK AND PROMOTING ENVIRONMENTAL AWARENESS

The ministry or institution responsible for environment, in cooperation with competent ministries or institutions with academic establishments under their supervision, shall prepare and provide environmental youth rewards to outstanding students from kindergarten to grade 12 who have participated in activities to promote environmental awareness in their location.

The ministry or institution responsible for environment and competent ministries and institutions with academic establishments under their supervision shall prepare and provide rewards to teachers at all educational levels from primary to secondary education who have outstanding achievements in teaching and leading students to carry out environmental research activities or environmental work at schools and their surrounding communities.

CHAPTER 8

ENVIRONMENTAL EDUCATION AND RESEARCH FUND

ARTICLE 791 ESTABLISHMENT OF ENVIRONMENTAL EDUCATION AND RESEARCH FUND

The ministry or institution responsible for environment shall establish an Environmental Education and Research Fund to serve environmental education and training work in response to needs for environmental protection in the Kingdom of Cambodia and the world, as well as coordinate the cooperation, coordination, and resources sharing from the public and private sectors.

The Environmental Education and Research Fund shall assist the development of a modern environmental education system and urge the development of partnership among the national ministries or institutions, sub-national administrations, business sector, industrial sector, higher education establishments, environmental groups of local communities, and international organizations.

The Environmental Education and Research Fund is a non-profit unit that receives charitable aids and all income for this fund shall not be subject to taxation.

ARTICLE 792 ENVIRONMENTAL EDUCATION AND RESEARCH FUND PURPOSES

The Environmental Education and Research Fund shall be established for the following purposes:

- 1) Receiving all donations from both the public and private sectors to serve environmental training activities and services and environmental research;
- 2) Implementing all environmental education activities that will help remind the public of their responsibilities for the environment, train them to be environmentally good persons, and establish a modern environmental education system; and
- 3) Participating in coordinating and implementing activities that will provide the opportunities for education, trainings, and research to resolve environmental issues with international institutions and natural persons.

ARTICLE 793 INCOME SOURCES OF THE ENVIRONMENTAL EDUCATION AND RESEARCH FUND

The income sources of the Environmental Education and Research Fund shall include:

- 1) At least 10 (ten) percent of the income collected from Environmental and Social Fund;

- 2) At least 10 (ten) percent of the income from the collection under environmental offenses fines;
- 3) Direct interest income from the Environmental Education and Research Fund;
- 4) Donations from citizens, industrial enterprises, services, private sector, or associations and groups;
- 5) Other donations from development and cooperation partners.

ARTICLE 794 REQUIREMENTS FOR RECEIVING DONATIONS

All types of donations may include budget, equipment or facilities, or inheritance received by the Environmental Education and Research Fund as long as such donations are free from conditions or controversies, and subject to individual interests in the present or future, and only serve the interests of the Environmental Education and Research Fund.

ARTICLE 795 USES OF ENVIRONMENTAL EDUCATION AND RESEARCH FUND

The Environmental Education and Research Fund shall be used to serve the following work activities:

- 1) Organizing workshops and trainings on the environment;
- 2) Implementing environmental campaign programs and events;
- 3) Compiling environmental education documents, teaching documents on the environment, leaflets, and booklets;
- 4) Implementing research studies and the development of environmental education;
- 5) Subsidizing environmental education means or venues for organizing environmental education events;
- 6) Subsidizing for environmental education unit or agencies that employ environmental educators to provide environmental trainings or organize environmental workshops;
- 7) Subsidizing environmental education programs;
- 8) Providing trainings to environmental educators; and
- 9) Other activities relevant to promote environmental education.

CHAPTER 9 OPERATIONAL FRAMEWORK AND AUTHORIZATION

ARTICLE 796 REGULATORY, FINANCIAL, AND ORGANIZATIONAL SUPPORT

The competent ministries or institutions shall develop legal instruments to determine regulatory, financial, and organizational apparatuses for environmental education and research tasks.

These legal instruments shall include:

- 1) Identification of specific and priority sectors, in cooperation with stakeholders;
- 2) Establishment of mechanisms for coordination of education and trainings on environmental protection, biodiversity conservation, sustainable use of natural resources, and sustainable development between ministries or institutions and sub-national administrations and educational establishments from primary education to post-graduate education level;
- 3) Using economic and organisational apparatuses to promote international scientific and educational exchanges and international programs for environmental research and technological development; and
- 4) Creating information resources to support environmental education.

ARTICLE 797 AUTHORIZATION

The ministry or institution responsible for environment shall be responsible for managing, allocating, and coordinating the authorization for the use of the Environmental Education and Research Fund to support environmental education, trainings, and research work, as stipulated in Article 795 on the uses of Environmental Education and Research Fund.

BOOK 8 ECONOMIC MEASURES, ACCOUNTS, FEES, AND FUNDS FOR THE ENVIRONMENT

TITLE 1 ECONOMIC MEASURES AND ACCOUNTS

CHAPTER 1 ECONOMIC MEASURES

ARTICLE 798 ASSESSMENT OF OPPORTUNITIES AND MECHANISMS TO INCENTIVISE ENVIRONMENTAL AND NATURAL RESOURCES INVESTMENT

The ministry or institution responsible for economy and finance shall lead the ministry or institution responsible for environment and other competent ministries or institutions to regularly assess opportunities and mechanisms for incentivising investment in the protection of the environment and the conservation, management, and restoration of natural resources.

ARTICLE 799 ECONOMIC MEASURES TO SUPPORT ENVIRONMENTAL POLICIES

In accordance with separate specific laws and legal instruments on tax and procurement, the ministry or institution responsible for economy and finance with the assistance of the ministry or institution responsible for environment and other competent ministries or institutions shall develop legal instruments on economic measures in support of sustainable development; environmental protection; and natural resources and cultural heritage conservation, management, and restoration.

Development of such legal instruments as stipulated in the above paragraph shall be in accordance with internationally recognized norms and shall establish economic measures relating to:

- 1) Incorporation of standards, concerning environmental and social performance and risk management, into decision-making by legal entities from the business and finance sectors;
- 2) Private sector investment related to the environment;
- 3) Reduction of deforestation and promotion of biodiversity and natural resource conservation;
- 4) Sustainable production of charcoal and firewood;
- 5) Sustainable forestry and sustainable fisheries;
- 6) Freshwater conservation, including promoting efficient use of water resources and research to improve water quality and reduce water waste;
- 7) Community-based natural resource management, including the exemption from value added tax and other taxation of any income, fees or other contributions received in the course of implementing Collaborative Management;
- 8) Development of and investment in sustainable energy infrastructure, including mini- and micro-grids;
- 9) Promotion of household solar systems, including solar panels, batteries, and other installation components;
- 10) 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;
- 11) Use of best available and verified environmental technology;

- 12) Development of infrastructure and services with the purpose of environmental protection;
- 13) Equitable allocation of revenue from carbon-offset mechanisms, as determined by the ministry or institution responsible for sustainable development;
- 14) Payments for the generation or maintenance of natural resources and ecosystem services to individuals and communities in collaboration with sub-national authorities;
- 15) Promoting import and purchase of environmentally friendly vehicles and preventing import of vehicles with high environmental impact;
- 16) Promoting the use of sustainable energy, including support for business use of sustainable energy sources; businesses that commercialize, install or provide technical support or maintenance to sustainable energy devices; businesses that import, produce, distribute, or sell devices duly qualified as compliant with health, safety, and environment regulations that produce sustainable energy or increase energy efficiency; and the import of devices for the generation of sustainable energy or increasing energy efficiency;
- 17) Conservation and protection of cultural heritage;
- 18) 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 competent ministries or institutions; and
- 19) Any other economic measures determined by the ministry or institution responsible for environment to achieve the purpose of this Code.

ARTICLE 800 PROPOSALS FOR PRIVATE AND PUBLIC PARTNERSHIPS

The ministry or institution responsible for environment may, on its own or in cooperation with competent ministries or institutions, issue requests for proposals for private and public partnerships for developing infrastructure in support of environment and sustainable development in accordance with relevant laws and legal instruments on private and public partnerships.

The ministry or institution responsible for environment may require the proposal owner, as stipulated in the above paragraph, 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 ministry or institution responsible for environment shall follow the procurement process as stipulated in the relevant policy guidelines on private and public partnerships.

The ministry or institution responsible for economy and finance shall develop a legal instrument to include a representative of local communities residing in the areas most affected by the infrastructure and related services into the procurement committee during the conduct of bidding procurement in accordance with the provisions on public participation and access to information of this Code.

ARTICLE 801 CONSERVATION BANK OR ENVIRONMENTAL AND NATURAL RESOURCE IMPACT MITIGATION BANK

The National Bank of Cambodia and the ministry or institution responsible for economy and finance with assistance from the ministry or institution responsible for environment may create a conservation bank or environmental and natural resource impact mitigation bank.

The Kingdom of Cambodia, through the ministry or institution responsible for environment, may enter into a joint venture, in accordance with relevant laws and legal instruments.

Conservation bank or environmental and natural resource impact mitigation bank shall consist of multi-stakeholders for joint management.

CHAPTER 2 ACCOUNTS

ARTICLE 802 PAYMENTS FOR ECOSYSTEM SERVICES

The ministry or institution responsible for environment shall develop mechanisms for determining payments to natural persons, communities, or legal entities for the ecosystem services they contribute to control, protect, or manage, which is based on best available data and statistics concerning both the status and assessed values of ecosystem services.

The determination of the ecosystem services payment mechanism shall be based on equality and rights of local communities.

ARTICLE 803 COOPERATION OF COMPETENT MINISTRIES OR INSTITUTIONS

All competent ministries or institutions with responsibility for payments for ecosystem services shall support and cooperate with the ministry or institution responsible for environment to establish, implement, and administer the mechanisms as stipulated in Article 802 of this Code.

ARTICLE 804 PUBLIC ACCESS TO REPORTS

The competent ministries or institutions shall regularly publish and make publicly available

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, ROYALTIES, AND PREMIUMS

ARTICLE 805 RESPONSIBILITY FOR PAYMENT OF ENVIRONMENTAL FEES, ROYALTIES, AND PREMIUMS

All persons shall be responsible for the payment of environmental fees, royalties, and premiums, and other such amounts in accordance with inter-ministerial legal instruments of the ministry or institution responsible for economy and finance and the ministry or institution responsible for environment.

ARTICLE 806 DEVELOPMENT OF ENVIRONMENTAL FEES, ROYALTIES, AND PREMIUMS

The ministry or institution responsible for economy and finance with the assistance of the ministry or institution responsible for environment shall develop legal instruments on the amounts, procedures, administration, and any exemptions of all environmental fees, royalties, and premiums relevant to this Code, including the following areas:

- 1) Environmental Assessment and Monitoring;
- 2) Environmental Management and Sustainability Mechanisms;
- 3) Sustainable Management of Natural Resources;
- 4) Cultural Heritage Conservation and Management;
- 5) Waste and Pollution Management;
- 6) Environmental Education and Awareness;
- 7) Environment and Natural Resources Dispute Resolution; and
- 8) Any other relevant areas determined by the ministry or institution responsible for environment.

ARTICLE 807 RESPONSIBILITY FOR OTHER FEES

All persons shall continue to be responsible for the payment of fees, royalties, and premiums

in accordance with other relevant laws and legal instruments.

ARTICLE 808 FINANCIAL ASSURANCES FOR THE PAYMENT OF FEES, ROYALTIES, AND PREMIUMS

The ministry or institution responsible for environment and other competent ministries or institutions may require persons responsible for the payment of environmental fees, royalties, and premiums, and other such amounts, to provide assurances of sufficient financial resources for such payment prior to issuing a permit or approval letter.

The ministry or institution responsible for environment and other competent ministries and institutions and the ministry or institution responsible for economy and finance shall develop legal instruments on criteria and procedures for the assurance of payment of fees, royalties, and premiums.

CHAPTER 2 CONTINUANCE OF EXISTING ENVIRONMENTAL FUNDS AND FUND MANAGEMENT

SECTION 1 CONTINUANCE OF EXISTING ENVIRONMENTAL FUNDS

ARTICLE 809 CONTINUANCE OF ENVIRONMENTAL ENDOWMENT FUND

All persons shall continue to pay into the Environmental Endowment Fund in accordance with relevant laws and legal instruments. Administration of this fund shall be conducted by the ministry or institution responsible for environment in accordance with the public participation provisions and the access to environmental information provisions of this Code.

ARTICLE 810 CONTINUANCE OF PROTECTED AREAS FUND

All persons shall continue to pay into the Protected Areas Fund in accordance with relevant laws and legal instruments. Administration of this fund shall be conducted by the ministry or institution responsible for environment in accordance with the public participation provisions and the access to environmental information provisions of this Code.

ARTICLE 811 CONTINUANCE OF ENVIRONMENTAL AND SOCIAL FUNDS

All persons shall continue the Environmental and Social Fund in accordance with the relevant laws and legal instruments. Administration of this fund shall be conducted by the ministry or institution responsible for environment in accordance with the public participation provisions and the access to environmental information provisions of this Code.

SECTION 2 ENVIRONMENT AND SOCIAL FUND

ARTICLE 812 SOURCES OF INCOME FOR THE ENVIRONMENTAL AND SOCIAL FUND

Sources of income for the Environmental and Social Fund shall include:

- 1) Monies received from solving any complaint in accordance with this Code;
- 2) Any monies recovered for the implementation of environmental restoration;
- 3) Any monies recovered as compensation for environmental harm;
- 4) Any monies received through national and international financing; and
- 5) Any monies received through charitable donations from organizations or individuals.

ARTICLE 813 ENVIRONMENTAL AND SOCIAL FUND COMMITTEE

The Environmental and Social Fund shall be managed by an Environmental and Social Funds Committee established by the ministry or institution responsible for environment.

The Environmental and Social Fund Committee shall develop a strategy to manage the long-term fund. Such strategy shall include a consideration of procurement methods, management of the fund including capitalization and investment, administrative and legal measures, and any other relevant policies.

The duties and roles of the Environmental and Social Fund Committee shall be determined by a legal instrument of the ministry or institution responsible for environment.

Expenses of the Environmental and Social Fund Committee in fulfilling its duties and roles shall be determined by an inter-ministerial legal instrument of the ministry or institution responsible for environment and the ministry or institution responsible for economy and finance.

CHAPTER 3 DEVELOPMENT OF ENVIRONMENTAL FUNDS AND FUND MANAGEMENT

SECTION 1 TRUST FUNDS

ARTICLE 814 ENVIRONMENTAL TRUST FUND MANAGEMENT

An Environmental Trust Fund is transferred by a settlor to and managed by a trustee for the benefit of a beneficiary in accordance with the determination of the settlor. Environmental Trust Funds may include but are not limited to conservation trust funds, wildlife trusts, climate and forest funds, rehabilitation and restoration funds, collaborative management funds, and

other forms of delivery of environmental, social, and economic benefits.

ARTICLE 815 ESTABLISHMENT, REVOCATION, AND PURPOSE OF ENVIRONMENTAL TRUST FUND

Any settlor may on their own or in collaboration with any domestic association or foreign association establish or operate a trust fund.

An Environmental Trust Fund may be revoked in accordance with determined conditions.

An Environmental Trust Fund shall be used for prioritized activities identified in national and sub-national environmental protection, collaborative management, sustainability and conservation plans, and for the purpose of:

- 1) Protection, conservation, and restoration of the environment and natural resources;
- 2) Protection of cultural heritage or biodiversity;
- 3) Promoting sustainable management of natural resources and ecosystem services;
- 4) Promoting research or environmental education;
- 5) Capacity development or institutional strengthening;
- 6) Supporting communities directly affected by development; or
- 7) Any other purpose in the public interest and for any benefit of the environment that the minister responsible for environment determines.

An Environmental Trust Fund shall be established in accordance with a procedure and form determined by the ministry or institution responsible for economy and finance and registered with the ministry or institution responsible for economy and finance. Any settlor intending to establish or operate an Environmental Trust Fund shall prepare a trust instrument and register it at the ministry or institution responsible for economy and finance in accordance with the relevant legal instruments on trust funds.

ARTICLE 816 LEGAL INSTRUMENT ON MANAGEMENT AND CONTROL OF ENVIRONMENTAL TRUST FUNDS

The ministry or institution responsible for economy and finance, in coordination with the ministry or institution responsible for environment, shall develop a legal instrument on rules and procedures for the establishment, management, and control of Environmental Trust Funds and their accounts.

ARTICLE 817 REGISTRATION OF ENVIRONMENTAL TRUST FUNDS

An Environmental Trust Fund shall only be valid in the case that it is registered at the ministry or institution responsible for economy and finance. The ministry or institution responsible for economy and finance shall make a decision on the registration application within 90 (ninety) days after receiving the application.

In cases where the ministry or institution responsible for economy and finance refuses a registration proposal as stipulated in the above paragraph, the ministry or institution responsible for economy and finance shall provide written explanation to the proposal owner within 30 (thirty) days of receiving the application.

ARTICLE 818 ASSETS OF ENVIRONMENTAL TRUST FUNDS

The assets of an Environmental Trust Fund may be constituted from:

- 1) The National Budget;
- 2) Official development aid provided by national and international organizations;
- 3) Payments for ecosystem services;
- 4) Natural resources stewardship services; and
- 5) Direct donations from private sector or other donors.

All interest arising from the Environmental Trust Fund shall be paid into and form part of the Environmental Trust Fund.

ARTICLE 819 RIGHTS AND OBLIGATIONS OF SETTLORS

Settlers have, but not limited to, rights as follows:

- 1) Receive information relevant to trust management including the financial report, audit report, and other relevant documents; and
- 2) Appoint and terminate the trust in accordance with conditions set out in the trust instrument.

Settlers have, but not limited to, obligations as follows:

- 1) Transfer funds to the trustee;
- 2) Provide written notice to the ministry or institution responsible for economy and finance for the modification of the trust, trustee, trust contributor, or the conditions of the trust instrument; and

- 3) 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 or institution responsible for economy and finance may act as the substitute settlor.

ARTICLE 820 RIGHTS OF BENEFICIARIES

Beneficiaries have, but not limited to, rights as follows:

- 1) Receive benefits as stipulated in the trust instrument;
- 2) Require the trustee to fulfil obligations as determined in the trust instrument;
- 3) Access to information relating to management and allocation of the trust; and
- 4) Other rights as stipulated in the trust instrument.

Where there is not a method of receiving benefits, as stipulated in the above paragraph, it is supposed that all beneficiaries shall receive equal benefits.

ARTICLE 821 RIGHTS AND OBLIGATIONS OF TRUSTEES

Trustees have, but not limited to, rights as follows:

- 1) Receive remuneration and fees commensurate with their working experience and professional qualifications for the management of the Environmental Trust Fund;
- 2) Seek additional funds and investment opportunities for the benefit of the trust;
- 3) Represent the settlor or beneficiary before the law or competent authority;
- 4) Follow the conditions determined by the trust instrument or in-force provisions;
- 5) 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
- 6) Spend on social activities that are consistent with the purpose and conditions of the trust instrument.

Trustees have, but not limited to, obligations as follows:

- 1) Submit the request for registration of trust in accordance with the format and procedure of the ministry or institution responsible for economy and finance;
- 2) Report and provide information regarding the trust management to settlor, beneficiary, and all relevant regulators;

- 3) Keep minutes of meetings for annual account management;
- 4) Respond to all relevant regulators;
- 5) Pay all kinds of taxes relating to trust property unless specifically exempted by law;
- 6) Provide benefits as determined by the trust instrument to the beneficiary;
- 7) Take all appropriate actions in case of breach of trust; and
- 8) Enter into a contract of insurance for responsibilities as trustees.

Trustees shall not transfer their function to another person except in circumstance of death, incapacity, or failure to fulfil their function as a trustee in accordance with the trust instrument.

ARTICLE 822 RESPONSIBILITY OF TRUSTEES

Trustees shall be responsible for the following activities:

- 1) Loss and decrease of trust without reasonable reasons;
- 2) Use of trust inconsistent with the purposes of a financial trust;
- 3) Any intentional or unintentional mistake made in carrying out their functions;
- 4) Any expenses violating the purposes of a financial trust;
- 5) Maintaining clear separation between trust assets and his or her private assets;
- 6) Taking appropriate action for protection of trust property and beneficiary with reasoning based on knowledge, skill, and profession;
- 7) Fulfilling their duties with attention and caution, good faith and honesty, and with all due care and caution as in their own work;
- 8) Avoiding directly and indirectly any conflicts of interest which cause impact or damage to the benefits of beneficiaries; and
- 9) Not receiving any benefit from any third party where there is a conflict of interest.

ARTICLE 823 CONFLICT OF INTEREST TO THE ENVIRONMENTAL TRUST FUND

During the course of its duties, a trustee shall report a conflict of interest to the ministry or institution responsible for economy and finance.

In the case that the ministry or institution responsible for economy and finance has sufficient evidence and 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 or the public, the ministry or institution responsible for economy and finance shall coordinate with the ministry or institution responsible for environment to initiate an investigation on the issue.

The ministry or institution responsible for economy and finance shall suspend the responsibilities of the trustee in cases where the investigation discovers that the trustee has a conflict of interest with the trust. In this case, the ministry or institution responsible for economy and finance shall appoint an interim trustee that meets the requirements of the Code and is in accordance with the trust instrument.

ARTICLE 824 PUBLICLY ACCESSIBLE REGISTER OF ANNUAL REPORTS

The ministry or institution responsible for environment shall maintain a publicly accessible register of the annual reports of all Environmental Trust Funds.

ARTICLE 825 USE OF ASSETS OF ENVIRONMENTAL TRUST FUNDS

The trustee may use the assets of the Environmental Trust Fund to:

- 1) Fund activities or projects that meet the purpose of Environmental Trust Funds in accordance with the provisions of this Code;
- 2) Pay for operational costs of the Environmental Trust Fund, including remuneration of the trustee and the costs of administering the Environmental Trust Fund;
- 3) Spend on social activities that are consistent with the purpose and conditions of the trust instrument; and
- 4) Invest in environmentally and socially responsible investments or securities.

ARTICLE 826 TERMINATION OF ENVIRONMENTAL TRUST FUNDS

Environmental Trust Funds shall be terminated, prior to term, with consent and permission from the ministry or institution responsible for economy and finance in the following cases:

- 1) Decision with discretion or by the majority of settlors;
- 2) Reaching the deadline determined in trust instrument; or
- 3) Severe violation of trustee on the financial trust.

The ministry or institution responsible for economy and finance shall be informed of all steps of the termination process.

ARTICLE 827 CONTROL OF TERMINATED ENVIRONMENTAL TRUST FUNDS

In the case that an Environmental Trust Fund is terminated as stipulated in Article 826 of this Code, the settlor shall appoint a professional trust administrator to manage and evaluate the trust. The trust administrator shall have the following responsibilities:

- 1) Complete and finish the remaining work of the trustee;
- 2) Collect and pay the remaining debt; and
- 3) Evaluate the remaining trust.

When completing these requirements, the trust administrator shall render a final accounting and provide a report to the ministry or institution responsible for economy and finance and ministry or institution responsible for environment. Any remaining Environmental Trust Fund assets shall be distributed in accordance with the Environmental Trust Fund instruments.

Fees for the trust administrator shall be calculated on the basis of standard professional rates and shall be paid from the assets of the Environmental Trust Fund.

ARTICLE 828 REQUIREMENTS WHEN TERMINATING ENVIRONMENTAL TRUST FUNDS

The Environmental Trust Fund shall be terminated after:

- 1) The debts of the Environmental Trust Fund have been discharged;
- 2) The funds remaining in the Environmental Trust Fund Accounts and all Environmental Trust Fund Assets have been transferred in accordance with provisions of this Code and other relevant legal instruments on trust funds; and
- 3) All disputes related to the final accounting are settled. The trustee remains liable after the termination of the Environmental Trust Fund for any losses or damages caused, or resulting from, the wilful default, gross negligence, fraud, or dishonesty of the trustee.

ARTICLE 829 DISPUTES RELATING TO OPERATION OF ENVIRONMENTAL TRUST FUNDS

Any dispute relating to the operation of an Environmental Trust Fund shall be resolved by reconciliation or mediation by the ministry or institution responsible for economy and finance.

For any dispute relating to the operation of an unregistered trust fund, the ministry or institution responsible for economy and finance is authorized to cancel such trust.

Any party not satisfied with the decision made by the ministry or institution responsible for economy and finance may bring a complaint in accordance with the provisions in Book 9 of this Code.

The outcome of all dispute resolution processes shall be made publicly available.

ARTICLE 830 INAPPROPRIATE MANAGEMENT OR USE OF ENVIRONMENTAL TRUST FUNDS

Any trustee who manages or uses an Environmental Trust Fund inappropriately or against the purposes of the Environmental Trust Fund such that environmental harm is caused shall be responsible for his or her actions in accordance with the provisions of this Code and other relevant legal instruments on trust funds.

SECTION 2 FUNDS FOR RESOLVING ENVIRONMENT AND NATURAL RESOURCES DISPUTES

ARTICLE 831 FUNDS FOR RESOLVING ENVIRONMENT AND NATURAL RESOURCE DISPUTES

The ministry or institution responsible for interior shall establish a fund to resolve environment and natural resource disputes at the Commune/Sangkat level regarding service fee for environmental mediation performance.

The ministry or institution responsible for environment shall establish a fund to resolve environment and natural resource disputes of the National Committee for Environment and Natural Resource Dispute Resolution regarding service fee for technical expert on environment.

ARTICLE 832 SOURCES OF FUNDS

The sources of funds to resolve environment and natural resource disputes as stipulated in Article 831 above are derived from:

- 1) National budget provided;
- 2) Donation from national and international legal entities;
- 3) Charitable contributions and other donations; and
- 4) Other sources.

ARTICLE 833 USE OF FUNDS

The procedures to use the funds to resolve environment and natural resource disputes shall be determined by an inter-ministerial legal instrument of the ministry or institution responsible for environment and the ministry or institution responsible for interior.

SECTION 3

FUND FOR OPEN GREEN SPACE

ARTICLE 834 ESTABLISHMENT OF THE OPEN GREEN SPACE FUND

The ministry or institution responsible for land management, urban planning, and construction shall establish an Open Green Space Fund for the development of green spaces. The organization, management, use, and allocation of the Open Green Space Fund shall be determined by an inter-ministerial legal instrument of the ministry or institution responsible for land management, urban planning, and construction and the ministry or institution responsible for economy and finance, in accordance with separate specific laws and legal instruments on finance.

ARTICLE 835 INCOME SOURCES OF THE OPEN GREEN SPACE FUND

The Open Green Space Fund shall have income sources from the following sources:

- 1) A fee to be determined by the ministry or institution responsible for land management, urban planning, and construction;
- 2) Donor funds; and
- 3) Other sources as determined by the ministry or institution responsible for land management, urban planning, and construction.

The amount, method of calculation, the persons to be responsible, and the types and size of projects requiring the payment of this fee shall be determined in the legal instrument on the Open Green Space Fund as stipulated in Article 834. All persons determined in the legal instrument on the Open Green Space Fund as stipulated in Article 834 shall be responsible for the payment of such fee to the Open Green Space Fund.

SECTION 4

FINANCING FOR ENVIRONMENTAL MANAGEMENT PLANS

ARTICLE 836 FINANCIAL RESOURCES FOR ENVIRONMENTAL MANAGEMENT PLAN

The project owner of a proposed project requiring an Environmental Management Plan in accordance with the Environmental Impact Assessment provisions in Book 2 Title 2 of this Code shall be required to provide assurances that it has sufficient financial resources for the implementation of the project's Environmental Management Plan prior to the issuance of an

Approval Letter and Certificate.

The criteria and procedure for determining whether a project owner has provided sufficient assurances, including acceptable forms of financial assurances, shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 837 ENVIRONMENTAL MANAGEMENT PLAN BUDGET

A detailed budget of estimated costs associated with implementation of the Environmental Management Plan shall be included in the Environmental Management Plan. The budget shall include but not be limited to the following:

- 1) Costs for all mitigation measures;
- 2) Monitoring costs;
- 3) Costs related to the project's operational grievance mechanism;
- 4) Any potential liabilities for resettlement and compensation to project affected persons;
- 5) Any required payments for ecosystem services;
- 6) Potential costs associated with closure, restoration, rehabilitation, remediation, or decommissioning of the project; and
- 7) Any other costs related to the implementation of the project's Environmental Management Plan.

ARTICLE 838 PROCEDURES FOR FINANCIAL ASSURANCES

The ministry or institution responsible for environment shall develop a legal instrument on the criteria and procedures for determining sufficient financial assurances for the implementation of its proposed Environmental Management Plan, including but not limited to:

- 1) The scope of the required financial assurances to implement the plan;
- 2) Acceptable forms of financial assurances;
- 3) The appropriate amounts of financial assurances required based on size, scale, location, and potential impacts; and
- 4) The timeframes on which financial resources must be lodged or otherwise made available.

ARTICLE 839 FINANCIAL AUDITING AND REPORTING

Any project owner required to provide financial assurances for the implementation of an Environmental Management Plan shall comply with auditing and reporting requirements in accordance with the relevant legal instruments on auditing and reporting.

The project owner shall annually conduct and submit to the ministry or institution responsible for environment a review of Environmental Management Plan cost estimates. The estimates shall be conducted by a technical expert in engineering.

In the case that the annual audit report indicates that the requirements for financial assurance are no longer met, the project owner shall notify the ministry or institution responsible for environment and other competent ministries or institutions.

The project owner shall meet the updated requirements for financial assurance within 30 (thirty) days of the notification.

The ministry or institution responsible for environment may require additional reports or documentation.

In the case that the annual audit report indicates that there is a surplus in a financial assurance that is required, the ministry or institution responsible for environment, may request to the ministry or institution responsible for economy and finance to authorize the reimbursement of excess funds upon request by the project owner.

BOOK 9 ENVIRONMENT AND NATURAL RESOURCES COMPLAINT RESOLUTION PROCEDURE

TITLE 1 PROCEDURE FOR SOLVING ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS

CHAPTER 1 RESOLUTION OF ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS OF A CIVIL OR ADMINISTRATIVE NATURE

SECTION 1 ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS

ARTICLE 840 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 in accordance with this Code, the in-force

Code of Civil Procedure, and the in-force Code of Criminal Procedure.

ARTICLE 841 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 in accordance with this Code, the victim or the public reserves the right to bring a complaint to the competent court.

All legal forms and procedures in bringing a criminal complaint to the court shall be in accordance with this Code and the in-force Code of Criminal Procedure.

ARTICLE 842 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 relevant to environment or natural resources related to measures for environmental protection and natural resource management of the competent ministries or institutions.

A natural person, legal entity, or the public who suffers from or is affected by an environment and natural resources decision of an administrative nature reserves the right to file a complaint as stipulated in the above paragraph in accordance with this Code.

ARTICLE 843 COMPLAINTS AGAINST ENVIRONMENT AND NATURAL RESOURCES ACTIVITIES OF AN ADMINISTRATIVE NATURE

Complaints against environment and natural resources administrative activities of an administrative nature are conducted for the purpose of claiming compensation for environmental or natural resources harm caused by the fulfilment of the work of public officials or competent ministries or institutions whose responsibilities relate to the environmental protection or natural resources management, in doing activities or taking measures regarding the environment and natural resources which cause environmental harm or pollution or violate any right or benefit of affected parties.

A natural person or legal entity reserves the right to file a complaint as stipulated in the above paragraph to competent authority or competent court in accordance with this Code.

ARTICLE 844 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 legal instruments.

A natural person or legal entity reserves the right to file a complaint as stipulated in the above paragraph to competent authority or competent court in accordance with this Code.

ARTICLE 845 STRATEGIC COMPLAINTS AGAINST PUBLIC INTEREST

Strategic complaints against public interest are legal complaints or other administrative actions filed by natural person or legal entity to prevent, obstruct, or put pressure on the complaint of the public that has bad intention in filing complaint to defame or to damage the financial benefit of the natural person or legal entity.

SECTION 2

PARTIES TO NATURAL RESOURCES AND ENVIRONMENTAL COMPLAINTS

ARTICLE 846 AFFECTED PERSONS AND COMMUNITIES

Persons affected by environment and natural resources offences reserve the right to file a complaint with the competent institution or competent court to stop or prevent an activity or to claim compensation for environmental harm and damages in compliance with this Code and the in-force Code of Civil Procedure.

The complaint may also be made by community against environment and natural resources offenses or non-compliance with the provisions stipulated in this Code and the in-force Code of Civil Procedure through a community representative. The community representative shall provide relevant evidence to prove the representation right granted by the affected community.

ARTICLE 847 ASSOCIATIONS OR ORGANIZATIONS WITH ACCREDITATION

All organizations or associations registered and acknowledged by the legal authority of the Kingdom of Cambodia shall reserve the right to file an environment and natural resources complaint with the competent institutions and court.

The accredited association or organization shall file a complaint with only the objective of stopping or preventing an activity, claiming for environmental restoration or relevant compensation or damages for the victims or communities.

In cases where the complaint is filed for the purpose of claiming compensation or damages of the victims or community, there shall be evidence showing the grant of rights by the community representative or the community.

ARTICLE 848 ADMISSIBILITY OF COMPLAINTS MADE BY THE RELEVANT ASSOCIATION OR ORGANIZATION

A complaint made by a relevant association or organization as stipulated in Article 840 of this Code shall be admitted upon proven evidence that the complaint is with the acceptance of

victim or legal representative of this individual, 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 acceptance of the victim or community when the complaint made is with the purpose of demanding environmental protection or environmental restoration or stopping or preventing an activity to serve the public interest.

ARTICLE 849 ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS MADE BY COMPETENT AUTHORITY

The ministry or institution responsible for environment or competent ministry or institution reserves the right to bring a complaint related to environmental harm, environmental restoration, stopping or preventing an activity that harm or pollute the environment and natural resources, or failure to comply with the provisions in accordance with this Code at the competent institution or court.

SECTION 3 OUT-OF-COURT DISPUTE RESOLUTION

ARTICLE 850 OBJECTIVE OF OUT-OF-COURT ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION

An out-of-court environment and natural resources dispute resolution is a voluntary out-of-court mechanism and has the objective of determining a method to resolve environment and natural resources disputes of an administrative and civil nature.

ARTICLE 851 SCOPE OF OUT-OF-COURT ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION

The scope of out-of-court environment and natural resources dispute resolution shall include environment and natural resources disputes of a civil nature as follows:

- 1) Compensation for environmental harm;
- 2) Restoration of the environment;
- 3) Determination of measures to prevent environmental pollution or environmental harm by the polluter;
- 4) Determination of measures to prevent or minimise negative impacts to the environment and natural resources; and
- 5) Shall not include environment and natural resources disputes of a criminal nature as

stipulated by this Code and other relevant legal instruments.

The out-of-court environment and natural resources dispute resolution as stipulated above shall be under the authority of the Commune/Sangkat Environment and Natural Resources Mediation Committee and the National Committee for Environment and Natural Resources Dispute Resolution.

ARTICLE 852 DISPUTE RESOLUTION FOR ENVIRONMENT AND NATURAL RESOURCES DECISIONS OR ACTIVITIES OF AN ADMINISTRATIVE NATURE

Disputes against administrative environmental decisions or activities of an administrative nature related to the environment and natural resources in accordance with this Code and other legal instruments relevant to the environmental protection and management of other resources and shall be subject to the dispute resolution authority of the National Committee for Environment and Natural Resources Dispute Resolution.

ARTICLE 853 COMMUNE/SANGKAT ENVIRONMENT AND NATURAL RESOURCES MEDIATION COMMITTEE

Each Commune/Sangkat council shall establish and organize the functioning of a Commune/Sangkat Environment and Natural Resources Mediation Committee to resolve environment and natural resources disputes of a civil nature at their own Commune/Sangkat office.

The authority of this Commune/Sangkat Environment and Natural Resources Mediation Committee shall be determined by this Code. The preparation of budgets for the process of environment and natural resources dispute resolution shall be determined by an inter-ministerial legal instrument between the ministry or institution responsible for environment and the ministry or institution responsible for interior.

ARTICLE 845 JURISDICTION OF COMMUNE/SANGKAT ENVIRONMENT AND NATURAL RESOURCES MEDIATION COMMITTEE

Commune/Sangkat Environment and Natural Resources Mediation Committees shall have the authority to do the following:

- 1) Receive environment and natural resources dispute complaints;
- 2) Send environment and natural resources disputes that are not under their authority, or environment and natural resources disputes in their authority that cannot be resolved in the mediation stage, to other units, competent ministries or institutions, or the National Committee for Environment and Natural Resources Dispute Resolution;
- 3) Provide environment and natural resources dispute consultation services and maintain

confidentiality;

- 4) Visit sites of disputes;
- 5) Provide resolution of environment and natural resources disputes of a civil nature;
- 6) Reconcile environment and natural resources disputes;
- 7) Prepare agreements with the approval of the parties in dispute, and monitor the implementation of compromise settlement agreements;
- 8) Keep records or files of the processes of Commune/Sangkat Environment and Natural Resources Mediation Committee, including but not limited to application forms, compromise settlement agreements, or other relevant documents; and
- 9) Submit cases and compromise settlement agreements to the National Committee for Environment and Natural Resources Dispute Resolution if the parties in dispute do not implement the agreement by the Commune/Sangkat Environment and Natural Resources Mediation Committee.

Commune/Sangkat Environment and Natural Resources Mediation Committees shall not resolve any environment and natural resources disputes that have been resolved or are being resolved by the procedures under the relevant legal instruments even if the dispute falls under the authority of the Commune/Sangkat Environment and Natural Resources Mediation Committee.

Procedures and guidelines for the functioning of the environment and natural resources dispute resolution procedure of Commune/Sangkat Environment and Natural Resources Mediation Committee shall be determined by an inter-ministerial legal instrument between the ministry or institution responsible for environment and ministry or institution responsible for interior.

ARTICLE 855 COMPOSITION OF THE COMMUNE/SANGKAT ENVIRONMENT AND NATURAL RESOURCES MEDIATION COMMITTEE

There are 3 (three) persons who are the members of the Commune/Sangkat Environment and Natural Resources Mediation Committee, of which 1 (one) person is the director whose duty is to lead the procedure of environment and natural resources dispute resolution, and 2 (two) persons are members. The parties in dispute shall select two mediation members and the two members shall select another mediator as the director.

In communes where there are majority indigenous populations, at least 1 (one) member of the committee shall be a representative of the indigenous peoples.

Each Commune/Sangkat Environment and Natural Resources Mediation Committee may

select one or more technical experts as technical experts if necessary in accordance with the complexity of the case. Technical experts shall fulfil their work only to the level requested by the Commune/Sangkat Environment and Natural Resources Mediation Committee and provide technical conclusions to only the Commune/Sangkat Environment and Natural Resources Mediation Committee and the parties to the dispute.

The procedure for selection and establishment of the list of technical experts shall be determined by a legal instrument of the ministry or institution responsible for environment.

The selection procedure for and name lists of environment and natural resources mediators shall be determined by legal instrument of the ministry or institution responsible for interior.

ARTICLE 856 PERIOD OF THE PROCESS OF RECONCILIATION OF COMMUNE/SANGKAT ENVIRONMENT AND NATURAL RESOURCES MEDIATION COMMITTEE

There is a period of 45 (forty-five) working days for the environment and natural resources dispute resolution process of the Commune/Sangkat Environment and Natural Resources Mediation Committee. This timeframe may be extended if the Commune/Sangkat Environment and Natural Resources Mediation Committee proposes an extension to the parties in dispute, and the parties in dispute agree with such proposal.

In cases where an environment and natural resources dispute at the Commune/Sangkat Environment and Natural Resources Mediation Committee cannot be resolved within the timeframe stipulated in the above paragraph, the Commune/Sangkat Environment and Natural Resources Mediation Committee shall submit the dispute to the National Committee for Environment and Natural Resources Dispute Resolution in no more than a period of 15 (fifteen) working days.

ARTICLE 857 TERMINATION OF ENVIRONMENT AND NATURAL RESOURCES MEDIATION PROCESS

The environment and natural resources dispute resolution process shall be terminated in the following circumstances:

- 1) The parties agree to terminate the environment and natural resources dispute resolution process;
- 2) One party does not approve or cooperate in the environment and natural resources dispute resolution process;
- 3) The parties do not reach agreement on the dispute in 45 (forty-five) days or other time period as agreed to by the parties; or

- 4) The parties reach an agreement in written form through the dispute resolution procedure of the Commune/Sangkat Environment and Natural Resources Mediation Committee.

Compromise settlement agreements of Commune/Sangkat Environment and Natural Resources Mediation Committee shall be legally binding.

ARTICLE 858 RESOLUTION

Each agreement that is resolved by the Commune/Sangkat Environment and Natural Resources Mediation Committee shall have the approval of the parties to the process, and shall include the following points:

- 1) Compensation for environmental harm;
- 2) Method of restoration for environmental harm occurring to environment and natural resources;
- 3) Procedure to prevent additional environmental harm; and/or
- 4) Mechanism to prevent harm to environment and natural resources.

The assessment of harm to environment and natural resources shall be implemented in accordance with Article 923 of this Code.

ARTICLE 859 NATIONAL COMMITTEE FOR ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION

The National Committee for Environment and Natural Resources Dispute Resolution shall be established by legal instrument of the ministry or institution responsible for environment. The National Committee for Environment and Natural Resources Dispute Resolution shall consist of a permanent secretariat consisting of staff from the ministry or institution responsible for environment. This secretariat shall be led by one General Secretary and one or more Deputy General Secretaries as assistants if necessary.

The organization and functioning of the permanent secretariat as stipulated in the above paragraph shall be determined by legal instrument of the ministry or institution responsible for environment.

The National Committee for Environment and Natural Resources Dispute Resolution consists of 2 (two) separate councils. The first national council is the National Mediation Council for Environment and Natural Resources responsible for resolution of environment and natural resources disputes received from Commune/Sangkat Environment and Natural Resources Mediation Committees. The second national council is the National Council for Environment and Natural Resources Administrative Dispute Resolution responsible for disputes against

environment and natural resources administrative decisions or environment and natural resources administrative activities related to environmental protection and natural resource management.

ARTICLE 860 NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES

The organization and functioning of the National Mediation Council for Environment and Natural Resources shall be determined by legal instrument of the ministry or institution responsible for environment.

The composition of the National Mediation Council for Environment and Natural Resources shall be as follows:

- 1) Director(s) – Skilled officers of the ministry or institution responsible for environment;
- 2) Member(s) – Skilled officers of competent ministries or institutions relevant to the environment and natural resources dispute;
- 3) Technical Member(s) – Technical experts as necessary; and
- 4) Civil Society Member(s) – National Civil Society Organization working in sectors relevant to environment and natural resources as necessary.

Members of the National Mediation Council for Environment and Natural Resources have a mandate of 5 (five) years and are subject to reappointment except in cases of resignation, death, or revocation by fault as stipulated in the code of conduct and internal regulations.

The procedure for establishment, selection, and determination of the qualification of Environment and Natural Resources Mediator of the National Mediation Council for Environment and Natural Resources shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 861 AUTHORITY OF THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES

The National Mediation Council for Environment and Natural Resources has authority to do the following:

- 1) Resolve environment and natural resources disputes received from the Commune/Sangkat Environment and Natural Resources Mediation Committee;
- 2) Examine and resolve proposals from disputing parties for resolution of environment and natural resources disputes;

- 3) Investigate and make requests for information relevant to an environment and natural resources dispute;
- 4) Order parties to provide and show documents and information relevant to an environment and natural resources dispute;
- 5) Prepare compromise settlement agreements with approval from both parties on environment and natural resources disputes;
- 6) Request assistance from technical experts from other ministries or institutions;
- 7) Request cooperation from other relevant ministries and institutions; and
- 8) Prepare and create internal rules and a code of conduct.

ARTICLE 862 PERIOD OF ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION PROCESS OF THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES

The National Mediation Council for Environment and Natural Resources has a period of no more than 6 (six) months starting from the date of receiving a dispute to complete the environment and natural resources dispute resolution process.

The period as stipulated in the above paragraph may be extended by proposal of the National Mediation Council for Environment and Natural Resources, with agreement from the parties in dispute.

In cases where the environment and natural resources dispute resolution process of the National Mediation Council for Environment and Natural Resources cannot be achieved in the period as stipulated in the above paragraph, the National Mediation Council for Environment and Natural Resources or the parties in dispute may file a complaint to the Municipal or Provincial Court of First Instance to review and make decision in accordance with the in-force Code of Civil Procedure of the Kingdom of Cambodia.

ARTICLE 863 TERMINATION OF ENVIRONMENT AND NATURAL RESOURCES DISPUTE RESOLUTION PROCESS OF THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES

The environment and natural resources dispute resolution process of the National Mediation Council for Environment and Natural Resources shall be terminated in the following circumstances:

- 1) Both parties agree to terminate the environment and natural resources dispute resolution process;

- 2) Any party disagrees or does not cooperate in resolving the dispute through the environment and natural resources dispute resolution process;
- 3) Parties do not reach agreement on the environment and natural resources dispute in 6 (six) months or other time period as agreed to by the parties to the dispute; or
- 4) Parties resolve the dispute during the environment and natural resources dispute resolution process with the National Mediation Council for Environment and Natural Resources and come to a written compromise settlement agreement.

A compromise settlement agreement of the National Mediation Council for Environment and Natural Resources shall be legally binding.

ARTICLE 864 COSTS FOR RESOLVING ENVIRONMENT AND NATURAL RESOURCES DISPUTES BY THE PARTIES

In cases where the environment and natural resources dispute is related to the interests of a natural person, the parties to the dispute shall be responsible for the costs of resolving the environment and natural resources dispute. In cases where the environment and natural resources dispute has been lodged by a competent ministry or institution or the public for the purpose of protecting the interests of the public or community, the fund established to resolve environment and natural resources in Book 8 Title 2 of this Code shall be used.

The procedure to determine costs relevant to resolving environment and natural resources complaints shall be determined by an inter-ministerial legal instrument of the ministry or institution responsible for environment and the ministry or institution responsible for interior.

ARTICLE 865 INDEPENDENCE AND NEUTRALITY OF ENVIRONMENT AND NATURAL RESOURCES MEDIATOR

The appointed environment and natural resources mediator shall fulfil his or her responsibilities in an independent and neutral manner in his or her scope of authority in accordance with the relevant legal instruments.

ARTICLE 866 FORM OF COMPROMISE SETTLEMENT AGREEMENT OF NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES

A compromise settlement agreement of the National Mediation Council for Environment and Natural Resources shall be in written form and shall be made publicly available.

ARTICLE 867 CHOMTOAH/OBJECTION COMPLAINT AGAINST COMPROMISE SETTLEMENT AGREEMENT OF NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES

The parties to the dispute reserve the right to file an objection motion to the competent court for reviewing legal aspects and procedure for compromise settlement agreement coordinated by the National Mediation Council for Environment and Natural Resources in a period of 15 (fifteen) working days after the mediation process has been completed.

In cases where a chomtoah/objection complaint has not been made within the period stipulated in the above paragraph, the compromise settlement agreement shall be considered final without recourse, and shall be considered a title of execution in accordance with the provisions of the in-force Code of Civil Procedure.

ARTICLE 868 RESOLUTION FOR MEASURE FOR ENVIRONMENTAL REPARATION AND RESTORATION

The National Mediation Council for Environment and Natural Resources and the National Council for Environment and Natural Resources Administrative Dispute Resolution shall select resolutions and measures in accordance with this Code.

The National Mediation Council for Environment or Natural Resources and the National Council for Environment and Natural Resources Dispute Resolution shall prioritize the issues of environmental restoration and rehabilitation when determining appropriate resolutions and measures.

ARTICLE 869 EFFECT OF COMPROMISE SETTLEMENT AGREEMENT

A compromise settlement agreement of the National Mediation Council for Environment and Natural Resources shall be final without recourse and shall be considered a title of execution in accordance with the provisions of the in-force Code of Civil Procedure in case where any disputed parties do not voluntarily implement the compromise settlement agreement.

ARTICLE 870 NATIONAL COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DISPUTE RESOLUTION

The organization and functioning of the National Council for Environment and Natural Resources Administrative Dispute Resolution shall be determined by legal instrument of the ministry or institution responsible for environment.

The composition of the National Council for Environment and Natural Resources Administrative Dispute Resolution shall be as follows:

- 1) President - Minister of the Office of the Council of Ministers or representative;
- 2) Vice-President - Minister responsible for environment or representative;
- 3) Members - Ministers of relevant government ministries or institutions or

representatives;

- 4) Technical Members - Scientific technical expert team to provide technical consultation as necessary or based on the proposal of competent ministries or institutions; and
- 5) Other members as necessary based on the issue under dispute.

Members of the National Council for Environment and Natural Resources Administrative Dispute Resolution have a mandate of 5 (five) years and shall be subject reappointment except in cases of resignation, death, or revocation by fault as stipulated in the internal regulations or relevant laws.

ARTICLE 871 JURISDICTION OF NATIONAL COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DISPUTE RESOLUTION

The National Council for Environment and Natural Resources Administrative Dispute Resolution has the authority to review and issue decisions on the chomtoah/objection complaint against environmental administrative decisions or environment and natural resources administrative activities.

The decision of the National Council for Environment and Natural Resources Administrative Dispute Resolution on the chomtoah/objection complaint may be a decision to reject, cancel, accept, or revise the administrative decision or environment and natural resources administrative activity. This decision shall be made in written form and shall provide clear legal reasoning.

The National Council for Environment and Natural Resources Administrative Dispute Resolution shall issue its decision no later than a period of 30 (thirty) working days counting from the day the chomtoah/objection complaint is received.

The period as stipulated above may be extended by not more than 3 (three) months if necessary to accommodate the complexity of scientific techniques required to resolve the chomtoah/objection complaint.

ARTICLE 872 PROCEDURE FOR DECISION-MAKING OF NATIONAL COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DISPUTE RESOLUTION

The National Council for Environment and Natural Resources Administrative Dispute Resolution shall conduct a public hearing to resolve an environmental administrative dispute. The decision-making shall be made by a majority of all members who are present. Members of the National Council for Environment and Natural Resources Administrative Dispute Resolution shall consist of at least 3 (three) persons, and shall consist of an odd number. The number of members of the National Council for Environment and Natural Resources

Administrative Dispute Resolution participating in the public hearing shall be determined on a case by case basis, depending on the administrative decision or activity that is the subject of the dispute. The president of the National Council for Environment and Natural Resources Administrative Dispute Resolution shall lead the public hearing.

The deliberation of the National Council for Environment and Natural Resources Administrative Dispute Resolution to make a decision shall be confidential; however, its announcement of the decision shall be conducted in a public hearing and with clear legal reasoning.

ARTICLE 873 CHOMTOAH/OBJECTION COMPLAINT AGAINST ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DECISIONS OR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE ACTIVITIES

If the parties in dispute do not agree with the decision of the National Council for Environment and Natural Resources Administrative Dispute Resolution, the parties in dispute have the right to file a chomtoah/objection complaint to the Capital or Provincial Court of First Instance to review and make the decision again in accordance with the in-force Code of Civil Procedure or if an in-force Code of Administrative Procedure exists, in accordance with the in-force Code of Administrative Procedure, no later than a period of 30 (thirty) working days counting from the day that the announcement of the decision is received.

In cases where there is an absence of any chomtoah/objection complaint in the period as stipulated above, the decision shall become final without recourse and shall be implemented immediately.

ARTICLE 874 COOPERATION WITH NATIONAL COMMITTEE FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DISPUTE RESOLUTION

All levels of authorities, armed forces, and competent ministries or institutions shall cooperate, coordinate, and support the National Committee for Environment and Natural Resources Administrative Dispute Resolution in the implementation of their role in cases where there is a request from the National Committee for Environment and Natural Resources Administrative Dispute Resolution.

ARTICLE 875 INDEPENDENCE AND NEUTRALITY OF NATIONAL COUNCIL FOR ENVIRONMENTAL ADMINISTRATIVE DISPUTE RESOLUTION

The appointed members of the National Council for Environmental Administrative Dispute Resolution shall fulfil their responsibilities in their scope of authority in an independent and neutral manner in accordance with the relevant legal instruments.

In cases where a member of the National Council for Environment and Natural Resources Administrative Dispute Resolution violates their functions as stipulated in the above paragraph and commits any action that is against the relevant legal instruments, that member shall be subject to administrative punishment and/or criminal punishment according to the action that is at issue.

SECTION 4

IN-COURT ENVIRONMENTAL AND NATURAL RESOURCES DISPUTE RESOLUTION

ARTICLE 876 SPECIALIZED ENVIRONMENTAL COURTS

The Capital/Provincial Specialized Environmental 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 complaints and disputes against environmental administrative decisions or environment and natural resources administrative activities, shall be established.

ARTICLE 877 JURISDICTION OF SPECIALIZED ENVIRONMENTAL COURTS

The Specialized Environmental Courts shall issue a decision on chomtoah/objection complaints submitted by the National Mediation Council for Environment or Natural Resources or National Council for Environment and Natural Resources Administrative Dispute Resolution in accordance with in-force Code of Civil Procedure, or in-force administrative procedure when the law on administrative procedure is available.

However, in cases where the environment and natural resources complaint is a criminal complaint in accordance with this Code and other relevant legal provisions, the process of this criminal complaint shall be in accordance with the in-force Code of Criminal Procedure.

Implementation of the procedure to resolve environment and natural resources complaints shall be in accordance with the in-force Code of Civil Procedure and the Criminal Code, unless otherwise specified by this Code.

ARTICLE 878 CHOMTOAH/OBJECTION COMPLAINT AGAINST THE COMPROMISE SETTLEMENT AGREEMENT OF THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES

Parties to a dispute, members of the public with the purpose of protecting the public interest, and the competent ministry or institution have the right to file complaints to the Specialized Environmental Court of First Instance against the compromise settlement agreement of the National Mediation Council for Environment and Natural Resources or National Council for Environment and Natural Resource Administration Resolution to review the laws and

procedure relevant to the compromise settlement agreement.

Any persons who are not satisfied with the judgement of the Specialized Environmental Court of First Instance reserve the right to appeal against the judgement to a higher court. The form and procedure for filing complaints shall be in accordance with the in-force Code of Civil.

ARTICLE 879 AUTHORITY FOR THE SPECIALIZED ENVIRONMENTAL COURTS TO REVIEW LEGAL ISSUES

The Specialized Environmental Courts have the authority to review legal issues as follows:

- 1) That considerations, measures, and solutions in accordance with this Code have been included in the compromise settlement agreement;
- 2) That the restoration and compensation of the environment and natural resources has been considered as the first priority;
- 3) That considerations, measures, and solutions in the compromise settlement agreement are in accordance with the general principles of this Code;
- 4) Whether the subject matter under dispute may be solved through the out-of-court environmental dispute resolution mechanism;
- 5) Whether the content of the compromise settlement agreement on environment and natural resources is contrary to public order, good custom, or provisions in relevant legal instruments;
- 6) Properness of procedures of environment and natural resources mediation; and
- 7) Consistency with public policy of the Kingdom of Cambodia.

ARTICLE 880 DECISION OF SPECIALIZED ENVIRONMENTAL COURT OF FIRST INSTANCE

The Specialized Environmental Court of First Instance shall issue a decision on a chomtoah/objection complaint against the compromise settlement agreement of the National Mediation Council for Environment and Natural Resources or against the decision of the National Council for Environment and Natural Resources Administrative Dispute Resolution by means of a judgement no later than a period of 3 (three) months from the date the complaint is submitted.

The period as stipulated in the above paragraph shall not be extended.

ARTICLE 881 CHOMTOAH/OBJECTION COMPLAINT AGAINST THE ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DECISION OF

THE NATIONAL MEDIATION COUNCIL FOR ENVIRONMENT AND NATURAL RESOURCES

The parties to the dispute, members of the public with the purpose of protecting the public interest, or the competent ministry or institution have the right to file complaints to the Specialized Environmental Court of First Instance against an environment and natural resources administrative decision of the National Mediation Council for Environment and Natural Resources in order to review the legality of the decision.

Any person who is not satisfied with the judgement of the Specialized Environmental Court of First Instance shall reserve the right to appeal against the judgement to a higher court. The form and procedure for filing complaints shall be in accordance with the in-force Code of Criminal Procedure.

ARTICLE 882 AUTHORITY TO REVIEW THE LEGALITY OF ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE DECISIONS OR ACTIVITIES

The Specialized Environmental Courts shall review only the following legality issues:

- 1) Validity of the administrative decision including the authority to issue the decision, defects of form used or procedure to issue the decision, or abuse of power; and
- 2) The essential content of the decision that violates the general principles of law, including but not limited to the violation of laws or relevant legal instruments, reliance on mistake of law or fact, or reliance on an error in legal reasoning.

The review of the legality of an environment and natural resources administrative decision or activity as stipulated in the above paragraph shall be consistent with provisions of this Code and other relevant legal instruments.

ARTICLE 883 PERIOD FOR APPEALING TO HIGHER COURTS

Uttor Appeals and Sartouk Appeals shall be made no later than a period of 1 (one) month counting from the date of the receipt of the judgement or verdict. The procedure for resolving the Uttor or Sartouk Appeal shall be in accordance with the in-force Code of Civil Procedure unless otherwise specified in this Code.

ARTICLE 884 UTTOR APPEAL TO THE HIGHER COURTS

The Court of Appeal shall issue a decision on the Uttor Appeal on the judgement of the Specialized Environmental Court of First Instance by means of a verdict no later than a period of 6 (six) months, calculating from the date of receipt of the Uttor Appeal.

The time period stipulated in the above paragraph shall not be extended.

ARTICLE 885 SARTOUK APPEAL AGAINST THE VERDICT OF THE COURT OF APPEAL

The Supreme Court shall issue a decision on the Sartouk appeals and the Appeal Court's verdict no later than 9 (nine) months counting from the date of receipt of the Sartouk Appeal. The period as stipulated in the above paragraph shall not be extended.

For complaints with the objective of civil compensation for harm to the environment and natural resources or complaints related to environment and natural resources administration, the Supreme Court shall issue a closing and final decision without reversing the decision and let the Court of Appeal re-consider the complaint in accordance with procedures stipulated in the in-force Code of Civil Procedure of Cambodia, unless the environment and natural resources complaint is of a criminal nature.

ARTICLE 886 PROCEDURE WHEN FACING STRATEGIC COMPLAINTS AGAINST PUBLIC INTEREST

Natural persons or legal entities against whom any complaints have been improperly filed by another natural person or legal entity which have caused impact as stipulated in Article 845 may file a counter complaint in order claim civil compensation to a competent court.

ARTICLE 887 REQUIREMENTS FOR RECEIVING STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION

The specialized environmental court shall review the requirement for accepting strategic complaint against public participation as follows:

- 1) The action of counter complaint does not have the intention to persecute, obstruct, or to put pressure on the participation of the public on the complaint action; and
- 2) There is no proper or clear evidence proving that the complaint of the public has the intention to defame or obstruct or interfere with malicious intent against the owner of the counter complaint.

The specialized environmental court shall make a decision to dismiss the counter complaint by a Deka Samrach (decision) in cases where the complaint is not in compliance with the conditions as stipulated in the above paragraph.

Any party not satisfied with the above decision reserves the right to file an appeal to the Court of Appeal no later than 15 (fifteen) working days counting from the date of notification of the decision. The decision of the Court of the Appeal shall then be final without recourse.

The procedure to solve strategic complaint against public participation shall be in compliance with the procedure as stipulated in the in-force Code of Civil Procedure unless otherwise

stipulated specifically in this Code.

ARTICLE 888 PROCEDURE FOR COMPULSORY EXECUTION

Compulsory execution for the right to demand monetary compensation shall be in compliance with the compulsory execution procedure as stipulated in the in-force Code of Civil Procedure.

The implementation of decisions related to the preservative relief ruling procedure shall be in accordance with the compulsory execution for preservation relief ruling in accordance with the in-force Code of Civil Procedure.

Compulsory execution for the right to demand monetary compensation is the compulsory execution of the decision of the court ordering to return tangible assets, or ordering to take or not take an action which shall be in accordance with the compulsory execution procedure stipulated in the in-force Code of Civil Procedure. In addition, those who do not abide by the court's decision shall be prosecuted and punished following the in-force Code of Criminal Procedure.

CHAPTER 2

PRESERVATIVE RELIEF IN ENVIRONMENT AND NATURAL RESOURCES CASES

ARTICLE 889 GENERAL PROVISIONS

The preservative relief ruling procedure and implementation procedure shall be in accordance with the in-force Code of Civil Procedure unless otherwise specified in this Code.

ARTICLE 890 BASIS FOR DECISION-MAKING ON PRESERVATIVE RELIEF RULING APPLICATIONS

Decisions on preservative relief shall be based on the general principles of this Code and shall take into consideration the following:

- 1) Sufficient basis for showing the legal rights and relationships for preservative relief;
- 2) Level of un-restorable environmental harm from the offence; and
- 3) Whether the public interest, common interest, or collective interest outweighs the private interest.

ARTICLE 891 PERIOD OF THE COURT'S DECISION-MAKING

The Specialized Environmental Courts shall make a decision on preservative relief no later than 7 (seven) working days upon receiving the request. In cases where there is an objection to the court's ruling for preservative relief, the Specialized Environmental Courts shall make a

decision on the objection no later than 2 (two) weeks from the date the proceeding letter of the court takes effect.

The court responsible for a chomtoah/objection appeal shall make a decision on the chomtoah/objection appeal against the court's decision on the ruling for preservative relief, or an objection to the request for a ruling for preservative relief, no later than 2 (two) weeks after receiving the proceeding letter of the court by the relevant party.

ARTICLE 892 SERVICE

The procedure of service shall be in accordance with the in-force Code of Civil Procedure unless otherwise specified in this Code.

Procedure for service, place of service, and the person responsible for effecting service shall be at the discretion of the court and shall have legal effect.

Addresses for service shall include 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 893 COLLATERAL SECURITY

The court may decide whether or not to allow a request for collateral security by considering the following reasons:

- 1) Lack of evidence or adequate or specific reasons to show the scope of damage to environment or benefits of the affected people;
- 2) The financial capacity of the lender;
- 3) Environmental protection; and
- 4) Other relevant reasons.

ARTICLE 894 ENFORCING PROVISIONS FOR EXTRADITION

The provision of the in-force Code of Criminal Procedure shall be implemented in cases of extradition related to environment and natural resources offenses of a criminal nature.

ARTICLE 895 MUTUAL LEGAL ASSISTANCE FOR OFFENCES OF A CRIMINAL NATURE

In cases of environment and natural resources offences of a criminal nature, the judicial authority of the Kingdom of Cambodia may grant judicial power to a foreign competent court, and may receive judicial power from a foreign competent court through the ministry or institution responsible for justice to:

- 1) Collect evidence and answers collected through court proceedings;
- 2) Inform parties regarding judicial documents;
- 3) Search, retain, and confiscate evidence;
- 4) Research sites and materials;
- 5) Provide information and exhibits;
- 6) Provide original records or certified copies of the original and case documents;
- 7) Exhibit or provide witnesses, experts, or other persons, including detained persons, who agree to facilitate the investigation or engage in the court proceedings;
- 8) Identify and search for resources, property, materials, or equipment obtained through an offence or the methods of committing the offences;
- 9) Hold products and property obtained through temporary retention orders in environment and natural resources offences in which materials or equipment were used or kept for committing environment and natural resources offences of criminal nature;
- 10) Execute decisions for retaining or seizure orders or returning orders for products, properties, materials, or equipment obtained through committing an environmental offence of a criminal nature;
- 11) Release seizure orders as stipulated in the above point;
- 12) Inform regarding the prosecution in accordance with criminal proceeding;
- 13) Interrogate the accused according to the in-force Code of Criminal Procedure; and
- 14) Search for and identify suspects and witnesses.

ARTICLE 896 PROCEDURE FOR MUTUAL LEGAL ASSISTANCE FOR CIVIL ACTIONS

The procedure for mutual legal assistance for civil actions shall be in accordance with the principles determined in bilateral or multilateral conventions or agreements to which the Kingdom of Cambodia is a party and with the in-force national laws.

CHAPTER 3 PROCEDURES FOR CRIMINAL OFFENCES RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES

SECTION 1
PROCEDURES FOR INVESTIGATION, INTERROGATION, ALLEGATION, AND PROSECUTION

ARTICLE 897 GENERAL PROVISIONS

The provisions stipulated by the Code of Criminal Procedure shall be implemented for investigation and prosecution of environment and natural resources offences unless otherwise stipulated in this Section.

ARTICLE 898 PROCEDURES FOR INVESTIGATION, PROSECUTION, AND TRIAL

The procedures for investigation, prosecution, and trial shall be in accordance with the in-force Code of Criminal Procedure unless otherwise specified in this Code.

ARTICLE 899 INTENTION TO COMMIT ENVIRONMENT AND NATURAL RESOURCES OFFENCES

It is not an offence if without the intention to commit; however, prosecution of an environment and natural resources offence may be raised in accordance with the following conditions:

- 1) The intent or attempt to commit the offence;
- 2) Knowledge of the offence without taking preventive measures;
- 3) Negligence or carelessness in fulfilling the obligation required by laws; or
- 4) Incompliance with the written legal provisions or legal requirements or other orders.

SECTION 2
EVIDENCE IN ENVIRONMENT AND NATURAL RESOURCES CASES

ARTICLE 900 CRIMINAL AND CIVIL EVIDENCE IN ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS

Evidence used as the basis in environment and natural resources complaints of a civil and criminal nature shall include:

- 1) Documentary evidence;
- 2) Testimonial evidence;
- 3) Material evidence;
- 4) Demonstrative evidence; and

- 5) Direct reviews of the court.

ARTICLE 901 DOCUMENTARY EVIDENCE

Documentary evidence includes:

- 1) Permits, licenses, agreements, and certificates;
- 2) Monitoring reports;
- 3) Invoices and receipts;
- 4) Experimental reports;
- 5) Maps;
- 6) Photographs, videos, and voice records; and
- 7) Other relevant evidence.

ARTICLE 902 TESTIMONIAL EVIDENCE

Testimonial evidence shall include:

- 1) People in general;
- 2) Specialized person(s); and
- 3) Other relevant evidence.

ARTICLE 903 MATERIAL EVIDENCE RELATED TO THE SUBJECTS OF THE DISPUTE

Material evidence related to the subject of the dispute shall include:

- 1) Samples; and
- 2) Other relevant evidence.

ARTICLE 904 DEMONSTRATIVE EVIDENCE

Demonstrative evidence shall include:

- 1) Diagrams;
- 2) Charts; and

- 3) Other relevant evidence.

ARTICLE 905 MULTIPLE EVIDENCE REVIEWS

Multiple evidence reviews shall include:

- 1) Statements of the parties in dispute;
- 2) Statements of the technical experts;
- 3) Statements of the witnesses;
- 4) Statements of the lawyers; and
- 5) Other relevant evidence.

ARTICLE 906 EVIDENCE FOR ENVIRONMENT AND NATURAL RESOURCES ADMINISTRATIVE ISSUES

Evidence for environment and natural resources complaints related to environmental administration shall include:

- 1) Environment and natural resources administrative decisions or activities;
- 2) Testimonies of witnesses;
- 3) Conclusions of technical experts;
- 4) Testimonies of the parties in dispute; and
- 5) Other relevant evidence.

ARTICLE 907 EVIDENCE REVIEWS FOR ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS OF A CIVIL, CRIMINAL, OR ADMINISTRATIVE NATURE

Evidence reviews for environment and natural resources complaints of a civil or administrative nature shall be conducted freely.

Evidence reviews for environment and natural resources complaints of a criminal nature shall be in accordance with the evidentiary rules as stipulated in the in-force Code of Criminal Procedure.

ARTICLE 908 EVIDENTIARY REQUIREMENTS FOR ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS

Evidence in environment and natural resources cases shall be required to have evidence as the conclusion of technical experts to use as the basis for consideration and decision-making.

ARTICLE 909 CONFISCATED EVIDENCE

Confiscated evidence shall be managed in accordance with the in-force civil and criminal procedures unless otherwise specifically stipulated in this Code.

TITLE 2 ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS AND INSPECTION OFFICERS

CHAPTER 1

ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE

ARTICLE 910 ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS

Governmental officers or officers under the relevant ministries or institutions responsible for environmental protection and the management of natural resources that are determined by this Code and other separate specific laws shall qualify as Environment and Natural Resources Judicial Police Officers.

ARTICLE 911 COMPOSITION AND QUALIFICATION OF ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS

The relevant ministry or institution responsible for environmental protection and the management of natural resources shall develop legal instruments to determine the composition and governmental officers that shall qualify as Environment and Natural Resources Judicial Police Officers.

ARTICLE 912 PROCEDURES FOR QUALIFICATION AS ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS

To be qualified 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 if an existing Judicial Police Officer is repositioned as an Environment and Natural Resources Judicial Police Officer.

Forms and procedures for appointment of Environment and Natural Resources Judicial Police Officers shall be determined by inter-ministerial legal instrument between the relevant ministries or institutions responsible for environmental protection and the management of natural resources and the ministry or institution responsible for justice.

The oath protocol shall be determined by the ministry or institution responsible for justice.

ARTICLE 913 THE MISSION OF ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS

The Mission of governmental officers or officers under the relevant ministries or institutions responsible for environmental protection and the management of natural resources that qualify as an Environment and Natural Resources Judicial Police Officer shall be to conduct all operations in accordance with the in-force Code of Criminal Procedure of the Kingdom of Cambodia except for special provision in this Code or other existing special laws.

ARTICLE 914 AUTHORITY OF THE USE OF WEAPONS

Governmental officers and officers under the relevant ministries or institutions responsible for environmental protection and the management of natural resources that qualify as Environment and Natural Resources Judicial Police Officers shall have the authority to use weapons while performing their responsibilities.

The use of weapons shall be managed by the ministry or institution responsible for justice.

ARTICLE 915 INVESTIGATIVE PROCEDURES OF ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS

The procedures of case filing of Governmental officers and officers under the relevant ministries or institutions responsible for environmental protection and the management of natural resources that qualify as Environment and Natural Resources Judicial Police Officers shall comply with the in-force Code of Criminal Procedure.

Forms and procedures for records to be made by Environment and Natural Resources Judicial Police Officers shall be determined by inter-ministerial legal instrument between the relevant ministries or institutions responsible for environmental protection and the management of natural resources and the ministry or institution responsible for justice.

ARTICLE 916 INVESTIGATING OBLIGATIONS OF RELEVANT AUTHORITIES FOR ENVIRONMENT AND NATURAL RESOURCES OFFENCES

All levels of sub-national administrations, armed forces, and relevant authorities shall provide smooth cooperation and support for the research, investigation, and control of environment and natural resources offences when requested by qualified Environment and Natural Resources Judicial Police Officers.

ARTICLE 917 THE USE OF UNIFORMS IN INVESTIGATING OPERATIONS FOR ENVIRONMENT AND NATURAL RESOURCES OFFENCES

Governmental officers and officers under the relevant ministries or institutions responsible for environmental protection and the management of natural resources that qualify as Environment and Natural Resources Judicial Police Officers shall have a specific identification card that shall be worn when they are operating as Environment and Natural Resources Judicial Police Officers.

ARTICLE 918 RIGHTS OF NATURAL PERSONS AND LOCAL COMMUNITIES

Natural persons and local communities shall have the following rights in protecting natural resources:

- 1) Conducting patrols in cooperation with relevant competent officers;
- 2) Detaining offenders in *flagrante delicto* cases, seizing evidence of the offense, and referring it to relevant competent officers whose location is nearest to the place where the offense is committed;
- 3) Providing evidence, reports, and other information relevant to the offense to competent ministries or institutions; and
- 4) Providing information and evidence related to environment and natural resources offenses to the competent court.

CHAPTER 2 ENVIRONMENT AND NATURAL RESOURCES INSPECTION OFFICERS

ARTICLE 919 APPOINTMENT OF ENVIRONMENT AND NATURAL RESOURCES INSPECTION OFFICERS

The competent ministries or institutions responsible for environmental protection and the management of natural resources shall appoint their own separate officers to be responsible for inspection work related to environmental protection and the management of natural resources in accordance with this Code, separate specific laws, and other relevant legal instruments.

ARTICLE 920 DUTIES AND ROLES OF ENVIRONMENT AND NATURAL RESOURCES INSPECTION OFFICERS

Environment and Natural Resources Inspection Officers shall have duties and roles as follow:

- 1) Inspect, follow up, and control the compliance with law and existing legal instruments related to environmental protection and the management of natural resources under their authority;
- 2) Prepare reports on the result of inspections and submit them to the superiors for review and approval;

- 3) Take necessary measures in cases of violation of this Code and other relevant legal instruments;
- 4) Issue orders if necessary in cases of threat to the environment and natural resources; and
- 5) Inform the public and other competent ministries or institutions in cases of any serious threat to the environment and natural resources.

In addition to the duties and roles stipulated in this Code, Environment and Natural Resources Inspection Officers shall implement their duties and roles as stipulated in separate specific laws and relevant legal instruments.

ARTICLE 921 COOPERATION ON INSPECTION RELATED TO ENVIRONMENT AND NATURAL RESOURCES

Project owners or operators or relevant institutions shall cooperate with Environment and Natural Resources Inspection Officers in conducting the inspections related to the environment and natural resources.

ARTICLE 922 USE OF UNIFORM IN CONDUCTING INVESTIGATIONS ON ENVIRONMENT AND NATURAL RESOURCES COMPLAINTS

Environment and Natural Resources Inspection Officers shall have a permit and wear a clear identification card and uniform while performing their roles and responsibilities.

TITLE 3 TITLE 3 RESTORATION AND COMPENSATION FOR ENVIRONMENTAL HARM

CHAPTER 1

MECHANISM FOR ASSESSING OF THE EXTENT OF ENVIRONMENTAL HARM

ARTICLE 923 ESTABLISHMENT OF MECHANISM FOR ENVIRONMENTAL RESTORATION AND IDENTIFYING THE EXTENT OF COMPENSATION FOR HARM

The procedure and formality for the establishment of a mechanism for assessing the extent of environmental harm, environmental restoration, and compensation for environmental harm and financial loss resulting from environmental harm shall be determined by a legal instrument of the ministry or institution responsible for environment.

ARTICLE 924 LIABILITY FOR ENVIRONMENTAL HARM

Any natural person or legal entity found liable for causing any environmental harm or financial loss resulting from environmental harm shall be required to restore the environment or

compensate for all harms and losses resulting from the environmental harm.

ARTICLE 925 PARTICIPATION IN THE PROCESS OF THE RESTORATION OF ENVIRONMENTAL HARM

All relevant ministries or institutions, competent authorities, indigenous peoples, civil society, legal entities, and natural persons affected shall provide relevant technical information, knowledge, and concerns to participate in decision making on the restoration of environmental harm.

CHAPTER 2 LIABILITY FOR THE ENVIRONMENT

ARTICLE 926 LIABILITY FOR ENVIRONMENTAL COMPENSATION

Natural persons or legal entities or government officials shall be liable for environmental compensation and are not required to provide proof of intention or knowledge in the following cases:

- 1) Where actions are not carried out or failures to take prevention measures, which results in environmental harm; and
- 2) Acting beyond their authority or in violation of this Code, laws, and legal instruments, which results in environmental harm.

ARTICLE 927 SEIZURE OF INSTRUMENTALITY CAUSING ENVIRONMENTAL HARM

Any illegal use of instrumentality that harms the environment shall be seized and used for environmental harm restoration in accordance with procedures as stipulated in this Code and relevant specific legal instruments.

ARTICLE 928 RESPONSIBILITIES OF LEGAL ENTITIES

Directors of legal entities shall be liable for environmental compensation in the same manner and to the same extent as their legal entities are liable as stipulated in Article 926 of this Code.

ARTICLE 929 JOINT OBLIGATION

Where more than 1 (one) person is liable, all such persons shall have joint obligation for liability for the environmental harm. Each such person shall be held liable up to the full extent of compensation regardless of the actual extent of the person's contribution to the actual harm.

CHAPTER 3 NON-LIABILITY FOR ENVIRONMENTAL HARM

ARTICLE 930 NON-LIABILITY

A natural person or legal entity shall not be liable if:

- 1) The environmental harm was caused solely by an unanticipated significant natural disaster or an act of war;
- 2) The environmental harm was caused solely by an act or failure of a third party, other than an employee or agent of such person;
- 3) The environmental harm was solely caused by an activity explicitly authorized by law; or
- 4) The environmental harm was solely caused by activity specifically authorized, and described with specificity as to both the types and extent of harm, in an Environmental Management Plan, Environmental Impact Assessment, and/or Environmental Impact Assessment Approval Letter and Certificate.

ARTICLE 931 EXCEPTIONS TO NON-LIABILITY FOR ENVIRONMENTAL HARM

The non-liability for the environmental harm as stipulated in Article 930 of this Code shall be inapplicable if:

- 1) The actions resulting in harm were, in whole or in part, undertaken in violation of any provision of this Code or any other legal instruments;
- 2) The actions resulting in harm were undertaken pursuant to a concession conditions, licenses, or authorizations granted not in accordance with legal requirements, including but not limited to authorizations by officials not empowered to provide said authorization or failure to meet legal requirements prior to the issuance of authorization;
- 3) The actions in question resulted in environmental harm greater in quantity, magnitude, or different in type than were specifically identified, quantified, and authorized in an Environmental Protection Plan, Initial Environmental Impact Assessment, Full Environmental Impact Assessment, Environmental Management Plan, or Approval Letter and Certificate on Environmental Impact Assessment Reports; or
- 4) The harm resulted from negligence, malfeasance, or illegal actions in the implementation, execution, or performance of an otherwise authorized activity; and
- 5) Activities in violation of any of the terms and conditions of a permit, contract, authorization, or other relevant documents, as well as failures to undertake specific actions required under the permit.

CHAPTER 4

COMPENSATION FOR ENVIRONMENTAL HARM

ARTICLE 932 COMPENSATION FOR ENVIRONMENTAL HARM

The compensation for environmental harm includes the following:

- 1) The full cost to restore the environment to the condition existing prior to harm;
- 2) The full cost to undertake additional restoration sufficient to offset fully harm not compensated by the restoration as stipulated in (1) above;
- 3) The value of the un-restorable aspect of the harmed environment, where restoration will be undertaken, but some portion or aspect of the harmed environment are not amenable to restoration;
- 4) The lost ecological and human value resulting from environmental harm that may not otherwise be fully compensated as stipulated in (1), (2), and (3) above, including economic value determined by detailed economic valuation methods;
- 5) All costs incurred by claimants acting to claim for environmental compensation including:
 - a) The actual costs and other expenses of the Restoration Planning Working Group;
 - b) The expenses of restoration and compensation evaluation;
 - c) All costs spent by the Restoration Planning Working Group; and
 - d) Costs of the consultation process;
- 6) The costs to monitor and insure the success of the restoration activities as determined;
- 7) The cost to compensate for business and economic losses resulting from environmental harm;
- 8) The cost to compensate through restoration or otherwise for loss of subsistence use of the environment;
- 9) The net loss of fees, royalties, premiums, rents, or net profit shares due to the environmental harm;
- 10) The loss of profits or impairment of earning capacity due to the environmental harm;
- 11) Net costs of providing increased or additional public services in response to the environmental harm;

- 12) All compliant costs, fees, and expenses incurred towards and in litigation;
- 13) The net loss of fees, royalties, premiums, taxes, or other revenues to be paid to the competent ministries or institutions; and
- 14) The cost of providing patrol services equivalent to patrol services lost during the apprehension and prosecution of a violation.

ARTICLE 933 IMMEDIATE ENVIRONMENTAL RESTORATION

The ministry or institution responsible for environment shall develop a legal instrument on requirements and procedures for Immediate Environmental Restoration, where the ministry or institution responsible for environment believes that it is necessary to take action immediately and in a timely manner.

CHAPTER 5 ENVIRONMENTAL RESTORATION PLANNING

ARTICLE 934 RESTORATION PLANNING WORKING GROUP

In cases where there are claims for restoration compensation as stipulated in Article 932 of this Code, the parties authorised to make claims have the right to submit a request to the ministry or institution responsible for environment for the establishment of a Restoration Planning Working Group regarding the harm.

Appointed persons, sub-national administrations, natural persons, representatives of civil society, indigenous peoples, and other persons whose interests are affected may participate in the Restoration Planning Working Group regarding the harm as stipulated in the above paragraph.

ARTICLE 935 DUTIES AND ROLES OF THE ENVIRONMENTAL RESTORATION PLANNING WORKING GROUP

The duties and roles and the Environmental Restoration Planning Working Group shall include the following:

- 1) Evaluating the nature, quantity, and scope of environmental harm using existing data. Based on its evaluation, the Restoration Planning Working Group shall determine the following actions:
 - a) Proceed with a claim for environmental compensation against one or more persons that may be liable in accordance with Chapter 2 of this Title;
 - b) Follow the restoration requirements and procedures as stipulated in Article 933 of this Code;

- c) Undertake a restoration compensation evaluation; or
 - d) Apply the option of actions appropriate to specific status of harm or damage;
- 2) After a decision to proceed with a claim for environmental reparation, the Restoration Planning Working Group shall:
 - a) Develop a statement of intention to pursue a claim for environmental reparation, along with summary information about the occurrence and anticipated or potential harm;
 - b) Determine the authority implementation of Environmental and Natural Resources Inspection Officers regarding the occurrence; and
 - c) Notify responsible parties;
- 3) Collect information relevant to the claim for future restoration;
- 4) Regarding development of a claim for restoration, the Restoration Planning Working Group, in accordance with the nature of the environmental harm, shall undertake the following steps:
 - a) Identify and quantify harm;
 - b) Identify nature of restoration and/or monetary compensation including potential compensation for harm;
 - c) Establish the scaling and demonstrate the connection between present and future harm and compensation; and
 - d) Demonstrate a restoration and/or monetary compensation alternative including the potential compensation for harm;
- 5) Apply the skills and expertise of the Restoration Planning Working Group members and outside the Restoration Planning Working Group and technical support as needed, throughout the process of claim development and resolution;
- 6) Determine the appropriateness of potentially responsible party for the implementation of approved restoration;
- 7) Notify potentially responsible parties to participate in the restoration negotiation processes to provide the liability to them through the restoration work and compensation payment for the harm.

ARTICLE 936 PROCEDURES FOR RESTORATION COMPENSATION EVALUATIONS

The ministry or institution responsible for environment may develop a legal instrument on procedures for restoration and environmental compensation evaluations on each site-specific basis.

ARTICLE 937 RESTORATION NEGOTIATION PROCESSES

The ministry or institution responsible for environment may develop a legal instrument on restoration compensation and negotiation requirements of the Restoration Planning Working Group for the environmental harm and responsible parties.

CHAPTER 6 ADMINISTRATIVE ORDER AUTHORITY

ARTICLE 938 ADMINISTRATIVE ORDER RELEVANT TO FINANCIAL MEASURES

The ministry or institution responsible for environment shall have the duty to issue an order for responsible parties to provide immediate financial support for the work of the Restoration Planning Working Group and the development of a restoration compensation evaluation in cases where there is significant environmental harm.

ARTICLE 939 ADMINISTRATIVE ORDER RELEVANT TO ENVIRONMENTAL RESTORATION MEASURES

Upon having determined the requirements to immediately prevent the environmental harm, or to avoid the loss of the important opportunity for restoration, the ministry or institution responsible for environment shall have the duty to issue an order for responsible parties to undertake emergency restoration under its direction.

CHAPTER 7 RECOVERY OF ENVIRONMENTAL RESTORATION COSTS

ARTICLE 940 RESTORATION OF HARM AND COSTS RECOVERY

The ministry or institution responsible for environment may undertake the necessary restoration of environmental harm in the Kingdom of Cambodia and may recover all costs in accordance with the provisions of this Code and relevant laws and legal instruments.

ARTICLE 941 COMPLAINT FOR COMPENSATION AND COST RECOVERY OF THE RESTORATION OF ENVIRONMENTAL HARM

The ministry or institution responsible for environment has the right to undertake complaint proceedings for compensation and cost recovery of the restoration of environmental harm from parties causing the environmental harm.

ARTICLE 942 PAYMENT OR REIMBURSEMENT OF COSTS AND EXPENSES

Monies collected for performing roles as stipulated in this Title as payment towards or reimbursement of the costs and expenses of environmental reparation compensation evaluation by restoration and the Restoration Planning Working Group's activities shall be paid directly to the party incurring these costs and expenses.

BOOK 10 PENALTY PROVISIONS

TITLE 1 GENERAL PROVISIONS

UNITARY CHAPTER PENALTIES

ARTICLE 943 TYPES OF PENALTIES

Types of penalties under this Code include written warning, revocation or suspension of approvals or permits, transitional fines, compensation for harm, and criminal penalties.

ARTICLE 944 SUSPENSION OR REVOCATION OF PERMITS AND COMPENSATION FOR ENVIRONMENTAL HARM

Written warnings, suspensions, or revocations of registration certificates or permits are under the authority of the competent ministry or institution relevant to environmental protection and natural resource management, as stipulated in this Code and other laws and legal instruments.

Compensation for harm to the restoration of environment and natural resources and compensation for environmental harm under the provisions of this Code shall be under the authority of the ministry or institution responsible for environmental protection and natural resource management.

ARTICLE 945 TRANSITIONAL FINES

The ministry or institution responsible for environmental protection and natural resource management shall have the rights to implement transitional fines for an environment or natural resources offence under this Code and other laws and legal instruments. A transitional fine shall be implemented in the case that the perpetrator admits guilt and agrees to pay a transitional fine in accordance with provisions under this Code and other relevant laws and legal instruments. Payment of a transitional fine shall lead to the extinguishment of a criminal complaint.

If an offender refuses to pay the transitional fine, the ministry or institution responsible for environmental protection and natural resource management may lodge a complaint in court and demand for a transitional fine.

Procedures and documentation for transitional fines shall be defined by a legal instrument of the ministry or institution responsible for environmental protection and natural resource management.

ARTICLE 946 PROCEEDS FROM TRANSITIONAL FINES

Proceeds from a transitional fine, a fine by court, and other items which the court has decided to confiscate for sale, may be paid into the national budget.

Such proceeds as received in accordance with the preceding paragraph may also be used to provide rewards to civil servants and citizens who take part in law enforcement activities.

Procedures to provide rewards and proceeds paid into the national budget shall be determined by an inter-ministerial legal instrument between the ministry or institution responsible for finance and the ministry or institution responsible for environmental protection and natural resource management.

ARTICLE 947 BREACH OF OBLIGATION TO AVOID ENVIRONMENTAL HARM

It shall be punishable as a Class 1, Class 2, Class 3, or Class 4 Offence, based on the action and the degree of injury caused to the environment and natural resources, for any natural person to breach the provisions of this Code and causes environmental harm or environmental and natural resources offences.

ARTICLE 948 APPLICATION OF ACTIVITIES OF A CIVIL COMPLAINT

In the case that a criminal complaint in accordance with this Code and other separate specific laws are being processed in the competent court, the relevant competent ministry or institution may file a civil complaint for demanding compensation and/or restoration to the environmental harm against the party who causes the harm at the separate civil court.

The complaint for demanding compensation and/or restoration to the environmental harm shall progress in the usual manner of civil proceedings or of dispute resolution procedure for environment and natural resources as stipulated in this Code without having to wait for a final decision from the criminal court.

ARTICLE 949 ENVIRONMENTAL RESTORATION

The ministry or institution responsible for environment shall be authorized to make a complaint to the court and relevant competent institution to demand for a compensation for damages to apply to the restoration of the environment or public property in accordance with the provisions of this Code and other laws and legal instruments.

ARTICLE 950 PUBLIC OFFICIAL FAILING TO COMPLY

Any public official who violates or fails to comply with the duties under the provisions of this Code and other laws and legal instruments shall face administrative punishment regardless of other criminal charges which may be prosecuted.

Accomplices or collaborators shall receive the same punishment as the offender.

ARTICLE 951 CRIMINAL LIABILITY OF A PUBLIC OFFICIAL

Any public official or military officer who is responsible for State property management or use, in the commission of an intentional offence for personal gains without proper legal permission, shall be deemed criminally liable for the commission of offence.

ARTICLE 952 INTENTION NOT REQUIRED

An environmental and natural resources criminal offence in accordance with the provisions of 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 environmental and natural resources crimes, proof of intention is not required unless otherwise specified in the provisions of this Code.

ARTICLE 953 RESPONSIBILITY OF LEGAL ENTITIES

Legal entities shall be held responsible for environmental and natural resources crimes committed on their behalf by their agents or representatives acting in the course of their duty for the benefit of the legal entity.

Liability of a legal entity shall be imposed through their representatives or agents.

ARTICLE 954 ADDITIONAL PENALTIES FOR NATURAL PERSONS

The types of additional penalties in the in-force Criminal Code shall also apply for environment and natural resources offences committed by natural persons, as stipulated in this Code and other special laws.

ARTICLE 1080 ADDITIONAL PENALTIES FOR LEGAL ENTITIES

The types of additional penalties to apply to legal entities committing environment and natural resources offences are as follows:

- 1) Dissolution of the legal entity;
- 2) Cancellation of permit or authority;

- 3) Suspension of permit or authority;
- 4) Cancellation of any Environmental Impact Assessment Approval Letter and Certificate;
- 5) Suspension of any Economic Land Concession or other concession;
- 6) Cancellation of any Economic Land Concession or other concession;
- 7) Seizure of equipment involved in the offence;
- 8) Confiscation of any and all profits attributable from the offence; and
- 9) Publication of offence, and penalties.

In addition to the additional penalties above, the additional penalties prescribed in the in-force Criminal Code shall also apply for an offence against environment and natural resources committed by legal entity.

ARTICLE 956 CLASSES OF OFFENCES

Crimes against the environment and natural resources shall be classed into 5 (five) offences:

Class 1 Offence shall be punishable by imprisonment between 10 (ten) years and 30 (thirty) years and by a penalty of a fine of between 400,000,000(four hundred million) riels and 800,000,000(eight hundred million) riels.

Class 2 Offence shall be punishable by imprisonment between 5 (five) years and 10 (ten) years and by a penalty of a fine of between 200,000,000 (two hundred million) riels and 400,000,000(four hundred million) riels.

Class 3 Offence shall be punishable by imprisonment from 1 (one) years and 5 (five) years and by a penalty of a fine of between 20,000,000(twenty million) riels and 200,000,000 (two hundred million) riels.

Class 4 Offence shall be punishable by imprisonment from 7 (seven) days and 1 (one) year and by a penalty of a fine of between 2,000,000 (two million) riels and 20,000,000 (twenty million) riels.

Class 5 Offence shall be punishable by imprisonment from 1 (one) day to 6 (six) days and by a penalty of a fine of between 20,000 (twenty thousand) riels and 20,000,000 (twenty million) riels.

ARTICLE 957 MANAGEMENT OF COMPENSATION

Any compensation resulting from the civil actions shall be used for the restoration of the

environment and restoration of the livelihoods of any communities adversely affected.

ARTICLE 958 LEGAL INSTRUMENT ON MANAGEMENT AND ALLOCATION OF COMPENSATION

The ministry or institution responsible for environment shall establish a legal instrument on the management and allocation of compensation for environment and natural resources damages.

ARTICLE 959 STATUTE OF LIMITATIONS OF CIVIL COMPLAINT

The entitlement for environmental restoration and compensation for harms shall have the following statute of limitations:

- 1) 5 (five) years from the date of actual knowledge of the occurrence resulting in the harm or of obtaining all the information on the causes of the environmental repair or other harms; or
- 2) 10 (ten) years from the date of the occurrence of the activities or the event of environmental harm.

ARTICLE 960 STATUTE OF LIMITATIONS OF CRIMINAL COMPLAINT

Offences against the environment and natural resources are continuing offences for which the statute of limitations is counted from the date the offence is discovered.

The statute of limitations related to crimes against the environment and natural resources shall be in accordance with the in-force Criminal Code.

TITLE 2 OFFENCES RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 1 OFFENCES RELATED TO PUBLIC PARTICIPATION

ARTICLE 961 OBSTRUCTION TO THE RIGHT TO PUBLIC PARTICIPATION

It shall be punishable as a Class 5 Offence for an act of any natural person or legal entity who obstructs the right to public participation as stipulated in Article 21 of this Code.

It shall be punishable as a Class 4 Offence in the case that such act of obstruction is committed by a public servant or competent government official in an abuse of power or by exercising his or her right in breach.

ARTICLE 962 ACT OF OBSTRUCTION OR THREAT TO PUBLIC PARTICIPATION

It shall be punishable as a Class 4 Offence for an act by any person or legal entity who threatens or retaliates against the activities of public participation as stipulated in Article 22 of this Code.

It shall be punishable as a Class 3 Offence in the case that such act of threat or retaliation seriously affects physical integrity or property.

It shall be punishable as a Class 1 Offence in the case that such act is committed as stipulated in the paragraph above which causes the loss of life.

ARTICLE 963 OBLIGATION TO DISCLOSE ENVIRONMENT AND NATURAL RESOURCES INFORMATION

It shall be punishable in monetary fines as a Class 4 Offence for an act of any natural person or legal entity to fail to comply with their obligations as stipulated in Articles 33 of this Code, on access to environmental and natural resources information.

In the case that a natural person or legal entity continues to commit such offence, they shall be fined on daily basis for 2,000,000 (two million) riels per day.

ARTICLE 964 REGISTER OF PERMITS AND APPROVALS

It shall be punishable in monetary fines as a Class 4 Offence for a failure to make the Register of Permits and Approvals publicly available as stipulated in Article 51.

ARTICLE 965 REGISTER OF ENVIRONMENTAL AUDITS

It shall be punishable in monetary fines as a Class 4 Offence for a failure to make the Register of Environmental Audits publicly available as stipulated in Article 55.

CHAPTER 2 OFFENCES RELATED TO ENVIRONMENTAL ASSESSMENT AND MONITORING

ARTICLE 966 CONSTRUCTION ACTIVITIES OR PROJECT OPERATION IN VIOLATION OF PROHIBITION

It shall be punishable by transitional fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) riels and/or punishable as a Class 3 Offence; and the environmental harm caused by the project owners who commit the offence in breach of Article 84 of this Code shall be repaired or rehabilitated. The charge for the above criminal offence by the prosecutor shall be made pursuant to the complaint made by the ministry or institution responsible for environment.

In the case the project does not have an Approval Letter and Certificate on the Environmental

Impact Assessment Report has caused negative impacts to human, animals, property, the environment, and society the project owner shall be punished with monetary fine as a Class 2 Offence and the compensation for the harm shall be made, regardless of other related criminal penalties.

In addition to the penalties above, the project owners may suffer additional punishments including project temporary suspension, cancellation of an Approval Letter and Certificate, cancellation of contract or revocation of permits, and additional penalties as stipulated in the in-force Criminal Code.

ARTICLE 967 ACT OF NON-COMPLIANCE WITH REQUIREMENTS

For any project owners who fail to comply with the requirements set out in the Initial Environmental Impact Assessment Report, the Full Environmental Impact Assessment Report, or the Environmental Protection Agreement, as stipulated in Article 99 of this Code, they shall be given a written warning by environmental impact assessment officials. In the case that there is non-deterrence, it shall be punished by transitional fine from 10,000,000 (ten million) to 30,000,000 (thirty million) riels and/or the project activities shall be suspended.

In the case that there is failure to comply with the requirements above which causes the loss of human life or permanent disability to the victims, it shall be punished as a Class 3 Offence. A written warning shall not be applied in such case.

In the case that there is failure to comply with the requirements above which affects animal life, property, the environment, and society the project owner shall compensate for the harm proportionate to the scope of harm.

In the case that the impact is serious, the project owner shall be subject to additional penalties, including the temporary suspension or cancellation of an Approval Letter and Certificate, cancellation of contract or revocation of permits; and shall be charged on other criminal offences prescribed in the in-force Criminal Code. The legal entity shall be declared criminally liable and be given additional penalties in accordance with the provisions of the in-force Criminal Code; and shall be punished with monetary fine as a Class 2 Offence.

ARTICLE 968 VIOLATION OF NOTIFICATION OBLIGATION

It shall be punishable by transitional fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) riels for the project owner to fail to comply with notification as stipulated in Article 100.

ARTICLE 969 PRACTICE OF PROFESSION OF THE ENVIRONMENTAL IMPACT ASSESSMENT CONSULTING FIRM WHICH IS NOT REGISTERED

It shall be punishable by transitional fine from 30,000,000 (thirty million) to 60,000,000 (sixty million) riels for the Environmental Impact Assessment consulting firm which has not registered or has not been recognized by the ministry or institution responsible for environment to prepare an Environmental Impact Assessment Report to submit to the ministry or institution responsible for environment as stipulated in Article 103.

In the case that there is non-deterrence, the offender shall be imprisoned as a Class 3 Offence.

ARTICLE 970 VIOLATION OF THE OBLIGATION TO MAKE INFORMATION PUBLICLY AVAILABLE

It shall be punishable by monetary fine as a Class 4 Offence for the failure to make information publicly available as stipulated in Article 119.

ARTICLE 971 FAILURE TO CONDUCT TRANSBOUNDARY IMPACT ASSESSMENT

It shall be punishable by transitional fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) riels and/or punishable as a Class 3 Offence; and the environmental harm shall be repaired that has been caused by the proponents who commits an offence in breach of Article 142 of this Code. The charge for the above criminal offence by the prosecutor shall be made pursuant to the complaint made by the ministry or institution responsible for environment.

In the case that the project does not have an Approval Letter and Certificate on the Environmental Impact Assessment Report has caused negative impacts to human, animals, property, the environment, and the society the project owner shall be punished with a monetary fine as a Class 2 Offence and the compensation shall be made according to the scope of harm determined by the ministry or institution responsible for environment, regardless of other related criminal penalties.

In addition to the penalties above, the project owners may suffer additional punishments including project temporary suspension, cancellation of an Approval Letter and Certificate, cancellation of contract or revocation of permits and additional penalties as stipulated in the in-force Criminal Code.

The provision of this Article shall be implemented when there are bilateral agreement or international conventions to which Cambodia is a party.

ARTICLE 972 VIOLATION OF REPORTING AND SUBMISSION OF ENVIRONMENTAL MONITORING REPORT

The project owner shall be subject to a written warning, and be instructed to prepare and submit the report to the ministry or institution responsible for environment as stipulated in Articles

160 and 164 of this Code. In the case that the project owner fails to prepare and submit the report to the ministry or institution responsible for environment after receiving the warning, the project owner shall be punished with a transitional fine from 20,000,000 (twenty million) to 40,000,000 (forty million) riels or temporary suspension of the project, cancellation of contract or revocation of permits.

ARTICLE 973 CONSTRUCTION PROCESSESS OR PROJECT OPERATION FOR THE EXISTING OR ON-GOING PROJECT

It shall be punishable by transitional fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) riels and/or punishable as a Class 3 Offence; and the harm shall be repaired that has been caused by the proponents of the existing projects or on-going projects who commits an offence in breach of Article 137 of this Code. The charge for the above criminal offence by the prosecutor shall be made pursuant to the complaint made by the ministry or institution responsible for environment.

In the case that the project does not have an Approval Letter and Certificate on the Environmental Impact Assessment Report has caused negative impacts to human, animal, property, the environment, and society the project owner shall be punished with a monetary fine as a Class 2 Offence and the compensation shall be made according to the scope of harm determined by the ministry or institution responsible for environment, regardless of other related criminal penalties.

In addition to the penalties above, the project owners may suffer additional punishments including project temporary suspension, cancellation of an Approval Letter and Certificate, cancellation of contract or revocation of permits and additional penalties as stipulated in the in-force Criminal Code.

ARTICLE 974 FAILURE TO PROVIDE INFORMATION TO THE PUBLIC

It shall be punishable by monetary fine as a Class 4 Offence for the failure to make environmental audit reports available to the public as stipulated in Article 156.

ARTICLE 975 OBSTRUCTION TO CONDUCTING ENVIRONMENTAL AUDIT

It shall be punishable as a Class 4 Offence for any act of obstruction or not allowing Environmental Auditor to conduct the audit in accordance with Article 157.

In the case that such act is committed by violence, causing harm to the physical integrity, it shall be punished as a Class 3 Offence.

In the case that such act is committed by violence, causing loss to human life or permanent disability, it shall be punished as a Class 2 Offence.

ARTICLE 976 OBSTRUCTION OR NOT ALLOWING INSPECTION OFFICIAL

It shall be punishable by transitional fine from 5,000,000 (five million) to 10,000,000 (ten million) riels for the project owner or site owner who instructs or forces their staff or subordinates to obstruct or not allow inspection officials to fulfil their duties and roles as stipulated in Article 165 and 920 of this Code. In the case that there is non-deterrence, the offender shall be punishable as a Class 4 Offence.

In the case that such act is committed by violence, causing harm to the physical integrity, it shall be punished as a Class 3 Offence.

In the case that such act is committed by violence, causing loss to human life or permanent disability, it shall be punished as a Class 1 Offence.

ARTICLE 977 VIOLATION OF DECISION INSTRUCTING TO PAY THE EXPENSES

The project owner shall be subject to a written warning and be instructed to pay the expenses as stipulated in Articles 805 and 807 of this Code.

In the case that the project owner fails to pay the expenses after receiving the warning, the project owner shall be punished with temporary suspension of the project, cancellation of contract or revocation of permits as well as a monetary fine 3 (three) times the amount to pay.

ARTICLE 978 FAILURE TO PAY FOR ENVIRONMENTAL AND SOCIAL FUND AND ENVIRONMENT ENDOWMENT FUND

The project owner shall be subject to a written warning for failing to pay for environmental and social funds and environment endowment funds as stipulated in Articles 811 of this Code.

In the case that the project owner fails to pay after receiving the warning, the project owner shall be punished with temporary suspension of the project, cancellation of contract or revocation of permits as well as monetary fine 3 (three) times the amount to pay. The penalties shall be under the authority of the ministry or institution responsible for environment.

CHAPTER 3 OFFENCES RELATED TO ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY MECHANISMS

ARTICLE 979 VIOLATION OF RIGHT TO ACCESS TO INFORMATION ON DISASTER RISK REDUCTION

It shall be punishable by monetary fine as a Class 4 Offence for the failure to make publicly available the information on development of plan updates and distribution of disaster risk

reduction information, as stipulated in Article 171 of this Code.

ARTICLE 980 PROHIBITION ON ENERGY PROJECTS IN THE PROHIBITED AREA

It shall be punishable as a Class 3 Offence for installing equipment for the production, transmission, or distribution of electricity in a high-value conservative zone, as stipulated in Article 254 of this Code.

ARTICLE 981 EXTRACTIVE INDUSTRIES PROJECTS IN PROHIBITED AREA

It shall be punishable as a Class 3 Offence for extractive industry projects activities in prohibited areas as stipulated in Article 277 of this Code.

CHAPTER 4 OFFENCES RELATED TO SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

ARTICLE 982 DEVELOPMENT AND COMMERCIAL ACTIVITY IN THE COMPONENTS OF NATIONAL PROTECTED AREA SYSTEM

It shall be punishable as a Class 3 Offence for development and commercial activities in the components of National Protected Area System which do not yet have an approved management plan, as stipulated in Article 301.

In the case that the above activity has caused severe environmental and natural resources harm, it shall be punishable as a Class 2 Offence, regardless of other compensation for harms to the restoration of environment and other actual harms.

ARTICLE 983 PROHIBITED ACTIVITIES IN NATIONAL PROTECTED AREAS

It shall be punishable by monetary fines as a Class 3 Offence for activities in management zones of national protected areas, as stipulated in Article 306.

ARTICLE 984 PROHIBITION FOR ACTIVITIES IN VIOLATION OF COLLABORATIVE MANAGEMENT AGREEMENT

It shall be punishable by monetary fines as a Class 3 Offence for activities in violation of a collaborative management agreement which cause environmental and natural resources harms, as stipulated in Article 324, excluding measures stipulated in Article 325.

ARTICLE 985 FAILURE TO IMPLEMENT OBLIGATION FOR REFORESTATION

It shall be punishable by monetary fines as a Class 2 Offence for a project owner who fails to implement obligation for reforestation, as stipulated in paragraph 2 of Article 339.

ARTICLE 986 ACTIVITIES WITHOUT PERMITS

It shall be punishable by monetary fines as a Class 3 Offence for any person who conducts activities without a permit, as stipulated in paragraph 2 of Article 345.

In the case that the above activity has caused severe environmental and natural resources harm, it shall be punishable by monetary fines as a Class 2 Offence, regardless of other compensation for harms to the restoration of environment and other actual harms.

ARTICLE 987 PROHIBITION OF ACTIVITIES IN NATURAL HABITATS OF WILD SPECIES LISTED IN CATEGORY 1 AND CATEGORY 2

It shall be punishable by monetary fines as a Class 3 Offence for any activity of damaging or changing the natural habitats of wild species listed in Category 1 and Category 2, as stipulated in Article 353.

In the case that the above activity has caused severe damages to the natural habitat of wild species listed in Category 1 and Category 2, it shall be punishable by monetary fines as a Class 2 Offence, regardless of other compensation for harms to the restoration of environment and other actual harms.

ARTICLE 988 ACTIVITIES WITHOUT PERMITS

It shall be punishable as a Class 3 Offence activities without a permit, as stipulated in Article 368.

ARTICLE 989 INTERNATIONAL COMMERCIAL ACTIVITIES WITHOUT PERMITS

It shall be punishable as a Class 3 Offence for international commercial activities without a permit, as stipulated in Article 368.

ARTICLE 990 ACTIVITIES IN THE COMPONENTS OF NATIONAL PROTECTED AREA SYSTEM

It shall be punishable as a Class 3 Offence for activities in the components of National Protected Area System, as stipulated in Article 371.

In the case that the above activity has caused severe environmental and natural resources harm, it shall be punishable as a Class 2 Offence, regardless of other compensation for harms to the restoration of environment and other actual harms.

ARTICLE 991 ACTIVITIES OUTSIDE THE COMPONENTS OF NATIONAL PROTECTED AREA SYSTEM

It shall be punishable as a Class 3 Offence for activities outside the components of National Protected Area System, as stipulated in Article 372.

In the case that the above activity has caused severe environmental and natural resources harm, it shall be punishable as a Class 2 Offence, regardless of other compensation for harms to the restoration of environment and other actual harms.

ARTICLE 992 DOMESTIC TRADE OF PROHIBITED WILD SPECIES

It shall be punishable by monetary fines as a Class 3 Offence for domestic trade of prohibited wild species, as stipulated in Article 373.

In the case that the above activity has caused severe damage to prohibited wild species, it shall be punishable as a Class 2 Offence.

ARTICLE 993 FAILURE TO IMPLEMENT QUARANTINE OBLIGATION

It shall be punishable by monetary fines as a Class 4 Offence for owner of wildlife species capture or farm owners of wildlife husbandry, who relocated, import or transfer of wildlife or between farms without the conduct of quarantine by the competent ministry or institution, as stipulated in Article 379.

ARTICLE 994 RELOCATION OF WILDLIFE SPECIES WITHOUT PERMISSION

It shall be punishable by monetary fines as a Class 4 Offence for the relocation of wildlife species for cross-breeding for the purpose of conservation or conservation management without permission by the competent ministry or institution, as stipulated in Article 383.

ARTICLE 995 REGISTRATION OF FACILITIES MAINTAINING WILDLIFE AND WILD PLANT SPECIES

It shall be punishable by monetary fines as a Class 4 Offence for a facility to maintain wildlife and wild plant species, which is not registered and recognized by the competent ministry or institution, as stipulated in Article 388.

ARTICLE 996 REGISTRATION OF FACILITIES MAINTAINING WILDLIFE AND WILD PLANT SPECIES

It shall be punishable by monetary fines as a Class 4 Offence for a facility to maintain wildlife and wild plant species, which is not registered and recognized by competent ministry or institution, as stipulated in Article 388.

ARTICLE 997 RELEASING WILD PLANT SPECIES IN THE NATURAL ENVIRONMENT

It shall be punishable by monetary fines as a Class 4 Offence for operators of facilities for to release invasive wild plant species into the natural environment without permission as stipulated in Article 394.

ARTICLE 998 RELEASE OF WILD SPECIES INTO THE NATURAL ENVIRONMENT

It shall be punishable by monetary fines as a Class 4 Offence for operators of conservation breeding facilities, wildlife rescue centres, zoological institutions, and wildlife maintaining facilities to release wildlife species born or maintained in captivity into the natural environment not in compliance with conditions as stipulated in Article 395.

ARTICLE 999 CAPTIVITY OF WILDLIFE SPECIES

It shall be punishable by monetary fines as a Class 4 Offence for any act of keeping in captivity outside of conservation breeding facilities, wildlife rescue centres, and zoological institutions as pets, for display, or as working animals, any individuals of species listed in Category 1, Category 2, and Category 3 as stipulated in Article 395.

ARTICLE 1000 DISPOSAL OF SPECIMENS OF WILDLIFE SPECIES

It shall be punishable by monetary fines as a Class 4 Offence for the disposal of animal parts, meat, or trophies of wild animals as stipulated in Article 398.

ARTICLE 1001 PROHIBITION OF ACTS WILDLIFE FARMING

It shall be punishable as a Class 3 Offence for any prohibited acts of a wildlife farm as stipulated in Article 399.

ARTICLE 1002 ESTABLISHMENT OF A WILDLIFE FARM WITHOUT PERMISSION

It shall be punishable by monetary fines as a Class 3 Offence for a wildlife farm with a commercial purpose without permission by the competent ministry or institution, as stipulated in Article 400.

ARTICLE 1003 ESTABLISHMENT OF A WILDLIFE FARM WITHOUT PERMISSION

It shall be punishable by monetary fines as a Class 3 Offence for a wildlife farm with a commercial purpose without permission by the competent ministry or institution, as stipulated in Article 400.

ARTICLE 1004 VIOLATION OF OBLIGATIONS OF OWNERS OF WILDLIFE FARMS

It shall be punishable by monetary fines as a Class 3 Offence for any owner of a wildlife farm to fail to implement the obligations, as stipulated in Article 401.

ARTICLE 1005 COMMERCIAL PROHIBITION OF SPECIMEN AND PRODUCTS OF WILDLIFE SPECIES

It shall be punishable as a Class 3 Offence for any act of purchasing, selling, or trading of specimens or products of wildlife species to any person other than permitted wildlife farms, as stipulated in Article 404.

ARTICLE 1006 QUARANTINING AND MONITORING THE HEALTH OF WILDLIFE SPECIES

It shall be punishable by monetary fines as a Class 3 Offence for any act of wildlife farms for the failure of quarantining and monitoring the health of wildlife species, as stipulated in Article 405.

ARTICLE 1007 INHUMANE SLAUGHTER OF FARMED WILDLIFE

It shall be punishable by monetary fines as a Class 4 Offence for any act of inhumane slaughter of farmed wildlife as stipulated in Article 406.

ARTICLE 1008 PROHIBITED ACTIVITIES IN THE COASTAL ZONE

It shall be punishable as a Class 3 Offence for any activity of infrastructure construction and sand mining that results in loss or harm in the coastal zone as stipulated in Article 416.

ARTICLE 1009 DIVERTING TRANSBOUNDARY WATER

It shall be punishable as a Class 3 Offence for diverting transboundary water out of Cambodian territory without a permit, as stipulated in Article 425.

ARTICLE 1010 ACTIVITIES REQUIRING PERMITS

It shall be punishable as a Class 3 Offence any activity without a permit, as stipulated in Article 461.

ARTICLE 1011 COMMERCIAL ACTIVITIES WITHOUT CERTIFICATES

It shall be punishable as a Class 3 Offence for any commercial activity without a certificate, as stipulated in Article 491.

ARTICLE 1012 FAILURE TO REPORT ON WELL DRILLING BUSINESS

It shall be punishable by monetary fines as a Class 4 Offence for any failure to report detailed work of drilled wells, as stipulated in Article 492.

ARTICLE 1013 PERMISSION FOR THE SUPPLY AND USE OF WATER

It shall be punishable by monetary fines as a Class 4 Offence for taking, supplying, or using water without permits, as stipulated in Article 495.

ARTICLE 1014 VIOLATION OF PERMITS

It shall be punishable by monetary fines as a Class 3 Offence for water suppliers and water users who do not comply with the permits, as stipulated in Article 496.

ARTICLE 1015 PROHIBITION OF COMPETENT OFFICIALS FROM ENTERING PRIVATE LAND

It shall be punishable by monetary fines as a Class 4 Offence for private land owners who refuse entry of competent officials into their private lands to conduct technical study, assessment, or monitoring, as stipulated in Article 497.

CHAPTER 5 OFFENCES RELATED TO CULTURAL AND NATURAL HERITAGE CONSERVATION AND MANAGEMENT

ARTICLE 1016 PROHIBITION ON MODIFICATION OR DESTRUCTION OF URBAN HERITAGE AREAS

It shall be punishable by monetary fines as a Class 3 Offence for any modification, change of appearance, or destruction of parts of or whole aesthetics of Urban Heritage Areas without permission, as stipulated in Article 546.

ARTICLE 1017 PROHIBITION ON MODIFICATION OR DESTRUCTION OF AESTHETICS OF URBAN HERITAGE BUILDINGS

It shall be punishable by monetary fines as a Class 3 Offence for any modification, change of style, or destruction of parts of or whole aesthetics of public, private, religious buildings, infrastructure, and green space of urban heritage without permission, as stipulated in Article 547.

ARTICLE 1018 REPAIRS OR MODIFICATION OF APPEARANCE AND THE DEMOLITION OF BUILDINGS IN URBAN HERITAGE AREAS

It shall be punishable by monetary fine as a Class 3 Offence for owners of immobile properties, buildings, or houses that are situated in Urban Heritage Areas who repair, modify, or demolish buildings in Urban Heritage Areas without permission, as stipulated in Article 548.

ARTICLE 1019 FAILURE TO IMPLEMENT THE OBLIGATION TO REPORT

It shall be punishable by monetary fines as a Class 4 Offence for any natural person or legal entity for an act of failure to immediately report the knowledge or chance discovery of any cultural heritage, ancient items, or sites to local authorities and the competent ministry or institution as stipulated in Article 550.

ARTICLE 1020 FAILURE TO IMPLEMENT THE OBLIGATION TO REPORT BY CONSTRUCTION OPERATORS

It shall be punishable as a Class 3 Offence for any natural person or legal entity for an act of failure to stop construction activities and report chance discovery of any ancient items, cultural resources, or cultural heritage sites during construction process to competent authorities as stipulated in Article 551.

ARTICLE 1021 PROHIBITION FOR CULTURAL RESOURCES EXPLORATION OR RESEARCH

It shall be punishable as a Class 3 Offence for any natural person or legal entity for an act of cultural resources exploration or research without permission as stipulated in Article 554.

ARTICLE 1022 PROHIBITION FOR CULTURAL RESOURCES EXPLORATION OR RESEARCH BY SCIENTIFIC INSTITUTIONS OR RESEARCHERS

It shall be punishable as a Class 3 Offence for any scientific institution or researcher for an attempt to do underground or underwater exploration for the purpose of research without permission as stipulated in Article 555.

ARTICLE 1023 PROHIBITION FOR ACTIVITIES THAT CAUSE DAMAGE OR DANGER TO CULTURAL RESOURCES

It shall be punishable by monetary fines as a Class 3 Offence for any activity that causes damages or dangers to cultural resources as stipulated in Article 563.

ARTICLE 1024 PROHIBITION FOR REMOVAL OR DESTRUCTION OF HERITAGE

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity for an act of removal or destruction of cultural resources or ancient items from privately-owned land, as stipulated in Article 568.

ARTICLE 1025 FAILURE TO RECORD OR PHOTOGRAPH CULTURAL RESOURCES

It shall be punishable by monetary fines as a Class 4 Offence for failure to record or photograph cultural resources, as stipulated in Article 569.

ARTICLE 1026 DESTRUCTION OF CULTURAL RESOURCES OR ANCIENT OBJECTS ON CHANCE DISCOVERY

It shall be punishable by monetary fines as a Class 3 Offence for destruction of cultural resources or ancient items on chance discovery before the valuation of the heritage as stipulated in Article 570.

ARTICLE 1027 OBLIGATION TO REPORT ON DISCOVERY OF UNDERWATER CULTURAL HERITAGE OR ITEMS

It shall be punishable by monetary fines as a Class 3 Offence for an act of failure to report the discovery of any underwater items identified as cultural resources as stipulated in Article 573.

ARTICLE 1028 DAMAGING, DESTROYING, OR SALVAGE OR DISTURBANCE OF UNDERWATER CULTURAL HERITAGE

It shall be punishable as a Class 3 Offence for an act of damaging, destroying, salvage, or disturbance of any underwater cultural heritage as stipulated in Article 574.

ARTICLE 1029 ACTIVITIES THAT CAUSE DAMAGE TO CULTURAL HERITAGE AND CULTURAL HERITAGE SITES BY PROJECT OWNERS

It shall be punishable by monetary fines as a Class 3 Offence for project owners of activities that have caused damage to cultural heritage and cultural heritage sites without permission before implementing the projects or activities, as stipulated in Article 577.

ARTICLE 1030 ACTIVITIES THAT CAUSE DAMAGE TO CULTURAL RESOURCES OR ANCIENT OBJECTS

It shall be punishable by monetary fines as a Class 3 Offence for any person that has caused damage to registered cultural heritage ancient objects without permission as stipulated in Article 578.

ARTICLE 1031 PROHIBITION FOR THE EXPORT OF CULTURAL RESOURCES

It shall be punishable as a Class 3 Offence for the export of cultural resources without permission as stipulated in Article 591.

CHAPTER 6

OFFENCES RELATED TO WASTE AND POLLUTION MANAGEMENT

ARTICLE 1032 VIOLATION OF GENERAL OBLIGATION FOR AIR, WATER, OR LAND POLLUTION

It shall be punishable by monetary fines as a Class 4 Offence for any natural person or legal

entity of any activity to cause air or water or land pollution as stipulated in Article 596.

ARTICLE 1033 VIOLATION OF PROHIBITED ACTIVITIES RELATED TO WASTE

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity of an activity without permission as stipulated in Article 597.

ARTICLE 1034 ACTIVITIES CAUSING NOISE POLLUTION OR VIBRATION EXCEEDING PERMITTED STANDARD

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity of any activity to cause any noise pollution or vibration emission exceeding the standards as stipulated in Article 598.

ARTICLE 1035 FAILURE TO COMPLY WITH PERMIT OR APPROVAL TERMS

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to fail to comply with the terms of any permit or approval, as stipulated in Article 599.

In the case that an act of failure to comply with the terms of any permit or approval causes any severe injury to physical integrity, property, animals and environment it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 2 Offence for an act of a natural person or legal entity to fail to comply with the terms of any permit or approval, which causes the loss of human life or permanent disability.

ARTICLE 1036 THE USE OF PROHIBITED OR HAZARDOUS SUBSTANCES

It shall be punishable by monetary fine as a Class 3 Offence for any natural person or legal entity of any prohibited activity, as stipulated in Article 621.

In the case that the above prohibited activities have caused any severe injury to physical integrity, property, animals and environment, it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 2 Offence for an act of a natural person or legal entity of the above activities, which cause the loss of human life or permanent disability.

ARTICLE 1037 PROHIBITION ON PERSISTENT ORGANIC POLLUTANTS

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to produce, use or distribute persistent organic pollutants which are prohibited as stipulated in Article 622.

In the case that the above prohibited activities have caused any severe injury to physical integrity, property, animals and environment, it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 2 Offence for an act of a natural person or legal entity of the above activities, which cause the loss of human life or permanent disability.

ARTICLE 1038 PROHIBITION ON LEAD IN PAINTS AND CHILDREN'S PRODUCTS

It shall be punishable as a Class 3 Offence for any natural person or legal entity to use lead or lead substances in paints or in children products as stipulated in Article 623.

In the case that the above prohibited activities have caused any severe injury to physical integrity, property, animals and environment, it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 2 Offence for an act of a natural person or legal entity of the above activities, which cause the loss of human life or permanent disability.

ARTICLE 1039 PROHIBITION ON UN-REGISTERED SUBSTANCES

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity of prohibited activities as stipulated in Article 627.

In the case that the above prohibited activities have caused any severe injury to physical integrity, property, animals and environment, it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 2 Offence for an act of a natural person or legal entity of the above activities, which cause the loss of human life or permanent disability.

ARTICLE 1040 PROHIBITION ON NON-COMPLIANT PACKAGING

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity of non-compliant packaging of hazardous substance or hazardous product as stipulated in Article 628.

ARTICLE 1041 PROHIBITION ON FALSE OR MISLEADING PACKAGING AND ADVERTISING

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to package or advertise a hazardous substance or hazardous product in a way that is false or misleading, as stipulated in Article 629.

ARTICLE 1042 USE OF SUBSTANCES CAUSING INJURIES

It shall be punishable by monetary fines as a Class 2 Offence for any natural person or legal entity to use substances that cause injury without permission, as stipulated in Article 630.

In the case that the use of the above substances caused any severe injury to physical integrity, property, animals and environment, it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 2 Offence for an act of a natural person or legal entity of the use of the above substances, which cause the loss of human life or permanent disability.

ARTICLE 1043 REGISTRATION OF HAZARDOUS SUBSTANCES AND HAZARDOUS PRODUCTS

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to fail to legally register for possession of hazardous substances and hazardous products intended for production, distribution, sale, or use as stipulated in Article 631.

ARTICLE 1044 FAILURE TO LABEL HAZARDOUS SUBSTANCES

It shall be punishable by monetary fines as a Class 4 Offence for any producer or exporter to import hazardous substances and fail to put label of hazardous substances on hazardous products or substances as stipulated in Article 637.

In the case that the act of producing or importing of hazardous substances as stipulated in the above paragraph causes any severe injury to physical integrity, property, animals and environment, it shall be punishable as a Class 3 Offence.

ARTICLE 1045 VIOLATION OF OBLIGATION ON TRANSPORT OF HAZARDOUS SUBSTANCES

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to fail to comply with the obligation on transportation of hazardous substances or hazardous products as stipulated in Article 640.

ARTICLE 1046 PROHIBITION ON THE USE OF HAZARDOUS SUBSTANCES

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity for the use of hazardous substances which cause any harm to human health, as stipulated in Article 643.

In the case that the use of the above hazardous substances caused any severe injury to physical integrity it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 2 Offence for any person or legal entity for the use of the above hazardous substances which cause the loss of human life or permanent disability.

ARTICLE 1047 DISPOSAL OF HAZARDOUS SUBSTANCES

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity who burns or disposes any hazardous substances into the environment without permission, as stipulated in Article 654.

In the case that the above burning or disposal of any hazardous substances into the environment without permission causes any severe injury to physical integrity, property, animals, and the environment, it shall be punished as a Class 2 Offence.

It shall be punishable as a Class 1 Offence for any person or legal entity to fail to burn or dispose of hazardous substances into the environment without permission, causing the loss of human life or permanent disability.

ARTICLE 1048 REGISTRATION OF HAZARDOUS SUBSTANCES OR PRODUCTS

It shall be punishable by monetary fines as a Class 3 Offence for any person or legal entity to fail to register hazardous substances or products as stipulated in Article 648.

ARTICLE 1049 OBLIGATION TO NOTIFY ON ACCIDENT

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to fail to immediately notify competent authorities and the ministry or institution responsible for environment and shall take appropriate measures according to the prevention plan and emergency response to reduce impacts on human health, the environment, and property as stipulated in Article 651.

ARTICLE 1050 DISCHARGE OF POLLUTANTS FROM A POINT SOURCE

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to discharge pollutants from a point source into any surface water or groundwater resource as stipulated in Articles 668.

In the case that the above discharge of pollutants from a point source causes any severe injury to human, animals, and the water environment, it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 1 Offence for any natural person or legal entity of the above acts that causes the loss of human life or permanent disability.

ARTICLE 1051 OBLIGATION RESPONSIBLE TO TREAT AND DISPOSE OF POLLUTANTS

It shall be punishable as a Class 3 Offence for any natural person or legal entity to dispose of pollutants from a point source into the environment without treatment as stipulated in Article

669.

In the case that the above disposal of pollutants from a point source causes any severe injury to humans, animals, and the water environment, it shall be punishable as a Class 2 Offence.

It shall be punishable as a Class 1 Offence for any person or legal entity to conduct the above acts, which cause the loss of human life or permanent disability.

ARTICLE 1052 DISCHARGE OF POLLUTANTS WITHOUT A PERMIT

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to discharge pollutants without a permit as stipulated in Article 670.

In the case that the above discharge of pollutants without a permit causes any severe injury to physical integrity, animals, and the environment, it shall be punished as a Class 2 Offence.

It shall be punishable as a Class 1 Offence for an act of any natural person or legal entity to discharge pollutants without a permit causing the loss of human life or permanent disability.

ARTICLE 1053 REQUIREMENT FOR NOTIFICATION

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity who possesses a permit to fail to notify as stipulated in Article 675.

ARTICLE 1054 EMISSION OF AIR POLLUTANTS FROM MOBILE SOURCES

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to emit air pollutants from a mobile source without permission as stipulated in Article 692.

In the case that the above emission of air pollutants from a mobile source cause any severe injury to humans, animals, and atmosphere, it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 1 Offence for an act of any natural person or legal entity to emit the above air pollutants causing the loss of human life or permanent disability.

ARTICLE 1055 IMPORT, USE, AND PRODUCTION OF VEHICLES THAT EMIT AIR POLLUTANTS EXCEEDING THE LIMITED STANDARD

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity who produces, uses, or imports vehicles or machinery that emit air pollutants exceeding the standard as stipulated in Article 693.

ARTICLE 1056 EMISSION OF AIR POLLUTANTS FROM IMMOBILE SOURCES

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to emit air pollutants from an immobile source without permission as stipulated in Article 696.

In the case that the above emission of air pollutants cause any severe injury to human, animals and the atmosphere, it shall be punished as a Class 3 Offence.

It shall be punishable as a Class 1 Offence for an act of any natural person or legal entity to emit the air pollutants causing the loss of human life or permanent disability.

ARTICLE 1057 VIOLATION OF OBLIGATION TO CONDUCT SAMPLE TESTING OF AIR POLLUTION EMISSIONS FROM IMMOBILE SOURCES

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to fail to conduct sample testing of air pollutant emissions of immobile sources as stipulated in Article 714.

ARTICLE 1058 OBSTRUCTING INSPECTION OFFICIALS

It shall be punishable by monetary fines as a Class 3 Offence for any natural person or legal entity to obstruct inspection officials from entering the premises or building of sources of pollutants to conduct inspection as stipulated in Article 920.

In the case that the natural person or legal entity obstructing the above inspection officials causes any injury to physical integrity, it shall be punished as a Class 2 Offence.

It shall be punishable as a Class 1 Offence for an act of any natural person or legal entity to obstruct the above inspection officials causing the loss of human life or permanent disability.

CHAPTER 7

OFFENCES RELATED TO ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS AND INSPECTION OFFICERS

ARTICLE 1059 FAILURE TO FULFIL MISSION BY ENVIRONMENT AND NATURAL RESOURCES JUDICIAL POLICE OFFICERS

Any Environment and Natural Resources Judicial Police Officer who violates or fails to fulfil the mission, as stipulated in Article 913, shall face administrative punishment regardless of other criminal charges which may be prosecuted.

ARTICLE 1060 FAILURE TO FULFIL MISSION BY ENVIRONMENT AND NATURAL RESOURCES INSPECTION OFFICERS

Any Environment and Natural Resources Inspection Officer who violates or fails to fulfil the

duties and roles, as stipulated in Article 920, shall face administrative punishment regardless of other criminal charges which may be prosecuted.

BOOK 11 TRANSITIONAL PROVISIONS

UNITARY CHAPTER TRANSITIONAL PROVISION

ARTICLE 1061 APPLICATION OF PROVISIONS IN THIS CODE

The provisions stipulated in the in-force specific laws and other legal instruments shall continue to have the same effect of application.

In cases where the provisions stipulated in the in-force specific laws and other legal instruments are not consistent with the provisions of this Code after the entry into force of this Code, the provisions stipulated in this Code shall prevail.

ARTICLE 1062 EXISTING PROCEDURES, PROCESSES, AND OTHER MECHANISMS

The existing procedures, processes, and other mechanisms relevant to environmental protection and natural resource management shall continue to have the same effect until the establishment of other new procedures, processes, and mechanisms established under this Code.

BOOK 12 FINAL PROVISIONS

UNITARY CHAPTER FINAL PROVISION

ARTICLE 1063 ABROGATION OF PROVISIONS OF RELEVANT LAWS

Any provisions in contradiction to this Code shall be abrogated.

ARTICLE 1064 APPLICATION OF THIS CODE

Except for the provisions on public participation and access to environmental information, which shall be immediately effective for implementation upon enactment of this Code, this Code shall be made publicly available for 6 (six) months prior to being effective for implementation..

This Code was adopted by the National Assembly of the Kingdom of Cambodia
on.....in theNational Assembly Session during the
legislature.

Phnom Penh,2018

PRESIDENT OF NATIONAL ASSEMBLY

GLOSSARY

A

Afforestation: Planting of new forests on lands that historically have not contained forests.

Agroforestry: Natural resource management systems which include both traditional and modern land-uses and in which trees are managed together with crops and/or animal production in agricultural settings.

Air pollutants: Pollutants that include but are not limited to smoke, dust, ash particle substance, gas, vapour, fog, odour, and radioactive substances, resulting in adverse effects that may cause harm to human health, property, or the environment.

Air pollution immobile source: A source of air pollutants with a permanent location, including but not limited to construction sites, agricultural facilities and sites, extractive industries sites, power generating facilities, cement and glass manufacturing facilities, incinerators, petroleum refineries, chemical plants, food processing plants, garment factories and other industrial and non-industrial sources.

Air pollution mobile source: A source of air pollutants without a permanent location including but not limited to aircrafts, ships, motor vehicles, trains, and other engines, equipment, and machinery that can be moved from one location to another.

Alien species: A species introduced by humans, either intentionally or accidentally, outside of its natural past or present distribution.

Animal: Any specimen of amphibians, birds, mammals, reptiles, fish, invertebrates; and their eggs, foetuses, and young.

Applicant: In the context of biosafety, a person that notifies its intent to use living modified organisms and/or applies for prior approval to import into or export from the Kingdom of Cambodia any living modified organism for any purpose.

Aquaculture: The process of hatching, breeding, culturing, and feeding fish eggs, fry, fish, or aquatic animals or the growing of aquatic plants for the purpose of propagating and rearing aquatic animals and propagating and cultivating aquatic plants.

Aquifer: An underground geological formation that contains water or allows water to pass through it.

B

Bank: In relation to any body of surface water, the land normally inundated by the water

contained in such body of water, together with sand, soil, rock, or any other material immediately adjacent thereto, but not including any land which is only occasionally inundated by such water.

Baseline condition: The condition of natural resources and ecosystem services, based on the scientifically most-trusted information available and recognized by a competent authority at the time of assessment that existed prior to any damage that occurred.

Bed: In relation to a body of water, refers to the portion of land delimited by its banks, and normally covered by water.

Beneficiary: One or more natural person(s) or legal entity(ies) entitled to receive benefit from a trust fund. If there is more than one settlor, then a beneficiary may also be the settlor. A beneficiary may include a legal entity or representatives of any community directly impacted by development or participating in collaborative management.

Benefit sharing: The principles, model, and processes developed and applied to distribute benefits of project activities, including project funding, between different participants and stakeholders.

Best available scientific evidence: The most relevant and advanced empirical evidence that has been obtained through objective, accurate, and peer reviewed scientific research.

Best available technology / best available techniques: The most effective and advanced stage in development of an activity and its methods of operation, including the technology used the way in which the installation is designed, built, maintained, operated, and decommissioned, that allows implementation in the relevant sector under economically and technically viable conditions, taking into consideration the costs and advantages as long as they are reasonably accessible.

Best management practices: A practice or usually a combination of practices that are determined by a relevant industry or government institution to be the most effective and practicable means (including technological, economic, and institutional considerations) of achieving sustainability standards and goals.

Best practice (international best practice): An (internationally accepted or recognized) procedure that has been shown by research and experience to produce optimal results that is established or proposed as a standard suitable for widespread adoption.

Biodiversity: The variability among living organisms from all sources, including but not limited to terrestrial, marine, and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species, and of ecosystems.

Biodiversity, wildlife, and natural resource conservation: As relates to the management of

biodiversity conservation corridors and natural protected areas, ensuring the conservation of natural resources, including biological diversity, and long term sustainability of these resources through proper management, research, and awareness raising.

Biosafety: Efforts to reduce and eliminate the potential risks resulting from biotechnology and its products.

C

Children's products: Products including but not limited to toys and other products designed for or primarily intended to be entrusted to or used by children 12 (twelve) years of age or younger.

Cleaner production: The continuous application of an integrated preventive environmental strategy to processes, goods, and services to increase overall efficiency, and reduce risks to humans and the environment.

Coastal lands: Those emergent lands extending inland from the high tide line for a distance of 5 (five) kilometres, including the intertidal zone.

Coastal waters: Those waters extending seaward 5 (five) kilometres from the high tide line, including the associated submerged lands.

Coastal zone: The area of land that extends inland 5 (five) kilometres from the high tide line and the marine area that extends seaward 5 (five) kilometres from the low tide line.

Collaborative management: A voluntary mechanism of land and natural resources management and local livelihood development in which national and sub-national authorities, indigenous peoples, local communities, and technical partners share responsibilities for the sustainable use, management, and protection of natural resources and biodiversity.

Collaborative management land use trustee mandate: A special management and use right on State public land that is held by a collaborative management authority for the purposes of implementing collaborative management. The collaborative management land use trustee mandate shall be recognised by and registered with the cadastral administration in charge of land registration.

Commercial use: Any use, in excess of household subsistence use, whose primary purpose is gaining income or economic benefits.

Community-based ecotourism: 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.

Community-based natural resource management: Natural resource management approach

under which the community has complete or at least majority control and involvement in managing the resource or resources and all or at least the majority of benefits remain in the community.

Community protected area: A specified part of a natural protected area that is designated by the ministry or institution responsible for managing the National Protected Area System to be managed by a local community or indigenous community, with its own elected administrative structure, for the joint purpose of sustainably using natural resources and promoting the standards of living of the local community or indigenous community.

Conservation breeding: Scientifically managed propagation of wild animal species in captivity for the primary purpose of avoiding extinction of the species in the wild, and not for any commercial use, which may involve reintroduction of captive-bred animals to the wild.

Conservation management: 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; research or population management of wildlife, without killing or destroying wild animals; and 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 production of captive bred animals for release back into the wild.

Conservation of ecosystem values, goods, and services: As relates to the management of biodiversity conservation corridors and natural protected areas, ensuring full consideration of the various values, goods, and services that ecosystems provide, including but not limited to 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 ensuring the long term optimization of these goods and services.

Contained use: Any operation, undertaken within a facility, installation or other physical structure, which involves living modified organisms that are controlled by specific measures that effectively limit their contact with, and their impact on, the external environment.

Cultural heritage: Tangible and intangible property produced by human effort, which is of a scientific, historic, artistic or religious nature and is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values.

D

Dam: Works that include a barrier, whether permanent or temporary that does or could or would impound water, and the storage area created by the works.

Damage: In the context of biosafety, any adverse effect on the conservation of biodiversity and sustainable use of natural resources, including any risk to human health, that is caused by living modified organisms and is measurable or otherwise observable.

Database: A comprehensive collection of related data organized for convenient access, generally in a computer.

Decision support system: A set of related computer programs and the data required to assist with analysis and decision-making within an organisation.

Development master plan: Development plans established by sub-national authorities for the reorganization and development of their respective jurisdiction.

Direct and indirect effects: Direct effects are those that are caused by a project or activity and occur at the same time and place, while indirect effects are those that are reasonably foreseeable and caused by a project or activity, but occur at a different time or place.

Disaster risk reduction: 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, improved preparedness, and early warning for adverse events including climate change.

Discharge: As relates to water pollution, the addition of a water pollutant by a point source or nonpoint source to a surface water or groundwater resource.

Domestic association: A membership organization established under the laws of Cambodia by natural persons or legal entities aiming at representing and protecting the interests of their members without generating or sharing profits.

Domestic trade: The commercial exchange of goods, including specimens of wild animals and wild plants, sourced from or produced within the boundaries of the Kingdom of Cambodia.

E

Early warning system: The set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals, communities and organizations threatened by a hazard to prepare for effective response and to act promptly and appropriately to reduce the possibility of harm or loss.

Ecological indicator: A specific, measurable property, component, or condition of an ecosystem that is sensitive to the changes in key attributes of the ecosystem, 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.

Ecological integrity: The ability of an ecosystem 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.

Ecological outcome: A consequence for an ecosystem in its component parts specified for aquifers, drainage basins, catchments, sub-catchments and watercourses.

Ecological threat: 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.

Ecologically functional population: 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 a natural, undisturbed population to the surrounding ecosystem.

Ecosystem: A dynamic combination of plant, animal, and micro-organism species, their communities, and their non-living environment and the ecological processes between them interacting as a functional unit.

Ecosystem services: The natural resource services or other benefits people obtain from ecosystems, which produce and sustain natural resources through biogeochemical cycles, having monetary or non-monetary value to individuals or society at large. These include:

Provisioning services including but not limited to food, forest products, and water;

Regulating services including but not limited to regulation of floods, drought, land degradation, air quality, climate, and disease;

Supporting services including but not limited to soil formation and nutrient cycling; and

Cultural services and cultural values including but not limited to recreational, spiritual, religious, and other non-material benefits.

Ecotourism: Environmentally, culturally and socially sustainable and responsible tourism that promotes conservation, has low visitor volume and impact, involves and benefits local communities, and involves interpretation and education of visitors and hosts.

Endangered species: Organisms that are considered to be facing a very high risk of extinction in the wild, according to the best available evidence.

Environment: 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.

Environmental audit: A documented independent evaluation of a project or activity, including but not limited to an evaluation of management practices, systems, and facilities operations.

Environmental flow: The water flows required to sustain ecosystems and the human livelihoods and well-being that depend on these ecosystems.

Environmental flow objective: A flow objective required to sustain ecosystems and the human livelihoods and well-being that depend on these ecosystems. An environmental flow objective may include details about the timing, duration, frequency, rate, and magnitude of flow.

Environmental harm / environmental damage: Any adverse effect on the environment, including impairment, destruction, loss, or loss of use of any component of the environment including natural resources and cultural heritage, and any adverse impacts on human health and welfare, including loss of wages, income, profits and lost taxes or government fees, income, or royalties.

Environmental impact: 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 peoples.

Environmental standard: Legal criteria to protect environmental quality, which may include but are not limited to effluent or emission limitations and management standards for air pollution, water quality, land pollution, wastewater, noise and vibration, waste, sustainable consumption and production, and energy efficiency.

Ex-situ facility: An establishment that conserves wild animals and wild plants outside their native habitats.

Externalities: The positive and negative impacts of activities on stakeholders that are not directly involved in those activities, or on a natural resource or the environment, which do not usually enter standard cost accounting systems, such that the market prices of the products of those activities do not reflect the full costs or benefits.

F

Financial loss: Includes loss of wages, income, profits, and lost taxes or governmental fees resulting from environmental harm.

Fishing: The catching, taking, or otherwise obtaining possession of live fish or other living freshwater or marine resources; the attempted catching, taking or otherwise obtaining

possession of live fish or other living freshwater or marine resources; any other activity that can reasonably be expected to result in the catching, taking or otherwise obtaining possession of live fish or other living freshwater or marine resources; and any operations in support of, or preparation for, any activity described above. This definition does not include any scientific research activity which is conducted by a researcher or research vessel approved by the appropriate government entity.

Foreign association: A legal organization established outside the country aiming at conducting activities to serve the public interest without generating profits.

Forest: A land area of more than 0.5 hectares (ha), with a natural, unplanted tree canopy cover of more than 10% (ten percent), which is not primarily under agricultural or other specific non-forest land use.

Forest product: Any material derived from a forest for direct consumption or commercial use, including but not limited to timber, non-timber forest products, and forage.

Full supply level: The level of a dam's water surface when water storage is at maximum operating level without being affected by flood.

Future inundation hazard area: Any portion of the current Cambodian coastal lands that is projected to become flooded by a sea level rise of 1 (one) metre above the level of the current shoreline.

G

Genetically modified: Having genetic material (DNA) that has been modified in a way that does not occur naturally, for example through the introduction of a gene from a different organism.

Geographic Information System: A computer system capable of capturing, storing, analysing, and displaying geographically referenced information.

Geospatial information: Data referenced to a specific set of geographic coordinates which can be gathered, manipulated, and displayed using a Geographic Information System. Geospatial information in the Kingdom of Cambodia includes but is not limited to information on ecosystems; biodiversity; natural resources, including but not limited to lands, water, and forests; the environment, including but not limited to water, soil and air qualities; development activities, including but not limited to agriculture, mining, Economic Land Concessions, hydropower, other infrastructures; and communities, including but not limited to locations of indigenous peoples and local communities tenure.

Good practice (international good practice): An (internationally accepted or recognized) procedure that works well and produces good results and is therefore recommended as a model.

It is a successful experience that has been tested and validated, in the broad sense, has been repeated, and deserves to be shared so that a greater number of people can adopt it.

Greenhouse gas: Those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

Green public procurement: Public procurement process that seeks to reduce the effect on the environment and human health while also trying to achieve the appropriate balance between the three pillars of sustainable development, economic factors, social factors, and environmental factors. Economic factors include the costs of goods and services over their entire life cycle, such as: acquisition, maintenance, operations and end-of-life management costs (including waste disposal) in line with good financial management. Social factors include social justice and equity; safety and security; human rights and employment conditions. Environmental factors including emissions to air, land and water, climate change, biodiversity, natural resource use and water scarcity over the whole product life cycle.

Groundwater: Water flowing through any aquifer or within a saturated soil, rock medium, fractures, or other cavities within the ground.

H

Habitat: The place or type of site where a species naturally occurs, finds shelter, feeds, and breeds.

Harass: To disturb, worry, exhaust, fatigue, annoy, plague, pester, tease or torment any animal, or otherwise interfere with the natural behaviour of any animal, its young or eggs. Does not include the lawful hunting, trapping, or capturing of wildlife.

Hazardous substance or product: 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.

Hazardous wastes: Wastes that belong to one or more of the categories in Annex I of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and 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, flammable substances, infectious substances, or substances causing inflammation, rust, oxidation, pollution, cancer, or other pollutants causing danger to human health, property, or the environment. Sources of waste shall 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.

Health surveillance: The process of generating, collecting, analysing, and exchanging health information to protect, promote, and support decisions affecting the health of wildlife, humans, and livestock, and their associated social values.

High conservation value: Having biological, social, or cultural value of outstanding significance or critical importance.

High conservation value areas: These include (1) concentrations of biological diversity, including threatened species, that are significant at global, regional or national levels; (2) intact forest landscapes and large landscape-level ecosystems that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance; (3) endangered ecosystems; (4) basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes; (5) sites and resources fundamental for satisfying the basic necessities, including but not limited to, livelihoods, health, nutrition, water, of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples; and (6) sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples.

Household subsistence use: Hunting, fishing, gathering wild plants and other non-timber forest products, and their traditional barter and exchange only for the purpose of providing food for oneself or one's family at the minimum level required for survival, and which does not include any sale or commercialization of the specimens that are hunted, fished or gathered.

Human-made disasters: These include destruction to human life and livelihoods, health, safety and education, property, infrastructure, and the environment due to human intent, negligence, or accident. Human-made disasters include but are 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.

Hunting: Includes harassing, capturing, killing, poisoning, pursuing, snaring, shooting, trapping, baiting, netting, and luring of any wildlife and any attempt to engage in such conduct, and wounding, injuring, or destroying or taking any part of the animal or its offspring, including collecting, damaging, or disturbing eggs or nests.

I

Indigenous peoples: A group of people that resides in the territory of the Kingdom of Cambodia

whose members manifest ethnic, social, cultural, and economic unity and practice a traditional lifestyle, and who use the lands and waters in their customary possession according to customary rules of collective use.

Intangible cultural property: Human achievements that have been transferred from one generation to another through operation, presentation, performance, talk, or narration and which include oral traditions such as folk tales, folk poetry and riddles, performing arts such as folk dances and plays, social practices, rituals, festive events, knowledge and practices concerning nature and the universe and the knowledge and skills to produce traditional crafts.

Intentional introduction of living modified organisms into the environment: The deliberate use of living modified organisms that is not contained use, including field release and planting, release into water and/or air, placing on the market for sale, free gifts/samples and donations but not including living modified organisms imported for direct use as food or animal feed, or for processing.

Internal waters: Marine waters landward from the baselines used to measure the breadth of the territorial sea, over which the Kingdom of Cambodia exercises full jurisdiction.

International Forest Product and Management Certification: A certification that assures buyers that timber has come from a forest which has been evaluated and certified as being managed according to the correct social, economic, and environmental standards.

International river: A river geographically situated in the territory of two or more states.

International trade: Export, re-export, import and introduction from the sea.

Invasive alien species: A species introduced by humans, either intentionally or accidentally, outside of its natural past or present distribution which has the ability and/or tendency to spread to a degree that can cause damage to the environment, economy, or human health.

J

K

L

Land use master plan: Land use plans established by sub-national authorities, which must be in compliance with development master plans.

Lead paint: Paint or other similar surface coating materials containing lead or lead compounds and in which the lead content, calculated as lead metal, is in excess of 90 (ninety) parts per million by weight of the total non – volatile content of the paint or the weight of the dried paint film.

Livelihoods development of local communities: As relates to the management of the National Protected Areas System, ensure the due recognition of the traditional rights to non-commercial use of natural resources and occupancy of local and indigenous communities and 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 traditional rights and livelihoods in a manner consistent with the long term sustainability of the conservation and ecosystem service values of the areas.

Living modified organism: Any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology.

Living organism: Any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses and viroids.

Local community: A group of any size whose members reside and interact in a specific locality, share a natural and/or built environment, and who share characteristics based on their social group, common interests, and/or common cultural and historical heritage.

Low-impact ecotourism: Management of ecotourism that ensures that activities minimize impact on wildlife, water courses, soil quality and existing land uses; do not cause a net loss of vegetation; provide services without constructing infrastructure; have minimal visual impact on the site and surrounding areas; and have minimal off-site environmental or social adverse impacts.

M

Management Authority: The entity empowered by the Government of the Kingdom of Cambodia pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora to grant permits and certificates for international trade in species listed in the Appendices of the Convention.

Marine waters: Those waters comprising or connected to the ocean, which possess a detectable degree of salinity and exhibit daily tidal fluctuations.

Means of transport: Any vehicle used for traveling or the movement of goods, including but not limited to, motorbikes, bicycles, tractor, car, cart, truck, boat, vessel or any other type of vehicle.

Mining: Any operation that includes the prospecting or exploring for, or exploiting of mineral resources.

Modern biotechnology: The application of:

- 1) In vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA)

and direct injection of nucleic acid into cells or organelles, or

- 2) Fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection.

N

Native species: Any species which lived or still lives, or has any part of its distribution or regular migration in the geographic region of Cambodia and not as a result of introduction, whether or not intentional.

Natural disasters: These include destruction to life and property, livelihood, infrastructure, safety, education, and health of the environment due to climate change and other natural occurrences 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, 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.

Natural heritage: Natural features on land and/or in water consisting of physical and biological formations or groups of such formations, geological formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants, and other natural sites or precisely delineated natural areas which are of outstanding universal value from the point of view of science, conservation or natural beauty.

Natural protected area: An area of special conservation, ecosystem, and livelihood significance that has been specially designated by law and which is subject to specific use restrictions and management arrangements in order to preserve and promote its biodiversity and natural resources, ecosystems and ecosystem services, and livelihood values.

Natural resources: All living and non-living components of the environment that provide flows of valuable goods and services to people.

Net metering: A billing mechanism that credits solar energy system owners for the electricity they add to the grid. It allows consumers who generate some or all of their own electricity to use that electricity anytime, instead of only when it is generated.

Nominal volume: Stated for a water allocation, 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.

Nonpoint source: As relates to water pollution, 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.

Non-native species: Any species not originally native to Cambodia but introduced by humans either accidentally or deliberately, including live and dead wild animals and their parts and plants that have been harvested (e.g., trafficked plants and wildlife and their products).

Non-timber forest product: Any product or service other than timber that is produced in forests, including but not limited to fruits and nuts, vegetables, fungi, fish and game, medicinal plants, resins, essences and a range of barks and fibres including but not limited to bamboo, rattans, and a host of other palms and grasses.

Q

Operator: In the context of biosafety, any persons that are involved in controlling living modified organisms directly or indirectly, including permit holders, sellers of living modified organisms on the markets, developers, producers, notification providers, exporters, importers, deliverers or suppliers.

Organism: A discrete living system, including but not limited to an animal, plant, fungus, or micro-organism.

P

Paint: A homogenous mixture of resins, pigments, fillers, solvents, and other additives that constitutes a finished product, including varnishes, lacquers, stains, enamels, glazes, primers and similar surface-coating materials used for any purpose.

Payment for ecosystem services: Mechanism by which the user or other beneficiary of ecosystem services compensates those helping through some management action, including but not limited to provision, maintenance, stewardship, restoration, or enhancement, to produce the ecosystem services.

Performance indicators: As relates to river basin water resources management, measures that can be calculated to assess the impact of an allocation and management decision or proposal on water access entitlements and natural ecosystems.

Person or Persons: Any reference in this Code to “person” or “persons” means “natural person or legal entity” or “natural persons or legal entities”.

Plantation: A production forest composed primarily of single or few species, often with little to no understory, established by artificial seeding, and typically managed for short rotations.

Point source: As relates to water pollution any single, identifiable source of pollution

discharge to a surface water or groundwater resource, including but not limited to pipes, trenches, ditches, culverts, or surface impoundments, which may come from activities including but not limited to sewage treatment plants, manufacturing operations, hotels, hospitals, landfills, fish or shellfish farms, printing shops, and construction activity.

Pollutant Release and Transfer Register: A publicly available database or inventory of chemicals and pollutants released to air, water and land and transferred off-site for treatment.

Priority group: In the context of water resources management, for water allocations managed under a resource operations licence, means the allocations that have the same water allocation security objective.

Private collection: The keeping of wildlife in captivity that is not open to the public and is usually not primarily for conservation purposes.

Prohibited hunting weapons and equipment: These include but are not limited to snares, traps and other equipment that takes wildlife indiscriminately, wire, bicycle or motorbike brake cable, explosives, ammunition, poisons and chemicals including pesticides, nets and mesh used on land, fishing line used on land, baits used on land, sound recordings or other lures, bird lime or glue, and electrocution equipment.

Project: Any public or private activity, program, business, service, or other undertaking, the performance of which requires any permit or approval or is otherwise regulated by the government.

Project owner or proponent: Any natural person or legal entity that proposes, develops, finances, or provides material support for the carrying out of a public or private project that may cause impacts on the environment, health, society, economy, and culture.

R

REDD+: Reducing Emissions from Deforestation and Forest Degradation (REDD) is a mechanism established by the United Nations Framework on Climate Change (UNFCCC), with the objective of mitigating climate change through the reduction of emissions of greenhouse gases through enhancing sustainable forest management, conserving and enhancing forest carbon stocks and reducing forest conversion and loss in developing countries. REDD+ goes beyond this to include the role of conservation, sustainable management of forests and enhancement of forest carbon stocks.

Reforestation: Planting trees on land that was forested within the previous 50 (fifty) years or within living memory.

Restore / restoration: An activity or suite of activities undertaken to put back the totality of that which has been lost due to harm through rehabilitation, enhancement, replacement,

restoration as the term is commonly used, or acquisition and protection sufficient to compensate over time for the all of the losses from harm.

Release: As relates to extractive industries, any release, spill, emission, leaking, pumping, injection, deposit, disposal, discharge, emptying, dumping, migrating, escape, or leaching into the environment, whether intentional or unintentional.

Rescue centre: A facility whose purposes are to: rehabilitate injured wild animals and release them into the wild once they are healthy; receive wild animals that have been confiscated and care for them until they can be repatriated or released; provide long-term care for animals that cannot be returned to the wild; and carry out captive breeding for conservation purposes.

Response measures: In the context of biosafety, these are reasonable actions to:

- 1) Prevent, minimize, contain, mitigate, or otherwise avoid damage, as appropriate; and
- 2) Restore biodiversity through actions to be undertaken in the following order of preference:
 - a) Restoration of biodiversity to the condition that existed before the damage occurred, or its nearest equivalent; and where the competent authority determines this is not possible; and
 - b) Restoration by, among other actions, replacing the loss of biodiversity with other components of biodiversity for the same, or for another type of use either at the same or, as appropriate, at an alternative location.

Revocable trust fund: A trust fund for which the purpose and the duration may be modified with the permission of the relevant regulator and notice to the ministry or institution responsible for economy and finance.

River basin: A geographical area determined by the watershed limits of the system of waters, including surface waters and groundwater.

S

Safety data sheet: A document that contains information on the potential hazards (health, fire, reactivity, and environmental) of and how to work safely with a chemical product.

Scientific authority: The entity empowered by the Government of the Kingdom of Cambodia pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora to advise the Management Authority on whether export of specimens would be detrimental to the survival of a species in the wild, and other scientific matters related to international trade in species listed in the Appendices of the Convention.

Settlor: A natural person or legal entity who establishes the purposes and conditions of a trust fund and provides the initial funds for the trust fund.

Shoreline: The boundary between land and water at the average height of the daily higher high tide along the margins of lands bordering waters with any detectable degree of salinity. Equivalent to the term mean higher high water as used in other countries.

Shore: The land covered with sand, soil, or rock and declining towards the water in a body of water, occasionally inundated by such water.

Significant damage: In the context of biosafety, long-term or permanent change, including adverse effects on human health, caused by living modified organisms, that will not be redressed through natural recovery within a reasonable period of time. Significant damage is determined by the extent of the qualitative or quantitative changes that adversely affect biodiversity, including the reduction of the ability of natural resources to provide goods and services.

Silviculture: The practice of controlling the establishment, growth, composition, health, and quality of forests and woodlands to meet identified goals.

Solid wastes: Wastes that include but may not be limited to 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. Solid waste may not be limited to solid form and may include semi-solid form such as sludge. Sources of waste shall 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.

Species: A group of living organisms that share similar characteristics and are capable of breeding together to produce viable offspring.

Specimen: Any animal or plant, whether alive or dead, and any readily recognizable part or derivative thereof.

Surface water: Any lake, river, stream, spring, wetland, estuary, marine water out 5 (five) kilometres from the coast, or other water that is on the surface of the earth.

Sustainable consumption and production: The use of services and related products, which respond to basic needs and bring a better quality of life minimising the use of natural resources and toxic materials as well as the emissions of waste and pollutants over the life cycle of the service or product so as not to jeopardise the needs of future generations.

Sustainable development: Promoting economic outcomes that equitably meet developmental and environmental needs of present and future generations, where environmental protection is

an integral part of the development process and cannot be considered in isolation from it.

Sustainable energy: Energy sources that serve the needs of the present without compromising the ability of future generations to meet their needs, including energy systems that derive their energy from solar, wind, small-scale hydropower (under 15 [fifteen] megawatts), biomass that is certified as being derived from sustainable sources, geothermal, wave, tidal, and waste to energy technologies; and does not include coal, natural gas, diesel, and large-scale hydropower (greater than 15 [fifteen] megawatts).

Sustainable finance: Long term protected area funding mechanisms that include but are not limited to payment for ecosystem services, REDD+, and conservation trust funds. These funding mechanisms commonly provide performance based payments as set out in legally binding agreements.

Sustainable use: The use of natural resources in a way and at a rate that does not lead to long-term decline in the natural resource, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

Swidden agriculture: A rotational farming technique, in which land is cleared for cultivation and then left for a number of years to regenerate.

T

Tangible cultural property: Architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, groups of separate or connected buildings, and works of man or the combined works of nature and man, areas including archaeological sites which are of outstanding universal value from the point of view of history, art, science, ethnology or anthropology, artefacts, documents, and productions of folk art, including but not limited to drawings, paintings, carvings, sculptures, pottery, terracotta, mosaic, woodwork, metalware, jewellery, basket weaving, needlework, textiles, carpets, costumes, and musical instruments.

Technical expert: An objective, independent natural person with education and experience in technical and scientific areas of expertise required in order to understand a specific issue.

Technical partners: National and international academic and research institutions and conservation organisations with experience in researching, protecting, and managing natural resources in the Kingdom of Cambodia.

Threatened species: All plant and animal species listed as Critically Endangered, Endangered, or Vulnerable on the International Union for Conservation of Nature Red List of Threatened Species.

Timber: Wood, other than fuelwood, potentially usable for lumber; cut wood or logs.

Tourism activities: Includes but is 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.

Traditional use: Traditional use of natural resources is the undertaking of activities as part indigenous and local communities' cultures, customs, or traditions for the purpose of satisfying personal, domestic, or communal needs.

Translocation: Moving a wild animal from its home range to an entirely new area, usually a considerable distance away from where the animal was found.

Trustee: A natural person or legal entity 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 participating in collaborative management or other legal entity.

U

Underwater cultural heritage: Items or properties that have been partially or totally under water, periodically or continuously and are pre-historic, pre-Angkor, Angkor, post-Angkor, colonial, and modern cultural heritage including but not limited to sites, structures, buildings, artefacts, or human and animal remains; sailing ships, boats, vessels, aircrafts, other vehicles or any part thereof; and other items that have pre-historic, historic, or artistic value.

Urban heritage zone: A zone containing a collection of historical and architectural buildings, and infrastructure including green spaces, which are either as individual parts or the whole of an urban or town centre, and remain in their original state and demonstrate architectural skill, creativity or community life.

V

Value: All monetary and non-monetary descriptions of a level of benefit or importance, including economic, social, cultural, and non-market values.

Vehicle: Includes but is not limited to aircraft and any motorized craft on water or land.

Vulnerable people: People who are marginalized or excluded due to their social or ethnic group, gender, age, physical and/or mental health, and/or poverty who are unable to anticipate, cope with, resist, and recover from negative impacts to their environment and livelihoods.

Vulnerability: The degree to which a system or unit is susceptible or unable to withstand the adverse effects of environmental change or variation. Vulnerability depends on the nature, magnitude, and speed of the variation to which a system or unit is exposed and its sensitivity

and capacity for adaptation.

W

Water: Surface water, groundwater, and atmospheric water.

Watercourse: A system of related surface waters that flow permanently or intermittently in natural or artificial channels.

Watershed: A system of related surface waters and groundwater that normally flows into a common outlet.

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.

Water infrastructure: Large and minor dams, weirs, diversion canals, dykes or embankments, large and minor drainage systems, irrigation systems, 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.

Water pollutant: Any liquid, solid, or gaseous waste that is discharged by a point source or nonpoint source to a surface water or groundwater resource.

Water resources: Surface water or groundwater, including but not limited to rivers, streams, waterfalls, canals, springs, wetlands, lakes, ponds, and reservoirs or other means of water storage.

Water year: The accounting period prescribed under a river basin water resources plan, legal instrument, or water access entitlement for the plan area or entitlement.

Wetland: Areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species.

Wildlife: Animal species occurring within natural ecosystems and habitats with no, or only limited, human influence in their existence and reproduction, including captives of such species.

Wildlife farming: Breeding, raising, and keeping wild animals in captivity with the primary

purpose of selling, trading and gaining income from these specimens.

Wildlife health: The state of wildlife that is able to fulfil its physical, behavioural, and social needs and be resilient to natural or anthropogenic changes in biological and environmental determinants, including but not restricted to diseases.

Wild plant: Uncultivated plant species, including their propagative material, that occur within natural ecosystems and habitats with no, or only limited, human influence in their existence and reproduction.

Wild species: Wildlife, wild plants, and other living wild organisms within natural ecosystems and habitats and not within the possession or control of humans.

X

Y

Z

Zoological institutions: Facilities holding any combination of wild and domestic animals in captivity and on public display for conservation and education purposes.