

ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE**Government of the Republic of the Union of Myanmar****Ministry of Environmental Conservation and Forestry****Notification No - 616/2015****The 3rd Waning Day or Nattaw, 1377 M.E, NayPyiTaw****(29 December, 2015)**

The Ministry of Environmental Conservation and Forestry, in exercise of the power conferred by sub-section (b) of Section 42 of the Environmental Conservation Law, is pleased to issue the following Procedure.

CHAPTER I**Title and****Definitions**

1. This Procedure shall be called the Environmental Impact Assessment (EIA) Procedure.
2. The expressions contained in this Procedure shall have the same meanings as are assigned to them under the Environmental Conservation Law and Rules. In addition thereto, the following expressions shall have the meanings given hereunder:-
 - (a) **Project** means trading, commercial, agricultural, social, educational, scientific, political or other activity or plan either each activity or aggregated, which may have adverse effect on environment which shall carry out by obtaining approval, license from any government entity or Union Government for such activity and are limited or regulated by other means by such entities. In this expression, project, business, service, all activities which may have adverse impact, shall be included.
 - (b) **EIA Type Project** means the type of project which is defined, by the Ministry, to be producing potential adverse impacts. In this expression, it shall also include type of project which needs Environmental Management Plan in order to reduce pollutions; contains various sources of pollutions; and has material adverse impacts on the environment and social affairs including the type or size of project for which sufficient knowledge and experience in respect of adverse impacts is lack or scope of impacts or importance of such impacts cannot be assessed as well as type of project for which constant monitoring with high level of environmental and social management capacity and skill is needed throughout the project term as its adverse impact is very sensitive or vulnerable for Project Affected Person;
 - (c) **IEE Type Project** means the type of project which is defined, by the Ministry, to be producing some potential adverse impacts but the degree of impact is lower than the EIA Type Project. In this expression, it shall also include the type of project whose scope and size are limited and its impacts on the environment can be aware easily; last temporarily; occur within the location of the project site; and be easily remedied. Although impacts of the project on the environment can be reduced and managed by means of using accurate and reliable techniques practically, separate controls and other modes are needed to be reviewed, designed and implemented for such type of project;

- (d) **Project which is neither EIA or IEE Type Project** means the type of project which does not need to be carried out either EIA or IEE;
- (e) **Complex Project** refers to an investment Project that has substantial impacts on the environment and society, which may include impacts beyond the borders of the jurisdiction under consideration, or a cumulative impact on other investment projects, or in which complex technology is applied;
- (f) **Project Affected Person or PAP** means a natural person, legal entity, or organization that is, or is likely to be, directly or indirectly affected by a Project or a proposed Project, including without limitation effects in the nature of legal expropriation of land or real property, changes of land category, and impacts on the ecological and environmental systems in the settlement areas of such person, entity or organization;
- (g) **Adverse Impact** means any adverse environmental, social, socio-economic, health, occupational safety or health effect suffered or borne by any entity, natural person, or natural resource, including, but not limited to, the environment, flora and fauna, where such effect is attributable in any degree or extent to, or arises in any manner from, any action or omission on the part of the Project Proponent, or from the design, development, construction, implementation, maintenance, operation, or decommissioning of the Project or any activities related thereto;
- (h) **Environmental Impact** means the probable effects or consequence on the natural environment and people of a proposed Project or businesses or activities or undertaking. Impacts can be direct or indirect, cumulative, and positive or adverse or both. For purposes of this Procedure, Environmental Impacts include occupational, social, socio-economical, community health, and safety issues. Social impacts that are in the nature of Involuntary Resettlement or which relate to Indigenous People;
- (i) **Cumulative Impact** in relation to a Project means the impact or impacts of a Project that in itself or themselves may not be significant but may become significant when added to the existing and potential impacts eventuating from similar or diverse Projects or undertakings in the same geographic area or region;
- (j) **Best Available Techniques or BAT** means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle avoidance, prevention, reduction, mitigation and compensation as the basis for Emission Limit Values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole, where:
- ‘**Best**’ shall mean most effective in achieving a high general level of protection of the environment as a whole;
- ‘**Available**’ techniques shall mean those developed on a scale which allow implementation in the relevant industrial sector, under economically and technically viable conditions taking into consideration the cost and advantages, as long as they are reasonably accessible to the operator; and
- ‘**Techniques**’ shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.
- (k) **Good Practice** means that practice which is recognized by a consensus of relevant stakeholders including without limitation government, industry, labor, financiers, and academia as having been adopted by leading,

reputable companies of international standard, which is capable of being adhered to within the Republic of the Union of Myanmar, and which, when carried out by or in respect of the Project, can be expected further to reduce the Adverse Impacts arising from the Project and activities related thereto;

- (l) Alternatives in relation to a proposed Project, means different means of meeting the general purpose and requirements of the Project, which may include alternatives to:-
- (i) the property on which or location where it is proposed to undertake the Project,
 - (ii) the type of Project to be undertaken,
 - (iii) the design or layout of the Project,
 - (iv) the technology to be used in the Project,
 - (v) the operational aspects of the Project, and
 - (vi) any other substantive characteristic or aspect of the Project as deemed necessary or appropriate by the Ministry.
- (m) **Biodiversity** means the variability among living organisms from all sources including, inter alia, terrestrial, atmospheric, and marine and other aquatic ecosystems and the ecological complexes of which any such ecosystem is a part; this includes diversity within species, between species, and of ecosystems;
- (n) **Emission** means the direct or indirect release of any substance, radiation, vibration, heat or noise from individual or diffuse sources into the air, water, land or any subterranean area. Emissions include emissions of solid waste, effluent, gas, noise, odor, light, radiation, vibration or heat;
- (o) **Emission Limit Values** or **ELV** is a figure specifying the concentration or load of a pollutant allowed to be emitted or discharged to the environment from a specific installation in a given period of time or per unit of production;
- (p) **IEE Report means** a report of a Business Enterprise requiring to conduct IEE, which includes exposing and determining systematically the adverse impacts that may be caused, assessing systematically the matters that may be carried out alternatively and determining suitable means to mitigate possible adverse impacts and Environmental Management Plan, including related effects of any proposed project, business service or activity in accord with the stipulations contained in paragraph 36.
- (q) **EIA Report means** a report of a Business Enterprise requiring to conduct EIA, which includes exposing and determining systematically the adverse impacts that may be caused, assessing systematically the matters that may be carried out alternatively and determining suitable means to mitigate possible adverse impacts and Environmental Management Plan, including related effects of any proposed project, business service or activity in accord with the stipulations contained in paragraph 63.
- (r) **EIA Report Review Body** means that body to be formed by the Ministry in accordance with the Article 58 of Environmental Conservation Rules, comprising technical experts from relevant government departments, government organizations, technical organizations and civil society responsible to review and provide comments and recommendations on an EIA Report;

- (s) **Under Construction Phase EMP** means a detailed and comprehensive EMP for the under construction phase of a Project. Such plan shall present all relevant commitments, Emission Limit Values, Environmental Quality Standards and other environmental requirements. The plan shall include a description of the Project operations, installations, and infrastructure, and shall present an overview of Adverse Impacts, present mitigation measures together with time schedules, an earmark budget, overview maps, images, aerial photos, satellite images, site layout plans, cross-sections, transects, environmental management and monitoring sub-plans for each Project site, thematic sub-plans, and management procedures as appropriate;
- (t) **Operational Phase EMP** means a detailed and comprehensive EMP for the operational phase of a Project. Such plan shall present all relevant commitments, Emission Limit Values, Environmental Quality Standards and other environmental requirements. The plan shall include a description of the infrastructure for Project operations, and shall present an overview of Adverse Impacts, present mitigation measures, monitoring programs together with time schedules, an earmark budget, overview maps, images, aerial photos, satellite images, site layout plans, cross-sections, transects, environmental management and monitoring sub-plans for each Project site, thematic sub-plans, and management procedures as appropriate;
- (u) **Environmental Compliance Certificate** or **ECC** is a legal document through which the Ministry approves an Initial Environmental Examination (IEE) Report or an EIA Report, or an EMP;
- (v) **Indigenous People** means people with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development;
- (w) **Involuntary Resettlement** means the mandatory physical displacement of a Project Affected Person from the PAP's home arising from a Project, or the unavoidable loss by a PAP of productive or income-generating assets occasioned by a Project;
- (x) **Ministry** means the Ministry of Environmental Conservation and Forestry;
- (y) **Department** means the Environmental Conservation Department of the Ministry.
- (z) **Project Proponent** means any natural person, legal entity, or organization, from the public or private sector, intending to undertake a Project or any aspect of a Project (including study, survey, design, development, pre-construction, construction, operation, decommissioning, closure, and post closure) within the territorial borders of the Republic of the Union of Myanmar, and for the avoidance of doubt shall include the Project Owner at such time as the undertaking of such Project has commenced.
- (aa) **Project Proposal** means a written document, in form, content and structure in accordance with the Ministry's requirements and guidelines, accurately setting forth the key aspects and relevant details including all known or foreseeable Adverse Impacts of a Project which a Project Proponent wishes to develop or invest in.
- (bb) **Rules** mean the Environmental Conservation Rules.
- (cc) **Residual Impacts** means predicted or actual Adverse Impacts that remain after mitigating measures have been applied.

- (dd) **Scoping** means the process contemplated in Chapter V for determining the scope of the EIA (i.e., the data that need to be collected and analyzed to assess the potential Adverse Impacts of a Project) and producing a terms of reference (TOR) for preparation of an EIA Report.
- (ee) **Prior Approval** means the approval issued by the Ministry by setting forth environmental regulations for types of business activities which required assessment prescribed in appendix (A) of these Procedures as per the section 24 of the Law.
- (ff) **Inspector In charge** means the officers from the head quarter of the Department and Region, State, Nay Pyi Taw Council Area or Divisional offices and a consultant assigned by the Ministry, to monitor and supervise the actions/activities related to the project subject to this Procedures for supervision and regulating the project to comply its environmental and socio-economical requirements or for prevention failure of environmental obligation to conduct by the project. In this expression, officers from the other relevant governmental department, governmental organizations who support the implementation of supervisions and inspection of the Ministry under this procedures, are applicable.
- (gg) **Strategic Environmental Assessment** means analysis and approach for integrated performance and continuous assessment of environmental conservation in all economic and social events with the purpose to carry out by integrating environmental matters in policies, projects, plans and to make appraisal vice versa together with the economic and social measures.

Chapter II

Establishment of the Environmental Impact Assessment Process

3. If a type of project which is necessary to conduct Environmental Impact Assessment or Initial Environmental Examination and expansion of the project which are carried out by the relevant Ministry, Government department, Government organization, Corporation, Board, Municipal Committee and Municipal Organization, Regional Government or Authority, Company, Cooperative enterprise, commercial business, Association, Partnership business or individual, is included in the type of industry/business, working area/site or factory, workshop which may impact Environmental Quality that shall be needed to obtain prior permission prescribed in accordance with Section 21 of this Law and Section 62 of this Rule by the Ministry, shall make and conduct the Environmental Impact Assessment or Initial Environmental Examination or Environmental Management Plan subject to Section 21 of this Law, Section 52, 53 and 55 of this Rule. Moreover, all such projects shall obtain the Environmental Conservation Compliance Certificate in accordance with this procedure.
4. Any project that are applicable to the types of industry/business, working area/site or factory, commercial business defined under section 21 of this Law and section 62 of this Rule, shall obtain the prior permission. In such project, the projects being in operation before this procedures is promulgated, shall be applicable/concerned.
5. Any person desire to carry out small scale project, type of industry/business, working area/site or factory, workshop that may impact Environment Quality and necessary to obtain prior permission prescribed by the Ministry under Section 21 of this Law and Section 62 of this Rules, commercial business, working area/site, or factory which is not included in the defined type of business/project to conduct assessment contained in "Annex (A)"; in order to establish and operate the business/project, shall acquire the Recommendation of the Department regarding with the issue "whether may have Environmental Impact or not" according to section 68 of this Rule before applying permission, license to relevant Ministry or an entity and shall comply and exercise the stipulations regulated by the Department.

6. Terms and conditions contained in Environmental Compliance Certificate issued by the Ministry are pertained as a regulation in the regulations included in prior permission issued by the Ministry.
7. Projects involving resettlement or potentially affecting Indigenous People shall additionally comply with separate procedures issued by responsible ministries, and in the absence of such procedures all such Projects shall adhere to international best practice applied by ADB, World Bank and IFC on Involuntary Resettlement and Indigenous People.
8. Each projects which have being started or being in operation before this procedures is enacted, shall conduct Environmental Assessment including working area assessment in order to know Environmental Impacts which have caused by his/her project current or before and during the period defined by the Department :-
 - (a) To draw and implement the Environmental Management Plan;
 - (b) To obtain the Environmental Conservation Compliance Certificate;
 - (c) To take appropriate actions in accordance with the Law, Rules and other applicable existing laws to reduce the impact.
9. If the Project expansion proposed to carry out for the expansion of the current size or production capacity or reconstruction or renovation or installation or other expansion or any activities related to expansion of the type of Project in which Initial Environmental Examination or Environmental Impact Assessment is needed to carry out which is being in operation before this procedures is enacted or under construction or; being existed or being started the construction processes at the time where this procedure have been enacted, changed the nature and size/capacity of current Project, shall conduct the Initial Environmental Examination or Environmental Impact Assessment specified by the Ministry under this Procedures. In the event that the Project expansion is not necessary to conduct the IEE or EIA, Environmental Management Plan required carrying out for the Project expansion shall be prepared and implement within the period defined by the Department. Moreover, all such Projects shall obtain the Environmental Compliance Certificate in accordance with this Procedure.
10. Type of Project which need to conduct IEE or EIA that shall be implemented within a time specification or time limitation with foreign supports/aid and which have approved by Pyidaungsu Hluttaw before this Procedures are enacted; or type of Project which need to conduct IEE or EIA that shall be carried out by the relevant Ministry, organization by means of their schedule or by jointly or coordinating with another organization :-
 - (a) Shall carry out in accordance with the paragraph (8) of this Procedure if the construction processes have been started;
 - (b) Shall obtain the Environmental Compliance Certificate after being carried out the required IEE or EIA within the specified period by the Department or before such Project is being submitted to Union Government for operation if construction processes have not been started.
11. The Department shall, in expansion of the Project in which IEE or EIA is not necessary to carry out that is being in operation after this Procedures have been enacted, submit whether the Project is necessary to conduct or not and whether EMP is necessary to modify/amend and re-prepare.

12. The Ministry may, before defining that a the project or activity is needed to conduct IEE or EIA is, allow to carry out initial business activities that may not affect environment and society the after regulating prior regulations which shall be complied.
13. The Project Proponent :-
 - (a) Shall prepare/arrange and execute appropriate consulting/discussion/meeting with public at all the stages of IEE and EIA processes according to paragraph 34,50,61 of this Procedures;
 - (b) Shall disclose the information in connection with the Project related to public other than the matter that shall encroach on National Security directed by the Ministry.
14. The Ministry shall responsible to interpret the definition this Procedure and for compliance of this Procedures.
15. The Ministry has the power and exclusive authority to:
 - (a) define Project screening criteria;
 - (b) approve technical guidelines for IEE and EIA;
 - (c) review and approve IEE Reports;
 - (d) provide guidelines for, and approve TOR of, EIA;
 - (e) review and approve EIA Reports;
 - (f) review and approve EMP, Construction Phase EMP and Operational Phase EMP;
 - (g) determine and impose conditions applicable to any Ministry approval of an IEE, EIA or EMP;
 - (h) monitor and enforce implementation of the EMP prescribed in ECC, including any amendments thereof occasioned once the detailed design of the proposed Project has been finalized or by or on account of experience during implementation of the Project;
 - (i) require any Project to update its EMP and to submit such updated EMP to the Ministry for review and approval according to a schedule defined by the Ministry;
 - (j) issue and define terms and conditions or procedures in respect of business license to be acquired by third parties or organizations which will carry out EIA; and
 - (k) perform other duties and functions relating to IEE/EIA as stipulated by the Union Government.
16. The EIA Report Review Body shall have the following responsibilities:
 - (a) When requested by the Ministry, to review the EIA of any Project.
 - (b) Within the timeframe prescribed by the Ministry, to prepare an EIA Review Report in regard to an EIA Report.
 - (c) The Ministry may, in each case, prescribe the scope and content of the EIA Review Report. Such scope and content may include assessments of the following questions:
 - (i) Does the EIA Report comply with the Procedure (EIA Report structure, content, study methodology, public participation process, etc.)?
 - (ii) Does the EIA Report comply with the Scoping Report and TOR for the EIA?

- (iii) Does the EIA Report comply with explicit guidelines, standards, timing or criteria for review?
 - (iv) Does the EIA Report recognize and consider the views of stakeholders?
 - (v) Is the EIA Report complete and does it contain sufficient, suitable and reliable information?
 - (vi) Have all applicable environmental requirements been adequately identified, addressed, referred to and fully complied with in the preparation and content of the EIA Report?
 - (vii) Have all foreseeable Adverse Impacts been identified and addressed in the preparation and content of the EIA Report?
 - (viii) Is it likely that the measures to prevent, mitigate or minimize Adverse Impacts of the Project specified in the EIA Report will ensure that the environmental requirements will be fully complied with?
 - (ix) Are the measures to prevent or minimize pollution from the Project effective and based on BAT and Good Practice?
 - (x) Are there any measures or procedures which are non-compliant or risk leading to non-compliance with environmental requirements?
 - (xi) Can the Project as described and presented in the EIA Report be constructed and operated without causing unacceptable Adverse Impacts?
- (d) The EIA Review Report shall identify any defects in the EIA investigations or the EIA Report and give recommendations as to which further studies, investigations, consultations or assessment that the Project Proponent must undertake and report.
- (e) The EIA Review Report shall, where relevant, give recommendations on conditions of the ECC.
- (f) If requested, the EIA Report Review Body shall present its findings at a meeting.

Requirements concerning organizations or persons undertaking EIA and IEE

17.

- (a) Any organization or person at home or abroad who wishes to prepare an EIA or IEE shall apply for acquiring a business license providing the following particulars at the Department if the Ministry has not issued specific terms and conditions and procedures. Such particulars shall include:-
- (i) name and contact address, profile of the organization or individual,
 - (ii) relevant experience of the organization or individual, and
 - (iii) academic credentials, relevant certificates or accreditations, relevant references and evidence of professional of each of its key personnel in the field of environmental assessment.

- (b) After setting forth specific terms and conditions and procedures in respect of acquiring license by the Ministry, application for acquiring license shall be made at the Department in accordance with such terms and conditions and procedures.

18. The Department shall need to carry out as follows:-

- (a) The Ministry will review the materials submitted by applicants applying for the business license in accordance with Article 17 to determine their suitability to carry out such assessments;
- (b) The Ministry may to grant a license to any applicant by causing to pay license fees if the Ministry, based upon the materials submitted by the applicant, deems to be suitable. However, if the Ministry deems to be unsuitable, it may refuse to issue a business license to any applicant;
- (c) Any applicant who has been refused registration may re-apply for registration after it has resolved or corrected the defect(s).

19.

- (a) License term shall be for a period of (3) years;
- (b) (3) months prior to expiration of the license, license holder shall apply to the Department to extend such license ; and
- (c) The Department shall renew the license by causing the license holder to pay renewal fees with the approval of the Ministry.

20. With the guidance of the Ministry, the Department may suspend or cancel the license of any organization or person who has acquired a license in accordance with Article 18 and may impose such other corrective or punitive measures as may be lawfully available to it, if such organization or person has violated any provision of Republic of the Union of Myanmar law, or if the assessments of such organization or person contain significant errors or are materially misleading or have not been prepared in accordance with recognized standards generally applicable to such work and services and/or relevant provisions of the Law, the Rules, this Procedure or other applicable Republic of the Union of Myanmar laws. What's more, suspension or termination of the business license shall be announced.

21.

- (a) No organization or person who does not have a license issued by the Ministry shall prepare, and submit EIA report prescribed in this Procedure to the Ministry; and
- (b) The person or organization which are under the process of EIA shall need to acquire a business license within (3) months of issuing this Procedure.

22. The Ministry shall record the list of all individuals and organizations to which business license has been issued in order to carry out EIA or IEE and announce such list from time to time.

23.

CHAPTER III Screening

- (a) The Project Proponent shall submit a Project Proposal in full to the Ministry for preliminary screening. Under this Procedure, submission of the Project Proposal shall mean the application for the prior approval;
 - (b) The Ministry shall send the Project Proposal to the Department in order to determine the category of such Project;
 - (c) Following the preliminary screening and verification that such proposal contains all required documents and related materials in accordance with Articles 8, 9, 10, 11, 26 and 27, the Department shall take stipulations under Articles 25 and 28 into consideration and submit its recommendation to the Ministry stating that such Proposal should be included in one of the following categories according to 'Categorization of Economic Activities for Assessment Purposes' attached as the Annex A:
 - (i) an EIA Type Project, or
 - (ii) an IEE Type Project, or
 - (iii) neither an EIA nor an IEE Type Project and therefore is not required to undertake any environmental assessment.
 - (d) The Ministry may inform the Project Proponent regarding its determination on the category of the economic activity under sub-article (c).
24. The Ministry shall select and determine other Projects or economic activities for which the Environmental Management Plan is required to be prepared.
25. The Environmental Impact Assessment shall be carried out if such Project is located in regions and areas protected at the National, Regional and State level including but not limited to areas of conserved forestry and biodiversity, public forest estate, parks including marine parks, mangrove areas, other important coastal areas, nature reserves, forest reserves, landmarks protected for geo-physical purposes, lands protected for scientific purposes, other nature reserves announced by the Ministry. In addition, the said Assessment shall be carried out if such projects are located or situated without limitation in protected cultural and archeology sites or historical sites or if they might have foreseen potential adverse impact thereon (such sites).
26. Notwithstanding anything contained in 'Categorization of Economic Activities for Assessment Purposes' attached as the Annex A, the Ministry may amend the above-mentioned categories of projects as may be necessary upon the firm grounds.
- 27.
- (a) Regarding mining or power generation project, the Department shall give serious consideration to infrastructures such as roads, telecommunication towers or sewage/drainage system as an activity part of the project; and
 - (b) In this regard, the Ministry may determine to carry out EIA or IEE needed for the Project or multiple Projects undertaken as a single economic activity or economic activities.
28. In screening for a Project or Project extension as to the type of environmental assessment the Project will require under Article 23, the Department shall, with the guidance of the Ministry, consider the following factors

apart from provisions under Article 25 and 'Categorization of Economic Activities for Assessment Purposes' attached as the Annex A:-

- (a) Emergency measures for the Project;
- (b) Health and safety of the Public;
- (c) National security;
- (d) Project term;
- (e) Protection of cultural or religious norms, and historical or religious heritage;
- (f) Protection of regions where sensitive ecosystem exists;
- (g) Regions which can be affected by cyclones, storms, floods, Sagaing Fault and earth quakes as well as natural disasters;
- (h) Protection of water sources which are main sources of drinking water for the public at present and in the future, (large lakes, reservoirs, rivers and creeks and ground water);
- (i) Places designated for leisure and places of pearl farming as well as nearby environments;
- (j) Conservation and protection of biodiversity;
- (k) Introduction of exotic or alien species;
- (l) Adoption of new technologies;
- (m) High density of population;
- (n) Condition of National, regional and global climate change;
- (o) Effects which can extend cross-borders;
- (p) Potential post-Project impacts and long-term adverse impacts; and
- (q) Other matters as set forth by the Ministry.

29. The Department shall inform the Project Proponent in writing as to whether the Project needs EIA or IEE or neither of them under the guidance of the Ministry within 15 days of receipt of the Project Proposal in full.
30. The Ministry shall review and amend 'Categorization of Economic Activities for Assessment Purposes' attached as the Annex A periodically.

CHAPTER IV

Initial Environmental Examination

31. The summary of IEE process is outlined in the diagram set forth in Annex B 'Initial Environmental Examination Procedure Flowchart'.

32. Prior to commencement of the IEE investigations, the Project Proponent shall inform to the Department in writing as to the identity of the selected organization(s) or person(s) to undertake the IEE investigation and reporting. The Project Proponent shall undertake the IEE investigation and reporting by himself or by assigning the person or organization who has obtained the license in accordance with Article 18.
33. Upon receipt of the information about the identity of the proposed organization(s) and/or person(s) selected by the Project Proponent to undertake the IEE, the Department shall confirm as to whether such organization or person(s) is appropriate to do so with the approval of the Ministry within seven working (7) days of such receipt.
34. The Project Proponent shall undertake the following public consultation process in regard to an IEE Type Project:
- (a) disclose information about the proposed Project to the public and civil society through local media, by posting on the website of the Project or Project Proponent including by means of the prominent posting of legible sign boards at the Project site which are visible to the public as well as following technical guidelines issued by the Ministry; and
 - (b) arrange the required complement of consultation meetings, press conferences and interviews as advised by the Ministry in a timely manner, with local communities, potentially PAPS, local authorities, community based organizations, and civil society.

IEE Report Requirements

35. The Project Proponent shall issue a letter of endorsement confirming the following factors in a format prescribed by the Ministry. Such letter shall be submitted to the Ministry together with the IEE Report in Myanmar or English as well as the summary of the report prepared in Myanmar:
- (a) the accuracy and completeness of the IEE,
 - (b) that the IEE has been prepared in strict compliance with applicable laws including this Procedure, and
 - (c) that the Project will at all times comply fully with the commitments, mitigation measures, and plans in the IEE Report.
36. An IEE Report shall contain the following:
- (a) Project description in reasonable detail such as size of Project, installation, technology to be used, infrastructure, processing, use of raw materials and resources, production and emission of waste and causing disturbance together with overview and layout maps in proper scale indicating all relevant features, images, aerial photos and satellite photos as well as other modes for implementing each and every step of the Project;
 - (b) identification of the Project Proponent including (where the Project Proponent is not a natural person but a company or other entity) the identification of the owners, directors and officers of the Project, day to day management and officers of the Project;
 - (c) identification of the IEE experts, including which expert is responsible for which part of the IEE Report;
 - (d) applicable laws, degrees, terms and conditions, norms, directives and policies which implement the protection of Project's environment and social coordination as well as relevant participating government institutions, their roles and responsibilities in respect of project;

- (e) description of the surrounding environmental conditions of the Project including maps of all relevant physical, biological, social, socio-economic and cultural features;
- (f) identification and assessment of potential Adverse Impacts on environment including presentation of adverse impacts, land features and special features of impacts and post-Project impacts along with maps, photos, images, aerial photos and satellite images;
- (g) results of the public consultation / public participation process and the Project Proponent's written response to comments received during that process;
- (h) mitigation measures aiming to protect the environment along with clear descriptions of environmental and social provisions to be followed and Potential post-Project impacts;
- (i) the EMP; and
- (j) the Persons, Organizations and Budgets needed for implementation of the EMP.

Submission of IEE Report

- 37. After completing all investigations and public consultation and participation processes required for IEE type Projects, the Project Proponent shall submit the IEE Report for the Project to the Ministry in both digital form and complete paper copies, together with the required service fee.
- 38. Not later than fifteen (15) days after submission of the IEE Report to the Department, the Project Proponent shall disclose the IEE Report to civil society, PAPs, local communities and other concerned stakeholders through websites of the Project or Project Proponent as well as by means of local media (i.e., newspapers, etc.), at public meeting places (e.g., libraries, community halls) and at the offices of the Project Proponent.

Review and Approval Process for IEEs

- 39. Upon receipt of the IEE Report from the Project Proponent, the Department shall:
 - (a) disclose the IEE Report to the public by proper media or through the website of the Ministry or Department;
 - (b) invite comments and suggestions on the IEE Report from all relevant parties including relevant government departments, government organizations, institutions, civil society organizations, and PAPs, as appropriate;
 - (c) arrange public consultation meetings at the local level, at which the Project Proponent shall present the IEE Report; and
 - (d) collect and review all comments and recommendations received and submit them to the Ministry in order to make a final decision on approval of the IEE Report.
- 40. If it is determined by the Ministry that the IEE Report does not satisfy requirements, then the Project Proponent shall be called upon to undertake necessary amendments and/or to provide supplementary information as directed by the Ministry.
- 41. Upon completion of its review of the IEE Report, the Ministry shall;
 - (a) approve the IEE Report, subject to any conditions as may be prescribed, and issue an ECC;
 - (b) require that the Project undergo EIA and cite the reasons for this decision and inform the Project Proponent of its decision; and in either case; and

- (c) publicly disclose its decision.
42. The Department shall deliver the final decision of the Ministry to the Project Proponent within sixty (60) working days of receipt of an IEE Report. If the Ministry requires an IEE Report to be amended, then the due date for delivery of the Ministry's decision shall be extended accordingly.
43. All costs incurred in completing the IEE Report disclosure and review, including the public consultation process, shall be borne by the Project Proponent.

Chapter V

Environmental Impact Assessment

Environmental Impact Assessment

44. Environmental Impact Assessment process is stated herein under Annex (B), at Chart.
45. The Project Proponent shall assign third party or organization who have obtained operation license to make environmental impact assessment survey and reporting. The Project Proponent shall submit in writing to the Department about the data of third party or organization who have been selected by him to make environmental impact assessment survey and reporting before environmental impact assessment process has been started.
46. The Department shall, on receiving the information concerning with data of proposed third party or organization who had been selected by the Project Proponent to do environmental impact assessment, submit to the Ministry in order to make a decision after has scrutinized whether such party or organization has obtained operation license from the Department or not; and whether it is an appropriate third party or organization to do assessment or not. The Department shall reply the decision of the Ministry regarding with whether it is an appropriate third party or organization to do environmental impact assessment to the Project Proponent within seven (7) working days.

Specifying Scope and extent of work

47. All types of project for which Environmental Impact Assessment is needed to be done, shall specify scope and extent of work for Environmental Impact Assessment.
48. The Project Proponent shall execute the specifying scope of work for Environmental Impact Assessment and the tasks and duties for doing assessment by means of professional method and in accordance with this procedures and the relevant guide lines specified or issued by the Ministry.
49. In specifying scope and extent of work regarding with proposed project :-
- (a) Shall define area to be surveyed, Area to be affected/impacted, timeline, stages of project and persons be affected;
 - (b) Shall start executing to understand existing rules and regulations, standards and norms, project design and time to be completed for Environmental Impact Assessment.
 - (c) In executing environmental impact assessment, after balancing/measuring environmental, social and health problems which shall be needed to continue special survey, environmental and social impacts; and if necessary, health impacts shall be identified and assessed.

- (d) Shall indicate scope and depth of environmental investigation that shall be necessary to continue including which basic facts and figures shall be needed, which further surveys and investigations shall be carried out and how data collection, survey and investigation shall be carried out.
 - (e) Before Environmental Impact Assessment is started, consultants, relevant administrative organizations, project developers, beneficiaries/stake holders and persons be affected by and suffer from the project shall have the right to reveal and expose their views and concerns regarding with the proposed project.
 - (f) May proceed by means of assessment process in which effective multiple point of views that would be able to save time, resource, expense to be economical and without delay, are included.
 - (g) Shall identify/discover the persons be affected by and suffered from the project, other relevant persons and the persons interested in the project.
50. The Project Proponent shall carry out public hearing/consulting and public participating related following consulting/discussion as a part of specifying scope and extent of work :-
- (a) Uploading the proposed project related information at the website of the Project or Project Proponent in order to be accessed/ known by public and social organizations; and publishing through local media including obviously erecting signboards and billboards at the project places that public can easily be seen.
 - (b) Arranging and organizing the required hearing/discussion with the local communities, persons who would be mainly affected by the project, regional administrative organizations, community based organizations and social organizations under the Ministry's suggestion, making explanation and presentation by calling press conference, interviews in a timely manner.
51. The Project Proponent shall submit the report of specifying scope and extent of work which contained the following information, in English or Myanmar to the Department and summary report that has been prepared in Myanmar Language shall be attached :-
- (a) Summary of the Report;
 - (b) Background information of the Project;
 - (c) Policy, legal and organizational summary;
 - (d) Project presentation and other performances;
 - (e) Maps, photos, aerial photos, satellite photos which has been drawn and taken in an appropriate ratio that recorded environmental information/data and other relevant information/data;
 - (f) Major Environmental Impacts and impact mitigation processes;
 - (g) Public hearing/discussion and Public presentation;
 - (h) Suggestions and Conclusion.
52. The Project Proponent shall prepare the tasks and duties which shall be carried out for the environmental impact assessment investigation based on the report of specifying scope and extent of the work, in accordance with the respective guide lines adopted or issued by the Ministry.
53. The Project Proponent shall submit the report of specifying scope and extent of work that had been prepared and the tasks and duties that would be carried out to the Department in order to be reviewed and approved.
54. The Department, on receiving the report of specifying scope and extent of the work and tasks and duties, within fifteen (15) working days under the Ministry's guide lines :-
- (a) Shall reply of confirmation on report of specifying scope and extent of work and tasks and duties be carried out with terms and conditions or without; or

- (b) Shall ensure that the Project Proponent prepare the report of specifying scope and extent of work and tasks and duties be carried out in accordance with the recommendation (comments & remarks) of the Department.

Investigation for Environmental Impact Assessment

55. The Project Proponent shall execute properly the investigation all the adverse impacts for environmental impact assessments and in accordance with the tasks and duties approved by the Department.
56. In the investigation for Environmental Impact Assessment, legal affair related to environmental, community and society including utilization of land, use of resource, land ownership and rights of land and other resources as well as the eco-biological, material/physical, social, economic, health, cultural and landscapes of the assessment area affected by the project during the processes of project work stages such as pre-construction construction, operation, cessation of business, business termination and after business termination, shall also be considered. Moreover, environmental impact, social impact as well as health impact if necessary, shall be assessed for the adverse impacts, risks, remaining effects and related impacts which possibly be occurred from the project.
57. Collecting information/data, technological survey, calculating and drawing design, field measuring, field sampling, assaying/lab testing, drawing and calculating machinery design, discussing to decision and remaining impacts for the processes be carried out in the investigation are within the standards and sufficient documentation that showed acceptance of the Ministry, beneficiaries/stake holders and persons affected by or suffered from the project shall be included.
58. Intricate survey on other assessable methods shall be included in the investigation. In such intricate survey, other assessable respective methods' description, assessment and comparison of adverse impacts, necessary actions taken to minimize adverse effects and remaining impacts of other assessable methods shall be included.
59. The Project Proponent shall take reference or use relevant national standards and norms approved by the Union Government or the Ministry; or the international standards and norms; or standards and norms agreed by the Ministry if there is on such national standards and norms or international standards or norms adopted.
60. In the Environmental Impact Assessment, the point of view, attention and consideration/attitude of the persons affected by or suffered from the project, social organizations and individual or beneficiaries/stake holders in the project shall be considered. Results/outcome from the public hearing/discussion, environmental and social problems of public and other relevance affected by and suffered from, shall be included in the Environmental Impact Assessment. In assessing environmental impacts, designing actions that minimized adverse impacts and management and drawing monitoring program, apprehension resulted from discussion shall be considered.
61. The Project Proponent shall be execute the following discussion process as a part of the Investigation for Environmental Impact Assessment :-
- (a) Publishing the proposed project, its adverse impacts and respective information through relevant local and state own medias, website of project or project proponent; or public places such as libraries, public halls; or erecting signboards at project site to be easily seen by the public; or by other appropriate methods or calling press conference or interviews from time to time, to be known/aware by the public and social organizations.
 - (b) Organizing and convening national level, Nay Pyi Taw Council Area, Regional or State level and divisional level meeting/hearing/discussion participating the persons affected by and suffered from the project, administrative organizations, community based organizations, social organizations.
 - (c) Consulting/discussing with the relevant governmental organizations including the Ministry, relevant Ministries, and Regional Government.
 - (d) Arranging field trips for the Ministry, relevant governmental department and organizations.

Requirements for Environmental Impact Assessment Report

62. The Project Proponent shall submit the Environmental Impact Assessment Report in such a form specified by the Ministry together with the guarantee letter that promised the following information are true and correct, in

English language or in Myanmar language to the Department and summary of the Report which had prepared in Myanmar language, shall be attached :-

- (a) The Environmental Impact Assessment is accurate and comprehensive;
- (b) The Environmental Impact Assessment had been conducted in accordance with and precisely by relevant laws, tasks and duties to do environmental impact assessment including this procedures;
- (c) The Project shall comply and exercise the commitments, environmental impact mitigating processes and programs fully and perpetually.

63. The Project Proponent shall responsible to prepare the Environmental Impact Assessment Report in which following information/data shall be included :-

- (a) Summary Report;
- (b) Introduction
 - (i) Proposal/Presentation of the Project Proponent;
 - (ii) Proposal/Presentation of the Environmental Conservation and Social Professionals;
 - (iii) Proposal/Presentation of the Health Professionals for the project operations that may affect the health.
- (c) Policy, Legal and Organizational Policy/Framework
 - (i) Environmental Conservation and Social Policy of the Joint Venture Company/organization;
 - (ii) Policies and legal frameworks including existing environmental conservation law and rules, international conventions, treaties and agreements, national and international standards and norms; and guidelines;
 - (iii) Commitments and other commitments be responsible to comply;
 - (iv) Organizational policy/framework;
 - (v) Environmental Conservation and Social Standards and Norms of the Project;
 - (vi) Health Standards and Norms for the project processes that may affect health.
- (d) Project Presentation and other options;
 - (i) Project Background;
 - (ii) Project Location, Map described whole project and lay outs/allocation maps based on sites;
 - (iii) Project development and implementation time schedule/time table;
 - (iv) Maps stated whole project for each of the project process stage such as pre-construction, construction, operation, cessation, termination and period after termination together with the project size, installation, technology used, infrastructure, production process, use of raw material and resources, waste generation, emission and description of disturbances; layouts/allocation maps based on project sites and designs drawings;
 - (v) Description of other assessable methods selected as per each project process stage such as pre-construction, construction, operation, cessation, termination and period after termination;
 - (vi) Comparison of desirable other assessable methods;
- (e) Description of surrounding information
 - (i) Identifying survey/study related limitation;

- (ii) System and Objectives
- (iii) Identifying principles related to projects with respect to Union level, State level, City and Township level socio-economic development projects, Terrain projects and sectors regarding with public affair management and planning;
- (iv) Located in or pertained without limitation in the Garden, Mangrove Area, other Important Coastal Regions, Natural Wild Life Reserve, Sciences Reserve Area, Natural Reserve Area, Geophysics Reserved Landmarks, other Natural Reserve Areas prescribed by the Ministry, Cultural Heritage Preservation Area and Archaeological Preservation or Historical Landmarks including Biodiversity Conservation, Forest Conservation Area, Public Forest, Aquatic Garden which Ares had been identified/specified and protected as National Level, Regional Level and State Level.
- (v) Maps and information related to natural disasters including topographical features, water resources, geological, soil, hydrological, environmental quality, weather, forest and tree covering, earthquake, Tsunami, severe weather phenomena, floods, droughts and dry, forest fires and other phenomena regarding with the physical environmental factors.
- (vi) Maps and information related to animals and plants, abundant, rare, extinct and endangered and sensitive species; and commercial, health, nutritional valued species, and maps and information related to sensitive environment areas and inhabited areas regarding with eco-biological factors.
- (vii) Transportation, Public access, and location, size or capacity of service related infrastructure regarding with the infrastructure and service businesses;
- (viii) Other Maps and charts indicated social and economic statistics such as income and vocational/professional businesses, living status, opportunity to access public service and natural resources, land utilized map, population census map, poverty, occupations/jobs and education regarding with the socio-economic factors;
- (ix) Death, un-wellness, disease outbreaks, accidents, injury, social health demarcation regarding with public health factors;
- (x) Cultural, historical and religious places, structures and elements, visual landscape quality of scenic beauty, tradition concepts, religion and customs regarding with the cultural factors;
- (xi) Visual factors including rural landscape, urban landscape, and sea landscape using three dimensions;
- (f) Environmental Impact and Risk Assessment and Mitigation Processes:-
 - (i) Environmental Impact and Risk Assessment method;
 - (ii) Impact and Risk identification, Assessment and Mitigation for each process stage such as pre-construction, construction, cessation, termination and period after termination:-
 - (aa) Environmental and Social Impact identification and Assessment including impacts on the climate changes such as physical, biological, social, socio-economical, health and cultural; and scenes, greenhouse gas emission, reducing carbon sequestration, impacts on climate changes as per the projects based on the forecasts of climate changes of the national level responsible organizations, international research organizations;
 - (bb) Assessment after identifying possibilities, natural and engineering disasters related to the Project;
 - (cc) Design, allocation, performance, management and implementation of appropriate process to mitigate environmental impact and risk;

- (dd) Comparison of the remaining impacts and risks to the existing rules and regulations, standards and norms, guidelines;
- (ee) Comprehensive Monitoring;
- (g) Related Impacts / Associated Impacts Assessment
 - (i) Methods and approach to be proceeded;
 - (ii) Related Impacts / Associated Impacts Assessment;
 - (aa) A brief / summary and map of current and future private and public owned projects and developments;
 - (bb) Assessment after identifying related impacts factors which may occur in surrounding and participations/involvements of the project that help such impacts to occur;
 - (cc) Possible to exceed important level and relating to the associated impacts of the project;
 - (dd) Statement of the processes to be proceeded in order to mitigate the participation / involvement of the project on related impacts;
- (h) Environmental Management Plan
 - (i) Statement as per processes stages of the project such as pre-construction, construction, operation, cessation, termination and period after termination;
 - (ii) Environmental and social; and if necessary, health policy, commitment, legal requirements and Organizational Arrangements of the Project;
 - (iii) Environmental Impacts and summary of the mitigation processes;
 - (iv) Estimated Expenditure to implement the Environmental Management Plan;
 - (v) Statement of relevant environmental and social management and monitoring proceeding such as noise, vibration, waste, wastewater and sewage, air quality, smell, chemical elements, water quality, erosion and silts deposit, bio-diversity, workplace and community, health and safety, cultural heritage, occupation and training; and emergency response regarding with the sub-plans of Management and monitoring as per processes stages of the project such as pre-construction, construction, operation, cessation, termination and period after termination;
 - (vi) Items shall be included according to sub-plans:-
 - (aa) Objectives;
 - (bb) Legal requirements;
 - (cc) Coverage Maps, Site Maps, Photos, aerial photos, satellite photos;
 - (dd) Implementation plans;
 - (ee) Management activities;
 - (ff) Monitoring programs;
 - (gg) Reserve funding and responsibilities.
- (i) Public discussion and information presentation :-
 - (i) Defining method and approach;
 - (ii) Summary of the discussion and activities performed;

- (iii) Discussion Outcomes;
- (iv) Discussion to be continued;
- (v) Information presentation.

Environmental Impact Assessment Submission

- 64. The Project Proponent shall, after all the processes of investigation, public discussion and public participation which shall be carried out for the project in which Environmental Impact Assessment need to be conducted, had been completed, submit the Environmental Impact Assessment Report together with all the sufficient documents or in digital form to the Department with a service fee defined by the Department.
- 65. The Project Proponent shall, not later than fifteen(15) days after Environmental Impact Assessment Report had been submitted to the Department, publish the Environmental Impact Assessment Report at through State owned media like newspaper, website of the project or project proponent or public places like libraries, public halls or offices of the project proponent so that social organization, persons be affected by and suffered from the project, relevant governmental organizations, local communities and other beneficiaries could access.
- 66. The Department shall, on receiving the Environmental Impact Assessment Report, reveal/publish it in accessible methods by public.

Reviewing / Appraising and approving of the Environmental Impact Assessment Report

- 67. The Department, on receiving the Environmental Impact Assessment Report from the Project Proponent, shall :-
 - (a) Send the Environmental Impact Assessment Report to Environmental Impact Assessment Report Scrutinizing Team to scrutinize it for Opinion Remark/Comment or Recommendation;
 - (b) Invite all relevant persons including relevant governmental organizations, other organizations, social organizations and person affected by and suffered from the project to give suggestions and remarks/comments upon Environmental Impact Assessment Report;
 - (c) Direct the Project Proponent to organize and held public hearing and meeting at the National Level and Regional or State Level or Nay Pyi Taw Council Area Level and present Environmental Impact Assessment Report in such meetings;
 - (d) Submit to the Ministry after scrutinizing the collected opinion remarks/comments and suggestions including opinion remarks/comments and recommendations of Environmental Impact Assessment Report Scrutinizing Team, in order to make a final decision related to approval of Environmental Impact Assessment Report.
- 68. In the event that the Ministry has decided that the Environmental Impact Assessment Report did not meet the requirements, the Department shall inform the Project Proponent to make necessary preparations as prescribed by the Ministry. The Ministry shall, within ninety (90) working days after receiving the Environmental Impact Assessment Report, make its final decision. In case of joint projects or it is the Ministry that desirous to have the Environmental Impact Assessment Report to be amend, shall extend the term (date) in which the final decision shall be replied of the Ministry.
- 69. All the expenditures incurred for the implementation process of announcement and Reviewing/Appraising the Environmental Impact Assessment Report including public hearing/meeting process shall be bared by the Project Proponent.
- 70. The Ministry, after scrutinizing the Environmental Impact Assessment Report :-
 - (a) Shall issue the Environmental Compliance Certificate in which regulations to be complied are prescribed after approving the Environmental Impact Assessment Report under the Committee's guidelines; or

inform the Project Proponent of the decision that the Environmental Impact Assessment Report is rejected under the guidelines issued by the Ministry ; and

- (b) Shall make publicly known its decision for public awareness in an appropriate way and in a timely manner.

Chapter VI

Appealing

- 71. (a) Within (30) days after the date of public announcement was made by the Ministry that the environmental impact assessment report has been approved or rejected, project proponent; or the person or the organization who submit the environmental impact assessment report; or the person or the organization who would be affected by the adverse effects of the project, with respect to the decision of the Ministry that approved or rejected the environmental impact assessment report, may appeal to the Committee through the Ministry in accordance with this procedures. Although :-
 - (1) Appeal shall not be executed unless the case where the appellant could firmly submit that the rejected decision of the Ministry was not made in accordance with this procedure or the decision was not made based on the reliable facts and figures; or it was unfair.
 - (2) With respect to the decision of the Ministry, appeal shall not be executed only upon the case more than once.
 - (3) The regulations stipulated by the Ministry, shall not be appealed.
- 72. The Ministry shall submit the appeal cases which have been received during the period in which appeal has to be submitted, within fifteen (15) days from the date of receiving appeal cases.
- 73. The Committee shall decide the following within thirty (30) working/business days from the date of receiving appeal case after the case had been reviewed.
 - (a) Approving the decision of the Ministry;
 - (b) Directing the Ministry to make project proponent to modify the environmental impact assessment and resubmit to the Ministry;
 - (c) Directing the Ministry with the reason description to change, amend or rescind the decision of the Ministry concerning with the environmental impact assessment.
- 74. The decision of the Committee shall be the final.
- 75. The Ministry shall inform the appellant who appeal to the decision of the Committee and project proponent and shall publicize changing, rescinding or amending of its decision with respect to the environmental impact assessment report when it received the decision of the Committee.

Chapter VII

Environmental Management

- 76. For the type of project which is needed to prepare and submit environmental management plan subject to section 55 (a) of the Rule or the type of project which is defined to prepare and submit environmental management plan pursuant to section 24 of this procedure by the Ministry, the projector proponent may execute the preparing the environmental management plan by himself or shall assign the person or the organization who has obtained operation license in accordance with the section 18. Process of the preparing the environmental management plan is stated herein under Chart in Annex (b).

77. The project proponent shall submit the environmental management plan in such form specified by the Ministry in section 64 (h) together with the guarantee letter that approved following information are correct in written Myanmar language or English language or in Myanmar and English to the Department. The environmental management plans shall be submitted to the Department in complete documentation or in digital type by paying service fee defined by the Department :-
- (a) Guarantee that environmental management plan is explicit, accurate and complete;
 - (b) Guarantee that environmental management plan is prepared precisely in compliance with the respective laws including this procedure;
 - (c) Guarantee that the project shall fully and perpetually abide by and exercise the commitments, environmental impact mitigation processes and plans pertained in environmental management plan.
78. The Department, on receiving the environmental management plan from the project proponent, after it has scrutinized and reviewed upon environmental management plan, shall submit to the Ministry in order to make a final decision concerned to approval of such report.
79. If the Ministry determined that environmental management plan does not complete and meet with requirements, the Department shall inform the project proponent to make necessary amendment and to submit additional information as directed by the Ministry.
80. The Ministry, after scrutinizing and reviewing environmental management plan, :-
- (a) Shall issue Environmental Compliance Certificate by stipulating regulation after it had approved the environmental management plan;
 - (b) If determined that Initial Environmental Examination or Environmental Impact Assessment is needed to conduct, shall inform to the project proponent of deciding so together with the particular description.
 - (c) Shall publicize its decision for public awareness.
81. The Department, after it had received the environmental management plan, within thirty (30) working/business days, shall notify the final decision of the Ministry to the project proponent with respect to such plan. In the event that the Ministry desires to amend the environmental management plan, the Ministry shall extend the due date where the final decision of the Ministry has to be replied.
82. The project proponent shall bear all the expenditures incurred in scrutinizing and reviewing the environmental management plan.

Chapter VIII

Consideration of Environmental Conservation for Project Approval

Requirements to approve the Project

83. In respect of application for implementing the projects, the Project Proponent shall need to acquire the Environmental Compliance Certificate issued by the Ministry in accordance with these Procedures before granting any Permit or approval by the respective Ministry or authorities for types of project for which the Initial Environmental Examination is to be carried out or for types of project for which the Environmental Impact Assessment is to be carried out.
84. All the projects and the businesses, regardless of being applicable to the type of project/business for which assessment is needed to conduct mentioned in Annex (a) or not, shall obtain necessary permission, permit, license and approval and comply existing law, rules, regulations, procedures and directives, zones specifications under relevant laws, project requirements and other requirements of the Government.

Moreover, to commence or set up project or the business; or carry on the operations, shall abide and exercise the regulations stipulated by the Ministry.

85. The Ministry may, albeit it specified that a proposed project or business doesn't need to conduct Initial Environmental Examination or Environmental Impact Assessment because it is a smaller scale compare to the project which need to carry out the Initial Environmental Examination or it is not included on the list, stipulate the necessary regulations.
86. In case of a project to which the Environmental Compliance Certificate had been issued by the Ministry, when relevant Ministry or the other authorized organization issue "prior approval", "license", "approval" or "registration", shall inform to the Ministry of issuing so.

Environmental Compliance Certificate, Regulations and Amendment to such Regulations

87. When receiving the written approval from the relevant authority, the Project Proponent shall commence the implementation of the project within the period specified by the Ministry pertaining to the terms and conditions set forth in the Environmental Compliance Certificate as well as the Environmental Management Plan.
88. The Environmental Compliance Certificate (ECC) shall be applicable to the type of work/business prescribed therein and it must clearly specify:
- a) The registered name and registered office address of the Project Proponent / Project Owner to whom the ECC is issued;
 - b) The documentation of the Environmental Impact Assessment(EIA) or Initial Environmental Examination Report (IEE) that the Project Proponent submitted to the Ministry in order to acquire the ECC;
 - c) A map, images, aerial photos and satellite images showing the geographic location(s) of the Project and each of its components;
 - d) The Project type and layout with an overview of activities, installations, operations, production capacity, production methods, and waste generation; and
 - e) Project phases and the timing (commencement and conclusion dates of each).
89. The Ministry may prescribe conditions of an ECC. Such conditions may encompass any or all of:
- a) General management:
 - (i) Procedures and management systems to identify, control, prevent or minimize all Adverse Impacts,
 - (ii) Procedures to ensure compliance with all environmental and social commitments,
 - (iii) Procedures to implement the measures described in the Environmental Management Plan (Construction Phase EMP, and Operational Phase EMP), as the case may be,
 - (iv) Procedures to improve the environmental and social performance of the Project,
 - (v) Organization with qualified environmental and social personnel, and
 - (v) Documentation, reporting and revealing information procedures;
 - b) Emissions:
 - (i) Impermissible Emissions,
 - (ii) Emission Limit Values in terms of types, substances, loads, concentrations, rates, timing, duration, frequency, seasons, Project phase,

- (iii) Emission points,
- (iv) Form and media,
- (v) Recipients,
- (vi) Contribution to Environmental Quality Standards, and
- (vii) Statistical methods for determining compliance;
- c) Use of energy and natural resources: amounts, type, origin of resource, rates, effectiveness of use, waste generation;
- d) Pollution Prevention: Where the preventing pollution or conduction of prevention is not practicable, effectiveness of production or construction methods or waste storage and treatment to mitigate the pollution and to prevent the risk of pollution or to minimize;
- e) Nature conservation and management:
 - (i) Conservation and rehabilitation of sites, environments or species,
 - (ii) Effectiveness of environmental measures to prevent or minimize Adverse Impacts on certain environments or species,
 - (iii) Adjustment of bio-diversity;
- f) Conservation of area, facts, designs and artifacts of cultural resources, explorations in archeology and coordination procedures.
- g) Hazardous or toxic materials including waste:
 - (i) Limits to the types, categories, and amounts,
 - (ii) Methods and systems of collection, storage, handling, transport, treatment and disposal;
- h) Waste management:
 - (i) Limits to the types, categories, and amounts of waste (liquid, solid, atmospheric) generated,
 - (ii) Methods and systems of collection, storage, handling, transport, treatment and disposal,
 - (iii) Recycling or reuse of wastes;
- i) Transport and access:
 - (i) Access points,
 - (ii) Means of transport of materials and people to and from the Project,
 - (iii) Transport routes for products, raw materials or waste,
 - (iv) Access control measures;
- j) Decommissioning, rehabilitation, clean-up and closure:
 - (i) Sites, areas and environments and facilities,
 - (ii) Objectives and standards,
 - (iii) Site conditions and after use,
 - (iv) Timing,

(v) Controls and monitoring;

k) Control measures:

- (i) Prevention of accidents and response to emergency cases,
- (ii) Measures and procedures in case of accidents, incidents, and operational irregularities,
- (iii) Control and maintenance of pollution prevention / minimization measures,
- (iv) Establishment of Safety zones;

l) Monitoring:

- (i) Parameters,
- (ii) Methods,
- (iii) Sampling and analyses,
- (iv) Point of monitoring,
- (v) Frequency,
- (vi) Timing,
- (vii) Data management,
- (viii) Maintenance and control of monitoring equipment,
- (ix) Documentation and reporting;

m) Documentation and reporting:

- (i) Parameters and issues that must be documented and reported,
- (ii) Types and methods,
- (iii) Frequency and timing,
- (iv) Quality controls,
- (v) Recipients;

n) Financial guarantee:

- (i) Type of guarantee,
- (ii) Amount,
- (iii) Timing,
- (iv) Application,
- (v) Type and financial capacity of guarantor;

o) Funding of inspection by the Ministry:

- (i) Amounts,
- (ii) Payment procedure,
- (iii) Timing and frequency.

(p) Contribution in the Environmental Management Fund:

(i) Contribution for pollution (emission, pollutant)

(ii) Contribution for the utilization of natural resources and benefits gained from ecosystem services.

90. The Ministry may transfer the Environmental Compliance Certificate or any of its component to the proposed transferee where the project owner and proposed transferee jointly applied to do so.
91. The term of the Environmental Compliance Certificate shall be five years. The Project Proponent shall need to apply for the term renewal of such Certificate at the Ministry prior to 6 months of the expiry date.
92. The Ministry may, regarding with the application for term renewal of Environmental Compliance Certificate subject to section 91, under any of the below circumstances, amend the terms and conditions pertained in Environmental Compliance Certificate and direct the project proponent to amend and submit the Environmental Management Plan to the Ministry in order to review and verify :-
- (a) In the event that the actual effect of the project or attempts to mitigate the environmental impact are not accomplished or sufficient;
 - (b) In the event of new information, showing how troublesome the adverse effects of the project is or may or possible to be, are emerged;
 - (c) The project has the adverse impacts that could not be able to know prior to the time where the Initial Environmental Examination report, Environmental Impact Assessment and Environmental Management Plan had been approved first.
 - (d) The adverse impacts of the project are much severer than expected impacts at the time when the fundamental facts and elements have been prescribed for preparing, submitting and approving of the issuance of Initial Environmental Examination report, Environmental Impact Assessment report, Environmental Management Plan and Environmental Compliance Certificate and Regulations;
 - (e) According to best attainable method definition, new methods could exceptionally mitigate the adverse impacts of the project;
 - (f) Adverse impacts of the project could have been mitigated by means of good practices without significant extra cost economically;
 - (g) Actions/regulations are not being necessary to mitigate adverse impacts.
93. The Ministry, taking additional information into account, if necessary, shall decide to modify the regulations in Environmental Compliance Certificate; or if necessary, shall direct the project proponent, to newly prepare and submit the Environmental Impact Assessment, Initial Environmental Examination or Environmental Management Plan drawing on a case by case basis.
94. The Project Proponent shall need to commence the implementation of the project within the first 2 years of receiving the Certificate. The effective date (commencement date) shall be informed in written to the Department within 30 days of commencing the implementation of the project and activities to be performed as well as to be included in project implementation shall be mentioned.
95. If the Project Proponent does not commence the project implementation effectively within 2 years of receiving the Environmental Compliance Certificate, other than the case of increasing the time duration by the Ministry upon the request of the Project Proponent for his incapability to commence the project implementation and for time requirement for such commencement with reasons, the Initial Environmental Examination and the Environmental Impact Assessment shall be re-prepared and submitted.
96. If the Project Proponent proposes to conduct main alternation or extension or secondary extension for size, scope, location, layout, technology, potential risks, and production methods of the project or for prevention or reduction of pollution, such Project Proponent shall need to submit the information of such changes/alternations to the Ministry, mentioning in the prescribed time table.

97. The Ministry may include a regulation in the Environmental Compliance Certificate that the project proponent shall submit to the Department, the detail of the environmental management plan during construction period to scrutinize and approve before the target constructions of the project are started, for the type of projects in which multi-purposed constructions are included and environmental impact assessment is required to conduct.
98. The Ministry may include a regulation in the Environmental Compliance Certificate that the project proponent shall prepare and submit to the Department, the detail of the environmental management plan during operation period to scrutinize and approve before the target period where the operations of the project are started, for the type of projects in environmental impact assessment is required to conduct.
99. The Department may, if necessary, case by case, require to prepare promptly environmental management plan for construction period or operation period under the guidance of the Ministry; and to re-submit such plans to the Department to scrutinize and approve.
100. The Project Proponent shall, case by case, shall include and carry out emission limitation amount and environmental quality standards in respect of:- relevant environmental compliance commitments and requirements prescribed in Environmental Impact Assessment report and Environmental Management Plan for construction period or Environmental Management for operation period; and any part the project contained in Environmental Compliance Certificate, in the detail design of the project, specific conditions of the construction agreement and operation agreement.
101. The Department may, in each case at the project, if found out the changes caused by the adverse impacts of the project in the project, site, or Environmental Management Plan, Environmental Management Plan for construction period or Environmental Management Plan for operation period, require the Project Proponent to submit, on a case by case basis, the Environmental Management Plan, Environmental Management Plan for construction period or Environmental Management Plan for operation period which had been prepared again to the Department to scrutinize and approve.
- Responsibility for all the adverse impacts
102. The Project Proponent :-
- (a) Shall be liable to all adverse impacts occurred by any action or default made by himself or contractors, sub-contractors, officer, employee, representative or advisors appointed or hired or authorized to perform on behalf of him.
 - (b) Shall, for the person who retained any damage or suffered from the project, arrange to attain socio-economic stability not inferior to the current period or before the project is carried out and arrange to provide resettlement and rehabilitation program for vocational careers as much as necessary by discussing and coordinating with those attained such damages or suffered from the project, respective governmental department, organizations and other relevant persons.
103. The Project Proponent shall fully implement the Environmental Management Plan, all agreements and conditions of the project and he shall be responsible to ensure his contractors and sub-contractors to abide by respective laws, rules, procedures, environmental management plan as well as all terms and conditions.
104. The Project Proponent shall be responsible for all requirements prescribed in the Environmental Compliance Certificate, relevant laws, rules, these Procedures and standards as well as he shall need to implement such requirements fully and effectively.
105. The Project Proponent shall need to submit the full information regarding the potential harmful impact resulted by the project to the Ministry in a timely manner.

Chapter IX

Monitoring

106. The Project Proponent shall practically conduct self-comprehensive monitoring in a sustainable manner on project related performances for all the adverse impacts in all stages of project such as pre construction, construction, operation, business cessation, business termination and period after business termination as well as he shall comply relevant laws, rules, this procedures and standards, and regulations prescribed in Environmental Compliance Certificate, and terms in the Environmental Management Plan.
107. The Project Proponent shall need to inform in written as soon as possible for his failure to perform his duties or other works or to fulfill the requirement set forth in the Environmental Compliance Certificate and the Environmental Management Plan. Any potential danger imposing on environment as a result of any of his default or any matter, which should be known by the Ministry at once, shall be informed to the Ministry within 24 hours whereas other matters shall be informed within 7 days starting from the date of having awareness thereof.
108. The Project Proponent shall need to submit the Monitoring Report prescribed in the schedule of the Environmental Management Plan to the Ministry every (6) month or as may be prescribed by the Ministry.
109. Monitoring Report shall include the followings :-
- (a) Documentation evidenced the compliance of all regulations;
 - (b) Progress at the time of reporting, in complementing as per performance schedule submitted for Environmental Management Plan implementation;
 - (c) Difficulties faced in implementation of Environmental Management Plan, advises to remedy such difficulties and similar problems, actions proposed to prevent or avoid possible issues in the future;
 - (d) Times failed to exercise Environmental Management Plan and type, proposed remedies and prescribed time in which remedy must be accomplished;
 - (e) Accidents and events occurred with respect to health, safety and environment of the workplace and society;
 - (f) Monitoring on facts and figures prescribed under Environmental Management Plan or other required environmental measurements and regulations.
110. The Project Proponent shall need to submit his performances and the Monitoring Report prescribed in the schedule of the Environmental Management Plan as per paragraphs 104 and 105 to the Ministry. Then, he shall, other than the matters of the National Security, reveal such performances and the Monitoring Report on the website of the project or at library or public halls or departments of the project within 10 days of such submission so that the public can access to such information. Any organization or person can request the digital softcopy of the Monitoring Report and the Project Proponent shall need to give such digital softcopy through e-mail or any manner agreed with the person who made such request.
111. The Ministry shall have the right to supervise and regulate for the compliance of the relevant environmental and socio-economical requirements by the project or to prevent for the failure of responsibilities by the project or to conduct monitoring and inspection on the project related activities through the execution of Union Level, Regional, State, NayPyiTaw Council Area or; of officer or advisor at regional offices under its supervision; or through both such ways. Moreover, the Ministry may, in implementation of the monitoring and inspections works, cooperate with supporting of other relevant governmental department and governmental organizations.
112. If the Ministry finds out that the Project Proponent has breached the terms and conditions prescribed in the Environmental Compliance Certificate, he shall be asked to give any remedy or be imposed fine as per these Procedures.
113. The Project Proponent shall need to carry out as follows:-

- (a) For purposes of monitoring and inspection, the Project Proponent shall allow the responsible person to have an access to the premises at any time during normal working hours; and
 - (b) When the Ministry may reasonably require, the Project Proponent shall grant the access to the Project's offices and to the Project site and any other location at which the Project activities or activities related to the Project are performed.
114. The Ministry may, in executing the inspection, conduct by any means including photographing, voice recording, video recording, obtaining earth clay, silt deposits, water and air samples and inspection of computers, copying documentations including digital files, interviewing persons and other inquiring deemed require by the Ministry. If necessary, may conduct inspection by coordinating with the other relevant Ministry.
115. The Project Proponent shall, in the event of an emergency, or where it is assumed that there is or may exist a violation or risk of violation of the compliance by the Project with all applicable environmental and social requirements, grant full and immediate access to the responsible person at any time.
116. The Ministry may inspect the necessities including the project and sites, supplies /accessories, vehicles, computers, places stored records, documentations, other media and types and forms of information collection and keeping; and persons.
117. The Project Proponent shall allow the responsible person to inspect the Project's contractors and subcontractors who are performing on behalf of the Project.
118. The Ministry shall immediately inform the project if it deem the project does not fulfil its duties.
119. The Ministry may warn the project to comply and exercise precisely its environmental responsibilities. Any warning may be made publicly known by uploading at the webpage of the Department or be uploaded at the website of the project by the project or in a reasonable method.
120. The Ministry may point out actions of the project that did not apply the Environmental Compliance Measurement that must be complied and shall define the exact time that shall be appropriate and conformity with the condition to comply by the project.
121. The Ministry shall, if it is assumed that the project proponent or project owner does not or may not exercise its responsibilities related to environmental conservation, inform relevant Ministry or organization to suspend the project operation under applicable existing law; and may be required to fix such failure of the compliance on the own expense of the Project Proponent together with the eligible third party which deemed be able to fix effectively within the defined period.
122. The Project Proponent shall need to bear the expenses of the Ministry in respect of the inspection and monitoring of the Project. The amount of such expenses shall not be exceeded than the amount needed for performing the agreements prescribed in the Environmental Compliance Certificate and the Environmental Management Plan.

Chapter X

Strategic Environmental Assessment

123. The Ministry :-
- (a) May require the policy, strategy, development project, framework or projects undertaken as per plan and other commercial businesses which have been designed or planned to design by Union Ministries, Nay Pyi Taw Council Area, Region, State, Autonomous Division, Autonomous Regions, Townships and other

individual or private association, to carry out the strategic environmental assessment for the possible environmental and social impacts subject to strategic environmental assessment guidance issued by the Ministry, in order to obtain advance environmental and social conservations steadfastly and to be able to effectively integrate and simplify the environmental and social emphasis in public policy and projects with respect to the projects and other commercial businesses in the country wide of the Republic of the Union of Myanmar and each of its cities, villages and geographically divided regions.

- (b) May, in case, such undertaking indicates that any policy, strategy, development project, framework or any plan could affect the environmental or social significant surrounding, require the responsible organization for such policy, strategy, development project, framework or plan, to do an appropriate survey and study in order to identify and assess upon the environmental impacts; and to include design the comprehensive monitoring and surveillance framework for the environmental and social management plan and environmental impacts in such policy, strategy, development project, framework or plan.

- 124. The Ministry, may require the policy, strategy, development project, framework or projects undertaken as per plan and other commercial businesses which have been designed or planned to design by Union Ministries, Nay Pyi Taw Council Area, Region, State, Autonomous Division, Autonomous Regions, Townships and other individual or private association, to implement allocation, designing, construction, operation in accordance with the environmental and social management and comprehensive monitoring and surveillance framework of the policy, strategy, development project, framework or plan subject to the measurement mentioned in above paragraph that required to identify and assess upon the environmental impacts.

Chapter XI

Taking Administrative Action

- 125. The Ministry may impose fine and take other administrative actions where the failure to comply any measurement in prior approval by the project or project proponent or the contractor who undertake on behalf of project, any sub-contractor or any other person undertaken on behalf of the project is found.
- 126. In executing such fines imposing and administrative actions taking on the project :-
 - (a) In the event of first occurrence of a breach or performance failure in implementation, shall sent a prior notice to the Company and give a period of not exceeding sixty (60) days to remedy.
 - (b) In the event of recurrence of any such breach or performance failure in implementation, that occurs within five (5) years after the occurrence of initial breach or performance failure in implementation prior to imposition of fine by the Ministry, the project proponent shall not be entitled to enjoy the rights set forth in sub-para (a).
- 127. The Ministry may, besides the expenses to remedy, settle and indemnify, impose additional fine. Fines imposed under this procedures shall not concern with the fines that may be imposed under other relevant law, rule, procedures, any regulations.
- 128. Albeit the project proponent paid the fine, if there are complaints for the breach by project implementation or projector proponent; or for the damage or grievance caused by performance failure in implementation, shall not be free from such responsibilities/liabilities.
- 129. Subject to this procedures, fines and other administrative actions that may be imposed and taken by the Ministry are described in Annex (c).

130. The Department shall prepare the list of administrative actions taken upon the projects and submit to the Ministry.
131. The Ministry, if the projects are inspected and found that keep being in failure to exercise in accordance with this procedures in the projects which had been taken administrative action under this procedures, may take further action in accordance with the section 32 and shall inform to relevant government department, government body that is empowered to issue license, approval or registration so as to take necessary action.

(sd) Win Tun

Union Minister

Letter No. 3(1)/02(Nya)(6)/(378/2015)

Date: 29 December, 2015.

Circulation

President Office

Union Government Office

Union Assembly Office

Union Supreme Court

National Constitutional Tribunal

Union Election Committee

Union Attorney General Office

Union Auditor General Office

Union Civil Service Board

All of the Union Ministries

Central Bank of Myanmar

NayPyiTaw Council, Union Ministers of Regions and States

All of the Region / State Government offices

Chairperson, Myanmar Investment Commission

Managing Director, Printing and Publishing Enterprise (sent with a request to publish in Myanmar gazette)

Post Record

Office Filing

By the Order

Myo Nyunt

Deputy Permanent Secretary

UNOFFICIAL

Types of Projects required conducting Assessment

1. This “Annex” is guidance for the Projects or Businesses which are required to conduct “Initial Environmental Examination” (IEE) or “Environmental Impact Assessment” (EIA). If it is prescribed to conduct the “IEE” or “EIA”, the project proponent or the business proponent shall exercise preparation for the assessment, obtaining the approval and implementation the environmental management plan/program. Appeal for a decision shall be granted as per Environmental Impact Assessment procedure.
2. The proponent of the project or the business, currently operating, if intend to expand his/her project or business, the Department shall define that such project or business expansion would need to be done an additional assessment such as “IEE”, “EIA” or to execute environmental management plan based on the types and size specification.
3. Unless the generating capacity is described precisely as “gross generating capacity” (for example: fixable capacity for power/energy generating), defined generating capacity shall be the gross generation of ordinary operation output.
4. The Ministry shall conduct defining, explaining, amending the measurements of this Annex according to the procedure clause (30) time to time if necessary.

Types of Projects and specifications of Capacity required to conduct “Initial Environmental Examination (IEE)” or “Environmental Impact Assessment (EIA)”

No.	Type of Investment Project	Capacity required for “IEE”	Capacity required for “EIA”
Special Investment Project			
1.	Investment Projects executing with the consent and decision of the President, Union Government or Pyidaungsu Hluttaw	-	All capacity
2.	Hydroelectric power project	Generating capacity 1 megawatt and above, under 15 megawatt ; and water full-storage volume under 20,000,000 cubic meter and dam area under 400 hectare	Generating capacity 15 megawatt and above or water storage volume 20,000,000 and above or dam area under 400 hectare
3.	Electric power generating by Nuclear energy	-	All capacity
4.	Electric power generating by Natural gas or Bio gas	Generating capacity 5 megawatt and above, under 50 megawatt	Generating capacity 50 megawatt and above
5.	Electric power generating by Coal	Generating capacity 1 megawatt and above, under 10 megawatt	Generating capacity 10 megawatt and above
6.	Electric power generating from Waste	Generating capacity 50 megawatt and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
7.	Electric power generating by Geothermal heat energy	Generating capacity 5 megawatt and above, under 50 megawatt	Generating capacity 50 megawatt and above
8.	Electric power generating by Integration energy (gas and heat)	Generating capacity 5 megawatt and above, under 50 megawatt	Generating capacity 50 megawatt and above
9.	Electric power generating by Heat energy (other types that do not applicable to no. 4,5,6,7,8)	Generating capacity 5 megawatt and above, under 50 megawatt	Generating capacity 50 megawatt and above
10.	Electric power generating by Wind energy (turbine)	Generating capacity 5 megawatt and above, under 50 megawatt	Generating capacity 50 megawatt and above
11.	Electric power generating by Solar	Generating capacity 50 megawatt and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
12.	Inland oil and gas exploration with vibration	All size	-
13.	Inland oil and gas exploration and extraction	-	All size

14.	Transportation processes, oil blowing station, pumping station and storing business, supporting processes and termination processes including digging inland oil and gas production well and production processes, connecting pipelines.	-	All size
15.	Off shore oil- and gas exploration by vibration	All size	-
16.	Off shore oil and gas exploration and extraction	-	All size
17.	Transportation processes, oil blowing station, pumping station and storing business, supporting processes and termination processes including digging off shore oil and gas production well and production processes, connecting pipelines.	-	All size
18.	Oil refinery or natural gas factory (LPG, Mo Gas), kerosene, diesel, oil fuel for fire, petrol, bitumen, asphalt, sulphur, and intermediate products e.g. propane/ propylene mixtures, virginnaphtha, middle distillate and vaccum distillate for the petrochemical industry)	-	All size
19.	Natural gas products processing business (produce oil liquefy gas products from natural gas such as methanol and naphtha, gasoline, kerosene, diesel fuel, waxes, lubes)	-	All size
20.	Production natural liquefy gas	-	All size
21.	Transportation station of oil and natural gas	-	All size
22.	Construction oil storage or natural gas storage	Oil storage – under 10,000 tonnage Gas storage – under 2,500 tonnage	Oil storage –10,000 tonnage and above Gas storage –2,500 tonnage and above
23.	Connecting and dispatch oil or natural gas pipeline or distribution system	Under 10 Kilometer	10 kilometer and above

24.	Motor fuel filling station including LPG and CNG	Storage – 10 cubic meter (10,000 liter) and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
25.	Production of oil based organic chemical products	-	All size
26.	Connecting 115 KVA and above, under 230 KVA electric power grid	50 kilometer and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
27.	Connecting 230 KVA and above electric power grid (Mega / National Grid)	All size	All types of projects that shall be needed to conduct EIA defined by the Ministry
28.	High voltage 230 KVA and 500 KVA substation	4 hectare and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
Agricultural, livestock breeding and forestry development business			
29.	Crops/Industrial crop plantation and production (e.g. rubber, oil palm, cocoa, coffee, tea, banana, cane etc.)	200 hectare and above, under 500 hectare	500 hectare and above
30.	Seasonal crops plantation and production (cereals, pulses, roots, tubers, oil-bearing crops, fiber crops, vegetables and fodder crops)	500 hectare and above, under 3,000 hectare	3,000 hectare and above
31.	Livestock husbandry (e.g. cow, buffalo, horse, goat, lamp and other animals)	500 animals and above, under 3,000	3,000 animals and above
32.	Poultry farming and other commercial bird farming	Chicken, duck, turkey 5,000 and above, under 20,000 type large bird with long neck and leg (e.g. ostrich) 50 and above, under 200 quail 25,000 and above, under 100,000	Chicken, duck, turkey 20,000 and above, type large bird with long neck and leg (e.g. ostrich) 200 and above quail 100,000 and above
33.	Pig husbandry	2,000 and above, under 5,000	5,000 and above
34.	Fresh water Prawn breeding and farming including prawn breeding in river, lake	Water surface area 1 hectare and above, under 25 hectare	25 hectare and above
35.	Sea and costal fish breeding and farming	Water surface area 1 hectare and above, under 100 hectare	100 hectare and above
36.	Oyster farming and pearl production	Area 50 hectare and above, under 200 hectare	Area 200 hectare and above
37.	Wildlife farming and caring	All size	All types of projects that shall be needed to

			conduct EIA defined by the Ministry
38.	Reptiles farming	Crocodile, reptile with hard skin, 4 short hands and legs, and long tail, large snake under 1,000 snakes and other crawling animals under 5,000	Crocodile, reptile with hard skin, 4 short hands and legs, and long tail, large snake 1,000 and above snakes and other crawling animals 5,000 and above
39.	Logging by Clear-cutting	Under 500 hectare	500 hectare and above
40.	Forestry conservation within a timeframe	Under 10,000 hectare	10,000 hectare and above
41.	Construction irrigation systems	100 hectare and above, under 5,000 hectare	5,000 hectare and above
42.	Meat production (beef, pork, lamb and other slaughterhouse construction)	Meat production 15 ton and above , under 50 ton per day	Meat production 50 ton and above per day
43.	Poultry meat production (chicken, duck, and other commercial bird meat production factory)	Meat production 15 ton and above , under 50 ton per day	Meat production 50 ton and above per day
44.	Fish production (fish, crustaceans, gastropods, cephalopods, and bivalves includes by products such as fish oil and fish meals)	Meat production 15 ton and above , under 75 ton per day	Meat production 75 ton and above per day
45.	Food and beverage production (production of high value added food and beverage products from raw materials such as buffalo, beef, pork, mutton, poultry meats, vegetables and fruits)	Production 10 ton and above, under 20 ton per day	Production 20 ton and above per day
46.	Mil and diary production (from raw to finished/completed production)	Annual basic production -200 ton and above per day	All types of projects that shall be needed to conduct EIA defined by the Ministry
47.	Animal feed production	Production – 100 ton and above, under 300 ton per day (on condition of operation maximum 90 days a year, under 600 ton per day)	Production – 300 ton and above per day (on condition of operation maximum 90 days a year, 600 ton and above per day)
48.	Edible Vegetable oil production	Production – 100 ton and above, under 300 ton per day (on condition of operation maximum 90 days a year, under 600 ton per day)	Production – 300 ton and above per day (on condition of operation maximum 90 days a year, 600 ton and above per day)
49.	Production of starch , carbohydrate ingredient food and products	100 ton and above, under 300 ton per day (on condition of operation maximum 90 days a year,	300 ton and above per day (on condition of operation maximum 90 days a year, 600 ton and

		under 600 ton per day)	above per day)
50.	Raw material crops production (rice and wheat flour and all types of flours and powder of corn, coffee, cereal, bean, chili pepper and fruit)	100 ton and above, under 300 ton per day (on condition of operation maximum 90 days a year, under 600 ton per day)	300 ton and above per day (on condition of operation maximum 90 days a year, 600 ton and above per day)
51.	Monosodium Glutamate (MSG) production factory	50 ton and above, under 100 ton per day	100 ton and above per day
52.	Sugar production factory	Production fine sugar - 50 ton and above, under 300 ton per day (on condition of operation maximum 90 days a year, under 600 ton per day)	Production fine sugar - 300 ton and above, (on condition of operation maximum 90 days a year, 600 ton and above per day)
53.	Brewery and distillery (beer, wine, beer production)	Production – 50,000 liter and above, under 300,000 per day (on condition of operation maximum 90 days a year, under 600,000 liter per day)	Production – 300,000 liter and above per day (on condition of operation maximum 90 days a year, 600,000 liter and above per day)
54.	Non-alcoholic, beverage production (soda, soft drinks, natural well water production)	Production – 20,000 liter and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
55.	Ice factory	Production – 500 ton and above, under 2,000 ton per day	Production – 2,000 ton and above
56.	Purified Drinking Water production and water bottle production	Production – 100,000 liter and above per day	All types of projects that shall be needed to conduct EIA defined by the Ministry
57.	Production the tobacco leaf and various kinds of products used of tobacco leaf	Production – 1 ton and above, under 15 ton per day	Production 15 ton and above per day
Garment, textile and leather manufacturing			
58.	Textile and garment manufacturing (Weaving, threads and imitation threads)	All sizes	All types of projects that shall be needed to conduct EIA defined by the Ministry
59.	Laundry washing, bleaching, silk manufacturing or textile and garment dyeing	1 ton and above, under 10 ton per day	10 ton and above per day
60.	Manufacturing lather products including fake leather, hand bag, luggage,, chair, shoes, etc.	Production –1,000 ton and above annually	All types of projects that shall be needed to conduct EIA defined by the Ministry
61.	Leather tanning factory	Production finished products – under 12 ton per day	Production finished products – 12 ton and above per day
Timber products manufacturing			

62.	Wood factory and wood finishing products manufacturing	Wood factory- raw material 3,000 cubic meter and above, under 50,000 cubic meter annually Wood finishing production – 1,000 cubic meter and above, under 15,000 cubic meter annually	Wood factory- raw material 50,000 cubic meter and above annually Wood finishing production – 15,000 cubic meter and above annually
63.	Wooden sheet and parts products manufacturing (wooden sheet and parts basic products, ply sheet, panels, boards made of other raw materials such as sugar cane, hey, straw, fiber)	Under 600 cubic meter per day or under 420 ton per day	600 cubic meter and above per day or 420 ton and above per day
64.	Pulp and Paper manufacturing	Pulp - 20 ton and above , under 50 ton per day	Pulp – 50 ton and above per day
65.	Printing house and other decoration (decoration , printing, bleaching, making water proofing, cutting, painting, cleaning or filling using by organic solvents)	Organic solvent material usage- 6 kg and above, under 150 kg per hour	Organic solvent material usage- 150 kg and above, of 200 kg and above per year
Chemical products manufacturing			
66.	Massive production of non-organic chemical products and bitumen refining /processing (ammonia, nitric acid, hydrochloric acid, sulfuric acid, hydrofluoric acid, phosphorus acid, chlor-alkaline, chlorine, caustic soda, soda ash, etc.), bitumen refining/processing (naphthalene, phenanthrene, anthracene)	-	All size
67.	Oil-based polymers productions	-	All sizes
68.	Coal refinery or processing , (coal refinery / processing from liquefied chemical including gas or fuels)	-	All sizes
69.	Chemical fertilizer manufacturing	-	All sizes
70.	Manufacturing of various kinds of pesticide, manufacturing and packaging	-	All sizes
71.	Olio chemical products production (Fatty acid, glycerin and biodiesel production made of oil and fats from vegetable and animal resources	-	All sizes

72.	Pharmaceutical and bio technology	Under 50 ton per year	50 ton and above per year
73.	Other basic organic chemical products manufacturing	-	All sizes
74.	Other non-organic chemical products manufacturing	-	All sizes
75.	Other chemical products manufacturing (e.g. paints, ink, coloring oil, soap, detergent, perfume, fireworks, chemicals used in photographing)	5 ton and above , under 10 ton per day	10 ton and above per day
76.	Explosive agent manufacturing	-	All sizes
77.	Fire extinguisher and other fighting materials production	All sizes	All types of projects that shall be needed to conduct EIA defined by the Ministry
78.	Carbon dioxide gas manufacturing, filling, and gas manufacturing used in industry	1,000 ton and above, under 3,000 ton per day	3,000 ton and above per year
Glass ware and ceramic ware manufacturing			
79.	Glass, Glass fiber or Mineral fiber manufacturing	All sizes	All types of projects that shall be needed to conduct EIA defined by the Ministry
80.	Ceramic ware, tiles and cleaning materials manufacturing	Ceramic ware production – 1,000 ton and above per year Tile production – 10,000 ton and above per year	All types of projects that shall be needed to conduct EIA defined by the Ministry
Construction material manufacturing			
81.	Cement and lime manufacturing	Cement - 10 ton and above, under 30 ton per hour lime 20 ton and above , under 50 ton per day	Cement - 30 ton and above per hour lime 50 ton and above per day
82.	Lava manufacturing	All sizes	All types of projects that shall be needed to conduct EIA defined by the Ministry
83.	Other construction accessories and raw material manufacturing	30,000 ton and above, 50,000 ton per year	50,000 ton and above per year
84.	Asphalt manufacturing	Under 100 ton per day	100 ton and above per day
Metal, machinery, electrical products manufacturing			
85.	Basic metal processing and refining (refining lead, zinc, copper, nickel and aluminum from basic metal)	Metal that are not iron- Under 20 ton per day metal that are not lead and cadmium- under 4 ton per day	Metal that are not iron- 20 ton and above per day metal that are not lead and cadmium- 4 ton and

			above per day
86.	Raw iron metal or raw from pieces of metal, stainless steel manufacturing	Under 2.5 ton per hour	2.5 ton and above per hour
87.	smelting factory (iron, steel and non-iron metal such as aluminum, copper, lead, nickel, tin, magnesium, and titanium basic metals)	Iron metal under 20 ton per day non-iron metal under 20 ton per day metal which are not lead and cadmium under 4 ton per day	Iron metal 20 ton and above per day non-iron metal 20 ton and above per day metal which are not lead and cadmium 4 ton and above per day
88.	Metal smelting, blacksmithing and goldsmithing	Production 5 ton and above, under 20 ton per day	Production 20 ton and above per day
89.	Ship construction and dockyard	Area under 1 hectare and ship under 20,000 ton	Area 1 hectare and above and ship 20,000 ton and above
90.	Rail and other rail transportation material construction, repairing, fitting	-	Carriages 100ea and above per year
91.	Metal, plastic, fiber and rubber products manufacturing (metal, plastic, fiber and rubber products manufacturing and to manufacture for raw material manufacturing at various kinds of industry)	Production area – 1,000 square meter and above, organic solvent agent usage – 6 kg and above per hour	All types of projects that shall be needed to conduct EIA defined by the Ministry
92.	Rubber and adhesive agent (various kind of glue) manufacturing	2,000 ton and above per year	All types of projects that shall be needed to conduct EIA defined by the Ministry
93.	Various kinds of Motor vehicle tires	Production area – 5,000 square meter and above or organic solvent agent usage – 6 kg and above per hour	All types of projects that shall be needed to conduct EIA defined by the Ministry
94.	Semi-conductor and other electronic products manufacturing (semi-conductor, circuit board, printed circuit boards-PCBS, wire boards, pronted wiring assemblies – PWAs, adapters and electric magnetic products manufacturing)	Production area – 5,000 square meter and above or organic solvent agent usage – 6 kg and above per hour	All types of projects that shall be needed to conduct EIA defined by the Ministry
95.	Electric and electronic device and home electronic appliance manufacturing (computer, communication device, cooking, laundry, food processing, washing,	Production area – 5,000 square meter and above or organic solvent agent usage – 6 kg and above per hour	All types of projects that shall be needed to conduct EIA defined by the Ministry

	heater/cooler home appliance and electronic products for public usage, laboratory apparatus, electric motor, bulbs and fluorescent tube)		
96.	Battery and electric power storage device production	Under 3,000 ton per year	3,000 ton and above per year
97.	Machinery, vehicle and tools manufacturing	Production area- 5,000 square meter and above or organic solvent agent usage – 6 kg per hour	All types of projects that shall be needed to conduct EIA defined by the Ministry
98.	Motor vehicle and Motorcycle assembling and manufacturing	Production area- 5,000 square meter and above or organic solvent agent usage – 6 kg per hour	All types of projects that shall be needed to conduct EIA defined by the Ministry
99.	Motor vehicle spare parts and accessories, and engine manufacturing	Production area- 5,000 square meter and above or organic solvent agent usage – 6 kg per hour	All types of projects that shall be needed to conduct EIA defined by the Ministry
100.	Motor vehicle maintenance and repairing center/ workshop	Area – 5,000 and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
101.	Old motor vehicle destroying	Automobile – under 10 ea per day Motorcycle – under 50 ea per day	le –10 ea and above per day Motorcycle –50 ea and above per day
102.	Arms and ammunitions manufacturing	-	All size
103.	Non-hazardous waste disposal	Landfilling - under 10 ton and waste 25,000 per day other waste under 50 ton per day	Landfilling - 10 ton and above and waste 25,000 per day other waste 50 ton and above per day
104.	Non-hazardous waste treatment with burning	Under 3 ton per day	3 ton and above per day
105.	Recycle, renew, reuse the other material available from non-hazardous waste	Under 50 ton per day	50 ton and above per day
106.	Hazardous waste disposal	-	All size
107.	Recycle, renew, reuse the other material available from hazardous waste	Under 10 ton per day	10 ton and above per day
108.	Waste water treatment plant – centralized system	-	All size
109.	Waste water and sewage collecting system	Sewer length 1 kilometer and above, under 10 kilometer	Sewer length 10 kilometer and above
Water distribution			

110.	Underground water development for industry, agricultural or civil water distribution	Under 4,500 cubic meter per day	4,500 cubic meter and above per day
Infrastructure and service development project			
111.	Dam or reservoir construction	Height – under 15 meter and water storage area under 400 hectare	Height – 15 meter and above and water storage area 400 hectare and above
112.	Landfilling the lake, river, creek, canal dangerous to people	Area under 50 hectare	Area 50 hectare and above
113.	Other civil construction (Construction of river and sea retaining wall, prevention off shore tide	Length under 2 kilometer and area under 25 hectare	Length 2 kilometer and above and area 15 hectare and above
114.	Dredging	Gross – under 500,000 ton	Gross – 500,000 ton and above
115.	Control of river current (water surface, water mass)	-	All size
116.	Ship transportation (goods and passengers transportation fleet, repairing and maintenance)	All size	All types of projects that shall be needed to conduct EIA defined by the Ministry
117.	Port Construction (Ports, jetty, warehouse for loading goods and passenger)	Area under 25 hectare	Area 25 hectare and above
118.	Industrial zone construction and development	All sizes	All types of projects that shall be needed to conduct EIA defined by the Ministry
119.	Hospital construction	All size	All types of projects that shall be needed to conduct EIA defined by the Ministry
120.	Cemetery or graveyard construction(burial , burning and other types)	All size	-
121.	Hotel and tourism development	Hotel room – 50 room and above, under 200 room and utilize area 4,000 square meter and above, under 10,000 square meter or utilize area – 200,000 square meter and above, under 500,000 square meter	Hotel room – 200 room and above, or utilize area 10,000 square meter and above, or utilize area – 500,000 square meter and above
122.	Golf course construction	9 hole course	18 hole course
Transportation			

123.	Rail and electric rail transportation (Infrastructure of rail transportation such as railway construction, repairing, maintenance and rail transportation business)	Length – under 5 kilometer	Length – 5 kilometer and above
124.	Cable car	Length under 0.5 kilometer	Length – 0.5 kilometer and above
125.	Airport and Runway Construction	Length – under 2,100 kilometer	Length – 2,100 kilometer and above
126.	Bridge, over bridge construction	200 meter and above, under 2 kilometer	2 kilometer and above
127.	Upgrading of the Bridge, over bridge	300 meter and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
128.	Tunnel construction	Length – under 1 kilometer	Length – 1 kilometer and above
129.	New highway construction (New road construction or expand road conformity with the ASEAN Road Standards)	Length 2 kilometer and above, under 50 kilometer	Length 50 kilometer and above
130.	Other roads construction (Region/State/District and Town civil roads new construction or extension)	Length – 50 kilometer and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
131.	Upgrading of Roads (road extensions, upgrading roads to all season accessible road from season limited accessible road)	Length 50 kilometer and above	All types of projects that shall be needed to conduct EIA defined by the Ministry
Mining business			
132.	Extraction stones, gravel, sand from river or sea	1,000 cubic meter and above, under 50,000 cubic meter per year	50,000 cubic meter and above per year
133.	Construction, building and ceramic raw material manufacturing (aggregates, lime stone, slate stone, mud, marble, moonstone/feldspar, sand stone, granite, clay, bentonite, crystal and quartzite extraction)	Production area under 200 acres and Production – under 100,000 ton per year	Production area 200 acres and above Production –100,000 ton and above per year
134.	Raw Industrial Mineral exploration and processing (barite, fluorides, phosphorus, mineral salt, bicarbonate, sodium, soda ash, silicon)	Production area under 200 acres and Production raw metal – under 100,000 ton per year	Production area 200 acres and above Production raw metal –100,000 ton and above per year

135.	Other precious metal production except iron, non-ironic metal and gold (iron, gray manganese element, silver, copper, tin, antimony, tungsten, nickel, zinc, chromium, bauxite and precious stones)	Area – under 50 acres and Production under 50,000 ton per year	Area – 50 acres and above and production 50,000 ton and above per year
136.	Raw metallic mineral production and processing without using hazardous chemical agents	Production under 50,000 ton per year	production 50,000 ton and above per year
137.	Raw metallic mineral and production processing by using hazardous chemical agents	Production under 25,000 ton per year	production 25,000 ton and above per year
138.	Raw gold metal production and processing without using hazardous chemical agents	Area under 20 acres	Area 20 acres and above
139.	Raw gold metal production and processing by using hazardous chemical agents	Area under 20 acres and production under 25,000 ton per year	Area 20 acres and above and production 25,000 ton and above per year
140.	Coal extraction from surface and underground of earth	Coal production under 100,000 ton per year	Coal production 100,000 ton and above per year
141.	Metal extraction including mineral sand (quartz sand, ilmenite, zircon, titanium, monazite)	Production – 1,000 cubic meter and above, under 10,000 cubic meter per year	Production – 50,000 cubic meter and above per year

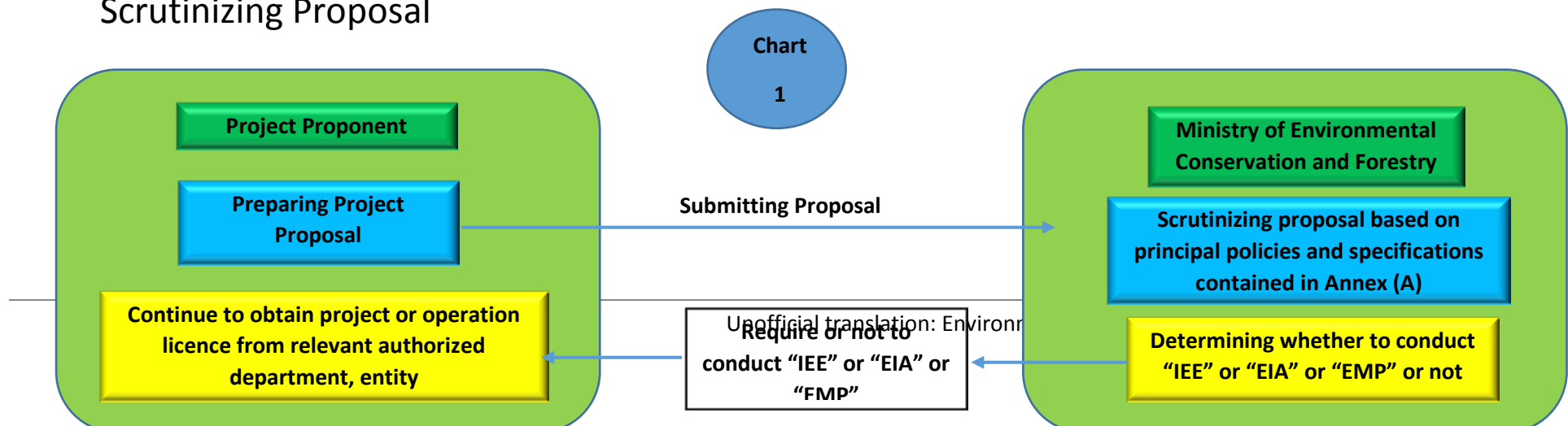
Remark

1. For the projects/businesses required to conduct “IEE”, generally involving a business as group, such involvement shall be applicable. i.e. for example, all projects/businesses, included in carrying out a business/project defined as “required to conduct IEE” as group, shall be applicable to conduct “IEE”.
2. For the projects/businesses required to conduct “IEE”, generally involving a business together as group or any business included, shall be applicable. i.e. for example, all or any projects/businesses, included in carrying out a business/project defined as “required to conduct IEE” together as group, shall be applicable to conduct “IEE”.
3. As references, it refers to Environmental Conservation Health and Safety Guidelines of International Financial Corporation of Word Bank, and refers to appropriate specifications and Environmental Management Requirements as other guidelines.

Environmental Assessment Procedures Schedule Chart

Environmental Impact Assessment Procedures

Scrutinizing Proposal



Type of project/business to conduct
IEE/EMP

Type of project/business to conduct EIA

Chart (2) Inspecting and Reporting IEE report

Chart 2 (1) IEE Report Appraisal and Approving

Chart 2 (2) EMP Reporting, Appraisal and Approving

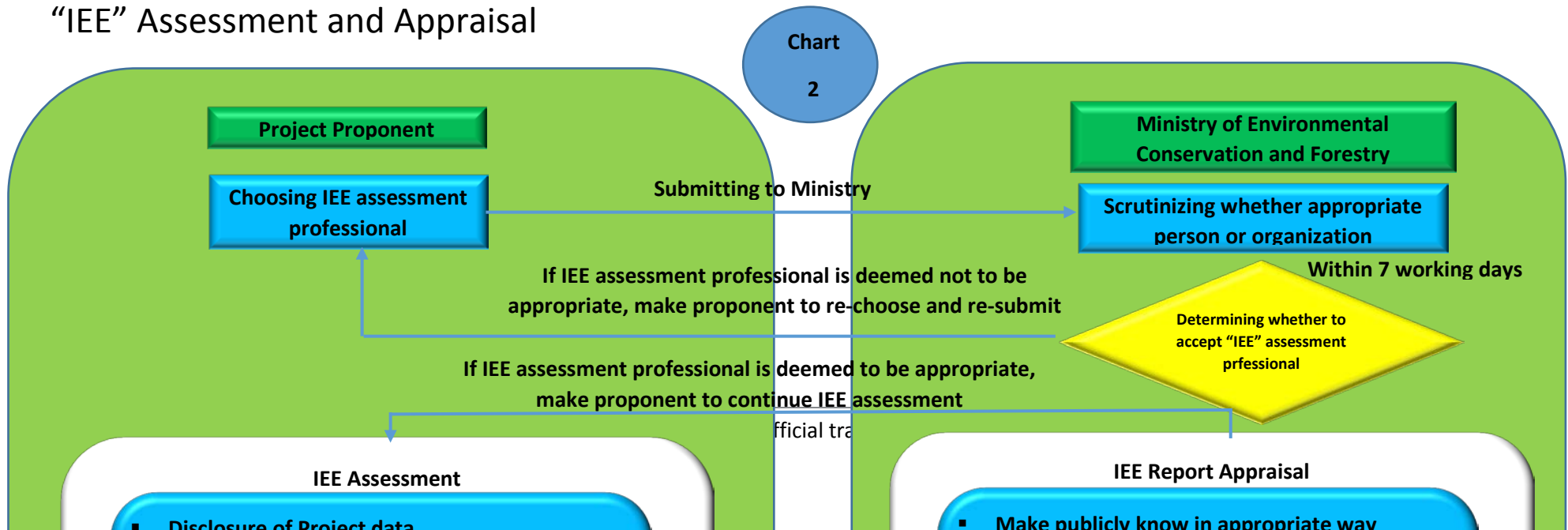
Chart (3) Defining area of influence

Chart 3 (1) Inspection and making EIA report

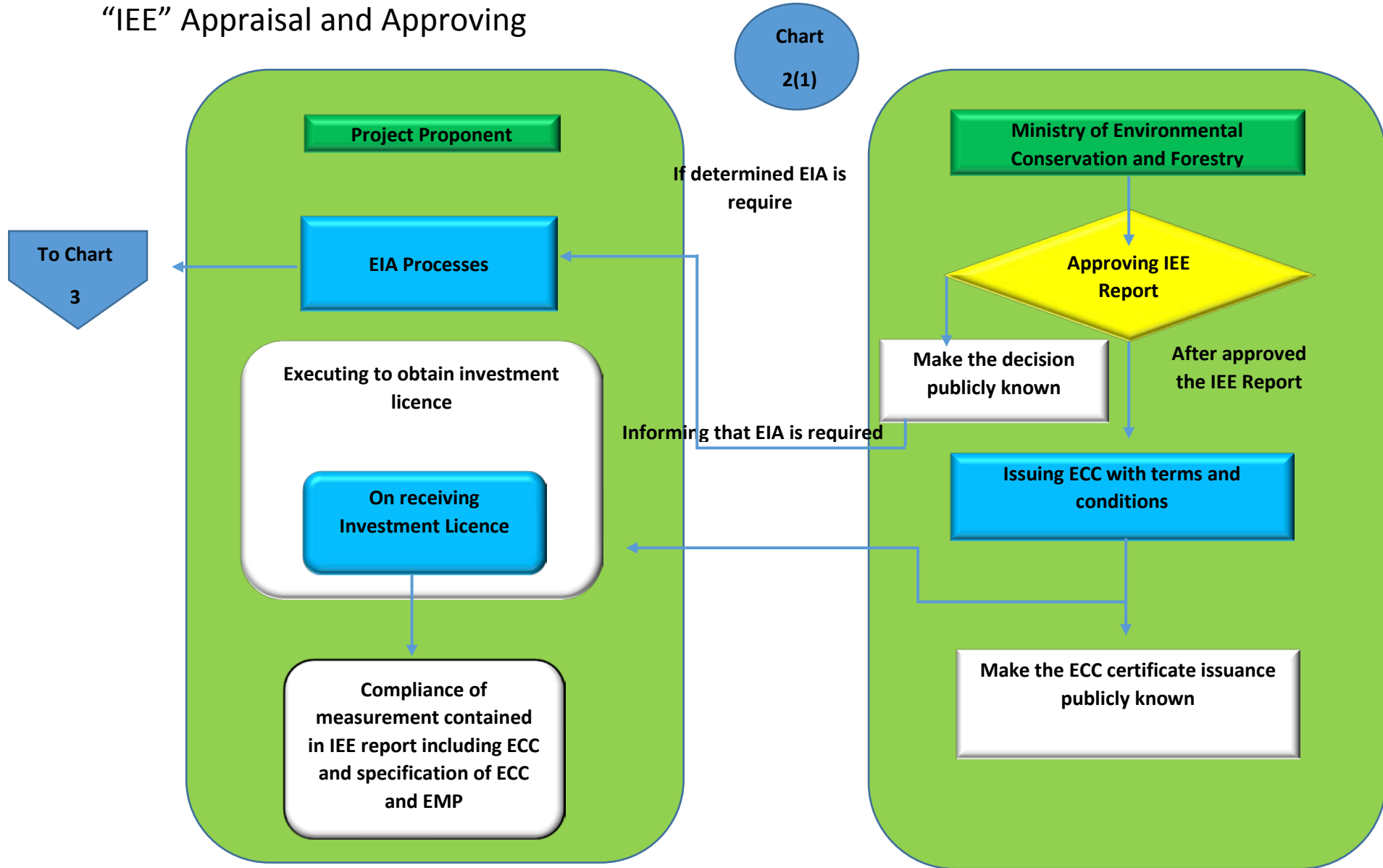
Chart 3 (2) EIA report Appraisal and Approving

Chart 4.0 Appealing

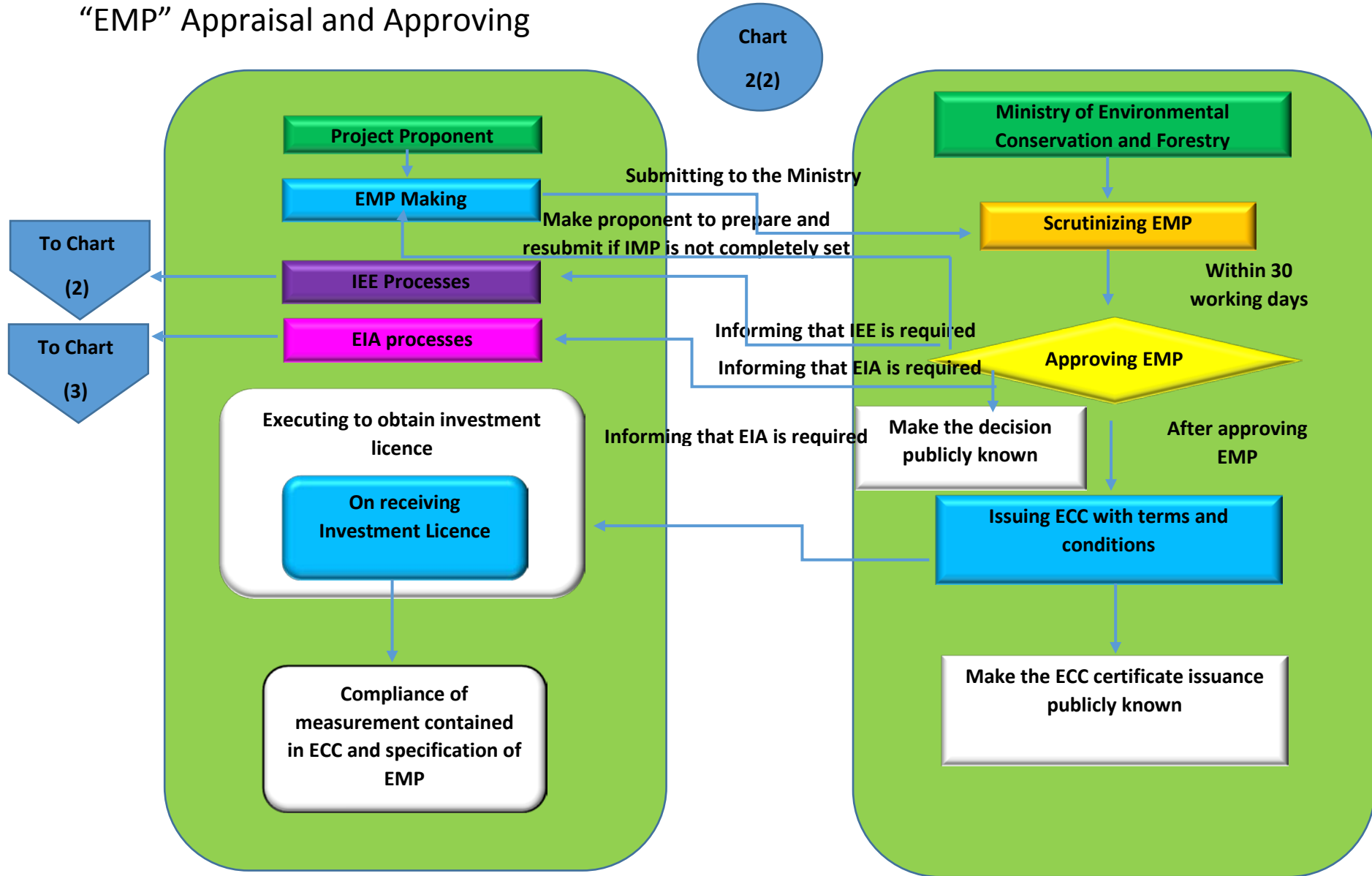
“IEE” Assessment and Appraisal



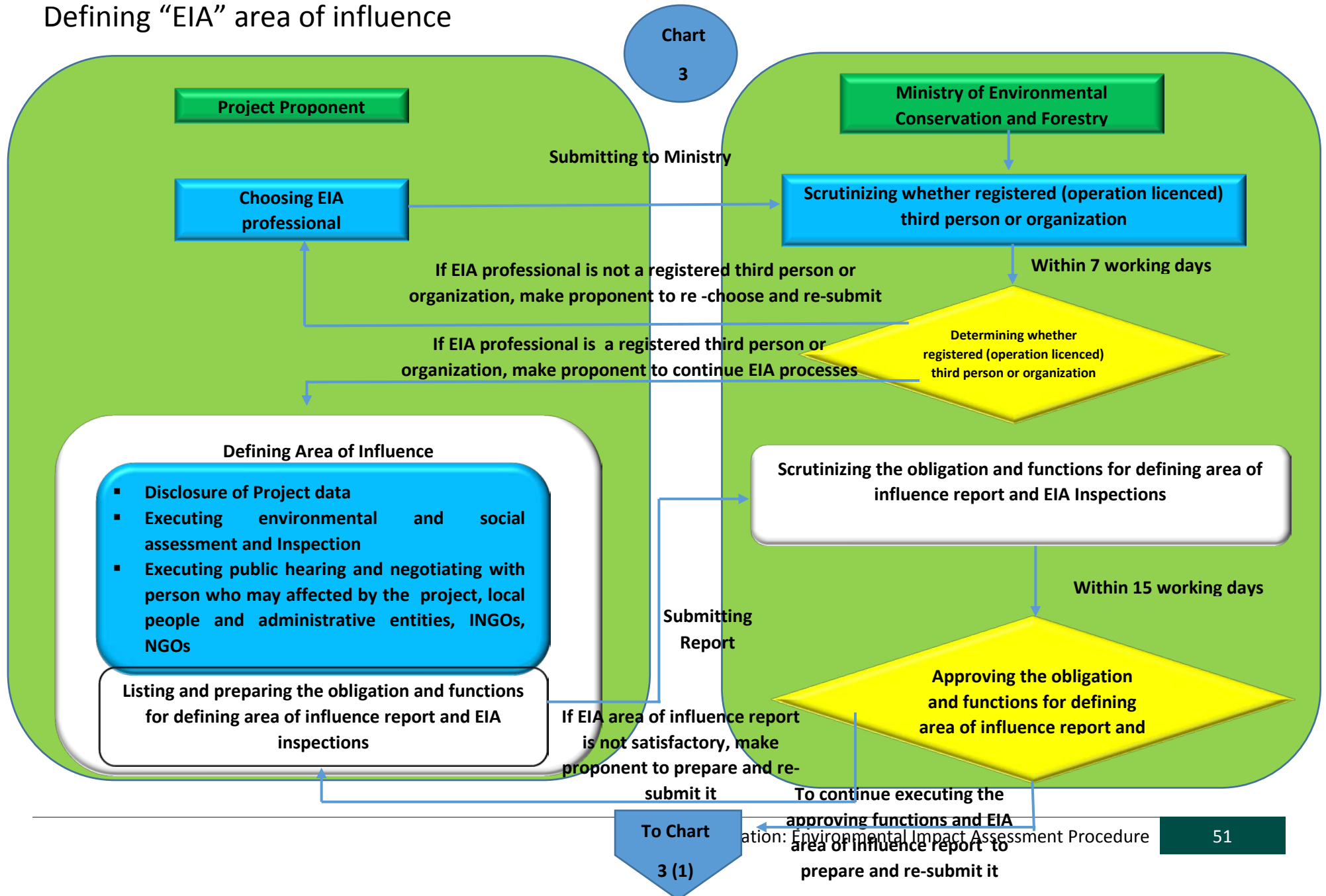
"IEE" Appraisal and Approving



"EMP" Appraisal and Approving

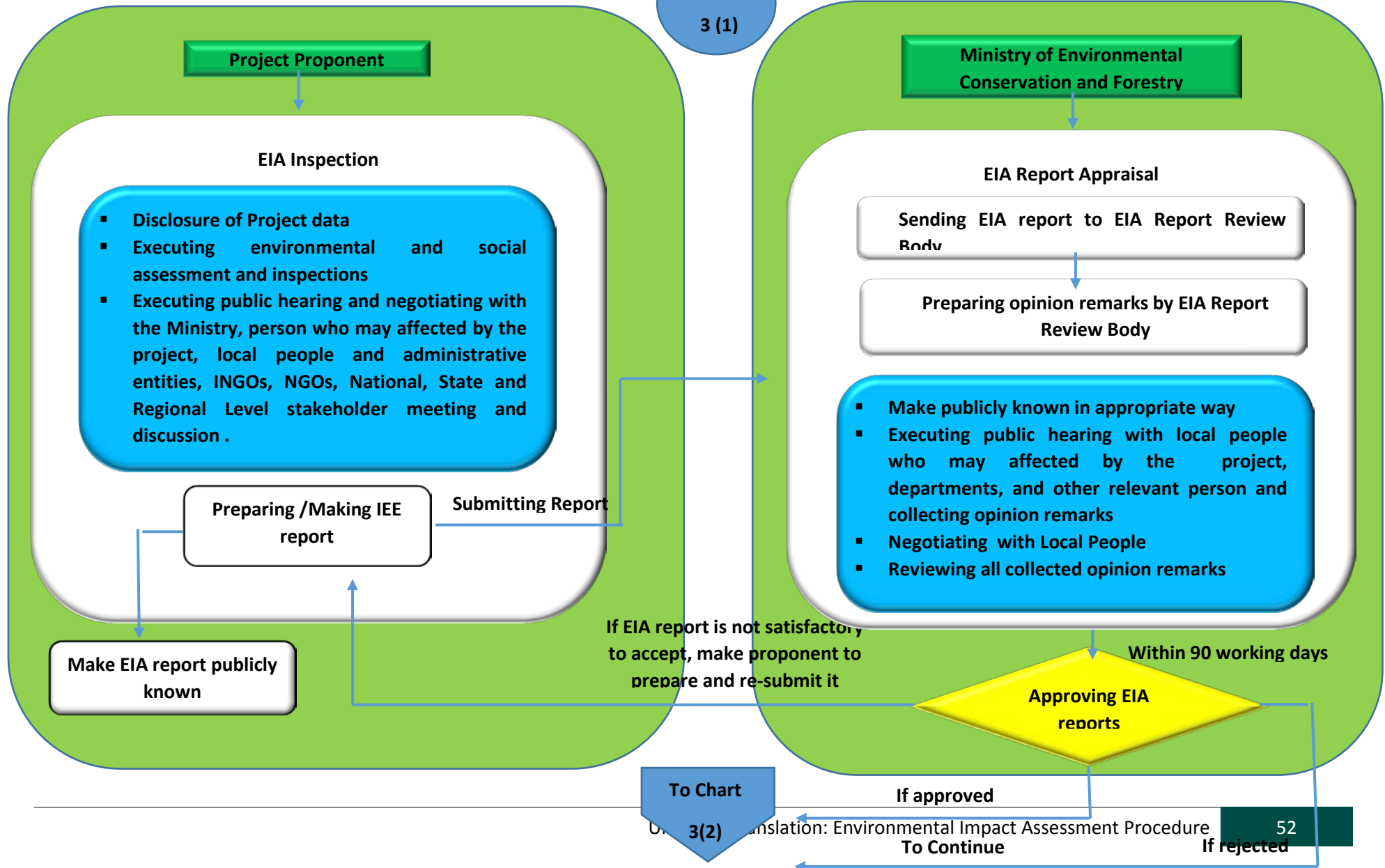


Defining "EIA" area of influence



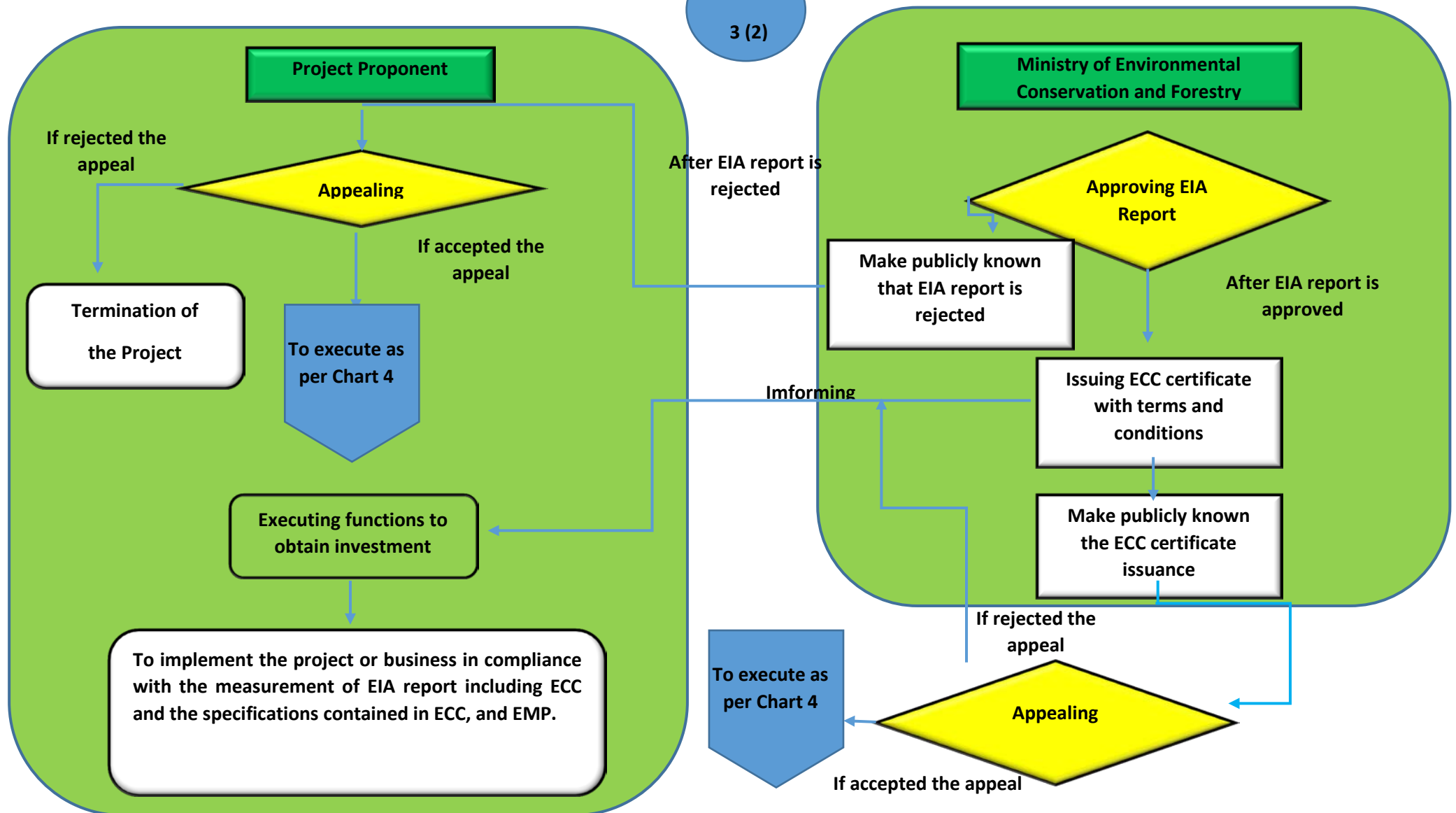
"EIA" Assessment and Appraisal

Chart
3 (1)



Approving "EIA" Report

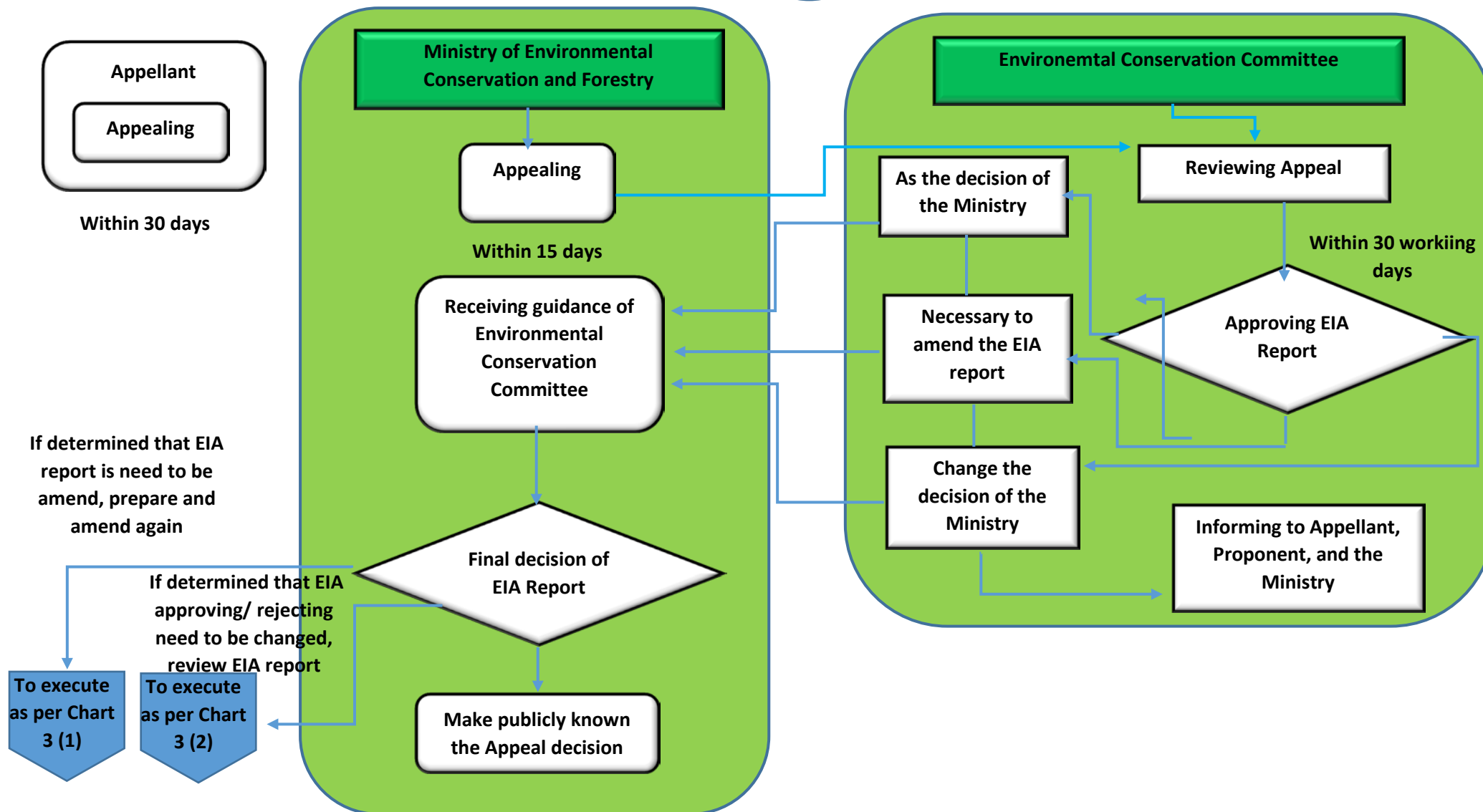
Chart
3 (2)



Appealing

Chart

4



FINES AND OTHER ADMINISTRATIVE ACTIONS

FINES & OTHER ADMINISTRATIVE ACTIONS

The Planning which are responsible to be abided by these Procedures shall, for failure or delay to be abided by the following conditions, on passing to pay fine by the Ministry under Article 125 of these Procedures, be liable to pay such times in full without any delay.

Serial No.	Failed Conditions	Fine	Administrative Actions that can be carried out by Ministry separately
1	Failure or delay on the part of the person who has submitted the proposal to submit report during the time stipulated by the Ministry in time	USD 100 to 500 or MMK equivalent to such amount + USD 10 to 15 per day as overdue fees or MMK equivalent to such amount	- issuing letter warring to be abided by
2	Disturbing or preventing the official performing his duty	USD 250 – 5000 or MMK equivalent to such amount	- issuing letter warring to be abided by - taking criminal action
3	Failure to send the required information to Ministry or representative	USD 1000 to 5000 or MMK equivalent to such amount	- suspending all or part of the approved EMP – CP/EMP – OP; - terminating all or part of the approved EMP – CP/EMP – OP; - cancelling the agreement; - taking criminal action
4	Failure to provide information regarding inspection or monitoring by the Ministry or representative, including the monitoring team	USD 250 to 5000 or MMK equivalent to such amount	- issuing letter warring to be abided by
5	Undergoing repairs or carrying out other	USD 1000 to 5000	- cancelling the agreement

	construction works without prior approval or sanction of the Ministry under the environmental management programme causing to undergo repairs by the Ministry	<p>or</p> <p>MMK equivalent to such amount + USD 50 to 500 per day as overdue fees</p> <p>or</p> <p>MMK equivalent to such amount</p>	- taking criminal action
6	Implementing EMP during the time under construction or EMP during the time under operation both of which are not yet approved by the Ministry	<p>USD 1000 to 5000 +</p> <p>USD 100 to 500 per day as overdue fees</p> <p>or</p> <p>MMK equivalent to such amount</p>	
7	Violating the letter warning to be abided by or letter warning to suspend the operation which were issued by the Ministry	<p>USD 2000 to 10000 +</p> <p>USD 100 to 500 per day as overdue fees</p> <p>or</p> <p>MMK equivalent to such amount</p>	<p>- suspending all or part of approved EMP – CP/EMP – OP;</p> <p>- terminating all or part of approved EMP – CP/EMP – OP;</p> <p>- cancelling the agreement</p>
8	Failure to inform the Ministry the process and/or event threatening environmental degradation	<p>USD 1000 to 5000</p> <p>or</p> <p>MMK equivalent to such amount</p>	<p>- issuing letter warning to be abided by;</p> <p>- suspending all or part of the approval EMP – CP/EMP – OP;</p> <p>- terminating all or part of approved EMP – CP/EMP – OP</p>
9	Failure to carry out protection the process and/or event threatening environment, social, public health vocational “works or livelihood of people due to implementing EMP during the time under construction or EMP under the time under operation	<p>USD 1000 to 1000</p> <p>or</p> <p>MMK equivalent to such amount</p>	<p>- issuing letter warning to be abided by;</p> <p>- suspending all or part of the approval EMP – CP/EMP – OP;</p> <p>- terminating all or part of approved EMP – CP/EMP – OP</p>
10	Failure to be abided by the terms and conditions and other stipulations contained in the Environmental Compliance Certificate or permit limiting amount of emission	<p>USD 1000 to 10000</p> <p>or</p> <p>MMK equivalent to such amount</p>	<p>- issuing letter warning to be abided by;</p> <p>- suspending all or part of the approval EMP – CP/EMP – OP;</p> <p>- terminating all or part of approved EMP –</p>

			CP/EMP – OP - cancelling the agreement
11	Failure to compensate the damages determined to compensate social injury	USD 1000 to 10000 or MMK equivalent to such amount	- issuing letter warning to be abided by; - suspending all or part of the approval EMP – CP/EMP – OP; - terminating all or part of approved EMP – CP/EMP – OP - cancelling the agreement
12	Failure to compensate to the person entitled to enjoy such compensation due to social injury	USD 1000 to 10000 or MMK equivalent to such amount	- issuing letter warning to be abided by; - suspending all or part of the approval EMP – CP/EMP – OP; - terminating all or part of approved EMP – CP/EMP – OP - cancelling the agreement
13	Failure to perform rehabilitating the originally-existing social condition depending on resettlement	USD 1000 to 10000 or MMK equivalent to such amount	- issuing letter warning to be abided by; - suspending all or part of the approval EMP – CP/EMP – OP; - terminating all or part of approved EMP – CP/EMP – OP - cancelling the agreement
14	Failure or delay to perform LIRP to be matched with the present situation within (6) months after signing the agreement to maintain the originally-existing social condition, and to make arrangements and to attempt to satisfy the Ministry's aspirations	USD 5000 or MMK equivalent to such amount	- issuing letter warning to be abided by; - suspending all or part of the approval EMP – CP/EMP – OP; - terminating all or part of approved EMP – CP/EMP – OP - cancelling the agreement
15	Failure or delay to perform EDP to be matched with the present situation within (6) months after signing the agreement, and to make arrangements and to attempt to satisfy the Ministry's aspirations	USD 5000 or MMK equivalent to such amount	- issuing letter warning to be abided by; - suspending all or part of the approval EMP – CP/EMP – OP; - terminating all or part of approved EMP – CP/EMP – OP - cancelling the agreement

Note:

1. To be matched with the yearly currency inflation rate, the fines are stipulated based USD.
2. The meanings of the acronyms:-
 - a) ECC = Environment Compliance Certificate
 - b) EMP = Environment Management Plan
 - c) EMP-CP = Environment Management Plan-Construction Phase
 - d) EMP-OP = Environment Management Plan-Operational Phase
 - e) LIRP = Livelihood Improvement and Resettlement Plan
 - f) EDP = Ethnic Development Plan