

Unofficial Translation



**Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity**

Ministry of Natural Resources and Environment

No: 0345/MONRE
Vientiane Capital, dated: 22 Jan 2015

**Decision
on the Rules of Operation of Environmental Technical Services**

- Pursuant to the Article 44 and 45 of Environmental Protection Law (Revised Version), No. 29/NA, dated: 18 December 2012;
- Pursuant to the Decree of the Establishment and Operations of Ministry of Natural Resources and Environment, No. 435/PM, dated 28 November 2011;
- Pursuant to the letter of Department of Environmental Quality Promotion, No. 0691/MONRE.DEQP, dated 24 December 2014.

Minister of Natural Resources and Environment hereby issued a Decision:

**Part 1
General Provision**

Article 1 Objective

This Decision sets out the principles, criteria, procedures and measures related to the operation of environmental technical services in order to manage and monitor enterprises that provide environmental technical services to ensure quality and legal compliance in Lao PDR and to contribute to sustainable national socio-economic development.

Article 2 Environmental Technical Services

Environmental Technical Services comprise of:

1. The research, analysis, assessment and reporting on social, environmental and natural impact assessments resulting from the implementation of investment projects or development businesses and family businesses in order to create social, environmental and natural management and monitoring plans;
2. Environmentally friendly technology services and environmentally friendly buildings;
3. Pollution control, waste management, hazardous waste and toxic waste;
4. Education and promotion of awareness for environmental quality standards;
5. Services related to comprehensive environmental management planning;
6. Strategic environmental assessment services;

7. Implementation services of commitments in the environmental and social management project;
8. Environmental quality monitoring services (air, water, sound)
9. Environmental quality research and analysis services;
10. Other duties related to environmental technical services.

Article 3 Definitions

The meanings of the terms that are used in this Decision are as follows:

1. **Licenses for operation of environmental technical services** refers to a license issued by the Ministry of Natural Resources and Environment to juridical persons or organizations in order to operate environmental technical services;
2. **Environmental consultancy** refers to an individual who has specific skills in relation to land, forests, water, geology-minerals, biodiversity, tribes, traditions and others similar areas, who is registered as an environmental technical expert or a member of the Environmental Specialists Council;
3. **Ethics on environmental technical** refers to a responsibility, and morals and ethics, of professions in providing environmental services as provided in the Article 2 of this Decision;
4. **Equipment** refers to tools used in the operation of environmental technical services of enterprises;
5. **Developers** refer to domestic and foreign investors from public and private sectors who present projects or other activities provided in the Article 2 of this Decision;
6. **Government sector** refers to relevant line agencies and the Environmental Specialists Council who are responsible for review and approve of operation of environmental technical services;
7. **Enterprises** refers to a company of individuals or legal persons that operate environmental technical services.

Article 4 Principles on the Environmental Technical Services

The environmental technical services shall be based on the key following principles:

1. Ensuring that there is correct and complete information based on the realities of each area of investment projects and/or businesses;
2. Responsibility for any damages caused by the operation of environmental technical services in accordance with laws and regulations;
3. Ensuring participation of the public and relevant stakeholders.

Article 5 Scope of Application

This decision applies to juridical persons or organizations that operate environmental technical services in Lao PDR.

Part 2 Environmental Technical Services

Article 6 Criteria of Technical Environmental Service Suppliers

Juridical persons or organizations intending to establish an enterprise to operate environmental technical services shall satisfy the following criteria: :

1. An enterprise registration certificate, economic feasibility study, in compliance with the Law on Investment Promotion and the Law on Enterprises;
2. Financial resources of at least four hundred million Kip for the operation of environmental technical services certified by a bank operated under the laws of Lao PDR. Other services not related to research, analysis, assessment and report on environmental, social and natural assessment, shall have financial resources of at least one hundred million Kip;
3. At least three specialists who provide specific services related to natural resources and the environment based in the enterprise and who are not working under other enterprises;
4. In cases of services related to research, analysis, assessment and report on the environment, juridical persons or organizations shall have at least five specialists, especially in the area of: forestry, hydrology, geology-minerals, biodiversity, society and others, who are not working under other enterprises;
5. Adequate stationary and equipment;
6. Activities related to natural resources and environmental protection.

Article 7 Standards of Specialists

Specialists to be included in the enterprise shall have the following qualifications and requirements:

1. At least a Master Degree related to natural resources and environment as provided in No.3 and 4 of Article 6 of this Decision;
2. Persons having a diploma in natural resources and environment shall have at least three years of experience. Persons having an education level lower than a diploma shall have at least five years of experience on environmental technical services;
3. Not be a government official;
4. Have no criminal record related to cases with environmental damages or impacts.

Article 8 Environmental Specialists Council

The Environmental Specialists Council has a duty to provide consultancy services on natural resources and the environment particularly technical services related to the environment as described in the Article 2 of this Decision.

The functions of environmental specialists are to be implemented based on specific regulations.

Part 3 Consideration and Licensing Procedures

Article 9 Consideration Procedures

Approval process comprises of following procedures:

1. Receiving and checking documents

2. Inspection of companies
3. Approval of a license

Article 10 Receiving and Checking Documents

The Department of Environmental Quality Promotion shall receive and verify the accuracy of documents submitted for a license to operate environmental technical services. Where the documents are not accurate, enterprises will be informed and requested to make corrections within five working days., Where documents are correctly completed, the applicant shall make 5 more sets as provided in the forms. Such consideration shall be completed within 15 working days from the day all documents are completed in accordance with the principles and standards provided in this Decision.

The Department of Environmental Quality Promotion is responsible for the renewal of licenses to operate environmental technical services . The Department of Environmental Quality Promotion shall coordinate with line agencies after which the application for renewal shall be referred to the Ministry of Natural Resources and Environment for approval in accordance with regulations.

Where documents require amendment, but where the applicant does not provide the suggested amendments after 3 times during a period of 90 working days, there will be no reconsideration.

Article 11 Inspection of Companies

After completing the consideration process as provided in Article 10 of this Decision, the Department of Environmental Quality Promotion shall establish a technical inspection committee that comprises of representatives from the Department of Environmental Quality Promotion, Environmental and Social Impacts Assessment Group, relevant sectors in Ministry of Natural Resources and Environment and Division of Natural Resources and Environment in Provinces, Vientiane Capital which enterprises are located.

The inspection process for establishing of new enterprise or renew of license shall follow the criteria provided in the Article 6 and 7 of this Decision.

Article 12 Approval of a License

After successfully completing the inspection process in relation to compliance, the Department of Environmental Quality Promotion shall recommend to the Ministry of Natural Resources and Environment for approval of the Applicant in accordance with regulations.

Part 4 Environmental Technical Services Operating License

Article 13 Environmental Technical Services Operating License

An Environmental Technical Services Operating License is a license issued by the Ministry of Natural Resources and Environment given to juridical persons or organizations in order to carry out operation of environmental technical services.

Article 14 License Usage

The enterprises that obtain a license shall use and operate strictly based on the criteria specified in the license.

Where there is a loss of license, such enterprises can request for a copy of such license stating the the reasons for the loss and providing a justification document.

Article 15 Validity Period of License

An Environmental Technical Services Operating License has a validity period of 2 years. The licensee shall, before 90 days of the expiration of the license apply for renewal of the license in accordance with the criteria provided in this Decision.

Where enterprises do not apply for a renewal of their license in accordance with paragraph one of this Article, the Department of Environmental Quality Promotion shall issue a notification that they shall stop the operation of environmental technical services in accordance with regulations.

Article 16 Suspension, Termination and Cancellation of License

Where enterprises do not follow the conditions provided in the license or violate relevant laws and regulations without ethics that cause serious environmental social and natural impacts, the Department of Environmental Quality Promotion shall report this to the Leads of Ministry of Natural Resources and Environment may suspend, terminate and cancel the license and implement measures provided in the Law on Environmental Protection.

The Department of Environmental Quality Promotion shall issue notifications to inform the industry and commerce sectors on the suspension, termination and cancellation of license in accordance with regulations.

Part 5 Modification

Article 17 Modification of Enterprise Name and Location

Where there is a change of an enterprise's name or location, a request for such a change of name and address shall be made to relevant line ministries in accordance with the laws and regulations.

Article 18 Expand or Reduce the Scope of Environmental Technical Services

Enterprises that intend to expand and reduce the scope of Environmental Technical Services that are not specified in their license shall submit a request to the Ministry of Natural Resources and Environment to so expand or reduce as provided in Article 10, 11 and 12 as this Decision.

Part 6 Expenditure and Service Charge

Article 19 Expenditure

Enterprises shall be responsible for all expenditure arising from work provided in Article 10, 11 and 12 as this Decision.

Article 20 Service Charge

Enterprises shall pay a service charge for environmental technical services as provided in the Presidential Ordinance on Fees and Service Charges No. 003/PO, dated 26 December 2012.

Part 7 Assessment and Report

Article 21 Assessment

The Department of Environmental Quality Promotion has the duty to assess the enterprise operation by coordinating with relevant sectors in the Ministry of Natural Resources and Environment and the relevant government sectors at central and local levels.

Article 22 Report

The Department of Environmental Quality Promotion has the duty to report the outcomes of the assessment to the leads of Ministry of Natural Resources and Environment.

Every Enterprise has an obligation to report their outcome from operation every six months to the Ministry of Natural Resources and Environment.

Part 8 Awards and Sanctions

Article 23 Awards for Good Performance;

Enterprises that have outstanding achievements in the operation of environmental technical services and follow laws and regulations of Lao PDR will receive compliments and other appropriate rewards specified in policy.

Article 24 Sanctions for Violation

Enterprises that violate environmental laws and regulations and this Decision shall receive warnings, education, punishment, and fine, payment for civil damages or criminal punishment, depending on seriousness of the violation.

Part 9 Final Provision

Article 25 Implementation

The Department of Environmental Quality Promotion, Environmental and Social Impact Assessment Group, relevant sectors in the Ministry of Natural Resources and Environment, Division of Natural Resources and Environment in Provinces, Vientiane Capital are assigned to strictly implement this Decision.

Article 26 Effectiveness

This Decision is effective from the date of signature and 15 days from the date of publication on Official Gazette.

Any provisions, regulations or notifications that are contradicted with this Decision shall be terminated.

Minister of Natural Resources and Environment

(Signature and Seal)

Noulinh SINBANDHIT