

## Laos

**Country:** [Laos](#) [1]

**EIA Law:** Environmental Protection Law (Revised Version), No. 29/NA (2012)

**Law Link:** [Link](#) [2]

**EIA Regulations:** Decree on Environmental Impact Assessment, No. 112/PM (2010)

**Regulations Link:** [Link](#) [3]

**EIA Guidelines or Other Guidance:** Environmental Impact Assessment Guidelines

**Guidance Link:** [Link](#) [4]

**Projects Requiring EIA:** Government projects

Private Projects

**Abridged Assessments:** Yes

**Assessment Detail:** "Initial Environment Examination (IEE) is a data examination, exploration and analysis to anticipate possible minor environmental impacts, while identifying appropriate methods and measures to prevent, avoid or mitigate environmental impacts from investment projects or activities including considerations of climate change" Environmental Protection Law, Art. 22; see also Decree on EIA, Arts. 3, 9, 10

**Best Practices in Lieu of EIA:** No

**Who Conducts Screening:** Government

**Who Conducts Screening Detail:** "The Water Resources and Environment Administration, in coordination with the concerned agencies, shall screen the investment project . . . ." Decree on EIA, Art. 6

**Criteria for Screening:** List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Possible impact to, or adjacent to, a protected area

**Criteria for Screening Detail:** Decree on EIA, Art. 6

**Who Prepares EIA:** Project Proponent (with or without contractor)

**Who Prepares EIA Detail:** The project developer is responsible for accuracy of the data and information contained in its EIA, as well as all costs to prepare the EIA. Decree on EIA, Art. 4(5).

**Who Pays for EIA:** Project Proponent

**Who Pays for EIA Detail:** "A project developer must be liable for . . . [e]very expense incurred in the process of preparing and reviewing of a report on initial environmental examination, including preventive and mitigation measures on environmental and social impacts or a report on environmental impact assessment, an environmental management and monitoring plan, a social management and monitoring plan, as well as implementing and overseeing the implementation of measures to prevent and minimise the environmental and social impacts, or an environmental management and monitoring plan, and a social management and monitoring plan . . . ." Decree on EIA, Arts. 4(5); 20

**EIA Contractor Qualifications:** Yes

**EIA Contractor Qualification Detail:** "An initial environmental examination or an environmental impact assessment must be conducted only by a Consultant Firm or by a Consultant who is registered at the Water Resources and Environment Administration." Decree on EIA, Art. 4(2), Art. 4(4) (registration requirements)

**Conflict of Interest:** Yes

**Conflict of Interest Detail:** Although there are no provisions directed specifically at consultants, there are measures to indirectly prevent corruption. The project developer is liable for "the accuracy of the data and information contained in its report." Decree on EIA, Art. 4(5). Government officials are prohibited from "producing or using counterfeit dossiers" and receiving bribes from investment project or environmental activity owners. Environmental Protection Law, Art. 69.

**Terms of Reference:** Yes

**Terms of Reference Detail:** "A project developer shall determine the scope of study and terms of reference (TOR) for the environmental impact assessment and submit it to the Water Resources and Environment Administration to consider and approve before conducting any assessment." Decree on EIA, Art. 11

**Days for Decision Maker Review:** 15 days

**Automatic Approval:** No

**Automatic Approval Detail:** "The Water Resources and Environment Administration to re-review the finalised report on the environmental impact assessment, the finalised environmental management and monitoring plan, the finalised social management and monitoring plan and then send the finalised environmental management and monitoring plan and the finalised social management and monitoring plan to the local administration to consider and approve within 15 working days, before issuing the environmental compliance certificate. . . ." Decree on EIA, Art. 15.

**Written Decision:** Yes

**Written Decision Detail:** The Water Resources and Environment Administration must "consider and issue environmental compliance certificate to approve the reports and plans." Decree on EIA, Art. 12

**Authority to Impose Conditions:** Yes

**Authority to Impose Conditions Details:** "The environmental compliance certificate may contain some conditions which the project developer is obliged to perform." Decree on EIA, Art. 17

**Expiry of Decision:** 2 years

**Expiry of Decision Detail:** If the investment project does not start to operate within 2 years, from the date of the environmental compliance certificate, the certificate will be automatically expired and cannot be used. Decree on EIA Law, Art. 18

**Financial Assurances or Bond:** Yes

**Financial Assurances Detail:** "An investment project or activity owner shall deposit financial guaranties to restore, remove pollutants and clean the environment affected by its operations, from commencement till completion. Financial guaranties used for restoration cover expenses during installation, operation, and completion or post-completion of activities. The financial guaranties shall be used in case when the operator cannot fulfil its obligations in restoring, correcting, and cleaning the environment, and remunerating damages or expenses related to impacts, as being stipulated by this Law or concession contracts. Environmental Protection Law, Art. 58.

**Interdisciplinary Team:** No**Range of Alternatives:** Yes

**Range of Alternatives Detail:** "Environmental impact assessment (EIA) means studying, surveying, researching-analysing and estimating of possible positive and negative impacts on the environment and society, including short and long term impacts on health created by the investment projects . . . as well as offering appropriate alternatives . . ." Decree on EIA, Art. 3

**No Action Alternative:** No

**Type(s) of Impact Analysis:** Direct environmental impacts

Cumulative environmental impacts

Social impacts

Economic impacts

**Mitigation:** Yes

**Mitigation Detail:** "A project developer must design an environmental management and monitoring plan to be incorporated into a report on environmental impact assessment, which contains . . . [m]easures to prevent, minimise, and solve problems, and to restore environmental conditions which are stipulated in the report on the environmental impact assessment throughout the period of construction and operation of the project; A plan to avoid and minimise the risks, including a plan to prevent and solve any accident or emergency which may arise, as well as allocation of sufficient budget to implement the plans. . . ." Decree on EIA, Art. 13

**Monitoring Plans:** Yes

**Monitoring Plans Detail:** "A project developer must design an environmental management and monitoring plan to be incorporated into a report on environmental impact assessment, which contains . . . [a] monitoring plan of the project developer; [a] monitoring plan of the concerned government agencies." Decree on EIA, Art. 13

**Public Notice of Draft EIA:** No**Draft EIA Available:** Yes

**Draft EIA Available Detail:** Lao EIA provisions do not provide clear direction with regard to notifying the public that information is available to review. See Decree on EIA, Art. 31

**Draft EIA Locations:** Other**Public Notice of Final EIA:** No

**Public Notice of Final EIA Detail:** Lao EIA provisions do not provide clear direction with regard to notifying the public that information is available to review. See Decree on EIA, Art. 31

**Final EIA Available:** Yes

**Final EIA Available Detail:** Information Distribution Centers; Decree on EIA. Art 31

**Final EIA Locations:** Other**Availability of Reference Studies:** Yes

**Availability of Reference Studies Detail:** It is possible that supporting studies might be available for the public to review. The Water Resources and Environment Administration, together with the project manager have an affirmative "duty to manage information on the environmental and social aspects of an investment project, in coordination with the concerned agencies and the project developer, as well as facilitate the stakeholders and the project affected people in accessing such information." Decree on EIA, Art. 31

**Public Notice of Final Decision:** Yes

**Public Notice of Final Decision Detail:** Decree on EIA, Art. 31

**Public Scoping:** Yes

**Public Scoping Detail:** Decree on EIA, Art. 8

**Public Review of TOR:** No

**Public Review of TOR Detail:** The terms of reference are determined by the project developer and then submitted to the Water Resources and Environment Administration for approval without public input Decree on EIA, Art. 11

**Public Participation Opportunities:** Scoping

Review of draft EIA

Public Meetings and/or public hearings

Review of final EIA

**Public Meetings:** Yes

**Public Meetings Detail:** "[T]he development project responsible agencies, and the project developer must organise consultation meetings at village, district, and province level, to use as a forum and give an opportunity to the project affected people and other stakeholders to share their opinions and give comments on the report and plans, from the first drafts until the final drafts." Decree on EIA, Art. 8

**Public Input at Meeting:** Yes

**Public Input at Meeting Detail:** "[T]he development project responsible agencies, and the project developer must organise consultation meetings at village, district, and province level, to use as a forum and give an opportunity to the project affected people and other stakeholders to share their opinions and give comments on the report and plans, from the first drafts until the final drafts." Decree on EIA, Art. 8

**Criteria to Hold Public Meeting:** Public meeting and/or hearing is automatically required

**Days for Public to Review Final EIA:** Not specified in law

**Public Comments on Draft EIA:** Yes

**Public Comments on Draft EIA Detail:** "[T]he development project responsible agencies, and the project developer must organise consultation meetings at village, district, and province level, to use as a forum and give an opportunity to the project affected people and other stakeholders to share their opinions and give comments on the report and plans, from the first drafts until the final drafts." Decree on EIA, Art. 8

**Public Comments on Final EIA:** Yes

**Public Comments on Final EIA Detail:** "[T]he development project responsible agencies, and the project developer must organise consultation meetings at village, district, and province level, to use as a forum and give an opportunity to the project affected people and other stakeholders to share their opinions and give comments on the report and plans, from the first drafts until the final drafts." Decree on EIA, Art. 8

**Response to Public Comments:** No

**Response to Public Comments Detail:** There may be an exception with projects that involve community relocation or resettlement. See Decree on EIA, Art. 28

**Facilitation of Public Participation:** No

**Citizen Administrative Review:** No

**Citizen Administrative Review Detail:** There are dispute resolution provisions in the Decree, but they do not discuss judicial review of the project decision or EIA specifically. Decree on EIA, Article 35,

**Citizen Judicial Review:** No

**Citizen Judicial Review Detail:** There are dispute resolution provisions in the Decree, but they do not discuss judicial review of the project decision or EIA specifically. Decree on EIA, Article 35,

**Project Monitoring:** Yes

**Project Monitoring Detail:** "During the operation of the project, the project developer must review and improve measures to minimise the impact on environmental and society or the environmental management and monitoring plan, and the social management and monitoring plan in each period . . . and then submit it to the Water Resources and Environment Administration to consider and approve." Decree on EIA, Art. 18. Government obligations to monitor are outlined in Article 24 of the Decree on EIA.

**Enforceability of EIA:** Yes

**Enforceability of EIA Detail:** "The project developer must consider the complaint and solve the environmental disputes through transparent consultation/discussion and with compromise to each other. If a compromised agreement cannot be reached, the parties can request the environmental management and monitoring agency and local administrations, at each level, to resolve. If the environmental management and monitoring agency and the local administration fail to resolve the dispute, the parties may take the matters to a People Court to adjudicate, in compliance with the laws." Decree on EIA, Art. 35

**Enforceability of Permit:** Yes

**Enforceability of Permit Detail:** "The project developer must consider the complaint and solve the environmental disputes through transparent consultation/discussion and with compromise to each other. If a compromised agreement cannot be reached, the parties can request the environmental management and monitoring agency and local administrations, at each level, to resolve. If the environmental management and monitoring agency and the local administration fail to resolve the dispute, the parties may take the matters to a People Court to adjudicate, in

compliance with the laws." Decree on EIA, Art. 35

**Days for Public to Review Draft EIA:** Not specified in law

Modified: June 8th, 2020

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### Links

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[2] [https://www.ajcsd.org/chrip\\_search/dt/pdf/Useful\\_materials/Lao\\_PDR/Environmental\\_Protection\\_Law\\_Revised\\_Version.pdf](https://www.ajcsd.org/chrip_search/dt/pdf/Useful_materials/Lao_PDR/Environmental_Protection_Law_Revised_Version.pdf)

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