## LEGAL FRAMEWORK OF ENVIRONMENTAL IMPACT ASSESSMENT IN SOUTH ASIA

	TERMINOLOGY	ENVIRONMENTAL AUTHORITIES	DECISION-MAKING RESPONSIBILITY	DEFINITION OF EIA	TYPES OF EIA INSTRUMENTS	SCREENING	SCOPING	TERMS OF REFERENCE	REQUIREMENTS	ALTERNATIVES	INSTITUTIONAL COORDINATION	DISSEMINATION	CITIZEN PARTICIPATION	ENVIRONMENTAL MANAGEMENT PLAN	MONITORING AND REPORTING	EIA REGULATIO
	Abbreviations (in national language) used in regulations. Common abbreviations: EIA: Environmental Impact Assessment EIS: Environmental Impact Study EMP: Environmental Management Plan IEE: Initial Environmental Examination SEA: Strategic Environmental Assessment TOR: Terms of Reference	Entities and authorities with key responsibilities in the EIA process	Authority responsible for the evaluation and final decision in the EIA process	Characteristics of EIA according to the legal framework	Different types of EIA instruments, their level of complexity, and their focus. Category numeration as in regulation.	Procedure to determine whether an activity is subject to EIA and the extent of the respective study	Procedure by which EIA's scope and focus are defined (through consultation on planned activity with stakeholders and dissemination of information on the proposed activity); if there is no specific procedure, the regulations define the minimum scope	Who defines the content of the TOR and who conducts the	Requirements in the TOR related to the impacts that the EIS must take into account	Analysis of various alternatives to the proposed project, including not carrying it out	Consultation with public entities and organiza-	Public notification and dissemi- nation of information generated in the EIA process	Provisions for the involvement of the general community or specific parts of the community as well as those directly interested in the EIA process	Planned measures to apply during project implementation to address issues and meet requirements iden- tified in the EIA process	Monitoring and supervision regarding fulfillment of the requirements subject to EIA Provisions regarding the information that those undertaking an activity have to submit to the authority or public throughout the activity's development	Regulations and norms related to EIA Environmental authorit website
Afghanistan	CC: Certificate of Compliance CMP: Comprehensive Mitigation Plan EISt: Environmental Impact Statement SESA: Strategic Environmental and Social Assessment NEPA: National Environmental Protection Agency	NEPA Sectoral governmental agencies (Proponents)	NEPA	<ul> <li>Proponents of all relevant projects must undertake needed EIAs, identify impacts and mitigation measures, and get approval of the NEPA.</li> <li>EIA refers to the procedures used for evaluating the likely adverse or positive environmental and social impacts of proposed projects, plans, policies, or activities to improve the quality and development impact of such projects by identifying ways of improving project selection, design, and implementation.</li> </ul>	EIA Category 1 - activities likely to have significant adverse environmental impacts. Category 2 - activities with potentially adverse environmental impacts.	The proponent undertakes screening process to determine whether or not there is a likelihood of significant adverse impacts that require further investigation, or whether a decision can be made based on the information provided through the screening process. The proponent submits application and screening report to the NEPA, which determines if information provided is sufficient, if further information is needed, or if an EIA is required for issuing the CC.	The EIA regulation does not set forth a specific stage for scoping. The NEPA defines the scope of the EIA at the screening stage.	After identifying the project category, the NEPA determines the conditions for the EIA and prepares a list of international best practices to guide the EIA. The proponent undertakes the EIA and presents an EISt or CMP to the NEPA for review and issuance of the CC.	The EIA is required to consider the positive and negative impacts of projects on physical, chemical, biological, social, and cultural conditions and environments.	The EIA regulation requires the proponent to analyze alternatives to the proposed project, including the alternative of not conducting it at all.	Sectoral governmental agencies (proponents) undertake an EIA with support from expert firms and close interaction with the NEPA.	<ul> <li>The EIA regulation requires public disclosure of screening-related information and the EIA.</li> <li>The proponent shall distribute documents that are subject to public review to affected persons, and disseminate that such information is available to the public.</li> <li>Upon receipt of the screening report, the NEPA issues a notice of public disclosure to affected persons and/or communities, and keeps screening documents available to the public.</li> </ul>	The proponent shall undertake public participation during the EIA process. The NEPA can also undertake public consultation activities. When public disclosure is undertaken, any member of the public or affected communities may make a public submission before any decision is made by the NEPA. If significant concerns are raised by the public during the disclosure period, the NEPA can determine that a full EIA is required despite any previous project classification assumed by the project lists provided.	EIA regulation is not clear on the specific requirements of the EMP.	EIA regulation does not have any provision on monitoring activities and follow-up on the CC. Relevant governmental agencies must report on the status of the EMP implementation to the NEPA.	Environmental Law (200 Environmental Impact Assessment Regulations (2008); Administrative Guidelines for the Preparation of Environmental Impact Assessments (2007). In 2014, the NEPA submitted a new EIA regulation to the Minist of Justice. The new regulation converts the to an Environmental an Social Impact Assessme (ESIA). It is expected that the new ESIA system wi in force in 2015.
Bangladesh	DoE: Department of Environment ECA: Environment Conservation Act ECR: Environment Conservation Rule ECC: Environmental Clearance Certificate MoEF: Ministry of Environment and Forests SCC: Site Clearance Certificate	DoE (which is part of the MoEF)	Director General of the DoE	<ul> <li>Although the ECA provides the definition of key terminology, no definition of EIA is provided in legal instruments.</li> <li>An SCC is required before beginning any physical activities, works, or projects, except for Green Category projects.</li> <li>Proponents also need clearance on location from the local administration.</li> </ul>	Green Category - General Information, description of raw materials and finished products. Orange A Category - Process flow diagram, lay-out plan, effluent disposal system, in addition to requirements of Green Category - Feasibility report, IEE, pollution minimization plan, relocation plan (if required), EMP. Red Category - EIA, in addition to requirements of Orange B Category.	The DoE undertakes screening procedure. Rule 7 of the ECR has classified industries and projects into four categories based on their site conditions and impacts on environment: Green, Orange A, Orange B, and Red. The DoE authority reserves the right to request additional information, supporting documents, or other additional materials for the proposed project.	The IEE is used for scoping Orange B and Red category projects as per the DoE list. The DoE reviews the IEE report and determines the need for additional information. The DoE also decides the scope of the EIA for Red category projects.	The DoE develops guidelines for preparation of the EIA and EMP for some typical types of projects. The proponent prepares the TOR for carrying out a complete EIA and submits for review and approval of the DoE. The proponent conducts the EIA.	The EIA shall analyze impacts of projects on physical, chemical, biological, social, and cultural conditions and environments.	The EIA should include an alternative analysis to select the preferred option.	The proponent is required to obtain local government and district administration clearance for the proposed site. A site clearance application to the DoE requires local clearance. The proponent is required to consult concerned ministries and departments to define the scope of the EIA, and to obtain an NOC from all the affected agencies.	No legal provision for the EIA public disclosure.	No legal provision requires consultation with the project-affected people or other stakeholders. Participation is determined at the discretion of the proponent or the director general of the DoE.	The IEE and EIA must include an EMP with possible mitigation measures and cost for mitigation of anticipated environmental impacts.	The DoE is responsible for monitoring environmental conditions, as well as effectiveness of mitigation measures.	Environment Conservat Act (1995) and its amendments; Environm Conservation Regulation (1997) and their amendments; EIA Guidelines for Industrie (1997). www.doe-bd.org
Bhutan	EA: Environmental Assessment EAA: Environmental Assessment Act EC: Environmental Clearance ECOP: Environmental Code of Practice EI: Environmental Information ESMP: Environmental and Social Management Plan NEC: National Environmental Commission NECS: National Environmental Commission Secretariat NEPA: National Environmental Protection Act NOC: Non Objection Certificate RECP: Regulation for Environmental Clearance RSEA: Regulation for Strategic Environmental Assessment	NECS CA: Competent Authority (line ministries and departments that are responsible for development consent and mandated by the RECP to issue environmental clearance)	CA for projects listed in the RECP NECS for non-listed projects	effects of plans, policies, programs, and	Environmental Screening (equivalent to limited EA or IEE) EA (equivalent to full EIA) SEA	The proponent undertakes screening process, including the EI, and submits screening report to the CA or NECS. Based on the screening report, the CA or NECS determines whether a full environmental assessment is required or not. Annex 2 of the RECP defines activities exempted from environmental assessment, activities that require screening, and those that require EA.	The CA or NECS reviews the TOR submitted by the proponent and, in the approval process, defines the EA scope. No stakeholder consultation takes place in this stage.		The EIA shall consider potential adverse impacts including direct, indirect, and cumulative (short- and long-term), as well as environmental benefits.	Guidelines for the EC advise to have alternative analysis.	The NECS and sectoral ministries must coordinate the process of TOR and EA approval.	<ul> <li>The CA or NECS makes a public announcement of the decision on the EC.</li> <li>The CA or NECS makes the EA and other relevant information available to the public/interested parties.</li> <li>For significant projects, the proponent informs concerned people and organizations through written notice, newspaper, and public hearings.</li> </ul>	Consultation with public takes place at two stages in the EA process: when an NOC is issued from all affected agencies, and during preparation of the EA. The NEPA makes the EA report publicly available for comments for three weeks.	The screening as well as the EA must have an ESMP, which specify miti- gation measures, costs, and respon- sibility. Guidelines for the EC also require an EMP for contractors.	The CA is responsible for monitoring the terms of the EC of activities listed in the RECP. Non-listed activities have their EC monitored by the NECS. The proponent is required to submit an annual report to the CA or NECS.	Environmental Assessm Act (2000); Regulation f the Environmental Clearance of Projects (2000); Application for Environmental Clearanc Guidelines for Forestry Projects (2004). www.nec.gov.bt
India	CIA: Cumulative Impact Assessment CPCB: Central Pollution Control Board DoE: State (or Union Territory) Department of Environment EAC: Expert Appraisal Committee of the MoEF EC: Environmental Clearance EPA: Environment Protection Act MoEF: Ministry of Environment, Forests and Climate Change PEC: Prior Environmental Clearance (or Permit) REA: Regional Environmental Impact Assessment SEIAA: State (or Union Territory) Environmental Impact Assessment Authority SEAC: State (or Union Territory) Expert Appraisal Committee SPCB: State (or Union Territory) Pollution Control Board	MoEF CPCB EAC SEIAA SEAC SPCB	MoEF SEIAA	The EIA aims to foresee and address the potential environmental problems at an early stage of planning and design of new projects or expansion or modernization of any activity; and to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of the country unless an EC has been accorded by the federal or the state government in accordance with the specified procedures. The EIA is also used to ensure that the project or its EMP complies with other important environment-related legislation.	Rapid EIA - Category B2 Comprehensive EIA - Categories A and B1 Additional studies upon request of the EAC or SEAC: REA, CIA, and Biodiversity Assessment	The EIA notification provides an initial screening, based on quantitative thresholds, to determine the category under which a particular project will fall. Projects under Category A have larger potential impacts on human health and natural and man-made resources, or a larger spatial extent or potential impacts. They require an EC from the federal government or the MoEF. Category B projects require an EC from the state government, and also require further screening by the SEAC to determine whether they need a Comprehensive EIA (Category B1), a Rapid EIA (Category B2), or no further studies.	The EAC and SEAC define the EIA scope of Category A and Category B1 projects, respectively. Scoping is based on the information furnished by the project developer in prescribed forms along with a draft TOR for the EIA, and on site visits as necessary by the EAC or SEAC. Process of prior environmental clearance could be rejected by the MoEF or SEIAA, if recommended by the EAC or SEAC at the scoping stage itself.	Project developers submit a draft TOR at the scoping stage to the EAC or SEAC. After reviewing the draft TOR and information provided by the proponent, as well as a site visit if needed, the EAC or SEAC clears the TOR with or without recommended modifications. The EIA has to be conducted by an accredited consulting firm (with each EIA team member also accredited).	The EIA must consider impacts on land, water, vegetation, fauna, air, aesthetic, and socio-economic environments. The EIA shall determine the baseline for the valued ecosystem components for the study area; and assess the impacts of the project due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project, as well as from the use of new and untested technology in the project and the impacts from technological failures.	The EIA must include an analysis of alternatives, including site and technology alternatives.	The MoEF and SEIAA are to base their approvals on the recommenda- tions of the EAC and SEAC, respectively. The SPCB has the responsi- bility for conducting the public hearing. Sectoral agencies of the state and federal governments, as well as local governments have the right to participate in the public hearing.	The proponent disseminates the draft EIA report (in hard and soft copies before public hearing), final EIA report (also available at the MoEF or SEIAA). The MoEF or SEIAA discloses minutes of screening, scoping and appraisal meetings on their websites. Minutes of public hearing are available on the SPCB website. The EC, along with the conditions imposed, is available on the MoEF or SEIAA website. The developer must advertise in national and local newspapers as to where the public could access the text of the EC.	Public hearing is mandatory for all Categories A and B1 projects. Overall, public consultation is divided into two components: (i) a public hearing at the site or in its close proximity, district-wise, to be carried out as specified by legislation, for ascertaining concerns of local affected persons, and (ii) additional consultation and obtaining written responses from other concerned persons having a plausible stake in the environmental aspects of the project or activity. The mandatory public hearing is organized by the SPCB and chaired by the district administration, which prepares and finalizes the report on the public hearing. The proponent is required to address all material concerns expressed during the public consultation and make any appropriate changes in the draft EIA and EMP.	The EIA report must include an EMP, describing: (i) all mitigation measures, item-wise, to be undertaken during the construction, operation, and the entire life cycle of the project to minimize adverse environmental impacts; (ii) the environmental monitoring plan for compliance of various environmental regulations; (iii) emergency or accidents management plan; (iv) social impact management and resettlement and rehabilitation plan; and (v) the institutional mechanism to ensure that the approved EMP is implemented and effectiveness of such implementation is monitored.	The MoEF regional offices undertake periodic monitoring. The MoEF and state regulators (SEIAA, DoE or SPCB, as designated in any of the states) are responsible for monitoring and enforcing compliance with the EIA requirements. Supervision of the environmental aspects of the projects, activities and works is done as specified in the environmental monitoring plan and the EMP, or as per additional conditions imposed by the MoEF or SEIAA. The project developer must submit half-yearly compliance reports to the MoEF or SEIAA, which must include progress of implementation of the EMP.	subsequent Notification Rules, and Standards); Environmental Impact Assessment Notification (1994, revised 2006); Coastal Regulation Zone Notification (1991, revis 2011). www.envfor.nic.in
Nepal	EPA: Environmental Protection Act EPR: Environmental Protection Rules MoSTE: Ministry of Science, Technology and Environment	Moste	MoSTE for EIA Line ministry for IEE	Development activities and projects are subject to an appropriate level of environmental scrutiny based on screening. An EIA refers to a report on a detailed study and evaluation to be prepared to ascertain as to whether, in implementing a proposal, the proposal does have significant adverse impacts on the environment or not, whether such impacts could be avoided or mitigated by any means or not.	IEE EIA	EPR Schedule 1 and Schedule 2 provide criteria for determining level of assessment required (IEE or EIA), such as the type of activity or project; size or threshold, and location. A financial threshold is used to determine the environmental assessment requirements for projects not listed under the schedules (that is, projects with an investment of NPR 10–100 million require the preparation of an IEE while larger investments call for a full-scale EIA). The proponent determines the level of assessments, which is reviewed by the approving authority through the TOR approval.	Following the initial review and stakeholder consultations, the proponent submits initial scoping and the draft TOR for review and approval of the MoSTE or line ministry. A site visit is required for drafting the TOR of the EIA.	The proponent is required to integrate suggestions from local governments and other relevant stakeholders into the draft TOR. The proponent submits the draft TOR for review and approval to the concerned agency, which will in turn review it and forward it, along with its comments to the MoSTE, which holds the ultimate approval responsibility.	The EIA shall consider positive and negative impacts; impacts on the physical, biological, and chemical environment, and socio-cultural environment; and direct as well as indirect impacts.	The EIA must include alternative analysis, such as project site, design, and technology, procedure of operation, time schedule, and raw material to be used.	MoSTE and line ministry	The EIA is publicly disclosed on the internet for 30 days. Hard copies of the EIA report are sent to relevant stakeholder agencies. Other copies are officially deposited in different public libraries and the village development committee office of the project site and opened for public review. The EIA is a public document that anyone can copy.	The proponent shall consult concerned stakeholders during the scoping stage, and provide them with opportunities to provide comments. In the case of projects requiring an IEE, a notice must be issued indicating how these stakeholders may submit their	The EIA must have EMP which specifies mitigation measures, time, cost, and responsibility to mitigate impacts.	<ul><li>Supervision is the responsibility of the implementing agency.</li><li>The line ministry is responsible for monitoring.</li><li>Impact auditing during the operational stage is to be done by the MoSTE.</li></ul>	Environmental Protection Act (1997); Environmen Protection Rules (1997) www.moste.gov.np
Pakistan <b>Description</b>	DoE: District Officer Environment EAAC: Environmental Assessment Advisory Committee EPO: Environment Protection Order MoCC: Ministry of Climate Change NIAP: National Impact Assessment Program Pak-EPA: Pakistan Environmental Protection Agency Provincial EPA: Provincial Environmental Protection Agency PEPC: Pakistan Environmental Protection Council PEPO: Pakistan Environmental Protection Ordinance	Pak-EPA Provincial EPA	At federal level: Pak-EPA - IEE and EIA for public and private projects in federal areas, military projects, trans-country and trans-province projects. At provincial level: Provincial EPA - IEE and EIA of all other public and private projects.	No proponent of a project shall commence construction or operation unless he or she has submitted an IEE or EIA and has obtained approval from the corresponding environmental protection agency. An EIA refers to an environmental study comprising collection of data; prediction of qualitative and quantitative impacts; comparison of alternatives; evaluation of preventive, mitigation, and compensatory measures; formulation of environmental management and training plans and monitoring arrangements; and framing of recommendations and other components as may be prescribed.	IEE EIA	Schedule I lists the projects that require an IEE and Schedule II those that require an EIA. For many of the projects included in the list, a threshold on the total cost of the project determines in which category they belong. Non-listed projects will require an EIA if they are likely to cause adverse environmental effects, if they are situated in environmentally sensitive areas, or if the authority has issued guidelines for construction and operation of such projects.	There are no formal requirements for scoping, but Pak-EPA has published guidelines which describe a scoping process that includes a description of the roles of different stakeholders during this stage. The IEE is considered as the process that should also be followed to identify the issues and prepare the TOR for an EIA.	There are no formal requirements, but the IEE process should be followed to prepare the TOR for an EIA.	The EIA shall consider aspects of impacts that should include nature, magnitude, extent and location, duration, reversibility, and likelihood.	The EIA must include a comparison of alternatives. Non-binding guidelines recommend including a description of alternatives, a comparison of each alternative's environmental impacts, and the identification of the preferred option.	The authority must circulate the EIA to the concerned government agencies and other stakeholders, and solicit their comments thereon.	The agency must publish in a national newspaper a public notice (in English and Urdu) mentioning the type of project, its exact location, and the places at which the EIA of the project can be accessed. Besides, the EIA reports of all the approved projects are available in the Green Library of Pak-EPA.	The agency has the responsibility of publishing a notification that fixes a date, time, and place for a public hearing on the project and the EIA. All comments	submitted for the agency's review	The proponent must submit a report to the agency after completion of the construction phase, and subsequently, must submit annual reports summarizing the project's operational performance, with reference to the conditions of the approval and maintenance and mitigation measures adopted for the projects.	Pakistan Environmental Protection Act (1997); Environmental Protectio Agency Review of IEE ar EIA Regulations (2000); Policy and Procedures for filing, review, and appro- of environmental assessments (1997); Guidelines for the Preparation and Review of Environmental Repor (1997); Punjab Environmental Protectio Act (1997), amended in 2012.
Sri Lanka	BIQ: Basic Information Questionnaire CEA: Central Environment Authority CCA: Coast Conservation Act EPL: Environmental Protection License NEA: National Environmental Act PAA: Project Approving Agency P: Project Proponent	CEA PAAs: Coast Conservation Department; Department of Wildlife Conservation; Forest Department; Urban Development Authority, Geological Survey and Mines Bureau; Ceylon Electricity Board; Mahaweli Authority of Sri Lanka; Board of Investment; Subject Ministries of National Planning, Irrigation, Energy, Agriculture, Lands, Forests, Industries, Housing, Construction, Transport, Highways, Fisheries, Aquatic Resources, Plantation Industries; North Western Provincial Council	from CEA. The EIA cell of the CEA has the legal responsibility for all decisions of the PAAs in relation to the EIA process. The EIA Oversight Committee advises the chairman on the EIA process. The EIA Inter-agency Coordination Committee reviews the	An EIA or IEE is required for groups of prescribed projects listed under the National Environmental Act and North Western Province Environmental Statute. Under the Coast Conservation and Coastal Resources Management Act all activities within the coastal zone as defined by the Act are required to undergo an assessment (no criteria or thresholds). An EIA refers to a written analysis of the predicted environmental project and contains an environmental cost-benefit analysis, including a description of the avoidable and unavoidable adverse environmental effect of the proposed prescribed project; a description of an alternative to the activity which might be less harmful to the environment together with the reasons why such alternatives were rejected, and a description of any irreversible or irretrievable commitments of resources required by the proposed prescribed project. Although not a legal requirement, the Cabinet of Ministers directed in 2006 that all new policies, plans, or programs to be	IEE for projects with less complex environmental issues. EIA for large scale projects with environmental issues. SEA	Developers and project proponents submit the BIQ to the CEA (or the relevant PAA if already known), where the initial screening will be undertaken and a scoping committee is appointed. The CEA or PAA decides if further processing is needed, based on whether the activity falls under the prescribed projects (except for developments or activities in the coastal zone).	The proponent presents the BIQ to the PAA, who will commence the process by appointing a scoping committee. Scoping determines whether the project proponent should be requested to prepare an EIA or IEE and the TOR. The PAA has the responsibility to conduct the scoping and elaborate the TOR for the project, in consultation with the CEA. The CEA has issued guidelines for conducting environmental scoping. This process may involve site visits based on the likely scope of the development or activity.	The PAA develops the TOR as part of the scoping process. The EIA/IEE must be conducted by consultants hired by the developer/project proponent.	The EIA must consider positive and negative, direct and indirect, tempo- rary and permanent, reversible, and irreversible and cumulative impacts on physical, chemical, biological, social, and cultural conditions and environments. The EIA must predict and valuate potential impacts.	The EIA must include alternatives to the proposed development/activity and rationalize the selected option.	process. Once the relevant PAA is	All EIA instruments are available for public in the CEA library (after approval) and at the PAAs, including the IEE report. Formal disclosure only happens if it is an EIA. The public is informed of the EIA and the public hearing through notifications in the print media.	The PAA may take into account the views of state agencies and the public during the scoping phase and in the preparation of the TOR. Only the EIA requires 30 days of public disclosure and public hearing. Developer/project proponent is expected to consult with affected people as part of the guidelines, but consultation is not mandatory. The IEE does not require public disclosure or hearing. However, an IEE report is considered a public document and must be open for inspection by the public. The SEAs generally undertake stakeholder consultation.	The EIA must include an EMP which conducts a comprehensive prediction of the impacts that could generate the project, including environmental measures, their potential costs, deadlines, responsible for implementing measures designed to prevent, mitigate, correct, compensate or restore environmental impacts that would occur.	The PAAs are responsible for monitoring and enforcing compliance with the EIA requirements. They are required to forward a monitoring plan to the CEA within 30 days of granting an approval. Most PAAs require regular updates from the project proponent on the level of compliance with the monitoring plan. The PAA is expected to independently monitor and verify such information.	(1981); National Environmental Act (198 National Environmental (Amendment) Act (2000 www.cea.lk

Authors: Ana Luisa Lima, Darshani De Silva, Tapas Paul, Javaid Afzal, Shakil Ahmed Ferdausi, Santiago Enriquez, Drona Raj Ghimire, Mohammad Arif Rasuli, and Ernesto Sanchez-Triana. Acknowledgements: Bilal H. Rahill, Glenn Morgan, and Abdelaziz Lagnaoui. Editors: Sirisha Achanta Naga Surya and Shalmraj Ramraj (WFADC) Design: Shalmraj Ramraj (WFADC)

This document is in draft form and subject to change. The authors welcome any comments regarding the poster content. If you have any comment, please notify alima1@worldbank.org before May 31, 2015.



Review Reports otection ded in

onmental (1997); Protection of IEE and (2000); edures for d approval l

otection onmental (1997).

ifications, dards); mpact ification 006); on Zone 1, revised

earance estry

otection