



Government Regulation Number 51/1993 ON Environmental Impact Assessment

The President of the Republic of Indonesia,

Considering:

- a. that, within the framework of implementation of environmentally-oriented development as part of deliberate and systematic efforts to wisely manage natural resources for sustainable development in order to improve the quality of life of the people, it is necessary to maintain harmony among various businesses or activities;
- b. that any business or activity will, in principle, generate impacts on the environment which need to be evaluated in the early planning stages so that actions to deal with any negative impacts and to enhance any positive impact can be incorporated as early as possible;
- c. that an assessment of environmental impacts shall be deemed necessary for the decision-making process regarding any proposed business or activity which may have significant impacts on the environment;
- d. that Government Regulation No. 29 of 1986 regarding Environmental Impact Assessment, which was promulgated as a means of implementing the provisions of Article 16 of Act Number 4 of 1982 regarding Basic Principles for Management of the Living Environment, now needs to be improved as a result of various new developments;
- e. that, in keeping with the foregoing, it is deemed necessary to formulate a Government Regulation for the above improvements.

In View of:

- 1. Article 5, paragraph 2 of the 1945 Constitution;
- 2. Act Number 4 of 1982 pertaining to Basic Principles for Management of the Living Environment (State Gazette, 1982, Number 12; Supplement to the State Gazette Number 3215).

Has decided by revoking Government Regulation No. 29/1986 on Environmental Impact Assessment (State Gazette 1986 Number 42)

To establish: Government Regulation of the Republic of Indonesia Regarding Environmental Impact Assessment

PART I - GENERAL PROVISIONS

Article 1

For the purpose of this Government Regulation the following terms are defined:

- 1. **Environmental management** is an integrated effort for the purpose of the utilization, regulation, maintenance, supervision, control, rehabilitation and development of the environment;

- 2. **Environmental impact assessment (Analisis Mengenai Dampak Lingkungan, or AMDAL)** is the process of studying the significant impact of a proposed business or activity on the environment, which is required as part of the decision-making process;
- 3. **AMDAL Kegiatan Terpadu/Multisektoral** is the process of studying the significant impacts of a proposed integrated business or activity on the environment, where that business or activity is located in a single ecosystem type and also involves more than one authorized government agency;
- 4. **AMDAL Kawasan** is the process of studying the significant impacts of proposed businesses or activities located in a single ecosystem type, which are under the authority of a single authorized government agency;
- 5. **AMDAL Regional** is the process of studying the significant impact of proposed businesses or activities located in a single ecosystem type in a development planning area as defined by the regional spatial plan, which involves more than one authorized government agency as part of the decision-making process;
- 6. **Kerangka Acuan** is the terms of reference for the scope of the environmental impact assessment (AMDAL) study which results from the scoping process;
- 7. **Scoping** is the process of focusing the environmental study on the key aspects related to significant impact;
- 8. An **environmental impact statement (Analisis Dampak Lingkungan or ANDAL)** is a detailed and in-depth research study on the significant impacts of a proposed business or activity;
- 9. **Significant impacts** are fundamental changes to the environment which result from a proposed business or activity;
- 10. An **environmental management plan (RKL)** is a document presenting those efforts that will be made to manage the significant environmental impacts which will result from a proposed business or activity;
- 11. An **environmental monitoring plan (RPL)** is a document presenting those efforts that will be made to monitor the environmental components which will be subjected to significant impacts arising from a proposed business or activity;
- 12. The **proponent** shall be the person or institution responsible for the proposed business or activity to be undertaken;
- 13. The **authorized government agency** is the government agency authorized to make decisions on the implementation of a proposed business or activity, with the understanding that the authority shall lie with the relevant minister or the head of the non-departmental government agency which has jurisdiction over the relevant business or activity and with the provincial governor for a business or activity under his jurisdiction;
- 14. The **Minister** shall refer to the Minister responsible for the management of the environment or the head of the agency which is responsible for control of environmental impacts;
- 15. The **Agency which is responsible for the control of environmental impacts** is defined as that agency which has as its main duty to assist the President in undertaking the control of environmental impacts, including efforts to prevent environmental pollution and damage, mitigate significant impacts, and restore the quality of the environment;

16. The **environmental impacts assessment commission (Komisi AMDAL)** is the commission established by the Minister/minister or head of a non-departmental government agency at the central level of government, or by the Governor at the provincial level, which has the task of assisting in the implementation of the environmental impact assessment (AMDAL) process as part of the decision-making process.

Article 2

1. The types of businesses or activities which are predicted to have significant impacts on the environment shall include:

- a. modifications of landforms and the natural landscape;
- b. exploitation of renewable and non-renewable natural resources;
- c. processes and activities with the potential to cause waste, damage and a decline in natural resource utilization;
- d. processes and activities which may affect the social and cultural environment;
- e. processes and activities which may affect the preservation of natural resource conservation areas and/or the protection of cultural reserves;
- f. the introduction of new species of plants, animals and micro organisms;
- g. the production and use of biotic and abiotic substances;
- h. applications of technology which are predicted to have considerable potential to affect the environment;
- i. activities having high risks and affecting national security.

2. The Minister shall establish the types of business or activity referred to in paragraph 1, after taking account of the opinions and recommendations of the authorized government agencies.

3. An environmental impact statement (ANDAL) shall be prepared for the types of business or activity as referred to in paragraph 2.

4. The selection of the types of proposed businesses or activities as referred to in paragraph 3 shall be reviewed periodically, at least once in every five years period.

Article 3

1. The significant impacts of a business or activity on the environment shall be determined by:

- a. the number of people affected;
- b. the extent of the affected area;
- c. the duration of the impact;
- d. the intensity of the impact;
- e. the number of other environmental components affected;

- f. the cumulative nature of the impact;
- g. the reversibility or irreversibility of the impact.

2 Guidelines concerning criteria for the determination of significant impacts as referred to in paragraph 1 shall be established by the agency responsible for the control of environmental impacts.

Article 4

1. No environmental impact statement (ANDAL) as referred to in paragraph 3 of article 2, shall be required for any business or activity which is proposed for immediate implementation to cope with an emergency.

2. The minister and/or the head of the non-departmental government agency in charge of the relevant business or activity shall determine that an emergency has occurred, based upon recommendations of the agency responsible for the control of environmental impacts.

Article 5

The granting of a final operating permit (izin usaha tetap) by the agency responsible for type of business or activity as referred to in Article 2 shall only be done after the implementation of the environmental management plan (RKL) and the environmental monitoring plan (RPL) which have been approved by the authorized government agency.

Article 6

1. The environmental impact assessment (AMDAL) process shall form part of the feasibility study for a proposed business or activity.

2. The findings of the environmental impact assessment (AMDAL) process shall be used as input for regional development planning.

PART II - MANAGEMENT

Section One - Terms of Reference

Article 7

1. A proponent for a proposed business or activity as referred to in Article 2 shall prepare a terms of reference for the preparation of an environmental impact statement (ANDAL).

2. The terms of reference as referred to in paragraph 1 shall be submitted by the proponent to the responsible environmental impact assessment (AMDAL) commission.

3. In the event that within 12 (twelve) working days as of the receipt of said terms of reference, the environmental impact assessment (AMDAL) commission shall have not given a written response, said terms of reference shall be officially adopted as the basis for the preparation of the environmental impact statement (ANDAL), by authority of this Government Regulation.

4. The terms of reference shall be prepared by the proponent based on general or technical guidelines.

5. The general guidelines for the preparation of terms of reference as referred to in paragraph 1 shall be established by the minister or head of the non-departmental government agency responsible for the relevant business or activity.

Section Two - Environmental Impact Statement, Environmental Management Plan and Environmental Monitoring Plan

Article 8

1. The environmental impact statement (ANDAL), the environmental management plan (RKL) and the environmental monitoring plan (RPL) shall be submitted together at the same time by the proponent to the authorized government agency.
2. The authorized government agency shall issue a receipt to the proponent for the document referred to in paragraph 1, stating the date of receipt.
3. General guidelines for the preparation of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be established by the Minister.
4. Technical guidelines for the preparation of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be established by the minister or head of the non-departmental government agency responsible for the given business or activity, based on the general guidelines as referred to in paragraph 3.

Article 9

1. The evaluation of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) documents as referred to in paragraph 3 of Article 17 paragraph 3 of Article 18 and paragraph 1 of Article 19 shall be carried out at the same time.
2. In the event that the environmental impact statement (ANDAL), the environmental management plan (RKL) and the environmental monitoring plan (RPL) documents are considered to have not fulfilled the requirements of the technical guidelines, the proponent shall be obliged to undertake the necessary revisions in accordance with the directives of the responsible environmental impact assessment (AMDAL) commission.
3. Based on the findings of the environmental impact assessment (AMDAL) commission regarding the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) documents submitted by the proponent, the authorized government agency shall issue a decision on the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL).

Article 10

1. The decision on the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) as referred to in paragraph 3 of Article 9 shall be issued by the authorized government agency not later than 4 (forty-five) days after the receipt of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL).
2. In the event that the decision as referred to in paragraph 1 is a rejection due to the lack of adherence to the technical guidelines for the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL), the decision on the revises environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be issued by the authorized government agency no later than 30 (thirty) days after the submission of the revised environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL).

3. In the event that authorized government agency shall not have issued a decision within the time limits specified in paragraphs 1 and 2, the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall accordingly be deemed approved by authority of this Government Regulation.

Article 11

1. In the event that the environmental impact statement (ANDAL) concludes that the negative impacts can not be mitigated based on existing science and technology, or that the mitigation costs are higher than the positive impacts, the authorized government agency shall decide to reject the proposed business or activity.
2. In the event of a decision to reject is referred to in paragraph 1, the proponent may submit an objection there to an authority superior to the authorized government agency, along with a copy to the agency responsible for the control of environmental impacts, not later than 14 (fourteen) days after receipt of said decision.
3. Said authority superior to the authorized government agency shall issue a decision on the proponent's objection as referred to in paragraph 2 after receiving the opinion of the agency responsible for the control of environmental impacts.
4. The decision as referred to in paragraph 3 shall be issued within 30 (thirty) days following receipt of the objection and will constitute the final decision.

Article 12

1. An AMDAL Kegiatan Terpadu/Multisektoral shall be carried out for any proposed integrated/multisectoral business or activity.
2. The evaluation of the AMDAL Kegiatan Terpadu/Multisektoral shall be carried out by an integrated environmental impact assessment (AMDAL) commission established by the agency responsible for the control of environmental impacts.
3. The commission as referred to in paragraph 2 shall constitute a combined commission of which the membership will be comprised of representatives of the relevant provincial and regional government agencies and institutions as well as non-governmental organizations and other parties deemed necessary, as determined by the Minister.
4. Technical guidelines for environmental impact assessment (AMDAL) for an integrated/multisectoral business or activity shall be established by the agency responsible for THE control of environmental impacts, taking into account the technical guidelines established by the authorized government agencies.
5. The approval of the environmental impact assessment (AMDAL) documents for an integrated/multisectoral business or activity shall be issued by the minister.

Article 13

1. Criteria for proposed businesses of actives, whether or similar or different types, within a single area (kawasan) which is within the jurisdiction of an authorized government agency shall be established by said agency.
2. Technical guidelines for the implementation of environmental impact assessment (AMDAL) for such proposed businesses or activities shall be established by said authorized government agency.
3. The evaluation of the environmental impact assessment (AMDAL) for such proposed businesses or activities as referred to in paragraph (1) shall be made by the environmental impact assessment (AMDAL)

commission of said authorized government agency.

4. Approval of the documents for AMDAL Kawasan shall be issued by the minister/head of the non-departmental government agency responsible for the relevant business or activity.

Article 14

Provisions for the implementation of environmental impact assessment (AMDAL) for business and activities proposed for a regional development planning area shall be further established by the Minister, taking into account the recommendations and opinions of authorized government agencies.

Section Three - The Expiry and Annulment of the Decision Approving the Environmental Impact Statement, the Environmental Management Plan and the Environmental Monitoring Plan

Article 15

1. The decision to approve an environmental impact statement (ANDAL) environmental management plan (RKL) and environmental monitoring plan (RPL) shall be deemed to have expired by authority of this Government Regulation in the event that the proposed business or activity has not been implemented within 3 (three) years of the date of the approval.

2. In the event that an environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be deemed to have expired as referred to in paragraph 1 then in order to implement the proposed business or activity the proponent shall be required to resubmit an application for the approval of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) to the authorized government agency.

3. Upon application for approval as referred to in paragraph 2, the authorized government agency shall decide that:

- a. the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) which have already been approved may be fully utilized again; or
- b. the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be resived.

Article 16

1. In the event of fundamental changes in the environmental due to natural causes or any other reason before and during the implementation of the proposed business or activity, the approval of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be declared null and void by authority of this Government Regulation.

2. The authorized government agency, after consulting the agency responsible for the control of environmental impacts, shall establish the occurrence of said fundamental environmental change as referred to in paragraph 1 at the site originally approved, and this finding shall constitute the basis for the preparation of a revised environmental impact statement (ANDAL), environmental management plan (RPL) and environmental monitoring plan (RPL) based on the new environmental profile, to be prepared in accordance with the procedures set out in this Government Regulation.

3. Criteria for assessing the occurrence of fundamental environmental change shall be established by the minister and/or head of the authorized non-departmental government agency, after consultation with the agency responsible for the control of environmental impacts.

Section Four - Commission

Article 17

1. The minister or head of the non-departmental government agency responsible for relevant businesses or activities shall establish an environmental impact assessment (AMDAL) commission at the central government level consisting of permanent and temporary members.

2. The permanent members shall include those from within the relevant ministry or non-departmental government agency, a representative appointed by the Minister of Home Affairs a representative appointed by the agency responsible for the control of environmental impacts, a representative appointed by the Investment Coordination Board, a representative appointed by the National Land Agency, and experts from relevant fields, while the temporary members shall include those appointed from related ministries or non-departmental government agencies, non-governmental organizations, as well as other members as deemed necessary.

3. The central environmental impact assessment (AMDAL) commission as referred to in paragraph 1 shall:

- a. prepare technical guidelines on the preparation of environmental impact assessment (AMDAL) documents, including the preparation of the terms of reference for the environmental impacts statement (ANDAL), the environmental management plan (RKL) and the environmental monitoring plan (RPL);
- b. evaluate the terms of reference for the preparation of the environmental impact statement (ANDAL);
- c. evaluate the environmental impact statement (ANDAL) document;
- d. evaluate the environmental management plan (RKL) document;
- e. evaluate the environmental monitoring plan (RPL) document;
- f. assist in issuing the decision on the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) document;
- g. perform other duties as stipulated by the minister or head of the non-departmental government agency responsible for the relevant business or activity.

4. In performing its duties, the environmental impact assessment (AMDAL) commission, may be assisted by a technical team assigned to evaluate the environmental impact assessment (AMDAL) documents.

5. Guidelines for the composition of the membership and work practices of the central environmental impact analysis (AMDAL) commission as referred to in paragraph 1 shall be established by the Minister.

Article 18

1. The Governor shall establish an environmental impact assessment (AMDAL) commission at the provincial government level consisting of permanent and temporary members.

2. The permanent members shall include representatives of the Provincial Development Planning Board, the agency responsible for supervising the environment the province, the Provincial Investment Coordinator Board, the provincial office of the National Land Agency, the government agency responsible for the control of environmental impacts in the province and the environmental study centre of the university in the relevant area, while the temporary members shall be appointed from government agencies supervising the relevant sectors in the province, non governmental organizations, and other

members as deemed necessary.

3. The provincial environmental impact assessment (AMDAL) commission as referred to in paragraph 1 shall:

- a. evaluate the terms of reference for the preparation of the environmental impact statement (ANDAL);
- b. evaluate the environmental impact statement (ANDAL) document;
- c. evaluate the environmental management plan (RKL) document;
- d. evaluate the environmental monitoring plan (RKL) document;
- e. assist in issuing the decision on the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) document;
- f. perform other duties as stipulated by the Governor.

4. In performing its duties, the provincial environmental impact assessment (AMDAL) commission may be assisted by a technical team assigned to evaluate the environmental impact assessment (AMDAL) document.

5. Guidelines for the composition of the membership and work practices of the provincial environmental impact analysis (AMDAL) commission as referred to in paragraph 1 shall be established by the Minister.

Article 19

In performing their duties, the central and the provincial AMDAL commissions as referred to in Articles 17 and 18 shall take into account the national policies on environmental management, regional development planning, spatial planning, national security and defense, and environmentally-oriented regional development.

PART III - DEVELOPMENT

Article 20

Education, training, research and development in the field of environmental impact assessment (AMDAL) in support of sustainable development shall be carried out under coordination of the agency responsible for the control of environmental impact.

Article 21

Government assistance in the field of environmental impact assessment (AMDAL) for businesses or activities of weaker economic group which produce significant impacts shall be further established by the Minister, taking into account the recommendations and opinions of relevant government agencies.

PART IV - SUPERVISION

Article 22

1. All proposed businesses or activities for which an environmental impact analysis (AMDAL) must be carried out shall be disclosed to the public by the authorized government agency.

2. The environmental impact assessment (AMDAL) documents for all proposed businesses or activities and the approvals there to shall be open to the public.

3. The openness referred to in paragraph 1 shall be implemented in the form of the participation of the public, which may offer recommendations and opinions orally and/or in writing to the central or the provincial environmental impact assessment (AMDAL) commission referred to in Articles 17 and 18 before the issuance of the decision on the approval of the environmental impact analysis (AMDAL) for a proposed business or activity.

Article 23

The provisions of Article 22 shall not apply in the case of proposed businesses or activities concerning state secrets.

Article 24

A copy of the environmental impact assessment (AMDAL) document for a proposed business or activity and of the approvals for said documents shall be submitted by the authorized government agency:

- a. at the central government level, to the agency responsible for the control of environmental impacts, the relevant governmental agencies, the relevant Governor, and the Head of District (Bupati) or Mayor (Walikotamadya); or
- b. at the provincial government level, to the agency responsible for the control of environmental impacts and the relevant agencies concerned.

Article 25

1. The agency responsible for the control of environmental impacts shall utilize the environmental impact assessment (AMDAL) documents as the basis for examining:

- a. environmental monitoring reports and the evaluation of those results, carried out by the proponent in accordance with the environmental management plan (RKL) and the environmental monitoring plan (RPL);
- b. environmental monitoring reports and the evaluation of those results, carried out by the relevant government agency in accordance with the environmental management plan (RKL) and the environmental monitoring plan (RPL);
- c. reports on the supervision of the implementation of the environmental management plan (RKL) and environmental monitoring plan (RPL) as carried out by the authorized government agency.

2. The results of the examination referred to in paragraph 1 shall be submitted by the agency responsible for the control of environmental impacts to the minister or head of the relevant non-departmental government agency and to the relevant governor.

3. In carrying out this supervision, the agency responsible for the control of environmental impacts may establish measures for coordination in accordance with its tasks and authority.

PART V - FINANCE

Article 26

The expenses to perform the activities of the central and provincial commissions as referred to in Article 17 and 18 shall be charged to the budget of the authorized government agency.

Article 27

1. The expenses to prepare the environmental impact assessment (AMDAL) documents shall be included in the budget of the proposed business or activity and shall be borne by the proponent.
2. The environmental management and monitoring costs shall be charged to the operational budget of the relevant business or activity.

Article 28

The cost monitoring by the government of the implementation of environmental management and monitoring by the proponent shall be borne by the authorized government agency.

PART VI - CONCLUDING PROVISIONS

Article 29

This Government Regulation shall become effective as of the date enacted. In order to become known to all, it is hereby instructed that this Government Regulation be publicized in the State Gazette of the Republic of Indonesia.

Promulgated in Jakarta on 23 October 1993

The President of the Republic of Indonesia
(signed) Soeharto

Enacted in Jakarta on 23 October 1993

The State Minister/State Secretary of the Republic of Indonesia
(signed) Moerdiono

The State Gazette of the Republic of Indonesia of 1993 Number 84

EXPLANATION

GENERAL CONSIDERATIONS

1. The development which is being undertaken by the people of Indonesia is aimed at improving community welfare and quality of life. The process of development encounters the problems of large population and high population growth rate on the one hand, and limited natural resources on the other. Accelerated development increasing population can result in pressure on natural resources. The exploitation of natural resources to improve community welfare and the quality of life must be accompanied by efforts to preserve the harmony and balance of the environment, in order to support sustainable development. These efforts must be undertaken in compliance with integrated, comprehensive policies as well as taking into account the needs of present and future generations. Such development which aims to improve the welfare and quality of life of the people, both for present and future generations, is environmentally oriented development.
2. The realization of development with an environmental prospective, along with wisely controlled utilization of natural resources, shall constitute the primary objective of environmental management To this end, any change in the environment due to the creation of new environmental conditions, whether beneficial or adverse, which result from the implementation of a business or development activity shall be

predicted at the outset of planning for the business or activity. Article 16 of Act Number 4 of 1982 regarding Basic Provisions for the Management of the living Environment stipulates that any plan which is foreseen to have significant impact on the environment shall be subject to an environmental impact assessment. The significance of impacts, according to the elucidation of said Article 16, shall be determined by, among others:

- a. the number of people affected;
- b. the extent of the impact;
- c. the duration of the impact;
- d. intensity of the impact;
- e. the number of other environmental components affected;
- f. the cumulative nature of the impact;
- g. the reversibility or irreversibility of the impact.

Based on the above, it is necessary to provide further regulation of those businesses or activities which may have the potential to cause significant impacts on the environment.

3. With the inclusion of environmental impact assessment in the planning process for businesses or activities, decision-makers will have a broader prospective and deeper insight into the various aspects of the business or activity so they can make the best decision from the various alternatives available. Environmental impact assessment is a tool for decision-makers to consider the impacts of a proposed business or activity on the environment, in order to prepare steps to mitigate the negative impact and enhance the positive impacts.

ARTICLE BY ARTICLE

Article 1

The terms **environmental impact assessment** (Analisis mengenai Dampak Lingkungan, or AMDAL) as referred to in item 2, sub paragraph 10 of Article 1 of Act Number 4 of 1982 regarding Basic Provisions for Management of the Living Environment, means the entire consecutive process of the preparation of:

- a. the terms of reference for the preparation of the environmental impact statement (Analisis Dampak Lingkungan or ANDAL);
- b. the environmental impact statement;
- c. the environmental management plan;
- d. the environmental monitoring plan;

The term **AMDAL Kegiatan Terpadu/Multisektoral**, as referred in Item 3 means the entire, consecutive process of the preparation of an environmental impact assessment for various integrated/multisectoral businesses or activities which includes:

- a. the terms of reference for the preparation of an environmental impact statement;
- b. the environmental impact statement;

- c. the environmental management plan;
- d. the environmental monitoring plan.

The criteria for identifying the AMDAL process for integrated/multisectoral businesses or activities include:

- a. various types of business or activity for which the responsibility for the environmental impact assessment process is under the authority of several technical agencies;
- b. various types business or activity which have interrelated planning, management and production process;
- c. the businesses or activities are in the same ecosystem;
- d. the businesses or activities are under the direction of one or more managers.

The term **AMDAL Kawasan** in item 4 is defined as the entire, consecutive process of the preparation of an environmental impact assessment for various businesses or activities, whether similar or not, which are under the jurisdiction of a single authorized government agency, and for which the process includes:

- a. the terms of reference for the preparation of an environmental impact statement;
- b. the environmental impact statement;
- c. the environmental management plan;
- d. the environmental monitoring plan.

The criteria for identifying this AMDAL process are:

- a. various types of business or activity for which the environmental impact assessment process falls under the jurisdiction of a single relevant sector;
- b. the various types of business or activity may or may not be related to each other in terms of their planning management and production processes;
- c. the various businesses or activities are located in the same ecosystem;
- d. the various businesses or activities may be under the direction of one or more separate managers

The term **AMDAL Regional** as given in item 5 refers to the entire consecutive process of the preparation of an environmental impact assessment for various inter-related businesses or activities which are under the jurisdiction of more than one authorized government agency, and for the process include:

- a. the terms of reference for the preparation of an environmental impact statement;
- b. the environmental impact statement;
- c. the environmental management plan;
- d. the environmental monitoring plan.

The criteria for identifying this AMDAL process include:

- a. various types of business or activity which are interrelated with one another;
- b. each business or activity falls under the authority of more than one authorized government agency;
- c. the businesses or activities are owned by more than one proponent;
- d. the businesses or activities are located in one zone of a regional development planning area which has been defined in accordance with the general spatial plan for the region;
- e. the various businesses or activities may be located in more than one ecosystem type.

The **terms of reference** as referred to in item 6 is the scope of the study for the preparation of the environmental impact statement for the proposed business or activity, which has been agreed between the commission and the proponent.

The **key aspect** as referred to in item 7 are the various aspects of the business or activity and the environmental factors which are considered to be important to study.

The **environmental impact statement**, or ANDAL, as referred to in item 8, is the document which the contains the results of the comprehensive study of the significant impacts.

The **environmental management plan**, as referred to in item 10, is the document which present the efforts which will be made to manage the impacts identified in the environmental impact statement.

The **environmental monitoring plan** as referred to in item 11, is the document which presents those environmental impact monitoring efforts based on the results of the environmental impact assessment process which are required for supervision of compliance.

The **person** referred to in item 12 shall be an individual, a group of individuals, or a corporate body. The **institution** shall include governmental bodies and state-owned companies.

Article 2

Paragraph 1: The term **business or activity** as referred to herein means any business or activity which, based on scientific and technological experience and the stage of development, has the potential to cause significant impacts on the environment. The list of the types of business or activity shall not be considered to be limiting, and shall be subject to change in keeping with the development of science and technology. Some examples of businesses or activities are:

- a. the building of road, dams and railways, and forest clearing;
- b. mining and forest. exploitation;
- c. land exploitation unaccompanied by conservation efforts, and the utilization of energy which does not employ efficient technology;
- d. activities resulting in changes or shifts in the value system, perceptions and/or lifestyle of the local people;
- e. activities, processes and products which may cause pollution, damage to nature conservation areas, or affect cultural artifacts;
- f. the introduction of exotic species of plants or micro-organisms which can cause new diseases in existing vegetation, or the introduction of exotic species of fauna which can affect the existing

fauna;

- g. the application of biological and non-biological materials, which may include the concept of mutation;
- h. the application of technologies which may result in negative impacts on health.

Paragraph 2: The minister or head of a non-departmental governmental agency having jurisdiction over the relevant business or activity shall provide input to the Minister responsible for the managing the environment/Head of the agency responsible for the control of environmental impacts, in terms of the list of types of businesses or activities of each sector which have the potential to cause significant impacts. After considering this input, the Minister responsible for managing the environment/Head of the agency responsible for the control of environmental impacts shall then establish the types of business or activity in each sector for which environmental impact assessment must be carried out.

Proposed businesses or activities which have no significant impacts, and/or for which significant impact are able to be controlled through technology, shall be excluded from this category. However, to support environmentally oriented development, such businesses or activities are still required to implement environment management and environmental monitoring in accord with any provisions specified in their permits required under prevailing legislation. For example, these provisions could be in the form of conditions as specified in Article 11, paragraph (1) of the Hindrance Ordinance (Ordonansi Gangguan S. 1926-226), is amended and supplemented by S. 1927-499. S.1940-14 and 450.

Paragraph 3: Self-explanatory

Paragraph 4: The list of businesses or activities established by the Minister or as referred to in paragraph 3 shall be reviewed for improvement as necessary, and at least once in every 5 (five) years period.

Article 3

Paragraph 1: The factors in this paragraph determining the existence of significant impacts are established on the basis of the current state of knowledge. These factors may change in line with developments in science of technology, and so are not considered to be limiting.

Paragraph 2: To establish the parameters of the factors listed in (a) to (9) of paragraph 1, the agency responsible for the control of environmental impacts shall consult with the ministers/heads of the non-departmental government agencies which have responsibility for the relevant businesses or activities.

Article 4

Paragraph 1: Emergency situation shall be defined as those situations or conditions which, in the interest of the public require and immediate action which may have a risk for the environment.

Paragraph 2: The stipulation of the existence of an emergency condition shall take into account the prevailing legislation, and the recommendations referred to shall be in the form of written input from the agency responsible for the control of environmental impacts.

Article 5

Good implementation of the environmental management plan and environmental monitoring plan shall be a prerequisite for the granting of a permit for a proposed business or activity which requires environmental impact assessment.

Said permit shall be the final operating permit (izin usaha tetap) in the case of industrial businesses or activities, which is required before the commencement of commercial production; the mining concession

for businesses or activities in the mining sector; the forest concession (MPH) for forestry activities; and any other permits as provided for in the prevailing legislation.

Article 6

Paragraph 1: A feasibility study generally includes technical economic and financial aspects. Through the provision, the feasibility study for a business or activity having significant impacts on the environment shall include technical, economic, financial and environmental impact assessment components.

Paragraph 2: As the environmental impact assessment is an integral part of the feasibility study for a given ecosystem, it is very important to include the findings of that environmental impact assessment as input in development planning for the area.

Article 7

Paragraph 1: The terms of reference for the preparation of the environmental impact statement shall serve as a reference to improve the efficiency and effectiveness of the environmental impact statement preparation process.

The terms of reference shall, in particular, present those aspects of the business or activity which are predicted to result in significant impacts, as well as those parameters of the environment which will be subjected to those significant impacts.

Paragraph 2: Self-explanatory

Paragraph 3: A written response shall be given by the environmental impact assessment commission of the authorized government agency to the proponent of the proposed business or activity in the event that the terms of reference is considered to have not complied with the prescribed technical guidelines. If a written response is not issued within the time limit of 12 (twelve) days, then the terms of reference is considered to be approved as the basis for the preparation of the environmental impact statement, based on authority of this Government Regulation.

Paragraph 4: The general guidelines for the preparation of a terms of reference shall be applied in the event that technical guidelines for the preparation of a terms of reference for the business or activity in the relevant sector has not been issued.

Paragraph 5: Self-explanatory

Paragraph 6: Self-explanatory

Article 8

Paragraph 1: In addition to assisting those preparing the environmental impact statement, environmental management plan and environmental monitoring plan in providing an integrated and comprehensive analysis of the documents as a unit, the simultaneous filling can also save time and costs in preparing the environmental impact assessment documents.

Paragraph 2: Self-explanatory

Paragraph 3: The provisions in this paragraph shall aim at uniformity in the preparation of the environmental impact statement, environmental management plan and environmental monitoring plan.

Paragraph 4: The activities of each sector are different from those of the others, so that technical guidelines are required to accommodate the specific characteristics of the relevant businesses and activities.

The technical guidelines shall be issued by the minister and/or head of the non-departmental government agency having jurisdiction over the relevant activities, after consulting with the Minister responsible for the management of the environment/Head of the agency responsible for the control of environmental impacts.

Article 9

Paragraph 1: This procedure of intended to save time and money in the evaluation of the environmental impact statement, environmental management plan and environmental monitoring plan documents.

Paragraph 2: Self-explanatory

Paragraph 3: Self-explanatory

Article 10

Paragraph 1: The time limit of not later than 45 (forty- five) days as of the receipt of the environmental impact statement, environmental management plan and environmental monitoring plan shall not include holidays/non working days.

Paragraph 2: In the event that the authorized government agency decides to reject the environmental impact statement, environmental management plan and environmental monitoring plan, the agency shall provide directions on the improvement of these documents. In the event that 30 (thirty) working days after the revised or improved environmental impact statement, environmental management plan and environmental monitoring plan have been submitted to the authorized government agency there has been no response received from the commission, the provision referred to in paragraph 3 shall prevail.

Paragraph 3: The approval referred to in this paragraph should take into consideration the results of the evaluation by the environmental impact assessment commission as referrer to in Article 17 and 18.

Article 11

Paragraph 1: For a particular activity, the negative impacts can often be mitigated on the basis of the application of science technology. However, it is also possible that negative impacts cannot be so mitigated, with the result that the proposed business or activity must be rejected and acceptable reasons for this decision must be provided.

Paragraph 2: In the event that the objection to the decision is filed later than 14 (fourteen) days after decision to reject is issued, then the said objection filed by the proponent shall be refused.

Paragraph 3: The authority superior to the minister or head of the non-departmental government agency, as referred to herein, shall be the President For activities under the Governors authority, the higher authority shall be:

- a. the minister or head of the non-departmental government agency having jurisdiction over the relevant activity, for sectoral activities;
- b. the Chairman of the investment Coordinator Board (BKPM), for foreign and domestic investment activities.

The opinions of the agency responsible of the control of environmental impacts shall be required in the framework of integration with national and sectoral policies for environmental impact control.

Paragraph 4: This decision shall be considered "final" in the sense that no further objection can be made.

Article 12

Paragraph 1: For proposed businesses or activities which meet the criteria for AMDAL Kegiatan Terpadu/Multisectoral, as referred to in item 3 of Article 1 and its elucidation, the proponent shall prepare an integrated environmental impact assessment.

Paragraph 2: Self-explanatory

Paragraph 3: Other parties which are considered to be needed can be appointed from experts or the public who will be affected by the impacts.

Paragraph 4: The provisions of this article are intended to achieve uniformity in the application of environmental impact assessment for integrated/multisectoral businesses or activities.

Paragraph 5: Self-explanatory

Article 13

Paragraph 1: The term "kawasan" as used in this Article means any area which has been designated by applicable laws or regulations, for example among others:

Industrial areas (Industrial Estates), according to Presidential Decree No. 53/1989 concerning Industrial Estates: Tourism Areas according to Act No. 9/1990 concerning Tourism.

Paragraph 2: Self-explanatory

Paragraph 3: Self-explanatory

Paragraph 4: Self-explanatory

Article 14

Self-explanatory

Article 15

Paragraph 1: In accordance with the rapid progress in regional development, it is very likely that within a period of 3 (three) years there will be changes in the environment such that the initial environmental profile, which served as the basis for the preparation of the environmental impact statement, will no longer be suitable for predicting the environmental impacts of the proposed business or activity.

Paragraph 2: In this case, it is necessary to review the previous approval given to the environmental impact statement, environmental management plan and environmental monitoring plan.

Paragraph 3: Self-explanatory

Article 16

Paragraph 1: A fundamental environmental change shall be a change which has either positive or negative impacts on the environment so as to either facilitate or complicate the achievement of the objectives of environmental management.

Any changes due to natural causes or to actions taken to respond to an emergency shall be excluded from this definition.

The occurrence of fundamental environmental change means the alteration of the environmental profile, which was used as the basis of the environmental impact statement. This condition shall therefore result in invalidating the approval of said environmental impact statement.

Paragraph 2: The proponent shall revise the environmental impact statement, environmental management plan and environmental monitoring plan documents, on the basis of the new environmental profile.

Paragraph 3: Consultation herein shall mean a discussion between/among relevant parties.

Article 17

Paragraph 1: Self-explanatory

Paragraph 2: The appointment of those experts deemed necessary as permanent members of the central environmental impact assessment commission is to improve the quality of the evaluation of environmental impact assessment documents. The presence as members of the representatives appointed by documents. The presence as members of the representatives appointed by the Minister of Home Affairs and the agency responsible for the control of environmental impacts is to ensure the cross-sectoral integration of environmental management both at the central and at the provincial levels.

The appointment of representatives of relevant ministries of non- department government agencies is meant to ensure that other sectoral inserts which are directly related to the proposed business or activity are considered.

The involvement of representatives of non-governmental organizations is expected to provide inputs regarding the aspirations of the community which is affected by the impacts of said business or activity.

Paragraph 3: The central environmental impacts assessment commission shall evaluate and decide upon the environmental impact assessment documents for proposed businesses or activities which are financed:

- a. by the State Budget, for businesses and activities conducted by the relevant agency;
- b. by the private sector, for which the business permit is issued by an authorized central government agency.

The central environmental impact assessment commission shall also perform any other duties stipulated by the minister or head of a non-departmental government agency, in so far as these are directly related to the duties referred to in items (a) through (g) of paragraph 3.

The results of the evaluation by the central environmental Impact assessment commission of the environmental impact assessment documents shall serve as the basis for the decision-making process by the minister and/or head of the non-departmental government agency.

Paragraph 4: Self-explanatory

Paragraph 5: Self-explanatory

Article 18

Paragraph 1: Self-explanatory

Paragraph 2: The appointment of experts from the university environmental study centres as permanent members of the provincial commission is to improve the scientific quality of the evaluation of the environmental impact assessment. The appointment of members representing the provincial agency

responsible for managing the environment. the provincial Development Planning Board (BAPPEDA), the provincial National Land Agency office, and the provincial agency responsible for he control of environmental impacts is to ensure cross-sectoral integration of regional environmental management.

The appointment of a representative of the government agency supervising the relevant sector in the region is meant to ensure that the interests of the sector most directly related to the relevant business of activity are considered.

The involvement of the representatives of non-governmental organizations is expected to provide inputs regarding the aspirations of the community which is affected by the impacts of said business or activity.

Paragraph 3: The provincial environmental impact assessment commissions shall evaluate and decide on the environmental impact assessment documents for proposed businesses of activities which are financed:

- a. by the Regional Administration Budget;
- b. by the State budgeted, if the implementation of said proposed business of activity has been delegated to the regional administration;
- c. by the private sector, for which the business permit is issued by an authorized provincial government agency.

The provincial environmental impact assessment commission shall also perform any other duties stipulated by the Governor, is so far as these are directly related to the duties as referred to in items a through f of this paragraph.

The results of the evaluation by the provincial environmental impact assessment commission of the environmental impact assessment documents shall form the basis for the decision-making process by the governor.

Paragraph 4: Self-explanatory

Paragraph 5: Self-explanatory

Article 19

Integration shall be the primary characteristic of environmental management, so that in evaluating the environmental impact assessment, it is necessary that national policies on environmental management and on regional growth and development are harmoniously integrated.

Article 20

Education, training, research and development in the field of environmental impact assessment can also be undertaken by private companies on the initiative of communities, with reference to the curriculum prescribed by the agency responsible for the control of environmental impacts.

Article 21

Self-explanatory

Article 22

Paragraph 1: Proposed businesses or activities can be publicized, among other means through the mass media and/or through bulletin boards available within the authorized government agency, for the purpose

of enabling the public to offer its recommendation and opinions.

The submission of such recommendations and opinions to the central and provincial environmental impact assessment commissions constitutes public participation in the framework of environmental management, as stipulated in Article 6 Act no. 4 of 1982 pertaining to Basic Provisions for the Management of the Living Environment.

Paragraph 2: Being open to the public shall mean that any person can obtain information and/or a copy of the environmental impact statement, environmental management plan and environmental monitoring plan as well as the decisions issued on these three documents.

These documents shall be available from the authorized government agencies.

Paragraph 3: Those members of the public having such interests will need to be encouraged and given the opportunity to provide their input regarding the proposed business or activity to the relevant environmental impact assessment commission, so that the decision of the commission can take account of the views of the concerned community before the environmental impact assessment documents are approved.

Article 23

Self-explanatory

Article 24

This provision is also intended to provide services and access to information on environmental management related to development. In addition, it can also be used to develop a central and provincial documentation and information network.

Article 25

Paragraph 1: Self-explanatory

Paragraph 2: The purpose of forwarding the examination results to the minister or head of the non-departmental government agency responsible for the relevant sector and to the relevant governor is to enable the results to be used by these parties in performing their supervisory functions. The examination results shall include recommendations for actions required of the authorized agency.

Paragraph 3: The actions as referred to in this paragraph may include, among others, provision of solutions to problems arising from the conflict of interests between the sector in the management of the environment

Article 26

Self-explanatory

Article 27

Paragraph 1: The cost as referred to in this article shall be included in the costs of the feasibility study.

Paragraph 2: The result of the environmental management plan and environmental monitoring plan will determine the need for the proponent to provide for the expenses to be incurred in implementing its commitments to environmental management and monitoring. This particularly so for activities within the project boundary, while the costs of monitoring outside the project boundary shall be borne by the government in accord with provisions set out in the prevailing legislation.

Article 28

The government has the responsibility to undertake monitoring and inspection of the implementation by the proponent of the environmental management plan and the environmental monitoring plan. To that end, the government shall provide for such cost in the budget of the authorized government agency.

Article 29

Self-explanatory

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