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**GOVERNMENT REGULATION
NUMBER 27/1999
CONCERNING
ENVIRONMENTAL IMPACT ASSESSMENT**



**BAPEDAL
Badan Pengendalian Dampak Lingkungan
2001**



**GOVERNMENT REGULATION
NUMBER 27/1999
CONCERNING
ENVIRONMENTAL IMPACTS ASSESSMENT**

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering** : a. that in the frame work of executing environment oriented development as a conscious and planned effort to manage resources wise in the context of sustainable development in order to promote living welfare and quality it is necessary to maintain the harmony in various businesses and/or activities;
- b. that every business and/or activity basically gives rise to environment impacts which must be analyzed from the early stage of the planning do that measures to control the adverse impacts and the development of the favorable impacts may be prepared as early as possible;
- c. that an environmental impacts assessment is needed in a process of making decisions on the execution of plans on business and/or activities with major and significant impacts on the environment;
- d. that with the promulgation of Law No.23/1997 on environmental management, it is necessary to introduce adjustment to Government Regulation No.51/1993 on an environmental impacts assessment;

- e. that on the basis of the matters referred to above, it is deemed necessary to stipulate a government regulation on the environmental impacts assessment;

In view of : 1. Article 5 sub-article (2) of the Constitution of 1945;
2. Law No. 23/1997 on environmental management (Statute Book No. 68/1997, Supplement to Statute Book No. 3699);

DECIDES :

To stipulate : ~~THE~~ GOVERNMENT REGULATION CONCERNING AN ENVIRONMENT IMPACTS ASSESSMENT.

CHAPTER I GENERAL PROVISIONS

Article 1

Referred to in this government regulation as:

1. an environmental impacts assessment (AMDAL) is a study on major and significant impacts on business and/or activities planned in a particular environment which will be needed for the process of making decisions on the execution of the businesses and/or activities;
2. major and significant impacts are highly basic changes in the environmental which result from a particular business and/or activity;
3. a framework of reference is the scope of the environmental impacts assessment which will be the result of scope delineation;
4. a study of environmental impacts is a careful and in depth study of the major and significant impacts of a business plan and/or plan of a particular activity;
5. an environmental management plan (RKL) is an effort to handle the major and significant impacts on the environment brought about as the consequence of a business plan and/or a plan of a particular activity;

6. an environmental monitoring plan (RPL) is an effort to monitor the components of the environmental exposed to the major and significant impacts as the consequence of a business plan and/or a plan of a particular activity;
7. an initiating party is a person or a statutory body responsible for a business plan and/or a plan of a particular activity which will be executed;
8. an authorized government agency is a authorized to issue a decision on a license to undertake businesses and/or activities;
9. a responsible government agency is a government agency authorized to make a decision on the worthiness of an environment in the sense that the authority at the central level will be in the hands of the head of a government agency assigned to control environmental impacts and at the regional level in the hands of governors;
10. a government agency in charge of businesses and/or activities is one that technically fosters the said businesses and/or activities;
11. a government of assessment is a commission assigned to assess the documents of an environment impacts assessment in the sense that at the central level this will be conducted by a central assessment commission and at the regional level by regional assessment commissions;
12. the Minister is the minister assigned to manage the environment;
13. a government agency assigned to control environment impacts is one responsible in the area of control over environmental impacts;
14. the Government is the governor/head of a first-level region or the governor/head of a special region or the governor/head of the Special Region of the Capital City in Jakarta.

Article 2

- 1) An environment impacts assessment constitute part of the feasibility study of business plans and/or plans on activities.
- 2) The result of an environmental impacts assessment is used as the material for regional development planning.

- 3) The drawing up of an environmental impacts assessment may be undertaken through the approach of a study of business and/or individual and integrated activities or activities in regions.

Article 3

- 1) Business and/or activities which are likely to give rise to major and significant impacts on the environment encompasses;
 - a. the conversion of the forms of land natural extents;
 - b. the exploitation of natural resources, either renewable or non-renewable;
 - c. processes and activities which can potentially lead to environmental squandering, pollution and damage and degradation in natural resources in their utilization;
 - d. processes and activities whose results can affect the environment, artificial environment and social and cultural environment;
 - e. processes and activities whose results can affect the conservation of natural resources and/or protection of cultural reserves;
 - f. the introduction of the species of vegetation, animals and micro organisms;
 - g. making and use of biological and non-biological materials;
 - h. the application of technology estimated to possess a big potential to affect the environment;
 - i. activities with high risks and/or those affecting state defense.
- 2) The types of businesses and/or activities as meant in sub-article (1) which are obligated to have an environmental impacts assessment will be stipulated by the Minister after hearing and observing the suggestions and opinions of other ministers and/of heads of relevant non-ministerial government institutions.
- 3) They types of businesses and/or activities as meant in sub-article (2) which may be reviewed at least within 5 (five) years.
- 4) As for business plans and/or plans on activities outside the business and/or activities as mean in sub-article (2) they will be obligated to

make an effort to manage the environment and an effort to monitor the environment fostering of which will be the responsibility of the government agency in charge of businesses and/or activities.

- 5) Officials of a government agency authorized to issue licenses to conduct businesses and/or activities are obligated to mention the effort to manage the environment and the effort to monitor the environment in the licenses to undertake businesses and/or activities.
- 6) Further provisions on the requirements for and obligations for the effort to manage the environment and the effort to monitor the environment as meant in sub-article (5) will be stipulated by a government agency in charge of the businesses and/or activities after input from the responsibility government agency has been taken into account.

Article 4

- 1) Businesses and/or activities which will be established in an area for which an environment impacts assessment has been drawn up is no longer obligated to make an environment impacts assessment.
- 2) The businesses and/or activities as meant in sub-article (1) will be obligated to undertake control over environmental impacts and protection of the function of the environment with the RKL and the RPL of the area.

Article 5

- 1) The criteria for the major and significant impacts of a particular business and/or activity on the environment constitute among after other things:
 - a. the number of human beings which will be exposed to the impacts;
 - b. the extent of the area where the impacts will spread;
 - c. the intensity and the length of time of the occurrences of the impacts;
 - d. the number of other environmental components hit by the impacts;
 - e. the cumulative nature of the impacts;
 - f. the reversibility or the irreversibility of the impacts.

- 2) A guideline for the determination of the major and significant impacts as meant in sub-article (1) will be stipulated by the head of a government agency controlling the environmental impacts.

Article 6

- 1) An environment impacts assessment as meant in article 3 sub-article (2) need not be drawn up in the case of plans of businesses and/or activities to manage a situation of emergency.
- 2) Other ministers and/or heads of non ministerial government institutions in charge of the businesses and/or activities concerned will be determined after a situation of emergency has taken emerged.

Article 7

- 1) An environmental impacts assessment constitutes a requirement which must be fulfilled to obtain a license to conduct a business and/or activity issued by an authorized official.
- 2) An application for a license to conduct a business and/or activity as meant in sub-article (1) will be filed by the initiating party to an authorized official pursuant to the prevailing laws and in this respect it is compulsory to attach a decision on the environmental worthiness of a business and/or activity as meant in Article 19 sub-article (2) given by the responsible government agency.
- 3) The authorized official as mean in sub-article (2) will mention the requirements and obligation as stipulated in the plan for environmental management and the plan for environmental monitoring as provision in the license to conduct a business and/or activity he issues.
- 4) It is obligatory that the provisions in the license to conduct a business and/or activity as meant in sub-article should be complied with and implemented by the initiating party in conducting his/its business and/or activity.

CHAPTER II

COMMISSION OF ASSESSMENT OF AN ANALYSIS ON ENVIRONMENTAL IMPACTS

Article 8

- 1) A commission of assessment is set up:
 - a. at the central level by the Minister;
 - b. at the regional level by the governor.
- 2) A commission of assessment as meant in sub-article (1):
 - a. will, at the central level, be domiciled in the government agency assigned to control environmental impacts;
 - b. will, at the regional level, be domiciled in government agencies to control environmental impacts of second-level regions.
- 3) A commission of assessment will assess the framework of reference, the environmental impacts assessment, the plan for environmental management and the plan for environmental monitoring.
- 4) In performing its tasks, the commission of assessment as meant in sub-article (1) will be assisted by a technical team assigned to provide technical consideration on the framework of reference, an environmental impacts assessment, the plan for environmental management and the plan for environmental monitoring.
- 5) In performing its tasks, the central commission of assessment as meant in sub-article (1) letter a will be assisted by a technical team from each sector.
- 6) The commission of assessment as meant in-sub-article (1) will submit the result of its assessment to the responsible government agency in order to be made a basis for a decision on the framework of reference, an environmental impacts assessment, the plan for environmental management and the plan for environmental monitoring.
- 7) The provision on the working system of the said commission of assessment, either at the central or regional level, will be stipulated by the Minister,

after hearing and observing the suggestions/opinions of the Minister of Home Affairs and other ministers and/or heads of relevant non-ministerial government institutions.

- 8) The provision on the working system of the technical team as meant in sub-article (5) will be further stipulated by the Central Commission of Assessment.

Article 9

- 1) The central commission of assessment as meant in Article 8 sub-article (1) letter a will be made up of representatives of a government agency assigned to manage the environment, a government agency assigned to control environmental impacts, the Ministry of Home Affairs, a government agency assigned in the health sector, a government agency assigned in the defense and security sector, a government agency assigned in the national development planning sector, a government agency assigned in the science sector, a government agency assigned in the land affairs in charge of the business and/or activity concerned, relevant ministries and/or non-ministerial government institutions in charge of the business and/or activity representatives of the provinces/first-level regions concerned. Representative of regencies/municipalities/second-level regions, experts in the environmental sector, experts in the relevant sectors, environmental organizations in accordance with the business areas and/or activities under assessment, representatives of the community hit by the impacts and other members deemed necessary.
- 2) Further provisions on the composition of the members of the central commission of assessment as meant in sub-article (1) will be stipulated by the Minister.

Article 10

- 1) A regional commission of assessment as meant in Article 8 sub-article (1) letter b will be made up of representatives of the Agency for Development Planning of a First-Level Region, a government agency assigned to control environmental impacts, a government agency assigned to control environmental impacts in a first-level region, a government

agency assigned in the land affairs sector in the region, a government agency assigned in the defense and security sector the region, a government agency assigned in the health sector in a first-level region, representatives of central government agencies and/or regional government agencies in charge in of business and/or activity concerned, representatives of relevant government agencies in the province/first-level region, representatives of the agency/municipality/second-level region concerned, centers of environmental studies in regional universities concerned, experts in the environmental sector, experts in the relevant sectors, environmental organizations in the region environmental organizations in accordance with the business and/or activity under assessment, members of the community hit by the impacts and other members deemed necessary.

- 2) Further provisions on the composition of members of the regional commission of assessment as meant in sub-article (1) will be stipulated by the governor.

Article 11

- 1) The central commission of assessment will assess the result of the environmental impacts assessment with respect to the types of businesses and/or activities which fulfill the following criteria:
 - a. strategic businesses and/or activities and/or those concerning the state defense and security;
 - b. businesses and/or activities whose location will encompass more than one territory of a province/first-level region;
 - c. businesses and/or activities located in a territory being disputed with another country;
 - d. businesses and/or activities located in a sea territory;
 - e. businesses and/or activities located in the border are between the Unitary State of the Republic of Indonesia and another country.
- 2) A regional commission of assessment will assess the environmental impacts assessment with respect to the types of businesses and/or activities beyond the criteria as meant in sub-article (1).

Article 12

- 1) The technical team as meant in article 8 sub-article (4) comprises experts from technically relevant government agencies in charge of the businesses and/or activities concerned and government agencies assigned to control environmental impacts and other experts with relevant scientific areas.
- 2) Further provisions on the composition of the members of the technical team as meant in sub-article (1) will be stipulated by the Minister, in the case of the central commission of assessment, and by the governor, in the case of a commission of assessment in a first-level region.

Article 13

In performing its tasks, the commission of assessment as meant in Article 8 sub-article (1) will be obligated to observe the national policy on environmental management, the plan for regional development, the plan for regional spatial layout design and the interest of defense and security.

CHAPTER III MANAGEMENT

First Part Framework of Reference

Article 14

- 1) The framework of reference as the basis for the making of an environmental impacts assessment will be drawn up by the initiating party.
- 2) The framework of reference as meant in sub-article (1) will be drawn up on basis of a guideline stipulated by the head of a government agency assigned to control environmental impacts.

Article 15

- 1) The framework of reference as meant in Article 14 sub-article (1) will be submitted by the initiating party to the responsible government agency under the provision that:
 - a. at the central level: to the head of a government agency assigned to control environmental impacts through the central commission of assessment;
 - b. at the regional level: to the governor through a commission of assessment in a first-level region.
- 2) The commission of assessment as meant in sub-article will be obligated to give an evidence of receipt to the initiating party by writing down the day and the date of receipt of the framework of reference for the drawing up of the environmental impacts assessment.

Article 16

- 1) The framework of reference as meant in Article 15 will be assessed by a commission of assessment along with the initiating party in order to come to an agreement on the scope of assessment of the environmental impacts assessment to be implemented.
- 2) It is obligatory that a decision on the assessment of the framework of reference as meant in sub-article should be given by the responsible government agency within a maximum period of 75 (seventy-five) days as from the date of receipt of the framework of reference as meant in Article 15 sub-article (2).
- 3) If the responsible government agency does not issue a decision within the period as meant in sub-article (2), the responsible government agency will be considered as having received the said framework of reference.
- 4) The responsible government agency will be obligated to reject the framework of reference as meant in sub-article (2) if the plan for the location of the executive of business and/or activity lies within an area not conforming to the plan for a regional spatial layout design and/or the plan for territorial spatial layout design.

Second Part

Environmental impacts assessment, The plan for environmental management and The plan for environmental monitoring

Article 17

- 1) An Initiating party will draw up an environmental impacts assessment, the plan for environmental management and the plan for environmental monitoring on the basis of the framework of reference which has obtained a decision from the responsible governmental agency.
- 2) The drawing up of an environment impacts assessment, the plan for environmental management and the plan for environmental monitoring will have as their guideline the guideline for the drawing up of an environmental impacts assessment, the plan for environmental management and the plan for environmental monitoring stipulated by the head of the governmental agency assigned to control environmental impacts

Article 18

- 1) An environmental impacts assessment, the plan for environmental management and the plan for environmental impact through monitoring will be submitted by the initiating party to:
 - a. at the central level: the head of the governmental agency assigned to control environmental impact through the central commission of assessment;
 - b. at the regional level; the governor through the commission of assessment in a first-level region.
- 2) The commission of assessment as meant in sub-article (1) will be obligated to provide an evidence of receipt to the initiating party by writing down the day and the date of receipt of the environmental impacts assessment, the plan for environmental management and the plan for environmental monitoring as meant in sub-article (1).

Article 19

- 1) An environmental impacts assessment, the plan for environmental management and plan for environmental monitoring will be assessed:
 - a. at the central level: by the central commission of assessment;
 - b. at the regional level: by a regional commission of assessment.
- 2) The responsible government agency will issue a decision on environmental worthiness of business and/or activity on the basis of the result of the assessment of the an environmental impacts assessment, the plan for environment monitoring as mean in sub-article (1).
- 3) In a decision on environmental worthiness as meant in sub-article (2) it is compulsory that the consideration as the basis for the issuance of the decision and the consideration regarding the suggestions, opinions and responses filed by community members as meant in Article 34 sub-article (1) should be set forth.

Article 20

- 1) The responsible governmental agency will issue a decision on environmental worthiness of a business and/or activity as meant in Article 19 sub-article (2) within a maximum period Of 75 (seventy - five) working day as from the date of the receipt of the document of the environmental impact assessment, the plan for environmental management and the plan for environmental monitoring as mean in Article 18 sub-article (2).
- 2) If the responsible government agency does not issue a decision within the period as mean in sub-article (1), the plan for the business and/or activity concerned will be deemed as environment worthy.

Article 21

- 1) The responsible government agency will return an environmental impact assessment, a plan for environmental management and a plan for environmental monitoring to the initiating party for improvement if the quality of the environmental impacts assessment, the plan for environmental management and the plan for environmental monitoring

do not conform to the guideline for the drawing up of an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring.

- 2) The improvement of an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring will be submitted again to the responsible government agency pursuant to provisions in Articles 17, 18, 19 and 20.
- 3) An Assessment of an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring and the granting of a decision on environmental worthiness of business and/or activity will be undertaken pursuant to the provision in Articles 19 and 20.

Article 22

- 1) If the result of the assessment of the commission of assessment concludes that:
 - a. the adverse major and significant impacts which will be brought about by the business and/or activity concerned cannot be overcome by the technology available, or
 - b. the cost of overcoming the adverse major and significant impacts is bigger than the benefit of the favorable major and significant impacts which will be brought about by the business and/or activity concerned,the responsible government agency will decide that the plan for the business and/or activity concerned is not environment-worthy.
- 2) The authorized government agency will reject an application for a license to conduct a business and/or activity concerned if the responsible government agency gives a decision as meant in sub-article (1).

Article 23

A copy of an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring and a copy of the

decision on the environmental worthiness of a business and/or an activity will be submitted by:

- a. at the central level: a government agency assigned to control environmental impacts to governmental agency authorized to issue a license to conduct the business and/or activity concerned, interested relevant government agencies, governors and regents/municipality heads/heads of second - level region concerned.
- b. at a regional level: a governor to the minister, the head of a government agency assigned to control environmental impacts, a government agency authorized to issue a license to conduct the business and/or activity concerned and relevant government agencies.

Third Part

**Expiration and cancellation of a decision on the result of
an environmental impacts assessment ,
a plan for environmental management,
a plan for environmental monitoring**

Article 24

- 1) A decision on environmental worthiness of a business and/or activity will be declared as having expired by the force of this government regulation if the plan for a business and/or activity cannot be implemented within a period of 3 (three) years as from the issuance of the said decision on worthiness.
- 2) If a decision on environmental worthiness is declared to have expired as meant is sub-article (1), the initiating party will, in order to implement the plan for the business and/or activity, be obligated to file again an application for approval of an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring to the responsible government agency.
- 3) With respect to the application as meant in sub-article (2), the responsible government agency will decide:

- a. that the environmental impacts assessment, the plan for environmental management and the plan for environmental monitoring already approved may be fully used again; or
- b. the initiating party will be obligated to make a new environmental impacts assessment pursuant to the provision in this government regulation.

Article 25

- (1) A decision on environmental worthiness of a business and/or activity will be canceled by the force of this government regulation if the initiating party moves the location of the business and/or activity.
- (2) If the initiating party would like to carry out a business and/or activity at the location as meant in sub-article (1), the initiating party will be obligated to make an environmental impact assessment in accordance with this government regulation.

Article 26

- (1) A decision on the environmental worthiness of a business and/or activity will be canceled by the force of this government regulation if the initiating party changes the design and/or the process and/or capacity and/or raw material and/or auxiliary materials.
- (2) If the initiating party would like to carry out a business and/or activity as meant in sub-article (1), the initiating party will be obligated to make a new environmental impacts assessment pursuant in accordance with this government regulation.

Article 27

- (1) A decision on the environmental worthiness of a business and/or activity will be canceled by the force of this government regulation if there is a basic environmental change as a result of a natural event or because of other causes prior to and at the time of the implementation of the business and/or activity concerned.

- (2) If the initiating party would like to carry out the business and/or activity as meant in sub-article (1), the initiating party will be obligated to draw up a new environmental impacts assessment pursuant to the provisions of this government regulation.

CHAPTER IV

FOSTERING

Article 28

- (1) A governmental agency assigned to control environmental impacts will undertake technical fostering of the central and regional commissions of assessment.
- (2) The government agency in charge of the business and/or activity will undertake technical fostering of the implementation of the environmental management and monitoring which constitute part of the license.

Article 29

- (1) Education, training and development in the sector of environmental impact assessment will be conducted with coordination with the government agency assigned to control environmental impacts.
- (2) Educational and training institutions in the sector of environmental impacts assessment will be run with coordination with the government agency assigned to control environmental impacts with account being taken of the accreditation system pursuant to the prevailing provision.

Article 30

The qualification of the parties drawing up an environmental impacts assessment by means of the granting of a license/certification and its regulation will be stipulated by the head of the government agency assigned to control environmental impacts.

Article 31

The drawing up of an environmental impacts assessment in the case of business and/or activities undertaken by the economically weak will be assisted by the government and further stipulated by the Minister after observing the suggestions and opinions of the government agency in charge of the business and/or activity concerned.

CHAPTER V SUPERVISION

Article 32

- (1) The party initiating the business and/or activity will be obligated to submit a report on the implementation of a plan for environmental management and a plan for environmental monitoring to the government agency in charge of the business and/or activity concerned. The government agency assigned to control environmental impacts and the governor.
- (2) The government agency assigned to control environmental impacts will undertake :
 - a. supervision and evaluation of the application of the laws in the sector of environmental impacts assessment;
 - b. testing of the report submitted by the initiating party of the business and/or activity as meant in sub-article (1);
 - c. the report on supervision and evaluation of the result will be submitted to the Minister periodically, at least twice a year with copies to the authorized government agency issuing the license and the governor.

CHAPTER VI

TRANSPARENCY OF INFORMATION AND ROLE OF THE COMMUNITY

Article 33

- (1) It is obligatory the every business and/or activity as meant in Article 3 sub-article (2) should be announced first to the community before an initiating party draws up an environmental impacts assessment.
- (2) The announcement as meant in sub-article (1) will be undertaken by the responsible government agency and the initiating party.
- (3) Within a period of 30 (thirty) working days as from the announcement of the plan for the business and/or activity as meant in sub-article (1), the community members concerned will be entitled to put forward suggestions, opinions and responses regarding the implementation of the plan for the business and/or activity
- (4) The suggestions, opinions and responses as meant in sub-article (3) will be submitted in writing to the responsible government agency.
- (5) The suggestions, opinions and responses as meant in sub-article (3) are obligated and assessed under environmental impacts assessment.
- (6) It is obligatory that the suggestions, opinions and responses as meant in sub-article (1) and the procedure for the conveyance of the suggestions, opinions and responses as meant in sub-article (3) will be stipulated by the head of the government agency assigned to control environmental impacts.

Article 34

- (1) It is obligatory that the community members concerned should be involved in the process of the drawing up of a framework of reference, the evaluation of the framework of reference, an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring.

- (2) The form and procedure of the involvement of community members as meant in sub-article (1) will be stipulated by the head of a government agency assigned to control environmental impacts.

Article 35

- (1) All documents of environmental impacts assessment, opinions and responses from the community members concerned, conclusions from the commissions of assessment and decisions on environmental worthiness of business and/or activities will be transparent to the public.
- (2) The responsible government agencies will be obligated to hand over the documents as meant in sub-article (1) to a documentation and/or archive institution.

CHAPTER VII

FINANCING

Article 36

The cost arising from implementation of the activities of a commission of assessment and the technical team regarding environmental impacts assessment will be charged to:

- a. at the central level: the budget of a governmental agency assigned to control environmental impacts;
- b. at the regional level: the budget assigned to control environmental impacts in a first-level region.

Article 37

The cost arising from the drawing up and assessment of a framework of reference, an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring will be charged to the initiating party.

Article 38

- (1) The cost arising from technical fostering and supervision as meant in Article 28 sub-article (1) and Article 32 sub-article (2) will be charged to the budget of the governmental agency assigned to control environmental impacts.
- (2) The costs arising from the announcement made by the responsible government agency as meant in Article 33 sub-article (2) will be charged to the budget of the responsible government agency.
- (3) The cost arising from the implementation of a plan for environment management and a plan for environmental monitoring as meant in Article 29 sub-article (2) will be charged to the budget of the government agency in charge of the business and/or activity concerned.

CHAPTER VIII

TRANSITIONAL PROVISIONS

Article 39

An assessment of an environmental impact assessment of a business and/or activity which at the time this government regulation comes into force:

- a. is in the process of assessment by a commission of assessment of an environmental impact assessment concerned; or
- b. is already submitted to a government agency in charge of the business and/or activity concerned.

Will continue to be assessed by the commission of assessment of the government agency concerned, and must be completed at the latest 6 (six) months after this government regulation takes effect.

CHAPTER IX

CLOSING PROVISIONS

Article 40

When this government regulation comes into force, all laws on environmental impacts assessment already existing will continue to be effective as long as the do not contradict this government regulation and have not been replaced by it.

Article 41

With the enforcement of this government regulation, Government Regulation No. 51/1993 on Environmental Impacts Assessment (Statute Book No. 84/1993, Supplement to Statue Book No. 3538) will be declared null and void.

Article 42

This government regulation will be effective 18 (eighteen) months after the date of promulgation. For public cognizance, this government regulation will be promugated by publishing it in the Statue Book of the Republic of Indonesia.

Stipulated in : Jakarta
On : May 7, 1999
PRESIDENT OF REPUBLIC OF INDONESIA
Sgd
BACHARUDDIN JUSUF HABIBIE

Promulgated in : Jakarta
On : May 7, 1999
STATE MINISTER/STATE SECRETARY
Sgd
AKBAR TANJUNG

STATUTE BOOK OF THE REPUBLIC OF INDONESIA NUMBER 59/1999.

Elucidation

On

Government Regulation No. 27/1999

On

Environmental Impact Assessment

General

The development carried out by the Indonesian people is aimed at promoting people's welfare and living quality. The process of implementing development faces, on the on hand, problems related to a huge population number with a high rate of population growth, and on the other limited availability of natural resources. Development activities carried out to fulfill the people's needs will increase the demand for natural resources so that there will be a pressure on natural resources. Therefore, an efficient use of natural resources to promote the welfare and living quality of the present and future generation must be coupled with efforts to conserve the function of the development. In this manner the development aimet at promoting the welfare and living quality of the present and future generations will be sustainable environment-oriented development.

The conservation of the function of the environment, which constitutes the purpose of environmental management becomes the pillar supporting the continuity of sustainable development. Therefore, from the beginning the planning of a business and/or activity must already take into account the changes of the environment as a result of the establishment of a new environmental condition, be it advantageous or otherwise, which will arise as a result of the execution of a business and/or activity of development. Article 15 of Law No. 23/1997 on environmental management stipulates that every plan for a business and/or activity which may give rise to a major and significant impact on the environment must, by way of obligation, have an environmental impact assessment.

With the inclusion of an environmental impact assessment in the process of planning a business and/or activity, decision making will have a broader and more profound view of various aspect of the said business and/or activity so

that an optimum decision may be made from various alternative available. An environmental impacts assessment is an instrument for a decision maker to consider the consequence that may be brought about by a plan and/or activity towards the environment in order that steps may be prepared to overcome the adverse impacts and develop the favorable ones.

The conservation of the function of the environment, which becomes the pillar supporting the continuity of developments, constitutes the interest of the entire community. The execution of a business and/or activity will change the face of the environment and this change will, in its turn, exert impacts on the community. Therefore, the involvement of community members who will be exposed to the impact gains importance in the process of environmental impacts assessment. Law No. 23/1997 on environmental management stipulates the right of everybody to play a role in environmental management. The role of the community constitutes the role in a decision-making process. This means that it is obligatory that community members should be involved in the process of making a decision on an environmental impact assessment. This involvement of community members will be helpful in identifying the problems related to environmental impact early and completely and accommodating the aspirations and wisdom of the knowledge of local people and the community, which often becomes the key to solve the problems related to environmental impact.

Every plan for a business and/or activity which is likely to give rise to major and significant impacts on the environment must, by way of obligation, have environmental impacts assessment. As part of a study of feasibility on the execution of a business plan and/or activity, an environmental impacts assessment constitutes a requirement which must be fulfilled to obtain a license for an execution of a business and/or activity. This is the consequence of the obligation of every body to take care of the conservation of the function of the environment and prevent as well as overcome environmental contamination and damage. The consequence is that the requirements and the obligations as stipulated in the plan for environmental management and the plan for environmental management must be set forth as a stipulation in a license to carry out the business and/or activity concerned.

Article by Article

Article 1

Figure 1

Sufficiently clear

Figure 2

A major and significant impact constitutes a unity of meaning of a significant impact.

Figures 3 up to 14

Sufficiently clear

Article 2

Sub-article (1)

A feasibility study generally encompasses an analysis of the technical aspect and the economic and financial aspect. By virtue of this sub-article, a feasibility study of a business and/or activity which gives rise to major and significant impact toward the environment constitute the components of technical analysis, economics and financial analysis and an environmental impacts assessment. Therefore, an environmental impacts assessment must already be drawn up and obtain a decision from the responsible government agency before the construction activities of the business and/or activity concerned is executed.

The result of an environmental impact assessment may be used as an input for the drawing up of a policy on environmental management in addition to being used as input planning for regional development.

An environmental impacts assessment, particularly a document of a plan environmental management and plan for environmental monitoring also constitutes a basis in an environmental management system of a business and/or activity.

Sub-article (2)

As an environmental impacts assessment constitutes part of a study of a business and/or activity location a particular ecosystem, the result of the said environmental impact assessment is very important to be made an input in a plan regional development.

Sub-article (3)

A single business and/or activity is only one type of business and/or activity of which the fostering authority rests with a government agency in charge of business and/or activities.

An environmental impact assessment of an integrated/multi-sector business and/or activity is the result of a study of the major and significant impacts of the said activity.

The criteria for an integrated business and/or activity encompass the following:

- a. the said various businesses and/or activities are linked in terms of planning, management and production process;
- b. the said business and/or activity is within a unified extent of ecosystem.

An environmental impact assessment of a regional business and/or activity is the result of major and significant impacts exerted by a business and/or activity towards a unified extend of ecosystem of the zone of territorial/regional development in accordance with the territorial spatial layout design plan and/or a regional spatial layout design plan.

The criteria for a business and/or activity in a zone of territorial/regional development encompasses:

- a. various business and/or activities which are interlinked in terms of their planning;
- b. various business and/or activities which are located inside/unite with a zone of territorial/ regional development accordance with the territorial spatial layout design plan and/or a regional spatial layout design plan.
- c. the said business and/or activity in a unified extent of ecosystem.

Article 3

Sub-article (1)

Businesses and/or activities referred to in this sub-article constitute categories of businesses and/or activities which, on the basis of experience and the level of development of science and technology, is potential to give rise to major and significant impacts on the environment. Therefore, the mention of the said categories of businesses and/or activities is not limiting in nature and may change in accordance with the progress of science and technology. The said mention is alternative such as for example the following businesses and/or activities:

- a. Construction of roads, dams and railway roads and forest clearing;
- b. Mining and forest exploitation activities;
- c. Land utilization not followed by conservation undertakings and use of energy not followed by a technology which may make this use efficient;
- d. Activities which may give rise to changes or shifts in the structure of a value system, viewpoint and/or way of living of the local people;
- e. Activities whose process and outcome give rise to contamination, damage to nature conservation areas or contamination of cultural reserve objects;
- f. The introduction of new species of plants or micro organism which may cause new types of diseases to plants and the introduction of new species of animal which can effect the life of existing animals;
- g. The use of biological and non-biological materials also encompasses the sense of change;
- h. The application of a technology which may bring about adverse impacts on health.

Sub-article (2)

Sufficiently clear

Sub-article (3)

Science and technology keeps on developing. Therefore, types of businesses and/or activities which are required to have an environmental impacts assessment, which based on science and technology, is subject to a review.

Sub-article (4) up to (6)

Sufficiently clear

Article 4

Sub-article (1) and (2)

Sufficiently clear

Article 5

Sub-article (1)

The criteria determining the presence of major and significant impacts in this sub-article are stipulated on the basis of the existing level of science and technology. Therefore these criteria may change in accordance with the development of science and technology so that they will not be limiting in nature.

Sub-article (2)

Sufficiently clear

Article 6

Sub-article (1)

Referred to as an emergency is a condition which is in such a way that it will require the implementation of an immediate action which entail a risk towards the environment for the sake of public interest, for example state defense or the management of a natural disaster. This condition of emergency is not the same as the condition of emergency meant in the law on emergency.

Sub-article (2)

A condition of emergency not needing an environmental impact assessment, for example the construction of a dam to contain lava will be stipulated by minister in change of the said businesses and/or activity.

Article 7

Sub-article (1)

To undertake a business and/or activity there is a license, which is dominant in nature. Without this license someone will not be able to conduct the said business and/or activity, for example and industrial business license in the industrial area, mining concessions in the mining area, regional mining licenses in mining area for C category minerals, forest concession licenses in the forestry sector, licenses of agricultural land title for business purposes in the agricultural sector. As for a decision on environmental feasibility, this is compulsory requirement for the issuance of a license to conduct a business and/or activity.

Sub-article (2)

An environmental impacts assessment constitutes part of a process of licensing to conduct a business and/or activity which gives rise to major and significant impacts towards the environment. A license if a judicially preventive instrument. Therefore, a decision on environmental feasibility based on the result of an assessment of an environmental impacts assessment, an environmental management plan and an environmental monitoring plan as already issued by the responsible government agency must be attached to application for a license to conduct a business and/or activity which gives rise to major and significant impacts on the environment.

Sub-article (3) and (4)

Sufficiently clear

Article 8

Sub-article (1) up to (8)

Sufficiently clear

Article 9

Sub-article (1) and (2)

Sufficiently clear

Article 10

Sub-article (1)

Representative or government agencies assigned to control the impacts of the environment in regional commissions of assessment may also mean the representative of government agencies assigned to control regional environmental impacts in order that there may be integratedness in environmental management policies, particularly with regard to the control over environmental impacts and the program of control over environmental impact the regions. The appointment of experts from centers of environmental studies at universities as members of regional commissions of assessment in intended to consolidate the quality if the result of studies of environmental impacts assessment in the assessment of environmental impacts assessment. The presence of appointed representatives from the Regional Development Planning Boards and government agencies assigned in the land affairs areas in the region is aimed at guaranteeing the integratedness of environmental management on a cross-sector basis in the regions. As for the appointed representatives, they are from the regional health sectors because in the end the impacts of all activities end up in the health aspect.

The presence of representatives of environmental organizations in a commission of assessment constitutes the actualization of the right of community member to play a role in a decision-making process.

In accordance with the representatives of the community exposed to the impacts of a business an/or activity is expected to be able to provide an input about the aspirations of the community hit by the impacts as a result of the said business and/or activity.

The presence of the representatives government agencies in charge of the business and/or activity concerned will enable the provision of a technically relevant evaluation of a business and/or activity being assessed.

Sub-article (2)

Sufficiently clear

Article 11

Sub-article (1)

Letter a

Business and/or activities which are strategic in nature and/or activities which are concerned with the state's defense and security are for example: nuclear power plants, hydro-power plants, steam/geothermal power plants oil and gas exploitation, oil refineries, uranium mining, petrochemical industry, aircraft's manufacturing industry, ship-building industry, arms industry, explosive-making industry, steel industry, industry making heavy-duty equipment, telecommunications industry, dam construction, airports, seaports and plans for other businesses and/or activities which, according to the government agencies in charge of the said businesses and/or activities, are deemed strategic.

In the event that the businesses and/or activities which are strategic in nature constitute part of integrated/multi-sector businesses and/or activities, an assessment of an analysis of environmental impacts becomes the authority of the central commission of assessment of an environmental impacts assessment .

Letter b

Sufficiently clear

Letter c

Businesses and/or activities located in an area or dispute which another country are for example plans for businesses and/or activities located on Sipadan Island, Ligitan Island and the Timor Gap.

Letters d and e

Sufficiently clear

Sub-article (2)

Sufficiently clear

Article 12

Sub-article (1) and (2)

Sufficiently clear

Article 13

Sufficiently clear

Article 14

Sub-article (1)

The framework of reference for the drawing up of an environmental impacts assessment constitutes a guideline, which is needed in the drawing up of an environmental impacts assessment . On the basis of the result of scope delineation namely the process of concentrating the study on important matters which are linked with the major and significant impacts, the framework of reference will particularly contain the components of aspect of business and/or activities which give rise to major and significant impacts.

Sub-article (2)

Sufficiently clear

Article 15

Sub-article (1) and (2)

Sufficiently clear

Article 16

Sub-article (1)

Sufficiently clear

Sub-article (2)

The determination of a period of 75 (seventy-five) working days is aimed at giving certainty to the initiating party. This period of 75 (seventy-five) working days will encompass the process of the conveyance of the document of the framework of reference to authorized government agencies through a commission of assessment, technical assessment, consultation with interested community members, assessment by a commission of assessment and the stipulation of a decision.

Sub-article (3)

Sufficiently clear

Sub-article (4)

To reject making a decision on a framework of reference is intended to protect public interest.

A framework of reference is the basis for the drawing up of an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring. A good and scientifically accountable framework of reference will also produce a good environmental impacts assessment, a good plan for environmental management and a good plan for environmental monitoring and the other way around. As for the obligation to draw up an environmental impacts assessment for businesses and/or activities, which give rise to major and significant impacts, this is intended to protect the functions of the environment. The protection of the functions of the environment constitutes a public interest.

Referred to as stipulated plan of regional spatial layout design is a Plan of National Regional Spatial Layout Design which is stipulated by virtue of a governmental regulation, a Provincial/First-Level Region Plan of Regional Spatial Layout Design stipulated by virtue of a first level region and Regency/Municipality/Second-Level Region Plan of Spatial Layout Design stipulated by virtue of a regulation of a second-level region.

Referred to as a stipulated plan of territorial spatial layout design is both a plan of spatial layout design for particular territory which has been stipulated by virtue of a presidential decree and a plan of rural area spatial layout design and a plan of urban area spatial layout design as part of a Regency/Municipality/Second-Level Region Plan of Spatial Layout Design already stipulated by virtue of a regulation of a second level region. Included in the sense of a plan of territorial spatial layout design is a detailed plan of spatial layout design in a regency/municipality/second-level region which encompasses a detailed plan of territorial spatial layout design in the territory of a regency/municipality/second-level region.

Article 17

Sub-article (1) and (2)
Sufficiently clear

Article 18

Sub-article (1) and (2)
Sufficiently clear

Article 19

Sub-article (1)
Sufficiently clear

Sub-article (2)

From an environmental impacts assessment we may find out the major and significant impacts which will be brought about by a

business and/or activity on the environment. When these major and significant impacts are known we may then determine:

- a. The method of controlling adverse major and significant impacts and developing the favorable major and significant impacts, which are set forth in the plan for environmental management; and
- b. The method of monitoring the said major and significant impacts, which are set forth in the plan for environmental monitoring.

What is set forth in the plan for environmental management and the plan for environmental monitoring constitutes the requirements and obligations, which must be fulfilled by initiating parties if they want to execute their businesses and/or activities.

Therefore, the result of an assessment of an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring by a commission of assessment of an environmental impacts assessment will be a basis for the responsible government agency to issue a decision to an authorized government agency.

Sub-article (3)

Sufficiently clear

Article 20

Sub-article (1)

The stipulation of a period of 75 (seventy-five) working days is aimed at providing certainty to the initiating party. This period of 75 (seventy-five) working days encompasses the process of conveyance of the document of an environmental impacts assessment, the plan for environmental management and the plan for environmental monitoring to the responsible government agency to a commission of assessment, technical assessment, consultant with interested community members, assessment by a commission of assessment as well as the issuance of a decision on environmental worthiness.

Sub-article (2)

Sufficiently clear

Article 21

Sub-article (1) up to (3)

Sufficiently clear

Article 22

Sub-article (1) and (2)

Sufficiently clear

Article 23

Sufficiently clear

Article 24

Sub-article (1)

In the line with the swift development of regional development, within a period of 3 (three) years it is very likely a change in the face of the environment will have occurred so that while previously used as a basis for the drawing up of an environmental impacts assessment it is now no longer suitable to be used to estimate the environmental impacts of a plan for the business and/or activity concerned.

Sub-article (2) and (3)

Sufficiently clear

Article 25

Sub-article (1) and (2)

Sufficiently clear

Article 26

Sub-article (1)

A change in the design and/or process and/or capacity and/or raw material and/or auxiliary materials for a business and/or activity will give rise to different major and significant impacts. Therefore, a decision on environmental worthiness based on the result of an assessment of an environmental impacts assessment, a plan for environmental management and a plan for environmental monitoring already issued will be cancelled.

Sub-article (2)

Sufficiently clear

Article 27

Sub-article (1)

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 a decision on the environmental worthiness, environmental management plan and environmental monitoring plan.

Sub-article (2)

Sufficiently clear

Article 28

Sub-article (1) and (2)

Sufficiently clear

Article 29

Sub-article (1) and (2)

Sufficiently clear

Article 30

Sufficiently clear

Article 31

The assistance for the business and/or activities undertaken by the economically weak could be the cost/or expert of draw up an environmental impact assessment or an others. The assistance is given by a related institution.

Article 32

Sub-article (1) and (2)
Sufficiently clear

Article 33

Sub-article (1)

The announcement is a part of the right to access environmental information which is related to public participation on environmental management.

Sub-article (2)

The announcement under taken by responsible government agency can be conducted through mass or electronic media.

The announcement under taken by the initiating party can be conducted through the announcement board which is put in the initiating party location.

Sub-article (3)

Sufficiently clear

Sub-article (4)

The writing suggestions, opinions and responses are needed in order to have a good documentation.

Sub-article (5)

All suggestions and opinions given by public should be reflected in the draw up of a framework of reference, assessed under environmental impact assessment and given solution alternatives under environmental management plan and environmental monitoring plan.

Sub-article (6)

Substances of the announcement including : products of business and/or activities, types, volume and treatment of wastes, and potential of environmental impact.

Article 34

Sub-article (1) and (2)
Sufficiently clear

Article 35

Sub-article (1) and (2)
Sufficiently clear

Article 36

Sufficiently clear

Article 37

The initiating party pay for costs of the draw up and assessment of environmental impact assessment including a cost to invite representatives of the community and experts involved in the assessment of environmental impact assessment.

Article 38

Sub-article (1), (2) and (3)
Sufficiently clear

Article 39, 40, 41 and 42

Sufficiently clear

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