

A wide-angle, nighttime photograph of a city skyline, likely Phnom Penh, Cambodia. The image shows numerous high-rise buildings with their lights on, reflecting on the water in the foreground. The sky is dark with some light clouds. The city is densely packed with buildings, and the water is calm, mirroring the city lights.

Cambodia: New Environmental Compliance Rules for Mining Projects in Cambodia

To strengthen the implementation of the environmental impact assessment ("**EIA**") procedure for construction-related and mineral mining projects in Cambodia, the Ministry of Environment ("**MOE**") and the Ministry of Mines and Energy ("**MME**") jointly issued a Prakas No. 4828, dated 13 June 2025, amending Article 3 of Prakas No. 191 on the EIA Classification of such projects ("**Prakas 4828**").

Key Highlights of Prakas 4828

Prakas 4828 reaffirms that small-scale mineral projects with an area of one hectare or less must obtain an Environmental Protection Agreement ("**EPA**") only. This requirement was originally stipulated in Article 3 of Prakas No. 191 on Construction-Related Mining Business Projects and Other Mining Business Projects dated 26 April 2016 ("**Prakas 191**"). On the other hand, any projects that pose serious risks to social well-being and the environment or that are prohibited by the Provincial Mines and Energy Department must undergo EIA in place of EPA and, as such, were not under the purview of Prakas 191. Furthermore, to the best of our knowledge, there is no official list of projects that the Provincial Mines and Energy Department prohibits to date.

Prakas 4828 takes effect from 13 June 2025 ("**Effective Date**"). However, any projects approved by the government before this Effective Date will continue to be governed by Prakas 191 - any new project with an area of under one hectare must obtain an EPA instead of an initial EIA ("**IEIA**") or full EIA ("**FEIA**").

New Exemption for Very Small-Scale Projects

A notable update in Prakas 4828 is the introduction of an exemption for very small-scale mineral projects, which are no longer required to obtain an EPA. Although no specific definition of such a very small-scale project is currently provided, we believe these could be likely limited to artisanal mining processes, which are manual and involve little to no mechanisation. Instead of an EPA, these projects must submit a Guarantee Letter on Environmental Protection ("**GLEP**"), a standardized and simplified declaration form that confirms environmental protection commitments. Unlike the EPA, GLEP does not require complicated supporting documents or financial contributions.

Projects eligible for GLEP include:

- Mineral-related excavations and mobile borrow pits projects with an area not exceeding a half hectare and a depth not exceeding three meters; and
- Mineral-related projects concerning soil removal with an area not exceeding one hectare and depth not exceeding one meter.

Other Mining Project Scales Requiring EIA (as per Prakas 191)

- 1-10 hectares: EPA required;
- Over 10 – 40 hectares: IEIA required; and
- Over 40 hectares: FEIA is required.

Validity Periods of EIA Approvals

Under Prakas No. 191, the validity periods for EIA approvals in Cambodia are defined as follows:

- FEIA: Valid for 10 years
- IEIA: Valid for 10 years
- EPA:
 - For projects with an area of over 1 hectare to 10 hectares: Valid for 2 years
 - For projects with an area of 1 hectare or less: Valid for 1 year
- GLEP: No specified validity period.

However, this Prakas does not explicitly outline the procedures or obligations for project owners once these validity periods expire. However, for practical prudence, it is advisable for all project owners to proactively request an extension of their EIA approvals upon its expiration to ensure continued compliance with environmental regulations.

The information provided here is for information purposes only and is not intended to constitute legal advice. Legal advice should be obtained from qualified legal counsel for all specific situations.

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