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Environmental Regulation

Environmental Regulation

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Introduction

According to Myanmar’s Constitution (2008), Article 45 “The Union shall protect and conserve natural environment.” Additionally, Article 390 (b) states that “Every citizen has the duty to assist the Union in carrying out the following matters:

- (a) Preservation and safeguarding of cultural heritage;
- (b) Environmental conservation;
- (c) Striving for development of human resources;
- (d) Protection and preservation of public property.”

This represents the highest commitment of the Republic of the Union of Myanmar to responsible environmental management.
Part of Myanmar’s reform process involves updating and enforcing environmental policy and legislation. The Government of Myanmar has publicly stated its

commitment to a development path that is economically strong, but also socially and environmentally sustainable for its citizens. The Framework for Economic and Social Reform (FESR 2013) and the National Comprehensive Development Plan (NCDP 2011-2030) express this vision.

The Environmental Conservation Law (ECL 2012) and Rules (ECL Rules 2014) both have implications for domestic and foreign investors in Myanmar. Article 7 of the ECL states the duties and powers of the Ministry of Environmental Conservation and Forestry (MOECAF), which include:

- Prescribing environmental quality standards on emissions, effluents, solid waste, production procedures, processes and products
- Facilitating the settlement of environmental disputes
- Specifying categories and classes of hazardous wastes generated from the production and use of chemicals or other hazardous substances used in industry, agriculture, mineral production, sanitation and other activities;
- Prescribing categories of hazardous substances that may significantly affect the environment;
- Prescribing the terms and conditions for effluent treatment in industrial estates, buildings, and other sites and emissions of machines, vehicles and mechanisms;
- Developing and implementing a system of environmental impact assessment (EIA) and social impact assessment (SIA);
- Enforcing compensation by polluters for environmental impacts; collecting funds from organizations which benefit from natural ecosystems and revenues from businesses which explore, trade and use natural resources, in order to support environmental conservation works;

The ECL Chapter 10 “Prior Permission,” Articles 21-25, describes that MOECAF, with the approval of the Union Government, can stipulate categories of business, work-sites, factories, or workshops which cause environmental impacts to require “prior permission.”

The ECL Rules, Chapter 12 “Prior Permission, Articles 62-68 further describes “Prior Permission.”

In 2016, Myanmar passed new Environmental Quality Standards (EQS), Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) procedures. New conditions may be attached to existing investments, in order for them to comply with Myanmar’s evolving environmental regulations. The Environmental Conservation Department (ECD), MOECAF can provide additional information to investors who are unsure if they must meet specific environmental requirements.

ECD has been working with other ministries to test the new EIA system. ECD has provided support, guidance, and review for environmental assessments of more than 123 investment projects. This includes 40 projects by the end of 2014—mostly in energy, infrastructure, and manufacturing—which underwent full EIA.

Investors are strongly encouraged to familiarise themselves with Myanmar’s environmental legislation. Investors can support Myanmar to promote more responsible investment by complying with the national environmental regulatory framework.

Foreign investors can also consider environmental and social standards which govern their operations in other countries and apply best practice to safeguard the environment and human wellbeing in Myanmar.

Regulations overview

Regulation Further information

Environmental

Conservation For English and Myanmar version please refer to <http://www.ecd.gov.mm/law>
Law (2012)

The official version of the Environmental Conservation Rules exists only in the Myanmar language.

Environmental [Link to Myanmar version](#)

Conservation

Rules (2013) The English draft below is offered to support investors, but is not an official legal reference.

[Link to English draft version](#)

The official EIA procedures currently exist only in the Myanmar language.

<http://www.ecd.gov.mm/sites/default/files/Law%20PDF/EIA%20procedure.pdf>

Myanmar

Environmental The EIA procedures have been developed by MOECAF with technical assistance from the Asian Development Bank Core Environment Program, with expertise from partners such as the World Bank and JICA. Investors who wish to learn more about this support can examine the following links:

Impact Assessment

(EIA)
Procedures

(2016)

- <http://www.gms-eoc.org/news/safeguarding-myanmar-s-future-environmental-...>
- <http://www.gms-eoc.org/events/stakeholders-consultation-workshop-on-envi...>

These links are provided for information purposes only, and there is no guarantee that the information in these links is current. Investors are advised to request up-to-date information on the EIA Procedures from ECD.

The official Environmental Quality Standards currently exist only in the Myanmar language.

http://www.ecd.gov.mm/sites/default/files/Law%20PDF/National%20Environmental%20Quality%20%28Emission%29%20Guidelines%20_0.pdf

Environmental

Quality
Standards

(EQS) (2016)

The English draft below is offered to support investors, but is not an official legal reference:

<http://www.ecd.gov.mm/media/national-environmental-quality-emission-guidelines-final-draft-english-version-0>

Below is a list of sector laws which are related to environmental regulation or management. This list is intended to support investors to comply with Myanmar’s laws, and may be updated from time to time. It is not an official legal reference.

- Myanmar version

- [English version](#)

Instruments overview

Below is a list of instruments for managing environmental impacts of businesses exist in Myanmar and their definitions, with references to relevant environmental legislation:

Instrument	Further information
Initial Environmental Examination (IEE)	An IEE is the initial process which studies whether or not the potential impacts of a project, business or activity will be significant, and whether or not it is necessary to carry out an environmental impact assessment, or to prepare and submit other stipulated documents. [Legal Reference: Environmental Conservation Law (ECL) Rules 2014 (Article 2f)]
Environmental Impact Assessment (EIA)	An EIA refers to the systematic assessment of a proposed project, business, service or activity to determine if it will significantly impact the physical environment and ecosystems, humans and other living beings (including negative health or socioeconomic impacts), and to decide whether the project, business, service or activity should be permitted or not. [Legal Reference: ECL Rules 2014 (Article 2d)] Related acronyms see below (SIA, ESIA, HIA, ESHIA)
Social Impact Assessment (SIA)	An SIA systematically assesses the social consequences of a project, business, service or activity, often in the context of environmental legislation.
Environmental and Social Impact Assessment (ESIA)	An ESIA recognizes the links between environmental and social impacts and assesses them in an integrated way.
Health Impact Assessment (HIA)	An HIA is a means of systematically assessing the health impacts of projects, businesses, services or activities in diverse economic sectors using quantitative, qualitative and participatory techniques. An HIA aims to support decision-making to prevent disease/injury and actively promote health.
Environmental, social and health impact assessment (ESHIA)	An ESHIA is an integrated means of systematically identifying, assessing and managing environmental, social and health impacts of a proposed project, business, service or activity that may be significant for the well-being of humans and the environment. ESHIA is a participatory process that engages with communities and is carried out before a project begins, and maintained throughout its life cycle until it ends. An ESHIA should inform the practices of a project, business, service or activity.
Environmental Management Plan (EMP)	An EMP is a project document to be prepared according to the requirements and guidance of the Ministry of Environmental Conservation and Forestry (MOECF), in order to refrain from, protect against, mitigate and monitor adverse impacts caused by the design, construction, implementation, operation, maintenance, termination, or closure of a project or business or activity; or after its closure, or by any other related cause. An EMP should include programs to manage and implement activities, and monitor changes to the environmental context. An EMP is intended to support environmental conservation and protection, include measures for dealing with an environmental emergency, and to refrain from, protect against or mitigate environmental impacts caused by a project, business, or activity, or by any of its related parts. [Legal Reference: ECL Rules 2014 (Article 2g)] (THIS SYSTEM IS NOT YET IN PLACE, BUT IT WILL COME IN THE FUTURE. THIS DESCRIPTION IS INCLUDED AS A REFERENCE TO PREPARE INVESTORS)
Environmental Audit	An environmental audit is a periodic, systematically documented and objective evaluation to determine the following: (i) If a project, business, or activity corresponds with regulatory requirements on environmental conservation; (ii) If a project, business, or activity is using an environmental management system; (iii) The various possible environmental risks to the buildings, plots and premises of a project, business or activity. [Legal Reference: ECL 2012 (Article 2d)]
Environmental Quality Standards (EQS)	EQS refer to the standard parameters for environmental quality that should be complied with to protect environmental and human health. The EQS are the basis for the regulation of noise and vibrations, air emissions and liquid-type discharge to prevent or reduce pollution. Please see link for official EQS, above. [Legal Reference: ECL 2012 (Article 2c) and EQS 2016]

Further questions & answers

For what kind of business is an IEE/EIA mandatory under law and regulation?

How does one conduct an IEE/EIA in Myanmar?

Who can support me in conducting an EIA in Myanmar?

What should an EMP look like?

What are the reporting requirements on EMP implementation?

Who can I contact for further clarification (e.g. on receiving EIA approval)?

What are the potential consequences for non-compliance with Myanmar's environmental regulations?

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Notifications

[Notification No.26/2016\(Myanmar Version\)](#)

[Notification No. 51 / 2014 \(English language\)](#)

[Notification No. 50 / 2014 \(English language\)](#)

[More Notifications »](#)

Further Information

[Environmental Conservation Law 2012 \(English language\)](#)

[More Further Information »](#)

What is DICA?

The Directorate of Investment and Company Administration (DICA) is in charge of handling company registrations for local and foreign businesses under the Companies Act. DICA also serves as a secretary to the Myanmar Investment Commission (MIC), which is the responsible body for investment applications.

Office Hours

Mon - Fri 09:30 am - 4:30 pm

No.1, Thitsar Road, Yankin Township, Yangon.

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