

***Rough unofficial translation by La'o Hamutuk******Official Gazette Series I, No. 7. 23 February 2011*****Decree-Law No. 5 / 2011 of 9 February****ENVIRONMENTAL LICENSING****Table of Contents**

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As one of the youngest nations in the world, Timor-Leste has shown great concern and sensitivity to environmental issues since the restoration of its independence on 20 May 2002.

Thus, recognizing the quality of the environment as an integral and essential quality of life for all Timorese, the Constitution of the Democratic Republic of Timor-Leste provides in Article 61, that people are not only entitled to an ecologically balanced environment healthy for human life, but everyone also has a duty to conserve and protect the environment in the interests of future generations.

In this context, the Constitution recognizes the need for preservation and enhancement of natural resources and the need to determine actions to promote and protect the environment as an essential vehicle for sustainable development of economy of Timor-Leste.

Internationally, Timor-Leste has been present at several conferences and has ratified several international conventions under the auspices of the United Nations (UN) such as the Kyoto Protocol, the UN Convention on Biological Diversity, the United Nations Convention to Combat Desertification, the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol for the Reduction of Substances that Deplete the Ozone Layer. Although the state emits 0.02 tons per capita per year, the government plans to voluntarily reduce the rate under the United Nations Framework Convention on Climate Change (UNFCCC).

Similarly and in order to comply with obligations under the international conventions mentioned above, Timor-Leste is now to establish and define the basis of its domestic legal environment integrating the concepts of internationally accepted environmental law.

The creation of an environmental licensing system that allows us to prevent negative impacts on the environment, rather than subsequently trying to counteract their effects, is undoubtedly the most effective environmental policy. Thus, the environmental licensing based on the environmental assessment of the interventions of a public or private nature, and instruments as the Environmental Impact Statement (EIS) and Environmental Management Plan, ensures the previously mentioned preventive nature of environmental preservation.

In turn, the public consultation is a fundamental right enshrined in the Constitution, and also an instrument of decision-making process, which allows integration of diverse views and perceptions of the project by segments of society, creating conditions suitable for implementing the project and its integration at community and national levels.

Therefore, there is a need to regulate with the objectives to:

- a. Establish an environmental licensing system based on principles of efficiency, transparency and independence;
- b. Ensure community and public participation in the Environmental Assessment procedure;
- c. Identify and assess the impact of development proposals on the environment;
- d. Create conditions to minimize or eliminate negative environmental and social impacts of project implementation;
- e. Determine measures of environmental and social protection to be applied when implementing the project;
- f. Prevent the realization of projects that have a significant potential impact on the environment;
- g. Establish the procedure for issuing environmental licenses according to to environmental assessment, which contributes effectively to environmental control;
- h. Supervise and monitor projects in accordance with the provisions of Environmental Management Plans (EMP).

Accordingly, this law institutes an Environmental Licensing System, designed as an incremental system to meet the need to prevent negative environmental impacts depending on the complexity of projects and given the economic and social situation of Timor-Leste. The system, moreover envisages the granting of environmental licenses and inspection responsibilities as a logical consequence of the procedure for environmental assessment of projects, thus creating an integrated procedure and a simplified process for prevention of negative environmental impacts and controlling pollution from projects.

Part of the environmental licensing procedure will include a phase of voluntary guidance for the proponent, designed to optimize the process of Environmental Assessment, and that particular objective to assist the proponent in the classification of the project and contribute to the elaboration of the terms of reference, a fundamental guide to the procedure of preparing the Environmental Impact Statement and Environmental Management Plans. At the phase of Environmental Assessment, it creates a system where the public participates in the evaluation procedure from the outset, enabling the timely incorporation of their contributions and recommendations by the Evaluation Committee.

Thus, the Government, under Article 115.1(b) of the Constitution, decrees the following, as law:

## CHAPTER I GENERAL

### Article 1 Definitions

For purposes of this statute the following are defined:

- a. Environmentally protected area: an area that is habitat for a threatened species, or protected area defined as sensitive by the legislation in force in Timor-Leste, an area where there materials and goods of cultural interest, including constructed heritage, archaeological heritage (on land, river and sea), traditional architecture and traditional sites of cultural significance associated with local customs and experience;
- b. Environmental Authority: the responsible administrative entity for the environment area;
- c. Superior Environmental Authority: Government member responsible for deciding the procedure of environmental licensing;
- d. Environmental Assessment: generic concept of the procedure regarding a decision on the environmental feasibility of implementation of certain projects, based on tools for environmental assessment and management are defined in this statute, including:
  - I. Environmental Impact Assessment: The procedures for environmental assessment of projects in Category A
  - II. Initial Environmental Examination (EAI): The procedures for environmental assessment of projects in Category B
- e. Categories A, B and C: the classification categories of projects depending on the size of the potential environmental impacts that correspond to different legal requirements for environmental licensing of projects;
- f. Endangered species: are the species of fauna or flora protected or endangered pursuant to the law in force;
- g. Construction Phase: fixed period during which the works are started clearing, excavation, dredging, sorting and other activities associated with the physical implementation of the project;
- h. Deactivation Phase: fixed period during which it frees, for other uses, the area where the mining, industrial or operating unit of the project is deployed, usually through the decommissioning and removal of equipment, ensuring good safety conditions and environment framework;
- i. Development Phase: period between the construction phase and decommissioning phase during which the project is in full operation and implementation in view of the planning done, particularly in terms of deadlines, costs and quality. The work associated with this phase includes defining the organization, allocation and management of human resources, material and financial resources, hiring of equipment and services, verification and monitoring of deadlines, costs and quality, and replanning;
- j. Inspection: routine or unscheduled procedure, carried out by the Inspectorate of the Environment, observation and systematic collection of data on the state of the environment or on the environmental effects of a given project and description of these effects through periodic reports with the objective of allowing the evaluation of the effectiveness of the measures in the Environmental License to avoid, minimize or compensate for environmental impacts resulting from implementation of the project;
- k. Environmental Impact: A set of positive and negative changes produced in social and environmental parameters which include, among other things, people and their economic and social structures, air, water, flora, fauna or their habitats in a given period of time and a certain area resulting from the execution of a project. The impacts are analyzed by comparing the situation that occurred in that area and period, with the same area and period if the project was not implemented;
- l. Inspection of Environment: direct or indirect state entity responsible for environmental monitoring;
- m. Facilities: are the facilities and equipment that are part of the project;
- n. Environmental Assessment Instruments: instruments of preventive character of environmental policy under the Environmental Assessment procedure, which includes the Environmental Impact Statement and Environmental Management Plan
- o. Interested party: the applicant, the holder of the related Ministries, communities, individuals or any entity, public or private, with a legitimate interest in the project, including representative environmental organizations and non-governmental organizations;

- p. Environmental License: a written decision that gives the proponent the right to conduct the project, ensuring the integrated prevention and control of the environment;
- q. Environment: the definition under the law in force in Timor-Leste, together with physical, chemical, natural and organic living beings, including humans and their behavior and property, which affect the continuity and quality of human life, other living things, and quality of ecosystems;
- r. Monitoring: The process undertaken by the holder of observation and systematic collection of data on the state of the environment or on the environmental effects of a given project and description of these effects through periodic reports, in order to allow assessment of the effectiveness of the procedure provided for in the Environmental Assessment to avoid, minimize or compensate for environmental impacts resulting from project implementation;
- s. Pollution: direct or indirect introduction into the environment by human activity of microorganisms, substances, or waste heat which may harm human health or environmental quality and cause deterioration of property, or impair or interfere in the use the environment and the legitimate use of water and soil. This includes the activities regarded as noisy, which can produce harmful or nuisance noise, for the beings in sensitive locations, or for those who live, work or remain in the vicinity of where they happen;
- t. Polluter: natural or legal persons, public or private, who commit acts of pollution;
- u. Project: under control by legislation in force in Timor-Leste, is the design and intervention in the natural environment or the landscape, either public or private (including the carrying out of construction works and those involving the exploitation of natural resources);
- v. Proponent: individual or legal person(s), public or private, requiring an environmental license for a project;
- w. Public: communities, citizens or any entity, public or private, with a legitimate interest in the project, including representative organizations and nongovernmental organizations in the area of the environment;
- x. Waste: the definition under the law in force in Timor-Leste, any substance or solid, liquid, gaseous or radioactive matter which causes changes when discharged into the environment from the activities of individuals, public or private institutions;
- y. Non-Technical Summary is a document of the Environmental Impact Assessment (EIA) that briefly describes, in accessible language and non-technical information contained in the EIA.
- z. Terms of Reference (TOR) document the preliminary analysis of the project, defining the content and purpose of the Environmental Impact Assessment. This document is part of the Scoping of projects classified as category A;
- aa. Holder: The person or entity, public or private, who is assigned an environmental license for a project.

## **CHAPTER II ENVIRONMENTAL LICENSING SYSTEM**

### **Article 2 Subject**

1. This law creates a system of environmental licensing for public and private projects likely to produce environmental and social impacts on the environment.
2. The system of licensing is a system based on assessing the size of the potential environmental impact of projects taking into account their nature, size, technical characteristics and location.

### **Article 3 Environmental licensing procedure**

1. The environmental licensing procedure is in:
  - a. Guidance for Scoping;
  - b. Environmental Assessment and Allocation of the Environmental License;
  - c. Issuance and Renewal of the Environmental License;
  - d. Authority.
2. It is considered the beginning of the environmental licensing procedure the timing of project documents delivered to the Environmental Authority for the purpose of fulfilling the provisions of b) above.

#### **Article 4**

##### **Definition of Categories and Type of Environmental Assessment Procedure**

1. The classification of projects is made in accordance with Annex I and II and is structured in the following categories:
  - a. Category A - includes projects that may potentially cause significant environmental impacts, and are subject to the procedure of Environmental Impact Assessment (EIA), this based on Impact Analysis and Environmental Management Plan (EMP) in accordance with the provisions in this law.
  - b. Category B - includes projects that may cause environmental impacts, and are subject to the procedure of Initial Environmental Examination (IEE), this based on the Environmental Management Plan in accordance with the provisions of this law.
  - c. Category C - includes projects where environmental impacts are negligible or nonexistent, and not subject to any procedure for Environmental Assessment in accordance with the provisions of this law.
2. In the following cases, the category is determined by considering the severity of likely impacts:
  - a. A project that might raise some or significant adverse impacts that do not fall into the category of Annex I and II;
  - b. A project that may raise significant adverse impacts falls under the category of Annex II.
3. For purposes of this law, as Environmental Impact Statement (EIS), the document based on technical studies and consultations with public participation, prepared by the proponent, which contains a brief description of the project, expected development of the facts without the project, the identification and assessment of likely impacts, positive and negative, that the project may have on the environment, the environmental management measures designed to avoid, minimize or compensate for adverse impacts expected and a non-technical summary of this information in accordance with the provisions in statute.
4. For purposes of this law, as the Environmental Management Plan (EMP), a document that identifies the potential environmental impacts of construction, development and decommissioning and provides the way they are managed and monitored in accordance with the provisions in statute.

#### **CHAPTER III**

##### **ENVIRONMENTAL ASSESSMENT INFORMATION PHASE**

#### **Article 5**

##### **Defining Project Scope**

1. The proponent, for guidance on the investigation of the environmental assessment procedure, can be present Environmental Authority for consideration on the Definition of Scope.
2. It is understood by Definition of Scope of the project in the classification of the categories mentioned in this law and in addition, for projects of category A, the preparation of terms of reference.
3. The submission of the Scoping referred to in paragraph 2 of this article, has as preliminary Environmental Assessment and is optional.
4. For the purposes of paragraph 1 of this Article, the applicant must submit the project documents to the Environmental Authority, which shall contain the following information:
  - a. Name of the promoter, and their contact data identifiers;
  - b. The location and scale of the project;
  - c. The plans and technical drawings of the project;
  - d. Technical studies on the feasibility of the project;
  - e. Opinions or other documents on the project emanating from other entities;
  - f. Proposal for classification of the project category according to Annex 1 to this statute;
  - g. Proposed Terms of Reference for the projects in Category A, according to the set complementary legislation.
5. In the act of presentation of documents, the proponent must settle the rate of phase information, as defined by statute.

#### **Article 6**

##### **Informational Phase Procedure**

1. Within 15 days after receipt of the documentation referred to in the preceding article, the Authority issues an opinion on the Environmental Scoping.

2. The opinion of the Environmental Authority is made known by notice to the applicant, by publication in an announcement on its premises.
3. Whenever necessary the Environmental Authority may contact the tenderer, the community representatives in the area affected by the proposed project, as well as ministries related to it, to obtain information about the project.
4. The opinion mentioned in paragraph 1 of this article aims to guide the applicant and does not create any obligation for the proponent.
5. The period referred to in paragraph 1 of this article is informative on the stage and not be confused with the terms of the environmental assessment in accordance with the provisions of Article 12 and Article 19.

**Article 7**  
**Right to Information**

The information phase does not inhibit the proposer at any time from requesting the Environmental Authority for information on any aspect of environmental licensing.

**CHAPTER IV**  
**PROCEDURE FOR ENVIRONMENTAL IMPACT ASSESSMENT AND GRANT OF ENVIRONMENTAL LICENSE**

**Article 8**  
**Procedural steps**

For the purposes of environmental licensing, projects classified as Category A are subject to a procedure of Environmental Impact Assessment (EIA) and assignment of the Environmental License, which includes the following phases:

- a. Presentation of the project for evaluation and application for environmental license;
- b. Public Consultation;
- c. Technical Analysis and Opinion by the Evaluation Committee;
- d. Decision on the procedure of Environmental Impact Assessment and Allocation of the Environmental License;

**Article 9**  
**Presentation of the Request for EIA and environmental license**

1. The proposer of a project classified as Category A initiates the procedure for environmental impact assessment and environmental license application by submitting to the Environmental Authority, the following information and documentation:
  - a. Name of the applicant, and their identifying information and contact details;
  - b. Membership of any economic group, which includes the applicant;
  - c. The location and scale of the Project;
  - d. The plans and technical drawings of the Project;
  - e. Technical studies on the feasibility of the Project;
  - f. The opinions or other document on the project emanated from other entities;
  - g. Any other document legally required by law to approve the project and to acquire it does not require proof of granting an environmental license;
  - h. Environmental Impact Statement (EIS) including Non-Technical Summary and Environmental Management Plan (EMP)
  - i. Application for grant of Environmental license;
2. The information and documentation referred to in the preceding paragraph are presented in proper form and as provided by statute.
3. The proponent must instruct the EIS and EMP in accordance with the provisions of paragraph 2, 3 and 4 of Article 4 and in accordance with relevant legislation.
4. In tabling the documents, the applicant must make the payment of the fee phase of Environmental Impact Assessment, as defined in statute.

**Article 10**  
**Evaluation Committee**

1. For each category A project, within 10 days after submission of the documents referred to in the preceding article, the Superior Environmental Authority constitutes an Evaluation Committee, with a deliberative character, and with the aim of managing the EIA procedure, and which shall:
  - a. Submit EIS and Environmental Management Plans for public consultation and comment on the proposals, suggestions and comments received;
  - b. Verify the legal compliance and technical assessment of the EIS and its Environmental Management Plans;
  - c. Promote and convene, as necessary, meetings with the proponent and other Interested parties;
  - d. Request, when necessary, expertise from entities outside the Environmental Authority;
  - e. Prepare the final technical report of EIA.
2. The Evaluation Committee is constituted, in odd number of members, by:
  - a. A representative from the governmental department responsible for environmental impact assessment of industry and pollution control, who chairs the Commission;
  - b. A representative from the governmental department responsible for tourism, commerce and industry;
  - c. A representative from the governmental department responsible for the health sector;
  - d. A representative from the governmental department responsible for the cultural sector;
  - e. A representative from the governmental department responsible for the infrastructure sector;
  - f. No less than two expert technicians in the area or sector related to the project;
3. In the case of a government agency becoming an advocate for project development, they are excluded from the committee to ensure the objectivity of the judgment.
4. The function rules of the Evaluation Committee are defined in statute.

**Article 11**  
**Public Consultation**

1. It is the role of the Assessment Commission to promote public consultation, which has the following objectives:
  - a. Providing access to public documents referred to in Article 8 of this Act;
  - b. Inform and enlighten the public about the project, including potential environmental impacts and their way of mitigation;
  - c. Promote discussion about the EIS and EMP.
2. The duration of public consultation is 24 days, beginning 10 days after the formation of the Evaluation Committee.
3. Any member of the public may provide recommendations or proposals based on the EIS and EMP to the Evaluation Committee, under the deadline specified in paragraph 2 of this article.
4. The requirements and procedures for public participation are defined in statute.
5. Public consultation on Defining scope is necessary to discuss the project TOR, and the opinions of Interested parties must be reflected to the TOR.

**Article 12**  
**Technical Analysis for Project Evaluation Committee**

1. The deadline for technical analysis of the EIS and the respective GAP is 50 days and begins at 5 days after establishment of the Evaluation Commission under the provisions of this Decree-law.
2. For purposes of analysis and evaluation technique defined in paragraph 1 of this Article, the Evaluation Committee may, whenever necessary, contact the proponent's representatives (s) community (s) of the area potentially affected by the project, as well as the Ministries related to the project, to obtain additional information and clarifications regarding the same.
3. The Evaluation Committee may ask the tenderer once the reformulation of part or all of the studies or analysis that constitute the EIS and its Plans, based on recommendations received during the procedure of technical analysis and public consultation.
4. The period defined in paragraph 1 of this Article shall be suspended until the delivery by the proponent of the new studies and analysis.

5. The Evaluation Committee has at least a period of 10 days to evaluate the new documents, or the corresponding number of days remaining until the completion period of 40 days, provided that the remaining number of days not less than 10.
6. Should the applicant disagree with the request of the Evaluation Committee, as provided in paragraph 3 of this article, it must justify its reasons and submit them in writing to the Evaluation Committee.

#### **Article 13**

##### **Issuance of Opinion by the Evaluation Committee**

1. The Evaluation Committee is responsible for submitting a final technical report, based on documentary evidence submitted by the tenderer, the contributions of public consultation and the conclusions of the technical analysis of the Evaluation Committee within the period specified in paragraph 1 of the preceding article.
2. The Evaluation Committee refers to the Higher Authority Environmental possess a technical opinion that the following recommendations:
  - a. EIS and the EMP are recommended for approval, or
  - b. EIS and the EMP are not recommended due to the negative environmental impacts outweigh the benefits.
3. In the procedure of EIA concluded that negative impacts cannot be mitigated, based on sciences and technologies existing now, or that the mitigation costs outweigh the positive impacts, the Evaluation Committee shall recommend the appropriate action at b ) of no. 2 of this article.

#### **Article 14**

##### **Decision on the Environmental Impact Assessment and Environmental License**

1. It is for the Superior Environmental Authority, the final decision of the EIA procedure, based on a technical report of the Evaluation Committee in accordance with this law.
2. The decision of the Superior Environmental has the following wording:
  - a. Approval of EIS and Environmental Management Plans and authorization to issue the environmental license of the project, or
  - b. The EIS and Environmental Management Plans are not approved the project and the environmental licensing procedure is closed.
3. In the case of paragraph a) above, the decision should establish the conditions and restrictions deemed necessary to protect the environment and should be part of the environmental license.
4. The decision referred to in the preceding paragraph is made by order and within 15 days from the date of reception of the Technical Evaluation Committee and published in the Official Gazette.

### **CHAPTER V**

#### **PROTECTION OF TRADITIONAL CUSTOMS AND DUTIES**

#### **Article 15**

##### **Impacts and Benefits Agreement (IBA)**

1. It is considered impacts and Benefits Agreement (IBA), the legal instrument of the private sphere governed by the Civil Code which defines the rights and obligations between the proponent and the legal representative of the community protection, respect for traditional land use, customs and that community rights and due compensation to the scale of potential environmental impacts identified in the Environmental Impact Statement for the project in question.
2. The Impacts and Benefits Agreement (IBA) is performed with the communities located around or near the proposed Category A and whose traditional land use, customs or traditional rights are potentially affected.

#### **Article 16**

##### **Negotiation of the IBA**

1. The Impacts and Benefits Agreement (IBA) could be negotiated at any time after the publication of the decision about the environmental impact assessment.
2. This agreement follows the process of discussion between the proponent and the affected community, about the proposal to EIS and Environmental Management Plans.



3. At any time the community and the proponent may apply to the Environmental Authority to facilitate the negotiation of the IBA.
4. In case of conflict in the application of IBA parties may resort to competent court according to civil law.
5. The Impacts and Benefits Agreement will be subject to statute.

## **CHAPTER VI INITIAL ENVIRONMENTAL EXAMINATION (IEE) AND GRANT OF ENVIRONMENTAL LICENSE**

### **Article 17 Procedural steps**

1. For the purposes of environmental licensing, projects classified as Category B, are subject to a procedure Initial Environmental Examination (IEE) and allocation of environmental license, which includes the following phases:
  - a. Project Presentation and Request for Environmental License;
  - b. Technical analysis and opinion from the Environmental Authority;
  - c. Decision on the Initial Environmental Examination and Environmental Grant of License;

### **Article 18 Project Presentation**

1. The proposer of a project classified as Category B initiates the procedure for Initial Environmental Examination and application for granting an environmental license with the submission to the Environmental Authority, the following documents and information:
  - a. Name of the applicant, and their identifying information and contact details;
  - b. The location and scale of the project;
  - c. The plans and technical drawings of the project;
  - d. Technical study on the feasibility of the project;
  - e. Opinions or other documents on the project issued by other entities.
  - f. Environmental Management Plan (EMP);
  - g. Application for grant of license Environmental.
2. The information and documentation referred to in the preceding paragraph are presented in proper form and manner prescribed in secondary legislation.
3. The proponent must instruct the EMP in accordance with the provisions of paragraph 2 of Article 4 and in accordance with relevant legislation.
4. In tabling the documents, the proponent must settle the rate of the phase of the Environmental Assessment Simplified defined in statute.
5. In the event that the Environmental Authority requires a public consultation for a proponent, which shall be held to discuss issues about the project.

### **Article 19 Technical Analysis by the Environmental Authority**

1. Initial Environmental Examination is the technical assessment and an opinion on the EMP from the Environmental Authority within 30 days from the filing date of the project.
2. For purposes of analysis and technical evaluation, the Environmental Authority may, whenever necessary, contact the proponent, as well as the ministries related to the project, to obtain additional information and clarifications regarding the same.
3. The Environmental Authority may ask the tenderer once the redesign of all or part of the EMP, based on technical analysis.
4. The period defined in paragraph 1 of this Article shall be suspended until the delivery by the proponent of the new EMP.
5. The Environmental Authority has at least a period of 10 days to review the new documents or the corresponding number of days remaining until the completion period of 30 days, provided that the number of days remaining is not less than 10.

6. If the applicant disagrees with the request of the Environmental Authority, as provided in paragraph 3 of this article, it must justify its reasons and submit them in writing to the Environmental Authority.

#### **Article 20**

##### **Endorsed by the Environmental Authority**

1. The Environmental Authority is responsible for providing technical advice to Higher Authority Environmental, based on documentary evidence submitted by the proponent and the conclusions of the technical review of Environmental Assessment, and proposes that:
  - a. that the EMP is recommended for approval, or
  - b. that the EMP is not recommended because of the negative environmental impacts outweigh the benefits.
2. In the procedure of Initial Environmental Examination concluded that negative impacts cannot be mitigated, based on sciences and technologies existing now, or that mitigation costs are higher than the positive impacts, the Environmental Authority should recommend actions specified in paragraph b) No 1 of this article.

#### **Article 21**

##### **Decision on Environmental Assessment Simplified**

1. It is for the Superior Environmental Authority, the final decision of the Environmental Assessment simplified procedure, based on technical advice from the Environmental Authority, in accordance with this law.
2. The decision of the Superior Environmental has the following wording:
  - a. Approval of the EMP and authorization to issue the environmental license of the project, or
  - b. No approval of the EMP and the procedure for licensing of the project is terminated.
3. In the case of paragraph a) above, the decision should establish the conditions and restrictions deemed necessary to protect the environment and should be part of the environmental license.
4. The decision referred to in the preceding paragraph is made by order and within 10 days from the date of receipt of technical advice by the Environmental Authority and published in the Official Gazette.

### **CHAPTER VII**

#### **ENVIRONMENTAL LICENSE**

#### **Article 22**

##### **Type of Environmental License**

1. As a result of the order in favor of Superior Environmental Authority are two types of licenses issued under the category of project, including the Environmental License for Category A and Category B. Environmental License
2. Depending on the type of license, are an integral part thereof, the following documents:
  - a. Category A - Environmental Impact Statement and Environmental Management Plan;
  - b. Category B - Initial Environmental Examination and Environmental Management Plan.
3. The format and content of the environmental license in Category A and B will be defined in a diploma supplement.
4. The Environmental License is not transferable to another project belonging to the same proponent or a different proponent.
5. For projects of category C the Environment Authority supports the tenderer to maintain environmental management.

#### **Article 23**

##### **Issuance of Environmental License**

1. The Environmental Authority is the entity responsible for issuing the environmental license.
2. The deadline for issuing a license is 10 days after the order of the authority referred to in paragraph 1 of the preceding article.
3. The tenderer shall be notified thereof in writing within 5 days after the deadline set in the previous paragraph.
4. The proponent must pay the fee for environmental license in accordance with the provisions of relevant legislation and within 10 days after receipt of the notification. However, project officers are exempt from environmental license fees.

5. No project can proceed to implementation without having the final decision of the evaluation procedure adopted, the issue of environmental license and payment of the environmental license, in accordance with the provisions of this Decree-law.

#### **Article 24**

##### **Duration and Renewal of Environmental License**

1. The Environmental License for projects of category A and B have a duration of 2 years is renewable for equal period to complete the Environmental deactivation phase of the project.
2. The renewal is automatic upon payment of the renewal fee in accordance with the provisions of relevant legislation, and if not fulfilled the conditions laid down in Article 25.

### **CHAPTER VIII**

#### **CHANGE OF ENVIRONMENTAL CONDITIONS OF LICENSE**

#### **Article 25**

##### **Review of the Day and the EMP**

1. The holder of a license is required to review the Environmental Impact Statement and Environmental Management Plan, which will be submitted to the Environmental Authority for review and approval, if he intends or has planned to carry out the following:
  - a. Changes in the project that may significantly affect:
    - i. the quantity and quality of waste discharges into the environment in accordance with the environmental legislation in force;
    - ii. the physical area of the project and its size;
  - b. Physical transfer of the project site;
2. The application of the preceding paragraph shall be made in form and is accompanied by the following documents:
  - a. Proposed revision of the conditions and restrictions set forth in the Environmental Impact Statement and Environmental Management Plan for projects of category A, or
  - b. Proposed revision of the conditions and restrictions set forth in the Environmental Management Plan for projects in Category B.
3. The application referred to in paragraph 1 of this article includes the weather required to make physical changes needed for the project.
4. The mandatory review of the documents referred to in paragraph 2 of this Article shall not prevent the holder to undertake the necessary changes to project documentation that the proposed amendment requires the project including the EIS and the Impacts and Benefits Agreement, to comply with this diploma.
5. The holder of the application must pay the license fee for the amendment of Environmental accordance with the provisions in statute.

#### **Article 26**

##### **Issuance of Opinion and Decision on the Review of the EMP**

1. The Environmental Authority reviews the documentation submitted by the holder in accordance with the preceding article, within 30 days an opinion for Superior Environmental Authority:
  - a. Favor of the proposed revision of the documents referred to above, or
  - b. Not favorable and suggests the new conditions and restrictions to be included in the documents referred to above.
2. The Superior Environmental Authority within 15 days of issuing the decision on the review of the environmental license that takes the following forms:
  - a. Approve the revised EMP and authorizes the issuance of new environmental license;
  - b. Do not approve the revised EMP and requires the holder to add information or redo all or part of the documents specified in paragraph 2 of the preceding;
  - c. Do not approve the revised EMP and the procedure for amending the environmental license is terminated.
3. The decision is notified to the owner five days after the deadline set out in paragraph 2 of this article is published in the Journal of the Republic.

**Article 27****Deadline for implementation of the alterations**

1. Upon receiving the notification regarding the decision in a) of paragraph 2 of the previous article, the proponent shall make the design changes within the time specified in the notice.
2. Should the applicant not proceed according to the defined in the previous and present no plausible explanation for this effect, the new environmental license review procedure relating to expire, and the proponent must submit a new request for review, if you want to act on the proposed changes.
3. For the purposes of the preceding paragraph and if the applicant submits valid excuse for not meeting the deadline is assigned the new term which shall not exceed half of the period defined in the notification referred to in paragraph 1 of this article.
4. Fulfilled defined in b) of paragraph 2 of the previous article, the holder shall submit documentation to appear at the Environmental Authority in accordance with the provisions of paragraph 1 of the preceding and following the prosecution until its final decision in accordance with the provisions of number 2 and 3 of the preceding article.
5. In the case of point c) of paragraph 2 of the previous article, the holder keeps the previous environmental license, with its classification and conditions set therein, and cannot make any changes to the project.

**Article 28****Change of Category of License**

In a situation of change of the environmental license for category B to category A, due to design changes that alter their nature, size, technical characteristics and location, the project must undergo environmental impact assessment and relevant procedures in accordance with the provisions of this law.

**CHAPTER IX****REGIME FOR PREVIOUS PROJECTS****Article 29****Projects in Development and Construction Phase**

1. Projects that fall into category A and B which are in development and construction procedure, and have been granted before the enactment of this law, environmental license to operate, must register with the Environmental Authority within 240 days after the entry into force of this Law;
2. After registering the Environmental Authority issuing the license Environmental.
3. The issuance of a license shall be in accordance with the provisions of this Decree-law.
4. Projects that fall into category A and B which are in development and construction procedure, but do not have the environmental license to operate, they should submit the project Environmental Assessment and Environmental License allocation, in accordance with the provisions of this Decree-law and within 120 days after entry into force of this law.
5. In case of breach of this Article, holders are subject to the offenses provided for in this law.

**Article 30****Projects in Evaluation Procedure**

1. Projects classified as Category A or B and who meet the Environmental Assessment procedure in process can opt for the new Environmental Assessment procedure or proceed in accordance with the laws and regulations prior to entry into force of this law.
2. In the case of the previous tenderers must declare their choice of a new scheme through a specific form defined in statute.

**CHAPTER X****SURVEILLANCE AND MONITORING****Article 31****Auditing**

1. The Environmental Inspectorate has the duty to oversee the projects with environmental license for the construction, development and decommissioning, in order to determine if the holder meets the conditions of the environmental license in accordance with the provisions of this decree-law;

2. The properly identified representatives of the Inspectorate of the Environment, when on duty, may enter the premises of projects during working hours, with the following objectives:
  - a. Inspect the premises of the environmental project;
  - b. Identify and order the removal of any substance or material that you believe is the cause of pollution;
  - c. Carry out the obligations "under the present law."
3. In cases of suspected environmental crime, environmental inspection authority may request the judicial authorities for authorization to monitor after working hours in accordance with the provisions of existing legislation.
4. In exercising the powers provided in this article, the Inspectorate of Environment should:
  - a. Cause the least disruption to their activities by the installation;
  - b. Stay in the property only time reasonably necessary to undertake the review;
  - c. Cooperate whenever possible, with responsibility for installation.
5. Representatives of the Environmental Inspectorate shall display their official identification when requested by the owner, and cannot enter or remain within the facility if not present such identification.
6. The holder is obliged to provide access and cooperate with representatives of the Environmental Inspectorate to enable them to carry out the functions described in paragraph 1 of this article.
7. The owner did not comply with the obligations of the previous incur penalties in accordance with the provisions of this Decree-law.

**Article 32**  
**Reporting Requirements**

Anyone, provided they are properly identified, can inform and provide evidence will Inspectorate of Environment or the Environmental Authority, about the negative impacts on the environment or alleged infringement of this law caused by the implementation of any project phases, starting the review procedure set out in the preceding article.

**Article 33**  
**Duty Holder's Monitoring and Reporting**

1. The holder is obliged to monitor their activities in any phase of the project in accordance with the provisions of the EMP.
2. As a result of monitoring the holder shall:
  - a. Inspection will provide the Environment all data that are solicited regarding the project;
  - b. During the construction phase, to provide Inspection for the Environment an semiannual environmental report on the activities of the project;
  - c. During the development phase to provide to the Inspectorate of the Environment, an annual environmental report on the activities of the project;
  - d. During the deactivation phase, semester to provide the Inspectorate of the Environment an semiannual environmental report on the activities of the project;
3. Notwithstanding the provisions of this Act, the Inspectorate of the Environment can warn the owner and give him a deadline of 10 days in which to rectify the lack of obligation in accordance with the provisions of paragraph 2 of this article.

**CHAPTER XI**  
**PENALTIES**

**Article 34**  
**Offenses**

1. Breaches of this law constitute misdemeanors.
2. The offenses are punished and prosecuted in accordance with its general law, with the adjustments provided for in this law.
3. The fact that it is considered committed in the place where all or part and in any form of reimbursement, the agent acted, or in case of omission, should have acted, as well as one in which the typical result has been produced.
4. An attempt is punishable the same as committed criminal offense, especially reduced according to the legislation.

5. An offense punishable by a fine of \$5,000 to \$50,000 in the case of natural person, \$25,000 to \$250,000 in the case of legal person, the practice of any of the following offenses:
  - e. The total or partial execution of a project classified as Category A and B:
    - i. Contrary to the decisions set out under this statute;
    - ii. Without prior completion of the procedure or the Environmental Assessment prior to the award of the Environmental License under the provisions of this statute;
    - iii. Without completion of the procedure for issuing the Environmental License, pursuant to this statute;
    - iv. Without payment of fees under this statute.
  - f. The non-implementation of projects of category A or B, according to the defined in the EIS and the EMP approved pursuant to this Act and its supplementary regulations, in its phases of construction, development and decommissioning;
  - g. Any obstacle or impediment, by the holder to carry out any check given by the Inspectorate of the Environment;
  - h. Any project activity that causes environmental impact outside the scope of the environmental management plan approved;
  - i. Compliance with its obligation to register the project with the Environmental Authority, in accordance with Article 29;
  - j. Operation of facilities in the project without an environmental license;
  - k. Operation of project facilities without adequate environmental license under the category of the project in accordance with the provisions of Article 28;
  - l. Operation of project facilities whose environmental license is suspended or out of time;
  - m. Failure to comply with the conditions of the environmental license.
6. If the proponent receives an economic benefit from the infringement exceeding the maximum fine, and there is no other means of restoring the situation to its condition before the infringement, the amount of the fine can be up to the amount of benefit.

**Article 35**  
**Accessory penalties**

1. Cumulatively with the fine, for projects classified as category A or B, the following penalties can be applied:
  - a. Confiscate, to the State, the holder's objects used in committing the offense;
  - b. Order the holder to rehabilitate, in whole, any place or area that has been affected by the Project, to the initial conditions prior to the offense;
  - c. Suspend or cancel the environmental license;
  - d. Suspend for two years the performance or the exercise of professional activities which depend on the authorization of public authority;
  - e. Order the holder to the project to cease operations, either dismantled or destroyed;
  - f. Freeze the bank accounts under the name of the applicant or holder, in cases where there is evidence of misappropriation of assets before the replacement of the conditions in paragraph 1(b) or to comply with the provisions of paragraph 2 of this article.
2. If it is not possible to restore the environmental conditions prior to the infringement referred to in b) above, the proponent is obliged to implement, according to guidance from the Higher Authority, environmental measures to reduce or offset the provoked impacts.

**Article 36**  
**Application of Sanctions**

1. The penalties provided for in Article 34 and Article 35 (a-e) are applied by the Superior Environmental Authority.
2. For the purposes of paragraph of Article 35, the Superior Environmental Authority asks the competent judicial authority to enforce its sanctions.

**CHAPTER XII**  
**CHALLENGE OF DECISIONS**

**Article 37**  
**Administrative Procedure**

1. Interested parties are entitled to request the modification or repeal of decisions referred to by this law:

- a. By complaint to the author of the decision;
  - b. by appeal to the superior of the author's decision.
2. To the grievance procedure and appeal applies the hierarchical Administrative Procedure in force.

### **CHAPTER XIII FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 38 Records and Information Access**

1. The Environmental Authority maintains a register of environmental assessment procedures and the procedures for issuing environmental licenses held in accordance with the provisions of this law, including:
  - a. documents relating to procedures for environmental assessment of any project;
  - b. decisions taken by the Environmental Higher Authority about the stages of the Procedure for Environmental Assessment of any project;
  - c. Opinions of communications and Evaluation Commission and the Environmental Authority;
  - d. Environmental and licenses granted their EMP approved;
  - e. Documents relating to previous projects in accordance with the provisions of Article 29 and 30 °.
2. The register of licenses issued must include the following information:
  - a. The name of the business or activity for which the license is issued;
  - b. The name of the owner or user of these sites or facilities;
  - c. The type of activity or business;
  - d. The specifications of the license, including the nature and amount of waste released from facilities or activities, the type of chemicals stored and used in local facilities, and others, as defined in the EMP corresponding to the project
3. The records are available to the public free of charge during normal working hours of the Environmental Authority.
4. Reproduction of any registration is charged to the public on the value of the cost of reproduction plus costs for the same services, according to statute.

#### **Article 39 Regulatory Information Institution Sector Project**

1. The Environmental Authority has informed the regulatory institution of the sector in the project environmental assessment on the environmental licensing procedure by sending him copies of notifications issued during the procedure.
2. The regulatory institution of the sector project in the preceding paragraph may at any time of the environmental licensing procedure of a project, request a meeting with the Environmental Authority to collect information on the same procedure with regard to deadlines.

#### **Article 40 Duty of Justification**

All decisions under this statute are made in writing and duly substantiated.

#### **Article 41 Deadlines and Forfeiture**

1. The Superior Environmental Authority, in order properly grounded, may authorize the extension of any of the terms hereof, never lasting more than double the initial period.
2. All deadlines specified in this law are considered working days.
3. Projects with a license issued shall start its implementation from the date of notification of approval, the following deadlines:
  - a. 2 years, for projects classified as Category A:
  - b. 1 year, for projects classified as Category B.
4. The Environmental License for each project shall expire after the deadlines indicated in the preceding paragraph and provides a new procedure for Environmental Assessment, in the case of the applicant resubmit the project.

5. For the purposes of the preceding paragraph, under which the Environmental Authority to determine on a case where the procedures of the new procedure that Environmental Assessment need to be met.

**Article 42**  
**Supplementary Regulations**

Are determined by statute, the following matters:

- a. Terms of Reference, EIS and EMP;
- b. Public Consultation Procedure;
- c. Impacts and Benefits Agreement;
- d. Status of the Evaluation Committee;
- e. Fees and other costs related to environmental licensing procedure;
- f. The proper forms for the environmental licensing procedure;
- g. Scheme for rehabilitation and decommissioning projects;
- h. Technical parameters of environmental issue for the various components of the environment.

**Article 43**  
**Cost of Environmental Assessment Procedure**

1. The costs for the preparation of Environmental Assessment, presentation of the necessary documentation for the environmental licensing procedure and related activities as the stage of public consultation are the responsibility of the proponent.
2. In the case of granting an environmental license, the costs of environmental monitoring and management of the project undertaken by the owner are the responsibility of it.
3. Expenditure on the remaining phases of the environmental licensing procedure are the responsibility of the state.

**Article 44**  
**Enforcement of Environmental Law**

In addition to the provisions of this law, projects in categories A, B, C are subject to environmental legislation.

**Article 45**  
**Transitional arrangements**

Until the adoption of legislation referred to in Article 42, regulations which do not violate the provisions of this Decree-law remain temporarily in force.

**Article 46**  
**Abolition of regulation**

Former Government Regulation No. 51/1993 on applying Environmental Impact Assessment, and Minister of Environment Decree No. 39/1996 concerning regulation, Law number 23/1997 on Environmental Management and other relevant regulations on Environmental Impact Assessment will be abolished by application of the decree-law.

**Article 47**  
**Entry into Force**

This law comes into force on the day following its publication.

Approved by the Council of Ministers of 16 December 2010

The Prime Minister  
**Kay Rala Xanana Gusmão**

The Minister of Economy and Development  
**João Mendes Gonçalves**

Enacted on 4 February 2011

To be published.

The President of the Republic  
**José Ramos-Horta**



**Annex I: Table of Classification of Category A Projects**

No	SECTOR	SCALE
<b>I</b>	<b>MINING SECTOR</b>	
1	Mining and minerals (toxic) exploration	All
2	Operation/exploration for non-metallic minerals, sand and gravel	≥ 30,000 CBM / year
3	Processing and refinement of minerals / quarrying (nontoxic)	≥ 30,000 CBM / year
4	Quarries, open pit mining and peat extraction in isolated areas	≥ 30,000 CBM / year
5	Deep drilling Geothermal	All
<b>II</b>	<b>OIL INDUSTRY SECTOR</b>	
1	Extraction of Oil and Gas (for commercial purposes) Extraction phase for the oil sector and the classification in accordance with this award represents all activities of physical preparation of the project area to beginning drilling for oil and gas ("Drilling") to the deactivation phase.	All
2	Pipelines to Transport Oil and Gas (offshore and onshore)	exceeding 500 mm diameter and > 10 km length
3	Storage sites for Oil / Natural Gas / Petrochemicals or Chemicals	≥ 1,000,000 L
4	Oil and Gas Refineries	All
<b>III</b>	<b>ENERGY SECTOR</b>	
1	Stations producing electricity and heat, fuel, steam and combined cycle	≥ 20 MW or > 5 Ha
2	Construction or expansion of hydroelectric power stations (except mini hydro and DC)	≥ 15 MW or > 10 Ha
3	Other types of power stations, including renewable energy (excluding hydro) ( <i>see note 1</i> )	> 15 MW or > 10 Ha
4	Suspended Electrical Transmission Lines, including substations	≥ 110 kV and ≥ 20 km
<b>IV</b>	<b>INDUSTRY SECTOR</b>	
1	Industrial Parks	All
2	Shipyards	≥ 5 Ha site area and installation area of ≥15,000 m <sup>2</sup>
3	Treatment of hazardous materials (large-scale, determined by the environmental authority)	All
4	Production of weapons, ammunition and explosives	All
<b>V</b>	<b>TRANSPORT SECTOR</b>	
1	Construction of a large road in a metropolitan or large city	≥ 5km
2	Construction of national and regional roads	≥ 10 km
3	Construction of rural roads	Length ≥ 30 km
4	Construction of bridges	≥ 300 m
5	Ports and port facilities	≥ 500 gross tons
6	Construction and expansion of airports and airfields	All
7	Construction and expansion of Heliports	≥ 5 Ha
8	Construction of railway lines and associated facilities	All
<b>VI</b>	<b>CIVIL CONSTRUCTION</b>	
1	Urban Development (including cleaning of land for housing)	≥ 5 Ha
2	Commercial units of a size for a commercial center	≥ 2 Ha
3	Construction of multi-story buildings and apartments	≥ 2 Ha
<b>VII</b>	<b>SANITATION SECTOR</b>	
1	Elimination of hazardous waste	All
2	Landfills and municipal solid waste deposits	≥ 100 tons / day, ≥ 100 CBM / day, ≥ 10 Ha
3	Wastewater Treatment Stations	≥ 10,000 families / eq.
4	Facilities for recycling hazardous materials	All
5	Facilities for recycling non-hazardous materials	≥ 2 Ha
6	Hospitals	≥ 100 rooms
<b>VIII</b>	<b>WATER SECTOR</b>	
1	Expropriation of land (landfill)	≥ 20 Ha
2	Sea coast recovery projects	≥ 25 Ha

No	SECTOR	SCALE
3	Construction of a dam	≥ 15m in height or altered area ≥ 200 Ha
4	Marine dredging / Coastal protection works or river (to combat maritime erosion, to modify the coast, such as dams, culverts, jetties and other works of defense against the action of the sea)	≥ 20 Ha
5	Systems for collecting water from lakes, rivers, springs or other water sources (excluding the soil or groundwater)	Annual volume captured > 1 million CBM / year
6	Ingestion of groundwater by drilling	≥ 10 L / sec.
7	Works for transfer of water by tunnel	≥ 1 km
8	Construction of aqueducts and water mains	≥ 3 km
<b>IX</b>	<b>AGRICULTURAL, LIVESTOCK AND FORESTRY SECTORS</b>	
1	Irrigation systems (including irrigation and drainage infrastructure)	≥ 100 Ha
2	Clear the soil for conversion to agriculture (including intensive)	≥ 100 Ha
3	Plantations	≥ 20 ha
4	Forests for logging	≥ 25 Ha
5	Development of rice fields in forest areas	≥ 3 Ha
<b>X</b>	<b>TOURISM SECTOR</b>	
1	Large scale properties, areas or tourist offices	≥ 20 ha
2	Construction and expansion of hotels	≥ 100 rooms, or ≥ 10 Ha
3	Construction and expansion of apartments and tourist apartments along the sea coast	≥ 100 locations
4	Golf courses	≥ 10 Ha
5	Construction of safari parks or zoos	≥ 10 Ha
<b>XI</b>	<b>DEFENCE AND SECURITY SECTOR</b>	
1	Construction of Ammunition Storage Facilities	All
2	Construction of Military Bases and Naval and Air	All
3	Construction of combat training centers / firing ranges	≥ 100 Ha
<b>XII</b>	<b>LOCATION FACTORS</b>	
1	Sensitive or valuable ecosystems (beaches, mangroves, coral reefs, protected areas, marine areas)	All
2	unique and valuable landscape	All
3	Archaeological and / or historic site	All
4	Densely populated areas	Resettlement ≥ 300 persons
5	Occupied by cultural communities or tribes	All
6	Geographically sensitive area	All

**Note 1** - Project Area includes the area required for plantation of biomass, for solar panels or wind turbines

**Annex II: Table of Classification of Category B Projects**

No	SECTOR	SCALE
<b>I</b>	<b>MINING SECTOR</b>	
1	Exploitation of non-metallic minerals ( <i>loga</i> (?), sand and gravel)	<30,000 CBM / year and ≥ 5,000 CBM / year
2	Processing and refinement of minerals / quarrying (non toxic)	<30,000 CBM / year and ≥ 5,000 CBM / year
3	Quarries, open pit mining and peat extraction in isolated areas	<30,000 CBM / year and ≥ 5,000 CBM / year
<b>II</b>	<b>PETROLEUM INDUSTRY SECTOR</b>	
1	Oil and Gas exploration: Phase of oil exploration and classification under this award represents all data collection activities including seismic to support the planning of physical interventions in the extraction process.	All
2	Pipelines to Transport Oil and Gas (offshore and onshore) ( <i>see note 2</i> )	All outdoor facilities (not classified as A)
3	Storage sites for Oil / Natural Gas / Petrochemicals or Chemicals	<1,000,000 L or ≥ 200,000 L
<b>III</b>	<b>ENERGY SECTOR</b>	
1	Stations producing electricity and heat, fuel, steam and combined cycle	<20 MW or 2 to 5 Ha
2	Construction or expansion of hydroelectric power stations (except mini hydro and DC)	<15 MW or 20 to 10 Ha
3	Renewable energy (excluding hydro) ( <i>see note 3</i> )	2-15 MW or 20 to 10 Ha
4	Suspended Electrical Transmission Lines, including substations	25-110 kV
<b>IV</b>	<b>INDUSTRY SECTOR</b>	
1	Any type of plant: a) Manufacture of coke (dry coal distillation), including gasification and liquefaction; b) Steel industry; c) Casting of Metals; d) Non-ferrous foundry industry; e) production of timber, including kiln drying, planing and sawing workshop, chemical treatment of wood and wood chips in the process; f) Machinery industry; g) Plant electricity supply; h) Petrochemical industry: production of petroleum; i) Pottery and / or soil and stone product manufacturing industry; j) Production of cement and lime; k) Food processing industry; l) Industrial production of starch; m) Workshop handling of flammable and/or hazardous materials (car repair shop, gas stations, etc.); n) Pharmaceuticals industry; o) Products) Pressed / molded wood (e.g., fiber board and particle and plywood); p) Other: Plants releasing environmental pollutant, noise, vibration, dust and/or smells, or plants handling flammable and/or hazardous materials (small scale, determined by the environmental authority);	site ≥ 1 Ha and installation area ≥ 3,000 m <sup>2</sup>
2	Shipyards	site area <5 ha and ≥ 1 Ha and installation area <15,000 m <sup>2</sup> and ≥ 3,000 m <sup>2</sup>
<b>V</b>	<b>TRANSPORT SECTOR</b>	
1	Rehabilitation of an existing road, excluding community road (including toll roads, bridge crossing, each with two lanes)	All
2	Construction of bridges	<300 m
3	Rehabilitation of ports and port facilities	<500 gross tons
4	Rehabilitation of airports and airfields, or building a smaller facility at the airport	All
5	Rehabilitation of heliports, or building a smaller facility at the heliport	All

<b>VI</b>	<b>CIVIL CONSTRUCTION</b>	
1	Urban Development (including clearing of land for housing)	1-5 Ha
2	Commercial Units of size for a commercial center	<2 Ha and ≥ 0.5 Ha
3	Parking	≥ 1 Ha
4	Construction of multi-story buildings and apartments	<2 Ha
5	Campsite of refugees and slums	≥ 1 Ha
<b>VII</b>	<b>SANITATION SECTOR</b>	
1	Landfill and municipal solid waste deposits	<100 ton / day, 1-100 CBM / day, 0.5 to 10 Ha
2	Wastewater Treatment Stations	<10,000 families / eq.
3	Facilities for recycling non-hazardous materials	<2 Ha
4	Hospitals	<100 rooms
<b>VIII</b>	<b>WATER SECTOR</b>	
1	Expropriation of land (landfill)	<20 ha
2	Sea coast recovery projects	area from 10 to 25 Ha
3	Construction of a dam	<15m height
4	Marine dredging / Coastal protection works or river (to combat maritime erosion, to modify the coast, such as dams, culverts, jetties and other works of defense against the action of the sea)	<20 Ha
5	Ingestion of groundwater by drilling	<10 L / sec.
6	Works for transfer of water by tunnel	<1 km
7	Construction of aqueducts and water mains	<3 km
<b>IX</b>	<b>AGRICULTURAL, LIVESTOCK AND FORESTRY SECTORS</b>	
1	Irrigation systems (including irrigation and drainage infrastructure)	<100 Ha
2	Clear the soil for conversion to agriculture (including intensive)	<100 Ha
3	Pigs (Production and Care)	≥ 2,500 m <sup>2</sup>
4	Birds (Production and Care)	≥ 2,500 m <sup>2</sup>
5	Operation of animals (cattle and sheep)	≥ 2,500 m <sup>2</sup>
6	Plantations	<20 Ha
7	Forests for logging	<25 Ha
8	Development of rice fields in forest areas	<3 Ha
<b>X</b>	<b>TOURISM SECTOR</b>	
1	Large scale properties, areas or tourist offices	<20 Ha
2	Construction and expansion of hotels	50-100 rooms, or <10 Ha
3	Golf Courses	<10 Ha
4	Marinas, ports and docks for recreation on lakes and reservoirs	≥ 50 berths for vessels with a length of 6m
5	Marinas, ports and docks for recreation on the seacoast	≥ 50 berths for vessels of 12m length
6	Construction of safari parks or zoos	<10 Ha
<b>XI</b>	<b>DEFENSE AND SECURITY SECTOR</b>	
	Construction of combat training centers / firing ranges	Area <100 Ha

**Note 2** - If there are situations where two or more parallel pipes or joints, and the size of which, taken together, is equivalent to a pipeline with the characteristics set out for Category A, the cumulative impact is considered and classified as Category A.

**Note 3** - Project Area includes the area required for growing biomass, wind turbines