==========
ENVIRONMENT
==========

THE STATE MINISTER OF ENVIRONMENT

DECREE OF THE STATE MINISTER OF ENVIRONMENT
NUMBER : KEP-13/MENLH/3/94 ; DATED : MARCH 19, 1994

RE

THE LINE UP AND WORKING SYSTEM OF THE
COMMISSION FOR ENVIRONMENTAL IMPACT ASSESSMENT

THE STATE MINISTER OF ENVIRONMENT

Considering : that in order to implement Government Regulation Number 51 of 1993 on the Analysis of Impact on the Environment it is necessary to stipulate a Decree of the State Minister of Environment on the line-up and working system of the Commission for Environmental Impact Assessment.

Bearing in mind :

1. Law Number 5 of 1974 on the Principles of Administration in Regions (State Gazette Number 38 of 1975, Supplement to State Gazette Number 3037);

2. Law Number 4 of 1982 on the Principles of Environmental Management (State Gazette Number 12 of 1982, Supplement to State Gazette Number 3215);

3. Government Regulation Number 51 of 1993 on the Analysis of Impact on the Environment (State Gazette Number 84 of 1993, Supplement to State Gazette Number 3538);

4. Presidential Decree of the Republic of Indonesia Number 23 of 1990 on the Environmental Impact Control Board;

5. Presidential Decree of the Republic of Indonesia Number 44 of 1993 on the Position, Main Task, Function and Working System as well as the Organizational Structure of Offices of State Ministers;

6. Presidential Decree of the Republic of Indonesia Number 96/M of 1993 on the Establishment of the Sixth Development Cabinet.

HAS DECIDED :

To stipulate : **THE DECREE OF THE STATE MINISTER OF ENVIRONMENT CONCERNING THE LINE-UP AND WORKING SYSTEM OF THE COMMISSION FOR ENVIRONMENTAL IMPACT ASSESSMENT.**

Firstly : Hereinafter referred to as the Commission for Environmental Impact Assessment shall be the Central Commission for Environmental Impact Assessment and the Regional Commission for Environmental Impact Assessment as meant in Government Regulation Number 51 of 1993 on the Analysis of Impact on the Environment.

Secondly : The line-up of the Central Commission for Environmental Impact Assessment shall be as follows :

a. a chairman who is concurrently as a permanent member, for a Department the post of chairmanship is held by an enhelon I official appointed by the Minister, and for a non departmental state institution it is held by an echelon I official appointed by the head of the non departmental state institution;

b. a secretary who is concurrently as a permanent member, for a Department the post of secretary is functionally held by the head of planning bureau or an echelon II official in charge of environment at the relevant department, and for a non departmental state institution it is functionally held by the head of planning unit.

c. Members consisting of :

1) Permanent members :

a. for a Department, a representative of the planning unit of each directorate general and/or the environmental management unit, and for a non departmental state institute, a representative of the environmental management unit;

b. a representative appointed by the Minister of Home Affairs in the company of a member of the relevant Regional Commission in the region where the plan for a business or activity will be realized;

c. a representative appointed by the State Minister of Environment;

d. a representative appointed by the Chairman of the Environment Impact Control Board;

e. a representative appointed by the Chairman of the Investment Coordinating Board;

f. a representative appointed by the Chairman of the National Land Affairs Agency;

2) Non permanent members :

a. representatives of the planning unit and/or environmental management unit of relevant Departments or non-departmental state institutions, or other non departmental state institutions;

b. representatives of the community affected by the impact;

c. experts knowing the environmental impact of the business or activity and the management of the environ-mental impact;

d. representatives of non governmental organizations;

e. other members considered necessary according to the consideration of the minister or the head of the non-departmental state institution in charge of the relevant business or activity.

Thirdly : The line-up of the Regional Commission for Environmental Impact Assessment is as follows :

a. a chairman who is concurrently as a permanent member, the post of chairmanship is held by the head of the Development Planning Board of First Level Region or a top official appointed by the Governor/Head of First Level Region;

b. a secretary who is concurrently as a permanent member. The post of secretary is held by the head of the Environmental Development Bureau of First Level Region;

c. Members, consisting of :

1) permanent members :

a. representatives of the Development Planning Board of First Level Region;

b. representatives of the Environmental Development Bureau of First Level Region;

c. representatives of vertical institutions of the Environmental Impact Control Board in the Region;

d. representatives of the Regional Investment Coordinating Board;

e. representatives of the National Land Affairs Agency in the Province/First Level Region;

f. representatives of the Centers for Environmental Study at higher learning institutes in the relevant Region.

2) non permanent members :

a. Heads of Regional Affairs in the region whose task is related to the plan for a business or activity submitted by the initiator;

b. representatives of the Environmental Impact Control Board of the relevant Second Level Region;

c. the head of the Development Planning Board of the relevant Second Level Region;

d. representatives of services of the First Level Region;

e. representatives of the community affected by the impact;

f. experts knowing the environmental impact of the business or activity;

g. representatives of non governmental organizations;

h. other members considered necessary according to the consideration of the Governor/Head of First Level Region.

Fourthly : 1. The Minister/Head of the relevant non-departmental State Institution shall stipulates the working system of the Central Commission for Environmental Impact Assessment by taking into account the following matters :

a) the decision of the Commission for Environmental Impact Assessment shall be based on the balanced consideration of the aspects of technology, economy, and the environment either the physical environment or non physical environment including socio-cultural life;

b) before the Commission for Environmental Impact Assessment conducts assessment, the initiator shall first submit the result of an envirnmental impact assessment in writing and present it to a meeting of the Commission for Environmental Impact Assessment;

c) the meeting of the Commission for Environmental Impact Assessment shall hear the suggestions and views of representatives of the community affected by the impact of the relevant business or activity and shall take it into account in making a decision;

d) if considered necessary, the Commission for Environmental Impact Assessment shall conduct a field study/check and/or hold consultations with parties considered necessary;

2. The Government/Head of First Level Region shall stipulate the working system of the Regional Comission for Environmental Impact Assessment by taking into account matters as meant in paragraph (1) points (a) up to (d).

3. The Central Commission for Environmental Impact Assessment and the Regional Commission for Environmental Impact Assessment shall respectively be assisted by a technical team encompassing graduates of the course for environmental impact appraisers organized by centres for environmental study in cooperation with the Environmental Impact Control Board or those having equal expertise.

Fifthly : If a planned business or activity under the authority of the Minister or Head of Non Departmental State Institution has a further significant impact in more than one Provinces/First Level Regions, then the Central Commission for Environmental Impact Assessment shall hold consultations with the Governor/Head of the relevant First Level Region in assessing the environmental impact assessment for the planned business or activity.

Sixthly : If a planned business or activity under the authority of the Governor/Head of First Level Region has a significant impact in more than one Provinces/First Level Regions, then the Regional Commission for Environmental Impact Assessment shall hold consultations with the Governor/Head of the relevant First Level Region in assessing the environmental impact assessment for the planned business or activity.

Seventhly : This Decree shall come into force as from the date of stipulation and be subject to a review in case errors in the future.

Stipulated in : Jakarta
On : March 19, 1994

THE STATE MINISTER OF ENVIRONMENT

signed

SARWONO KUSUMAATMADJA

1634

CAFI 72 / 21-6-1994.