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དཔལ་ལྷན་འབྲུག་གཞུང་།
National Environment Commission
Royal Government of Bhutan



NECS/EACD/Internal Memo/2022/1857

October 25, 2022

OFFICE ORDER

In order to provide seamless Environment Clearance services, the 97th Environment Assessment and Technical Committee (EATC) meeting held on October 18, 2022 endorsed the “*Rules of Procedure for EATC meetings*”.

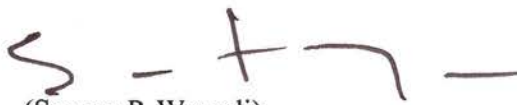
The EATC is hereby reconstituted into two tiers of Committees. The EATC- Tier I shall have the mandate to make a decision on the EC for projects listed under the Red category, Blue category and non-listed projects of the project categorization. The EATC- Tier I will comprise following members:

- a. Chair, Hon’ble Secretary, NECS
- b. Environmental Specialist, NECS
- c. Head of Legal Services, NECS
- d. Chief, Environment Assessment and Compliance Division (EACD), Member Secretary

The EATC- Tier II shall have the mandate to make a decision on the renewal of EC, application for modification of existing projects under blue-list category not involving change in technology, raw material requirement and location change. The EATC- Tier II will comprise following members:

- a. Chair, Chief, Environment Assessment and Compliance Division, NECS
- b. Two senior officials of the Environment Assessment and Compliance Division, NECS
- c. Member secretary, designated officer coordinating the EATC meeting

Issued for necessary implementation and compliance.


(Sonam P. Wangdi)
SECRETARY

Copy to:

1. Hon’ble Chair of National Environment Commission, Thimphu for kind information
2. Environment Specialist, EATC member, NECS for kind information
3. Deputy Chief Legal Officer, EATC member, NECS for kind information
4. Chiefs/Heads, All divisions and services, NECS
5. Office Notice Board
6. Guard file (NECS/EACD/Internal-memo) for record



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National Environment Commission

Royal Government of Bhutan



Rules of Procedure for Environmental Assessment Technical Committees

1. Background

In view of the increasing number of project applications received for Environmental Clearance (EC), the National Environment Commission Secretariat (NECS) hereby reconstitutes the Environmental Assessment Technical Committee (EATC) into two tiers of Committees. The main objective for reconstituting the Committees is to enhance Public Service Delivery.

2. EATC-Tier I

2.1 Purpose

The EATC- Tier I shall have the mandate to make a decision on the EC for projects listed under the **Red category, Blue category and non-listed projects** of the project categorization.

2.2 Constitution

2.2.1 Chairperson

- The Chairperson of the Committee shall be the Secretary, NECS;
- In the absence of a Chairperson, the officiating Secretary of the NECS will act as Chairperson.

2.2.2 Membership

The following shall be the Members of the Committee:

- Environmental Specialist, NECS;
- Head of Legal Services, NECS; and
- Chief, Environment Assessment and Compliance Division (EACD), Member Secretary.
- Additional members: Chief/Head of WMD, CCD, WRCD, BLUD and PPS upon invitation of the chair to provide expert opinion and technical backstopping depending on the nature of the project.

3. EATC- Tier II

3.1 Purpose

The EATC- Tier II shall have the mandate to make a decision on the renewal of EC, application for modification of existing projects under blue-list category not involving change in technology, raw material requirement and location change.

3.2 Constitution

3.2.1 Chairperson

- The Chairperson of the Committee shall be the Chief, EACD, NECS;



- b. In the absence of a Chairperson, the officiating Chief, EACD will act as Chairperson; and
- c. The officiating Chairperson shall have the same powers and duties as the Chairperson.

3.2.2 Membership

The following shall be members of the Committee:

- a. Two senior officials of the EACD, NECS
- b. Designated officers coordinating the EATC meeting, member secretary

4. Function of a Chairperson

The Chairperson shall:

- a. Declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, and announce decisions;
- b. Control the proceedings of the Committee and over the maintenance of order at its meetings;
- c. In the course of the discussion of an item, propose to the Committee a limitation on the time to be allowed to speakers and on the number of times each person may speak on any issue under discussion;
- d. Rule on Points of Order; and
- e. Propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the issue before the Committee, and the Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

5. Member Secretary

The function of a Member Secretary shall be, but not limited to, the following:

- a. The Chief, EACD shall function as the Member Secretary to the tier I Committee and designated officers coordinating the EATC meeting for tier II committee;
- b. In absence of the Chief, the officiating Chief shall function as the Member Secretary;
- c. The acting Member Secretary shall have the same powers and duties as the Member Secretary;
- d. The Member Secretary shall be responsible for:
 - i. All necessary arrangement for the meetings of the Committee;
 - ii. Maintenance of records or keeping of minutes of the meetings of the Committee and distributed within two working days from the meeting date to the members of the Committee.
 - iii. Compiling the comments, if any, received from the Members of the Committee and incorporating them in a single corrigendum to be issued at the next meeting for ratification. Any disagreement concerning such corrections shall be decided upon by the Chairperson of the Committee or, in the case of continued disagreement, by decision of the Committee;
 - iv. Documentation of all relevant information for future reference;
 - v. Follow-up actions for the meeting of the Committee; and
 - vi. Compiling supporting documents/information submitted by the Reviewing Officer for consideration in the meeting and distributed along with the meeting agenda.



6. Responsibility of the Reviewing Officer

The Environment Officer reviewing an application for the EC shall ensure that the requirement under the environment related laws are met but not necessarily limited to the following:

- a. The application for EC adheres to the relevant Environmental Assessment Guidelines and Initial Examination Forms or the endorsed Terms of Reference for Environmental Impact Assessment by the NECS;
- b. Ensure that the applicant has consulted with the concerned people and organizations prior to the submission of an application;
- c. Ensure that site visits for field verification of the proposed project are conducted and evidence of it documented;
- d. Ensure that all relevant documents are maintained for future reference or for record;
- e. Ensure that the effects of the proposed project on the environment are foreseeable and acceptable; and
- f. Make a Recommendation to the proposed project submitted to the EATC for decision.

7. Functions of the Committee

The following are the functions of the Committees:

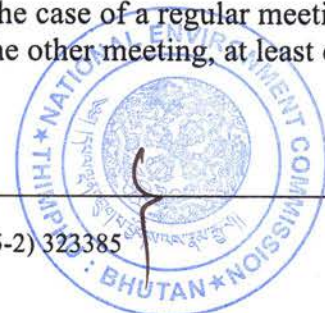
- a. Ensure that the provisions of the Environmental Assessment Act, National Environment Protection Act, Waste Prevention and Management Act and the Water Act of Bhutan are enforced;
- b. Provide comments to the Record of the Meeting or minutes distributed by the Member Secretary within three working days from the receipt of such record;
- c. Review, assess and make decision on the issuance of EC;
- d. Review and assess non-compliance and make decisions on the sanctions;
- e. Decide on complaints and appeals related to the enforcement and implementation;
- f. If, in the opinion of the Committee, an application submitted for decision does not contain sufficient information, the Committee may request to furnish an additional report or additional information, indicating the time-limit within which such additional report or information should be supplied;
- g. The decision of the Committee is final and binding; and
- h. The EATC- Tier II committee shall refer the projects to EATC- Tier I when a decision on the EC cannot be made.

8. Meeting of the Committee

- a. The Committee shall meet once every two weeks;
- b. The Chairperson shall decide on the date, time and location of the meeting;
- c. The Chairperson may call for a meeting in consultation with the Member Secretary at any time if need arises; and
- d. Notwithstanding the aforementioned clause, if there is no agenda, the Committee meeting may not be convened.

9. Notification of the Committee Meeting

- a. The Member Secretary shall notify the Members of the Committee of the date and place of each meeting. Such notification shall be sent, in the case of a regular meeting, at least three working days in advance, and in the case of the other meeting, at least one working day in advance; and



- b. Such notification may be sent by an e-mail to the concerned Members of the Committee.

10. Agenda for the Regular Meeting of the Committee

The Provisional Agenda for each regular meeting shall be prepared by the Member Secretary in consultation with the Chairperson of the Committee, which may include:

- a. Ratification of the previous minutes of the meeting;
- b. Update on the status of the EC;
- c. Any item proposed by the Chairperson;
- d. Any item proposed by a Member of the Committee;
- e. Any item proposed by the Member Secretary; and
- f. Any other issues.

11. Provisional Agenda for Other Meeting of the Committee

The Provisional Agenda for the other meeting of the Committee shall consist only of those items which are urgent and that needs immediate attention and action.

12. Revision of the Agenda

During a Regular meeting, the Committee may revise the Agenda and may, as appropriate, add, defer or delete items provided:

- a. that the item is urgent or important and is accompanied with adequate background information or documentation is available for transparent, fair and informed decision-making; and
- b. if the item proposed for addition is solely for dissemination of information and not for decision, it shall be added under "Any Other Business Item".

13. Quorum

- a. The decision of the Committee shall be based on two-third majority; and
- b. If any of the Members of the Committee has any specific reservation against decision on any item on the agenda, it shall be recorded in the minutes of the meeting.

14. Complaint Redressal

- a. When a proposal/application has been adopted or rejected, it may not be reconsidered by the same Committee unless the information submitted for decision was inaccurate, new information;
- b. When a proposal/application has been adopted or rejected by the Tier I, the proponent may appeal to the National Environment Commission within ten working days of the decision; and
- c. When a proposal/application has been adopted or rejected by the Tier II, the proponent may appeal to the Chairperson of the Tier I within ten working days of the decision

15. Adoption and Amendment of this Rules of Procedure

- a. The EATC Tier I shall endorse and adopt this Rules of Procedure; and
- b. The EATC Tier I may review and revise this Rules of Procedure, as and when necessary, in consultation with the Members of the EATC.

END