



**Lao People's Democratic Republic**  
**Peace Independence Democracy Unity Prosperity**

Prime Minister

No.: 68/PM  
Vientiane Capital, dated:23/7/2020

**Decision**  
**on the Demarcation of Responsibilities**  
**for Consideration into the Approval of the Dam Emergency Action Plans**

- Pursuant to Law 04/NA, dated 8 November 2016; on the Government; and
- Pursuant to Request 0916/EM, dated 1 July 2020, of the Ministry of Energy and Mines;

**The Prime Minister hereby decrees the following:**

**Article 1 Objectives**

This Decision specifies mechanisms, times, procedures, and obligations for project companies and the demarcation of responsibilities between the relevant ministries and local authorities according to their respective mandates, rights, and duties in looking into, considering, approving, monitoring, and inspecting the implementation of the emergency action plans (EAPs) of dam development project companies requesting that the State sector considers approving [such plans] prior to their implementation in order to deal with any emergencies which may occur due to technical accidents or natural disasters and to reduce impacts likely to result in the loss of life and assets and socio-economic and environmental damage in the area where their dam project is located.

**Article 2 Responsibilities of the Relevant Ministries**

The relevant ministries are responsible for studying, considering, and approving the emergency plans proposed by dam project companies, as follows:

**1. The Ministry of Energy and Mines (MEM) is responsible for:**

- 1.1 Acting as a coordination hub for dam project companies in order to receive and distribute the emergency plans of project companies to the relevant ministries and technical departments pursuant hereto in order to study and formulate opinions according to the respective mandates and duties of the relevant ministries before approving such plans;
- 1.2 Creating instructions concerning standard operating procedures (SOP) for the implementation of EAPs;
- 1.3 Studying technical opinions on EAPs in relation to mandates, duties, responsibilities, and compliance with the Lao Electrical Power Technical Standards (LEPTS), Dam Safety Guidelines, and the [various] regulations

provided, such as [for] cases where water is released via the spillway and other facilities and where technical accidents occur, such as dam leakages, cracks, and fractures, overflows, and dam collapses;

- 1.4 Compiling ideas and opinions on EAPs from the relevant ministries and sectors to be sent to project companies to consider and make improvements and implement remedies which are appropriate, correct, and consistent with the regulations issued by the sectors [concerned];
- 1.5 Inviting representatives from ministries, sectors, local authorities, and/or dam project companies to hold consultation meetings concerning the content of EAPs prior to their approval as deemed necessary;
- 1.6 Participating in the dissemination of EAPs with localities and people residing in risk areas as deemed necessary;
- 1.7 Approving EAPs when deemed that they are complete and correct according to Dam Safety Guidelines, the LEPTS, and the regulations of the sectors [concerned] and have been approved by the relevant ministries and/or sectors and local administration offices;
- 1.8 Reporting on operations and the results of the implementation of EAPs to the government during each phase according to the mandate, rights, duties, and responsibilities of the Ministry or as necessary; and
- 1.9 Performing the mandate, rights, and duties of the Ministry in providing instructions for the amendment of the EAPs of project companies to bring them into line with the implementation of project companies during each phase.

**2. The Ministry of Natural Resources and the Environment (MONRE) is responsible for:**

- 2.1 Studying and offering opinions on draft EAPs as regards the assessment of risks, environmental and social impacts, and impacts on natural resources along with remedies and evacuation plans and taking responsibility for leading environmental rehabilitation in the event of emergencies;
- 2.2 Studying and offering opinions on draft EAPs as regards monitoring systems for risks, environmental and social impacts, and impacts on natural resources along with sample collection locations, indicators, equipment, and budgets for use in monitoring and inspection and in the implementation of environmental remedies and rehabilitation in the event of emergencies;
- 2.3 Studying and offering opinions on EAPs as regards the specification of minimum flow requirements, impacts on tributaries, water management, assessments for the potential and use of water in the reservoir, the specification of water sources, and the specification of zones of water sources for consumption by communities in emergency situations;
- 2.4 Studying and offering opinions on draft EAPs as regards dam monitoring and inspection procedures in the event that rainfall reaches warning levels, weather forecasts, advance warning systems, reservoir water level fluctuations, and rainfall measurement by the project company;

- 2.5 Studying and offering opinions on impacts which may arise unto downstream Mekong countries in the event of an emergency;
- 2.6 Studying and offering opinions on draft EAPs in the event of emergencies, coordinating with the Ministry of Labor and Social Welfare (MLSW) and the relevant sectors, and participating in the urgent inspection and assessment of impacts with the MLSW acting as the main player according to the mandate and duties of the Secretariat of the National Disaster Prevention and Control Committee (NDPCC);
- 2.7 Studying and liaising with the MEM to offer opinions on draft EAPs to create models, the hydrographical and meteorological analysis of dam collapses, and models for climate change and the impact thereof upon water resources to be consistent with the manual and instructions for EAPs in order to ensure the forewarning of future emergencies;
- 2.8 Studying and offering opinions on draft EAPs as regards the specification of relocation and evacuation zones to cater to emergency situations;
- 2.9 Holding consultation meetings internal and/or with other parties concerned and/or project companies concerning draft EAPs within its own scope of duties;
- 2.10 Studying and offering opinions on draft EAPs as regards the assessment of risk areas and populations which could be affected therein; and
- 2.11 Offering opinions on and approving tasks associated with its own mandate as regards EAPs to be delivered to the MEM prior to approve the EAPs of project companies.

**3. The Ministry of Labor and Social Welfare is responsible for:**

- 3.1 Studying and offering opinions on draft EAPs according to its rights, duties, and responsibilities and coordinating with the parties concerned at central level and local authorities associated with the implementation of EAPs;
- 3.2 Acting as Vice Chair and Standing Member of the National Disaster Management Committee (NDMC) and the NDMC Secretary with the mandate of implementation in practice and in the event of emergencies by, for example:
  - Acting as a hub for coordination between the various parties concerned at central and local levels in the issuance of warnings, the provision of emergency assistance, and post-disaster rehabilitation;
  - Coordinating directly with the parties concerned at central and local levels and with the project company in the event of an emergency in order to specify and lay out plans for measures, methods, and mechanisms to deal with emergencies in time;
  - Acting as a hub for coordination and collecting data on emergency needs to report to the government and the parties concerned for them to be aware of the situation and progress made in dealing with disaster rehabilitation emergencies during each phase;

- Studying and offering opinions for the creation of training models for disasters which may arise in collaboration with dam project companies and the parties concerned at provincial, district, and village levels;
- Holding consultation meetings together with Provincial, District, and Village Disaster Management Committees and dam project companies concerning draft annual EAPs according to scope of rights thereof;
- Coordinating with the parties concerned and dam project companies to specify safe areas for evacuation and relocation zones in the event of emergencies;
- Coordinating with international organizations and public companies to provide food aid and clothing to disaster victims in emergency situations;
- Coordinating between evacuation centers and registering populations or households affected by disasters in emergency situations; and
- Coordinating with the parties concerned and dam project companies in the creation of activities and provision of knowledge to disaster victims, especially children, in emergency situations.

### **Article 3 Responsibilities of Local Authorities**

Relevant local authorities with the duty to study, consider, and approve the proposed EAPs of dam project companies which lie under their supervisory authority comprise the following:

1. Vientiane Capital and Provincial Departments of Energy and Mines (PDEMs);
2. Vientiane Capital and Provincial Departments of Natural Resources and the Environment (DNREs); and
3. Vientiane Capital and Provincial Departments of Labor and Social Welfare (DLSWs).

The abovementioned local authorities (Article 3) have the same duties and responsibilities as those of the ministries stated in Article 2 hereof. The relevant local authorities also have the duty to study, consider, and approve the EAPs proposed by dam project companies within their respective scopes of duties and rights of approval (dams within their jurisdiction to approve them). Furthermore, the relevant local authorities also have the duty to study and offer technical opinions and the approval of work plans associated with their own work as stated in dam project EAPs which do not lie under their own level of supervision and approval in order to send these [opinions] to their own sectors and/or to the MEM.

### **Article 4 EAPs**

Dam project companies have the obligation to create EAPs and these EAPs must be consistent with the relevant laws, the LEPTS, and Dam Safety Guidelines. Dam project company EAPs [must] cover four dam development [phases]:

1. The EAP for the project construction phase must be completed sixty (60) days in advance of project construction and created based on the data obtained from the technical feasibility study (FS) and the basic design of the project.

2. The EAP for the initial impounding phase of the project must be completed six (6) months in advance prior to the removal of biomass being verified as being successful and prior to the initial reservoir filling.
3. The EAP for before the project operations phase must be amended and completed within one (1) years prior to the project operations and be approved prior to the management, monitoring, and inspection of environmental work during the operations phase and prior to the issuance of an approval for the completion of the project construction.
4. The EAP to be used during the operations phase of the dam project company must be constantly edited and amended as specified in the Instructions on the Emergency Action Plan (of the MEM) to ensure consistency with true environmental and social circumstances where the project is located.

Projects already engaging in production must hurry to create and/or amend their emergency EAPs to be completed within one (1) year of the entry into force hereof and be delivered to the MEM for processing according to procedures and regulations.

Amendments and corrections to EAPs during the dam project operations phase to achieve consistency with true environmental and social circumstances where the project is located must be reported by the project company to the relevant sectors to acknowledge and approve prior to implementation.

#### **Article 5 EAP Approval Phase**

The study, consideration, and approval of the EAPs proposed by dam project companies for each phase must be completed within the following time limits:

1. The EAP for use during the dam project construction phase must be approved within sixty (60) working days of the signing of the concession agreement (CA) and/or prior to project construction but must be complete prior to the approval of the environmental management, monitoring, and inspection plan for the construction phase. The EAP for use during the dam project construction phase where there is no concession must be approved within sixty (60) working days of the approval of the initial design report.
2. The EAP for the first impounding phase must be approved within sixty (60) working days of being received in full and the relocation of the population from the reservoir area and/or prior to the removal of biomass being verified and prior to the initial impoundment.
3. The EAP for the project operations phase must be approved within 60 (sixty) working days of being received in full and/or prior to the date of the commercial operation date (COD).
4. Projects already engaging in productions must hurry to create their EAPs within one (1) year of the entry into force hereof and be approved within sixty (60) days of being received in full.
- 5.

#### **Article 6 Obligations of Project Companies**

The project companies of dams currently in operation, under construction, or awaiting construction have the following obligations:

1. To create their own project EAPs containing content which is consistent with legal regulations, their contract, the LEPTS, and the Instructions on Emergency Action Plans issued by the State;
2. To propose their EAP to the MEM and/or the relevant local authority for study, consideration, and approval according to the procedures and stages specified herein prior to implementation;
3. To disclose data and information, lay out plans, provide training, and provide annual training on plans for the implementation in practice of their EAP to the local authorities and people residing the project area who would be at risk in the event of an emergency;
4. To report on situations which may arise or have arisen in time, to coordinate and cooperate with the relevant State organizations at all levels for the monitoring, inspection, and implementation of their EAP; and
5. To prepare and arrange the necessary matters and budgets for use in the monitoring, inspection, and implementation of their EAP and the materials, equipment, and budgets to be used in compensation and rehabilitation in the event of an emergency for which the project is the root cause.

#### **Article 7 Implementation**

The ministries and local authorities mentioned in Articles 2 and 3 hereof are responsible for performing their duties specified herein to achieve positive results through coordination with ministries, central and local level authorities, and dam project companies.

Ministries, ministry-equivalent organizations, and all sectors of society shall be aware and cooperate over the implementation hereof to achieve positive results.

In the implementation of EAPs, all domestic and external State and private organizations must participate in providing cooperation and assistance when emergencies occur.

#### **Article 8 Entry into Force**

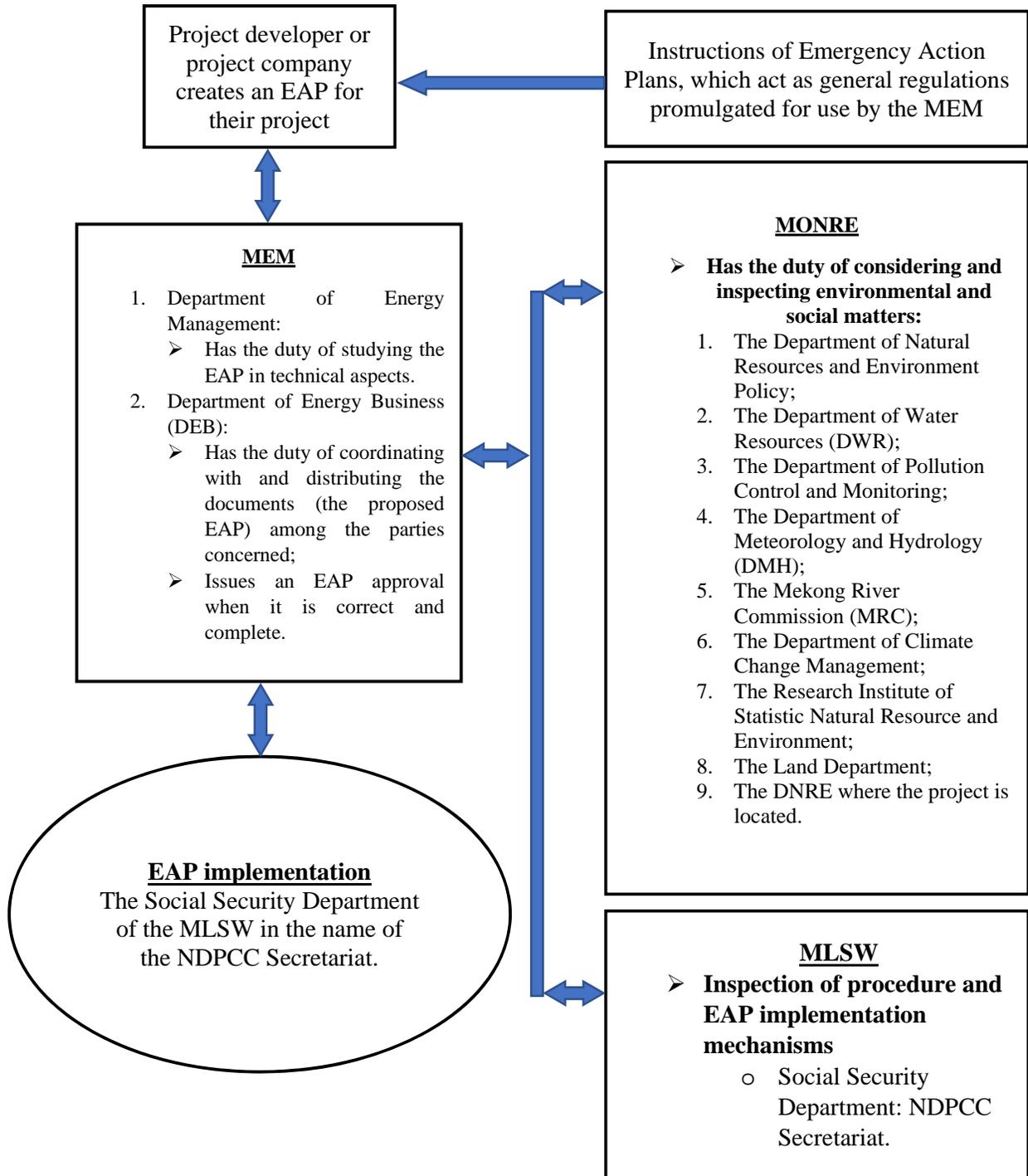
This Decision enters into force on the date it is signed and fifteen days after being published in the Official Gazette.

**Prime Minister**

**Thongloun SISOULITH**

**Annex 1**

**Flowchart for the Consideration and Approval Procedure EAPs Proposed by Dam Development Projects (for projects with and without CAs)**



## Annex 2

### **Flowchart for the Consideration and Approval Procedure EAPs Proposed by Dam Development Projects (for projects managed by provinces)**

