

Question 2.1: Different regions have different laws or regulations regarding EIA and biodiversity conservation. What are the laws or regulations regarding biodiversity in your region? How are they addressed? To what extent must specific issues regarding biodiversity be included in the EIA? In your region, is there any reference or requirement related to “no net biodiversity loss” criteria?

The Office of Natural Resources and Environmental Policy and Planning (ONEP) is the government agency under the Ministry of Natural Resources and Environment (MNRE) responsible for administration and consideration of Environmental Impact Assessment (EIA) reports.

Under the MNRE Notification B.E. 2561 (2018), 35 types and sizes of projects or activities require EIA reports. EIA reports must be prepared by licensed consultant firms registered with ONEP. EIA report contains 5 parts, Part 1 : Project description such as location, engineering design, etc., Part 2: Existing data about environment in the project area and its vicinity, Part 3 : Environmental impact evaluation of the project, Part 4 Mitigation measure of the project which may be additional activities to prevent or minimal environmental damage cost of the project and Part 5 : The monitoring program such as program for air, water, etc. To grant of permit, EIA reports must be approved by the Expert Review Committee (ERC). All conditions set by ONEP through the Expert Review Committee are bound to the license for the private project. If the proponent is a government agency or state enterprise, final decision rests with the Cabinet. The recommendation for the project will be submitted to the Cabinet by the National Environment Board (NEB).

Thailand has a specification law of biodiversity conservation, for example, the Forestry Act, the Wild Animals Reservation and Protection Act, the National Parks Act, The Notification of the Ministry of Natural Resources and Environment Specific protected areas and measures to ensure protection of the environment, etc.; So, no one cannot develop a project in this area, but some areas have an exception. Biodiversity impact evaluation of the project must be done by an expert from a licensed consultant firm and the ERC and NEB will consider evaluation, mitigation measure, and monitoring program is enough for the project or not.